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4

SADRŽAJ
CONTENTS

REVIEWS
PRIKAZI

LIST OF REVIEWERS
LISTA RECENZENATA

INVENTION AND THE IMPOSSIBLE: TWENTY YEARS OF DECONSTRUCTION WITH AND WITHOUT JACQUES DERRIDA

INVENCIJA I NEMOGUĆE: DVADESET GODINA DEKONSTRUKCIJE SA I BEZ ŽAKA DERIDE

EDITOR'S NOTE

Andrea Perunović

INVENTION AND THE IMPOSSIBLE: TWENTY YEARS OF DECONSTRUCTION WITH AND WITHOUT JACQUES DERRIDA

This issue is being published in late December 2024, marking the end of a year that commemorates the twentieth anniversary of Jacques Derrida's passing. Moreover, it has been forty years since Derrida declared in *Psyche: Inventions of the Other* (1984) that "deconstruction is inventive, or it is nothing at all". This collection of texts serves as a bold reaffirmation of that claim.

Contrary to stereotypical and often biased interpretations, deconstruction always begins with a bold affirmation—a "yes" that opens spaces of unconditional hospitality toward what is to come, inevitably linking it with radically unpredictable alterities. Moreover, its inventions are not reducible to predetermined rules, strategies, or methods. Instead, they open passageways, marking trails that ultimately deconstruct the very concept of invention itself. For these and other reasons, deconstruction continues to haunt global academia—perhaps now more than ever. It has become the straw man perceived to threaten the most fundamental concepts, values, and institutions of the Western world, such as democracy, the university, law, or the republic. Yet, there has never been a forbidden land for deconstruction; its aim has always been the reinvention of these domains, not their sheer destruction, as its detractors often portray. The texts gathered in this issue provide genuine proof of this assertion.

This issue reflects the variety of approaches and topics inspired by Jacques Derrida's work across generations of thinkers. The eight texts that comprise this issue engage with concepts, texts, and authors that constitute the "Derridean" multiverse.

Avital Ronell's intimate, dream-driven mini philo-novela, entitled "Derrida and His Shadow," opens the issue with a unique reflection on Derrida's work and an astounding testimony to the experience of working with (and without) Derrida. In the following text, Gil Anidjar invites us to reflect on the (im)possibility of the "death of the people," raising questions that engage with some of humanity's most urgent and timeless concerns. Cillian Ó Fathaigh's article

explores literature as a mode of thought, linking it in an extraordinary way to the notions of institutions and *différance*. Giustino de Michele reconsiders the very notion of invention, connecting it, in a peculiar wa, with economy and politics. Further on, Barry Stocker offers a reflection on Derrida's ethics, recasting the concepts of singularity, violence, and universality. In the following article, Gabriel Rezende examines Derrida's enigma of validity through a close reading of the final paragraph of *Donner le temps II*, positing validity as the mystical foundation of normativity.

The last two texts explore Derrida's engagement with canonical authors in the history of philosophy. Terrence Thomson draws connections between Derrida's and Kant's respective understandings of the ideas of birth and death, while Ramón Mistral offers an insightful analysis of Derrida's early reading of Hegel, focusing on the status of the notion of *Aufhebung* in Derrida's philosophy.

This year has been marked by numerous publications, events, and discussions celebrating the life and work of Jacques Derrida, testifying to the vitality and inventiveness of deconstruction in our times. This issue contributes significantly to this trend, and for that, I extend my deepest gratitude and admiration to the authors who accepted our call and entrusted us with their contributions.

Finally, as the guest editor, I would like to express my heartfelt thanks to the editorial team of *Philosophy and Society* for accepting my proposal for this thematic issue and for making its publication possible.

Avital Ronell

DERRIDA AND HIS SHADOW

ABSTRACT

Rerouting the tradition of defiant putdown, his name is a shibboleth for troubled intervention, still unearthing values stubbornly uninterrogated by other branches of philosophical enquiry. He drew from Carl Schmitt the persistent atmospherics of hostility to politicize social aspects of aggregation and Mitsein. The oeuvre of Jacques Derrida thus continues to stir hostility, generating implications of seething mistrust for the textual and institutional strategies of a "Derridean" workspace. This is not the first time that philosophy has been exposed to bad faith or phobic taunts. Since Socrates's countdown, we know, as Arendt alerts us, that philosophy continually faces state hostility. What provokes different types and gradations of philosophical hostility, prompting a perceptible level of anger—to this day, dispensing the calculated dosages of mistrust that issue from other philosophers and civic cohorts? Or is hostility—and the anger that it breeds, whether historically latent or effective, part and parcel of the philosophical profile—a course of action? Are philosophers, while rhetorically armed to the teeth, basically unarmed warriors, politically hungry, as in the differently deposed cases of Plato and Heidegger? It could certainly be the case that what attracts hostility is mainly a question of the objects that are brought into play. But there's something more at stake.

To a large degree, the themes handled by Derrida were fuelled by pathologies and repetition compulsion, continually running up against a politics of disavowal. Sometimes the themes he'd chosen were exposed to critical belittling, seen as beside the philosophical point, "trivial" or aberrant, like Nietzsche's forgotten umbrella or Genet's floral perversions. Other times, the themes one chooses become contagious or form the groundwork for an autoimmune attack on its premises. One's own work flares up against itself or succumbs to medico-philosophical disruption when it names a symptomatology that attacks the host-work. The constitution of a text is involved in the vulnerability it uncovers and pursues, never safely aloof from its encroaching object. Drawing on unconscious strata of his influence and invasive attachments, including the unfurling of dream-logic, the essay seeks to locate the overall tone of Derrida's provocation, sounding a non-thematic instance hard to pin down, as in Kant's apocalyptic tone, of which he wrote.

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Last night he appeared in a dream, walking down a rainy street. I recognized him from the back. Besides his shaded silhouette, there was also the matter of the fabled hair, the gait—easy enough to identify, even from the back. Repelling its unavoidable fadeout, the dream required a hermeneutic assist, a touch of reason to make it exist into daylight. Grazing against my awakened state, the stubborn latency of dreaming asks me to drum up some sense, bring an explanation. By mid-morning, I am still fuzzy, stalled as I seek to rev up my engines for the day ahead. I needed to find a mortal frame, maybe a narrative. Many of my friends, writers and wide-ranging artists, try to register a counter-existence in the evasive clutches of the unsharable yet communicable regions of dream, where taboos are lifted and trespass becomes the law, providing a platform for the unlanded phantom. At the dawn of philosophy, Plato worried about what happened at night in the freefall of the dreaming citizenry, when all bets are off and no one could be sure if the polis would adhere to the responsible wake-up call of political virtue (Plato 2000). Would the citizens turn in their free pass, shake off the freedom for which night covers, willing to adjust their political straightjackets? Would the lawgivers return to their diurnal positions and legitimate positings? For my part, I was clean last night, taken off Plato's to-do list, just witness to a sighting, left stranded with political leashing intact. There was nothing immediately insurgent in my dream clip, no overthrow to report or moral roguery to reprove at sunrise. No hint of libidinal overreach—supposing that merely skimming surface themes tells us much about unconscious treachery and nocturnal romps, unsurveilled. I go easy on myself. Weighing what it could mean to walk or stand (or run) behind Derrida, *derrière* Derrida, I wanted above all to understand something of its felt import, to slide down the signifier linking "hair" and "heir," tapping the ghostly Shakespearean "air," the element of address for an "heir" —a "her." *Ach! A grrl can dream!*

I'd been pondering what it means to be a "Derridean" on different levels of inscription or accepted usage. Sometimes I take an off-ramp to gain on the inaccessible parts of what it has cost to take Derrida seriously (*cost*: a Nietzschean notion, involving the price paid for being Wagner's disciple), a cost incurred without rancour or a former disciple's bad faith (a common symptom in Derrida studies). Reverting to overtime on different spheres of knowledge, frequently in excess of understanding, or simply stumped by the exigencies of reading, I find myself dimming the lights and subjecting him to a diverted round of pressure, para-critical by nature, in the form of dream logic. It is as if to this day he were hovering in another corridor of being to which I lack the access code. Perhaps wanting in analysis, Jacques remains fixed in my spirit as inappropriable, a sheer windfall. Or maybe, in a singular stance, the weight of his waiting is meant just for me ("nur für dich bestimmt," Kafka), as an insistent yet traumatic remnant in my life, still evading my ability to grasp the receded edges of his significance, his force and range of motion for the project of constituting his legacy. The dream. *He's slipping away from me, turning his back.* At first, I line up with the way he read his name on more than one occasion. For the most part, my unconscious tells me only this: He was

back, and I was trailing behind. In terms of a classical Freudian lexicon, I was handed, for the most part, a wish-fulfillment; namely, to have Derrida back, or to tender the promise of having his back as he disappears around a bend, passing from sight; "the ghost walks," leaving on every curtained day anew. Or maybe the dream reminds me that I was late in following him, given what "following" means on his playlist: the animal that I follow/am, as he writes. I'm to follow, but at a specified cadence (another philosophical instruction, issued by Nietzsche: "Mind your cadence!"). Or, I missed my cue. Maybe the dream genie reproaches me for having tripped up, breaking with the rule of rhythm—a primal philosophical misstep. Heidegger agrees with Nietzsche's condemnation of Wagner for failing to keep pace, respect rhythm, a fateful failure which the thinker registers as part of an *historial* breakup, still impinging on us moderns. We continue to twist according to Nietzsche's breakup with his mentor. So Heidegger.

Early on, in terms of the final cadence, trying to cope with Derrida's departure, I was held back by an undertow of simple survivor's guilt, assuming falsely that I *could* survive his *disparition* or claim a piece of the heritage.

In one passage of his work, Derrida writes that he had spied his name behind a curtain, an association that intrigued me: I thought, "*Curtains!*" A name for the end, closing a sector of being by fencing for acts of concealment. On another occasion, he offers that a set of curtains in a room had been green: After suffering a miscarriage, Derrida's mother contracted a fear of the colour green, combined with a sense of foreboding that she passed on to her children. You never saw him wearing green. Out of respect, I never donned green in his presence. He was superstitious. I caught the drift of his dread, and needed to steer clear of triggering codes. Still, he wrote that his name meshed with the flutter of these curtains. Were they dyed in the shades of misfortune, according to the phobic decree of the maternal in Derrida? I would not presume to analyze the heritage of family dread by going into a recondite *Farbenlehre*— the doctrine of a death-driven palette that captured his unconscious, before it spread to others. If I were still working with Maria Torok, I would sign up for a guided visit to the family crypt. I come to a point: Like other strong teachers whose supply line is not limited to conscious deliveries or archival depôts, he transmitted unconscious prompts to those who studied under him. For this assignment, handed down gently by Andrea Perunović on the anniversary of Jacques Derrida's improbable passing, it is perhaps not surprising that I am sensitive to the signifying pressure of curtain calls, the way they fall open or come down.

Part of any modern reading repertoire, *Hamlet* raises the curtain on punishing consequences that can accrue when listening in on private conversation. The motif of an early curtain falls to Polonius, the rascal version of Father, who gets mortally struck for overhearing a lover's discourse between his daughter and Hamlet. Hiding behind the drapes, Polonius falls against these translucent membranes, shaped like a hearing organ. Shakespeare's tragedy begins with, "As the whisper goes," a poison in the ear, the rumorous drip of a paternal death

and the visored being's return. Hamlet, who was thought to be blocked by hesitancy, sticks it to the snooping eavesdropper. Maybe the dream was trying to announce the rumor of Derrida's return, pointing to the furtive trajectory of a prized revenant. In the dream I'm fast-paced in pursuit, nearly running after Derrida, though I now remember that I fumbled along the way. Wasn't there the vague scene of a stumble?—due, as I recall, to an untied shoelace, as in the Van Gogh piece he renders. Tying them up, he muses, "What constitutes a pair of shoes?" He was stepping up the stakes in a quarrel between Shapiro and Heidegger, thinking about ground, support, foundation, among other well-known terms and enframing holds. Upon seeing him, I walk at a clip, rounding a corner. *Clip clop.* In the dream, I was surprised that he was still around. Why had I missed that?—*Pourtant*, I usually have my ear to the ground.

<p style="text-align:center">* * * * *</p>

Since he continues to attract hostility, a directed shaft of thermal dream logic tells me that the heat is on: He *must* be alive in some ways, sparking a live wire.

Dispatching contention and rerouting the tradition of defiant putdown, his name is a shibboleth for troubled intervention, still unearthing values stubbornly uninterrogated by other branches of philosophical enquiry. He drew from Carl Schmitt the persistent atmospherics of hostility to politicize social aspects of aggregation and *Mitsein*.

This is not the place for a dialectical summation of Derrida's oeuvre, though the epiphanic difficulty of the work deserves volunteers of every conceivable philosophical affiliation, even those most aporetically applied. I am interested here in the *hostility* the oeuvre continues to stir, and the implications of seething mistrust for the textual and institutional strategies of a "Derridean" workspace. Since Socrates's countdown, we know, as Arendt alerts us (Arendt 1958), that philosophy faces state hostility. What provokes different types and gradations of philosophical hostility, a perceptible level of anger—to this day, dispensing the calculated dosages of mistrust that issue from other philosophers and civic cohorts? Or is hostility—and the anger that it breeds, whether historically latent or effective, part and parcel of the philosophical profile—a course of action? Are philosophers, while rhetorically armed to the teeth, basically unarmed warriors, politically hungry, as in the differently deposed cases of Plato and Heidegger? Or is what attracts hostility mainly a question of the objects they bring into play?

To a large degree, the themes handled by Derrida were fuelled by pathologies and repetition compulsion, continually running up against a politics of disavowal. Sometimes the themes he'd chosen were exposed to critical belittling, seen as beside the philosophical point, "trivial" or aberrant, like Nietzsche's forgotten umbrella (Derrida 1981) or Genet's floral perversions (Derrida 1986). Other times, the themes you choose become contagious or form the groundwork for an autoimmune attack on its premises. One's own work flares up against itself or succumbs to medico-philosophical disruption when

it names a symptomatology that attacks the host-work. The constitution of a text is involved in the vulnerability it uncovers and pursues, never safely aloof from its encroaching object. Let me tighten the focus, however, to the overall tone of Derrida's provocation, sounding a non-thematic instance hard to pin down, as in Kant's apocalyptic tone, of which he wrote. At the same time, I should state that my loyalty remains with getting the initial dream analysis off the ground as I review the ongoing effects of his work.

As it turns out, we have hints of a regulatory ideal, what made him tick, from his store of readings and the problem sets he went after. As philosopher and surveyor, he was a thoroughbred investigator, unleashed from the crew of Poe's poet-mathematicians, one capable of out-maneuvering the accepted philosophical police force when called upon to crack a case. Or even to *find* a case where none was pending. Close in practice to the feints of strong-willed detectives and other agents subleased to the law, he often enough went rogue (an anagrammatic condensation of the "rue Morgue" in Poe), even in my dreamscape. Wait. Maybe it's not a matter of *having him back*, I'm thinking, but of knowing how to lose him, as Heidegger said of Nietzsche; well, as Nietzsche said of Nietzsche in a postcard quoted by Heidegger in *Was heißt denken?* (Heidegger 1968: 52-53) or, rather, of Zarathustra, when he tells his disciples to get lost and don't come back (Nietzsche 1917: 65-68), kicking us once and for all to the curb, breaking lineage and a piece of genealogy. With all the admonitions to forget a philosopher—I'm thinking here of the slogan and title "Forget Foucault" (Baudrillard 1998) —maybe we haven't learned how to do that, so we could get them back fort/da style, managing an irreparable disappearance, playing out a scenario, as if loss of that magnitude were from the start booked on a return trip. Everyone has been jumping on that shuttle. Judging from the literature and film archive on phantom itineraries, the rally for revenants is ever back by popular demand. "Get back to where you once belonged." Regarding phantom returns, I would petition for a different hack in this phrasing, retroactively getting Celan on the page: "Get back to where you once *Unbelonged*."

Even though he belongs to us, if only as a legacy yet to be constituted, Derrida did not belong. His difficult coexistence with everything that claims him is part of his brand. Before that (but not that far away), in terms of a history of spurning philosophical and national adherences, Nietzsche drops away from every identificatory stopover, no matter how naturally conferred, such as place of birth. For Derrida, clear-cut disavowal is not an option, given the sure-fire return of residual violence and other unavoidable distortions. He went *both/and* in terms of overturning inherited or conventionally-coded identities. So, for instance, he was French, but not French; Jewish, but not Jewish, as far as substantiating passports go. He patrolled the margins of potentialized identity. The spurred disidentification with entity, nation, gender/genre, ethnicity, and histories, covert or materialized, came at great cost, revealing a motif that fills pages of wounded humiliation. Nonetheless, his stand-alone place of asserted *Mitsein* did little to stop or deter him in terms of the fever of monolinguism

or archive. In the dream, when I saw him from the back, I think we were on a street in London. My heart told me that he was slipping away.

* * * * *

His tendency in life was to a large extent tuned to a *welcoming* tone. At times he turned toward one on the edge of need, theirs or his, shaping a subtle *demande*, somewhat withholding and powerful, coming from a suspicious stance, openhearted, prepared to laugh, and for the most part able to grant one clemency for a clumsy wrongdoing. Sometimes, though, he was shut down, inviting a fit of subtle shakes on my part when he remained locked away and inaccessible. I've also seen him in the grips of severe depression. No psychic safecracker could get in. I'd sit across from him at the breakfast table, swallowed by anguish. Marguerite darted in and out the kitchen, followed by the cat. My habit was to lean quietly into the silence, show ease at the abyss of wordless despair. At those times discretion took the lead. I wanted to leave, but Marguerite told me I should stay, don't go, he mustn't be left alone. I became an animal, like one of Haraway's companion species, able to slip into the vacantness that bound us. When things came to the finality of a close, I wanted to be de Quincey to his Emmanuel Kant. More awkwardly, assuming the mantle of resident misfit, I tossed my hat into the ring in the hat for the schizonoiac place of Eckermann to his Goethe, Echo to Narcissus. I had a lot of support from literature to recede into a draft of friendship with the philosopher as a morph of bounded emptiness.

Then, before the somber slowdown, there were the more socially braced encounters, his wide-open office hours for philosophers, psychoanalysts, poets, artists, filmmakers and scholars, groupies and standout disciples, the curious or oppressed. They were in need of a word. Others showed up to surrender language and keen observation. Jean Genet came over after Jacques was sprung from prison in Prague to discuss the thrill of lockup and the ensuing suspicion cast on all human contacts outside the penal system. Anyone can denounce you, flip on you, declared Genet, and create the impression that you were all along in their sights, perniciously set up. In other social spaces like restaurants, no matter how many appeared at table, he always picked up the bill. There were the takers among his colleagues, and those who took advantage of his nearly out-of-control generosity, especially among American professors, who only rarely countered his offer to settle the tab. I'd think, he hasn't learned his Nietzschean lessons or those doled out by Frau Melanie Klein. The humans all too humans among us repay kindness, even when cheerfully uncalculated, mostly with *ressentiment*, in French currency, and build up a secret envy account. We know this much about human transactional tendencies: "No good deed goes unpunished," etc.

Upon awakening, I jam in my bewildered head on the large-scale psycho-semantic range of running behind Derrida, not ruling out the Oedipal limp and other pathetic hobbles or inflections of the lame genre. I spare myself nothing.

Reaching for the possible meaning of "back" in his corpus (for I had seen Derrida from the back of his nameplate), I am scoping for temporal implications of returns in the form of a Comeback, or what happens to us as legatees of Western metaphysics when Socrates turns his *back* on Plato, parrying the story of his nonwriting with a chisel-plume, as represented on the cover of the *Carte postale*. Jonathan Culler and Cynthia Chase had brought him to see the original post card featured in a glass case at the Oxford University Bodleian Library. In any case, Derrida was back, averting his gaze, set on his way, out of reach, fodder or father for "Queer Derrida" analysis en route in terms of his back flips or tropes of the backside turn.

The dreamscape sketched an oblique reunion, if it was at all that, an encounter, with the emphasis on *counter*, as articulated in Paul Celan's clip on *Be-gegnung* (Celan 2011: 132-148); he was nearly *gegen* me, I'd say, maybe in the senses of "against" me, maybe more like almost leaning on me yet also turning away. He kind of shook me off, kept going—without me. In terms spelled out by last night's dream logic, this was rather a good sign, despite my inevitable egological deflation upon awakening. He had taken up a robust pace of überleben, the *sur-vie* that we counted on, to the extent that survival is calculable in his life-death analyses. Even so, when I woke up I clutched my heart-space, feeling bereft. During his lifespan, in the vibrancy of encounter, he had a way of keeping in reserve a dimension of non-presence. He was more present, acutely on point, paradoxically, when things were winding down, and I had come to accompany him, to the meager extent that one can in days of diminishment. At the time I moved to Paris to help his wife Marguerite and him with the last months of his measured existence. Having spent a good part of my academic career in Berkeley, I was seasoned in all sorts of healing arts that we in turn practiced, including visualizations and meditation—though, to the end, he preferred Descartes's *Meditations*.

* * * * *

I am a haunted Dasein, daughter of German-Jews and decimated family trees, stumps, a European runaway, continually stumbling into new crosswalks of unBelonging chalked by Celan and, in kindred attunement, by Ingeborg Bachman and Kafka. The corridors of Derrida's haunting are more benevolent than facets of nearly unlived history or a poetic clinch, surpassing whatever hounds me about what was not said or nurtures expressions that have stayed with the taut anxiety of the unsaid. In full benevolence, he's bound to show up when I'm in deep yogurt, as we used to say in Berkeley—when I'm strained by circumstances, waiting mirthlessly to see how things shake out, or at the writing desk. I continue to consult him when I'm reaching for a spiritual GPS, connecting on the fly. This may not be as ungrounded or spooky as it sounds, indicating, instead, a trove of *spookulations* that date in the West from the times and writs of Shakespeare, Swedenborg and Kant to spectral Goethe, Hegel, Marx, Emma Goldman, and their political beyond. All I'm saying is

that I am not the only ghost chaser in the burdened vicinity of bereavement. Plus, I am not the only landing pad. He has a way of squatting in troubled and abandoned people. Sometimes he takes calls that others overhear. Often enough he appears, if invasively and by displacement, as a subtle adhesive to human forms still roaming the earth, or as a furtive point of attack, a moveable target zone. Not only was he a great mentor and unsurpassed interlocutor, but, for my cohorts and me, given the aforementioned riposte of hostility aimed at his philosophical service, he is still in need of a human shield: it seems inevitable for his survivors routinely to take hits that are said to be meant for him. Some of the smackdowns I've endured as a micro-satellite in his orbit were dealt out as a love letter to Derrida, booming with effects of malice, summoning the real, residing temporarily in wandering and scholarly Daseins associated with this name.

I'm thinking that one can pin the blame on his still troubling breakthroughs. Regarding my part in the orbital path, I'm content to be situated as a sentinel or alias, but, more to the point, I, like the others in the line-up, appear to take a place according to the schedules of shifts marked out by the *Carte postale* (Derrida 1987). "Destinerring," by intent or material necessity, sometimes I, too, seem to be stamped as a wayward envoy of the corpus from which I've sprung. For many of us, no matter how seceded, it seems evident that Derrida has proven hospitable during his withdrawal to a number of rotating surrogates, host bodies and substitutes, but no one really presumes to match his singularity for long, or to catch up with the massive range of his philosophical outreach programs, as astonishing as ever, or with the long distance missives and missiles, their ongoing capacity to upturn established tropologies while exposing political presumption, poetic audacity, the different levels of "economimesis," architectonic sketches, axiomatic and violent incursion that he scales with subtle command. He continues to provide the impetus for interpretive rigor when it comes to sizing political catastrophe and to revealing the hidden log of destructive pathologies that contour our mutating epochality.

In terms of travel plans drawn up by his own destinérrance and legacy, apart from the blinking satellites, it is worth noting that Derrida, to the extent that he still accumulates censure, is prone to a second death syndrome characterized by Lacan. Psychoanalysis has observed that, sometimes, the departed attract a second round of mortar fire, and are not *dead enough* for a horde of detractors riled up defensively with no off switch. Part of me understands the impulse to keep attacking a dead cause or moribund object, to train violence on a concept or lifeless being without relief. Like many among us, I was ready for the supplementary onslaught, having been brought up to par by the sharpening blows of determined detractors, pelted by minor acts of critical malevolence that could wound a fragile psyche. Throughout my childhood, for instance, my father held a personal grudge against Freud. He had his reasons. The outcome, though, was inescapable: stoking a parricidal riposte in my subject formation, daddy's tactical takedowns launched my own Freudian resolve, leading me to seize upon the whole package deal, including early admissions for an uncommonly

cruel Superego. At first, Derrida was an offramp from the Freudian insistence, still attached to my own (and, undeniably, Sylvia Plath's) Daddy, ("Daddy, you bastard, I'm through")—inciting issues which, in the style of *The Uncanny* (Freud 2003), took me back to Freud time and again, rounding a repetitive circle. If anything, when I look at things in this manner, Derrida was more of a *mother* to me, a good breast, philosophically tender, or whatever.

Ahem. I don't know how this account became so Freudian. I'm switching tracks again. Let us say, provisionally, that I did not refuse the call that can trace back to Jacques Derrida. Nor did he leave me stranded for long, or ever really entirely unanswered. Despite the ground rule asymmetry, it's not clear which one of us tapped the other for a hit. I am struck to this day by the windfall that had him take a call emanating from one of *my* outposts. I guess it's simple. Early one summer, when school was out, I had arrived on the scene having read him, prepared to mime and rhyme, poised to imitate without properly duplicating—yet copying him nonetheless on every memoed sign, "mad about language," prepped for the pursuit of an ever-evolving oeuvre. I was entangled, meshed at once in a flash of arrogant tactic and humble determination. As with Freud's Rat Man, who showed up at the analyst's door having browsed through texts bearing his signature, I had my reading list in hand when turning myself into his authority, hoping to be coached, if not delivered. A young student has all the hope. One day, at a closed meeting called by Giselle Celan in Paris, Derrida extended a first welcome to one of his future translators, the ever terminable-interminable disciple. It was 1979. I was going through Celan's *Nachlass* with Giselle, translating her correspondence with the Suhrkamp publishing house and members of the Heidegger family. The Heidegger sons were on the whole more than rude on the subject of returning the poem, "Todtnauberg," for the archive of Paul Celan. Giselle had asked a few pointed questions in a letter and wondered if they would send her the original manuscript. They would not. Plus: our father, Martin Heidegger, did not know that your husband was a Jew. That's why no mention was made of the Shoah when their stroll took them to the Todtnauberg.

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Concerning the first stages of apprenticeship with Derrida, my membership contract spelled out different terms than what pertained to others, I thought, at least in the fine print. On a number of fraught occasions he seemed to terminate me, but, on the whole, I sprang back like a cartoon character. I abided by the asymmetry that our bond implied from the start, withholding any reciprocal rejoinders that might have been provoked by the minimal allotment of harshness on his part. For there were times when he turned on, or *against*, me on occasions of strife and overdetermined en-counter. *Gegen mich, ein Muster der Nibelungen Treue!* (Against *me*, a model of Nibelungen-like loyalty! (Kraus 1937: 28). He was especially annoyed with my antics for reasons of politics as well as in-house policy, since I did not manifest enough support, he estimated, when Paul de

Man was on the rails, and I was crazy anarchistic. Henceforth *loyalty* became an object of contemplation for me to the extent that, on a fast dialectical spin cycle, my uber-loyal tendencies soon attracted criticism among those who adeptly cut their losses and adopted "go with the flow" measures of critical prudence and perceptions of personal safety. These Daseins are not entirely off-center when they rip into former friendships and flush consecrated alliances, flaming up entire histories. I am not saying they're wrong in terms of human-all-too-human evaluations, or that they haven't updated their intellectual files according to a felt necessity and reasonable fright. I choose loyalty.

Remembering the Nietzschean invective against Wagnerian *Treue*, the very question of loyalty would have to go through a philosophical loyalty test. For the most part, on this point, I was meant, I suppose, to profile a stance of one who could be a Derridean without precisely *imitating* Derrida, but also without disavowing his oversized influence on me, taking note and notice of his surpassing thought when downloading his lessons. For the sake of brevity, I'll skip over to today's more ready-to-hand imperatives. Nowadays, when I'm on my beat, the wish to maintain the original commitment to an irreplaceable teacher involves a series of practices, some of which include regularly checking in with his declared allies as well as keeping up with a class of nonresentful litigators—those, at least, who sized the tasks that he set, who determined the breadth of his texts seriously enough to take them on and run with them.

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Altogether, returning to the enigma of hostility, I'd say now that Derrida took a lot of insult, some of which generated abiding themes in his work. Favored by the history of critical thought, he was also its target zone, accumulating demerits as he gained ground. On some occasions he was called upon to adjudicate unpopular standoffs in philosophical precincts, especially when theoretical scrutiny bled into politics. He was attuned to ambivalence and respectful of aporetic snags when tapping a persistent logic of injury embedded in the history of philosophy and its abrupt offramps. To his credit, Derrida went after exclusionary operations, tagging fringe episodes together with unpredictable margins of philosophy that determined major shifts and acknowledged dogma. Running with the major downsizers of sovereignty and Subject, he destabilized our self-appointed sense of virtue, a cut that stings to this day, inviting rollbacks and erasure, institutional forms of memory loss, distortion, and secondary revision. When it came to calling out philosophically backed supremacies, he stuck to his guns, trained on disjointure and what, in architectonic contexts, he came to call the "defective cornerstone," hidden in constelled structures and relations. Sensitive to what remains unhinged in our worlds of shattered expectation, he saw and counted the damages, pointedly asking, What counts?, Who's counting, or, Which groups are discounted? What commands our sense of crowd, group, political entity, mob, community, congregation, populous, assemblage, the bunches of losers or disparate aggregation of unaccounted

figures and their claims? Tallying our many historical disasters, his work surveys an uncontainable pileup of wrongdoing and the toll of ethical misdeed. His analyses allowed space for the remainders—for that which cannot be assured of archival meaning and foretold in terms of consequences. He was a strict reader of repressive unknowns and tricky displacements of emphasis and the material knottiness of intrication. Whether these can ever amount to a matheme or mathematical equation remains up in the air, along with the phantoms whose sphere upends our calculative grid and available knowledge-statements. Here on earth Derrida assisted our countdowns with terrifying lucidity, sorting out an arithmetic of chronic miscount and rapid-fire assertion.

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As something of an "allothanatological" signpost, close to but emptied of autobiographical credentials, I probably owe yet another little sign of my being-toward-death. To this end, I am willing to hand over at least one of my provisional ID cards, some sort of synecdoche of identity meant to clarify further the considerations I've laid out and the peculiar dream syntax that attends them. Not everyone is aware of my provenance, where my dossier —also related by Derrida to the back, the dos-*—belongs in the sectors of thought that still claims deconstruction (a troubled term, always on the brink of extinction). French-accented and cast by Germanic precedent, "Deconstruction" carries a bug that threatens ongoing disruption, despite constant minimization and dodges. To the extent that it may offer heuristic assistance, let me propose another condensed particle of self-disclosure at this time, understanding that I have changed with years of training, grown into the demands of "l'exigence herméneutique," and turned a number of sharp corners. I've paid punitive taxes to decades of institutional adjustment. To be sure, one is given to change from the start. One day, I showed up at the door (which, for Celan and Kafka are tantamount to the Law) as an earnest cub scholar and somewhat transgressive punk, a rookie teacher. By now, Superego, always on the prowl, for the most part has shut down sectors of my test drive, buffering the habits I associate to Nietzsche's "experimental disposition," an explosive structure by means of which one tests to failure. Leaving skid marks from incessant crash and burn sites, the scholar within, one of my many personalities tutored by Derrida & Co., soon put me on a short leash, and expects, Hölderlin-style, a level of sobriety in exposition. Philippe Lacoue-Labarthe has emphasized the necessity of "sacred sobriety" when taking on , for example, Heidegger's engagement with technology, a subtle reckoning which I applied widely, if by dropping the sacred pretense. How does technology manage and deprogram what is left of politics, rerouting one past the limits of self toward the "thrownness" (*Geworfenheit*) of our being?*

Following Lacoue's lead, and shedding an overriding display of personality (a philosophical excess), I devoted my efforts to a stone-cold analysis of the technologically inflected State, the core of which I situate in the Third Reich. Catastrophic politics constitute a special chapter in historical appropriations,

especially when technology was dealt in, defining mythological inscriptions of State. With the zeal of obsession I continue to analyze the return of Nazi tropologies in North America, examining the severe, if addictive, temptation of fascist remakes within medial loops and filmed fantasy, by evaluating their tropological send-offs. Freud and his legacy made us think through photography and telephony, discerning basic shifts in psychic structures and uploaded destructions. In this context, linking psychoanalysis to ontology and technics, I proceed by synecdoche and metonymy in order to isolate the technological draft that Heidegger outlines and gets trapped by. I explored the feasibility of a telephonic phenomenology — flashes of connectedness underscoring mythic dimensions of instantaneity and related myths of unmediated power surges. Nancy has argued that technology rebuts the law of mediation, a key aspect of the Hölderlinian playbook on politics and poetry.[1] To this day, no doubt more than ever, one can measure destructive encroachments ascribable to technically rigged power-states, not excluding the dominion of media outlets that impinge on their technologically impoverished counterparts. The technologies of difference include the sum of racially zoned targets of aggression reinforced by distinct morphs of police action (or imminent standby, in Benjamin's view). The relation of the standout prerogatives of technology to a Heideggerian warning system in terms of the sway of Technik still needs to be expanded, beginning with the accruing menace of killer machines and the covert play of desires underlying their efficacity. Heidegger himself thinks that his work has covered the after-effects of the menaces discovered, laying bare their fundamental qualities.

An unavoidable glitch has guided my hand, therefore, in the folly of attempted self-presentation I've come a long way from drawing up a whisper of self-portraiture, rendering not more than another try-out bound for collapse. Maybe I want only to indicate the branch affiliation of Derridean input that I at one time pursued, the technologies of writing, inflected by Friedrich Kittler's friendship and the influence of his techno-revelations. Media-technology made it impossible to clear an identity without scrutinizing the technicity of swiping in and leaving a mark, depositing an archival print, such as, in another context, Sandy Stone has exposed in the OG's Posttranssexual Manifesto *(Stone 1987), advocating for the priority of technological at-handedness over a metaphysically prompted assemblage of self. Sandy relies on Derrida's "Law of Genre (/Gender)" (Derrida 1980) to launch a phenomenological redescription of acquired scraps of selfhood. She experiments with learned erasure, coming back to an adjusted self only through a series of trials of self-presentation, where artifice presides over tropes of authenticity and takes charge of trans-rhetoric. A predominant aim, delivered in the severe tone of a manifesto, is formulated to preserve the fuzziness of gender unreadability at each station of her passion. Sandy's manifesto grazes against gender security or baseline identity politics.*

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1   On the crushing of mediacy in technics see also Nancy's "Foreword" to Sá Cavalcante Schuba, Marcia. 2021. *The Fascism of Ambiguity: A Conceptual Essay,* translated by Rodrigo Maltez Novaes, London: Bloomsbury, in "Political Theory and Contemporary Philosophy"series edited by Michael Marder.

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Any masterful teacher probably provokes waves of ambivalence, moments when the rest of us cannot entirely tell friend from foe, though Derrida admittedly claimed to know the enemy and, conversely, to our coltish consternation, went easy on those who engaged in bad faith, those "undecideds" in declared need of baby-step updates, only to dismiss the entire project (I use "project" loosely, ever since Bataille and Nancy's analyses of the *project of death* took hold, etc.). Sometimes, when he turned his glance of suspicious regard on someone whose ambivalence crossed the line or who made stuff up, I took fright. His reprobation could be crushing when a weaker ego was on the receiving end of a sharp remark. On some occasions I would permit myself to talk him down from a perceived slight or rhetorical injustice, and to this day I am eaten with remorse, wondering if he hadn't gotten it right in the first place: Had I not been too Californian, looking at the "bright side" of aggrieved commentaries lobbed over to his side of thinking? Some people's bad faith did not go down well with Derrida, and when I interfered, I fear, the solidity and long-range precision of his judgment were put in some sort of momentary jeopardy. Derrida was acutely sensitive to acts of hostility and theorized them within historical range wars. His detractors could be ruthlessly undermining or opportunistic when blaming the philosopher for being—a philosopher.

In terms of those who stuck around as determined adherents, their long-haul commitment presents some features of filiation that are easy enough to detect. These features can be summed up and made into recognizable checkoff points: It should be stated at the outset that they, or I should say *we*, began by disdaining the self-confident emergence of any "we." Along these very lines, it was common to doubt the efficacy of many a "*We the people,*" including uninterrogated offshoots of "people," not to mention the rhetorical hazards of "community," which Derrida held against Nancy for being, to start with, too recklessly Christianizing, on the way to communion.

Nonetheless, "we" Derrideans share the reading lists that he more or less invented and protected. The distrustful habit of nabbing intentions and uncovering rhetorical feints are still dead giveaways, making those trained by Derrida instantly detectable—though, clearly, this critical conglomerate cannot be declared the only cohort motored by infinite hermeneutic suspicion, or am I mistaken? Also, in some instances, the particular brand of *humor*, a certain level of warmth and ironic acceptance in the line of fire, can be viewed as a marker, though the allergy to any sort of constituted group psychology is, once again, palpable everywhere. We can pull it together as an interim team when absolutely called for, but we are, in common parlance and according to his workload on the *animots*, a band of cat people, disinclined to follow orders or one another for long.

As a group—though I could not name them all, and don't have them on speed dial—first and second generation Derrideans, at least in my provisional roll call, have tended often to go after self-similar sleeper margins or syntactical bluffs

that abound in texts, but that tend, by necessity, to remain concealed. Striking out on our own, we-the-scattered among scholars nonetheless have a penchant to start off by sticking to the bulk of discoveries and textual line-ups that Derrida cued up for his readership. Some of his own choices have become classics, prompting further mutations and unpredictable appropriations. I am not sure that Benjamin's *Kritik der Gewalt*, the now famous "Critique of Violence" (Benjamin 1996), would have enjoyed such a prominent run in larger circuits if Derrida had not gone after the mystical foundation of authority in his way. Ditto Carl Schmitt, even in some respects Freud, and countless others, often shunned, until Derrida called them into play. Not that popularity counts in our circles—on the contrary, and yet, to a certain extent, notoriety of text and title tends to recur to a certain recognizable degree. In the main, overexposure and its anticipated tipping point in vulgarity are scorned by cat-disciples, so one is already traversing aporetic terrain when going down the Derridean reading list in terms of the recondite pop charts. Still, I give points to those who rescue a difficult text from oblivion to make it speak to us. "It speaks!" Derrida writes of Lenz, quoted in Celan's "Meridian." A number of us are clearly assimilable to the Meridian Derridean genre.

Rolling back to the start gate of my own dreamt up adherence to this unparalleled work and person, I must confront myself with a question. What brought me to make such a choice in the first place? How did I go about deciding upon a mentor? One's teacher in some regards, at least at the time, was part of the ordeal of choosing your weapon, despite yourself, or, at least, their imago provided the maps for setting off toward a foreign destination, self-alienating with no return ticket provided.

How did the *type* of teacher one chooses become fateful, more determining than one can forecast at the outset, even when the deal tanks (I, for one—or many—have been tanked as many times as thanked when it was my turn at the wheel), and negative transference becomes the rule of the day, rolling on the unbeatable relation of choice by inviting the victory of the bad breast? Turning to another shadow page, brandishing the wounds of a pained standoff, Jung and Freud became locked in the kind of mentors' wrestle, modelling distrust, each knotted up, fitted to reproach the other, a name-place of permanent grievance. Sometimes, when switching teaching teams after a certain point of fusional immersion, the disciple gets extra points for the breakaway: ask Nietzsche when he booked on Wagner—though, by pitting himself recurrently against Wagner in a succession of essays, the breakup became interminable, prosecuting an unstoppable case against Wagner. But, in all sobriety, in my own case, when I wanted to cover a brand of grievance that attaches to structuring forms of teaching, I wrote a chapter on "The Trouble with Deconstruction," where, in a fit of self-discovery, I found that *I was the trouble with deconstruction*, or one of its prime seats of disturbance. To the extent that one counts. Derrida has devoted a lot of time to figuring what or who counts and, since Aristotle, how to count. So I can't be sure how to count things up when the framework of computational convention slips away. Nor whether to take a run at the very

notion of counting, more generally, when this involves how long the attachment to teacher lasts, under what circumstances of survival, and in which time zones of collated reading. In a similar context of *over-attachment* to one's source and instruction, I analyze the type of traumatic invasiveness that has you carry the stubbornly unremovable teachers who are connecting to writing from non-present impulses or spheres, ever beckoning, ever superegoically enthroned, placed in permanent transferential residency no matter how many clearouts one has completed.

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It doesn't end. Becoming a Derridean still requires that one, at strategic checkpoints and invested junctures, bring up the sentinels to defend certain acquired positions and positing throwdowns, and, where pertinent, to assume one's institutional guard. On all levels of organization and state affiliation, the classroom itself has become a contested site, placed increasingly under regressive restraint and impinging threat. In some respects this precarity may not hold everywhere, for there are still one or two sheltering instances where, under enlightened leadership or dispersed impulse, advances have been made and miraculated in terms of accommodating critical thought and the often unforeseen offshoots of experimental thinking in departments, institutions, or extra-institutional assemblages, where the DOA tagging on theoretical practice can be easily integrated, entertained, even overcome or set aside. Here the fear of being *changed* by critical theories not only has been assuaged but welcome, granted a place at the table. (Ok. *A grrl can dream.*) Such universities and institutes—or pockets sewn into them, the teaching pods, the ejected ones and foreign bodies, those homegrown, whether sanctioned or rogue, para-institutional, administratively unlicensed—install the benevolent ideal, at least, of a comfort zone for those who know only a repertory of irksome prods and provocation that, at best, throw you for a loop each time you commit to a politics of the uncompromising, the often disparaged scene of writing, where the envoys of a radical patience of *reading* start eating at the most sensitive parts of your being-toward-death. At worst, in these struggling life-zones, one is pushed too hard: you dance around with worry, the way Kafka did around the telephone, pinged by an alarming series of intrusions into your so-called work spaces, where one sets up the effort to think, to listen, ward off censorious interference—to engage and invite risked ventures, ungrounded try-outs, write aloud, take practice runs at insinuations of unBelonging, summoning new names, risked pronouns, and addresses.

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Maybe the time has come for a kind of Afterword, one that places the small print of an implicit contract that entails a mimetology, if not a theory of incorporation—the phantasm of swallowing the other whole. A lot of people

have seemed anxious about echoing Derrida, miming his rhetorical operations and sounding off in his dominant key. Not that many can convincingly pinch hit for his articulations, though there seems to have been a discernible penchant for repeating his repertory and idiomatic line of thought among disciples and even those who claim to have booked out. But most writers, and certainly philosophers, as a rule prefer to see themselves as bearing the mark of originality, not as a thriving *mimos*. Derrida detected a pathology in the way Agamben always wanted to be the head of the class, the first to clear a particular historical runway. I don't necessarily see that tendency as limited to Giorgio, who's maybe among the first to say out loud that he means to be ahead of every significant curve, in front of every train of thought and denounced wreckage. The tendency to score a first, to break down some walls, no doubt can be filed as part of the "professional hazards department," shared especially among the philosophically-minded, no matter how traditionally bound to the rhythm of succession they may seem. Freud stole a base here or there, as did Derrida himself. Still, genuine originality in the sense we gain from Kant's analysis of genius, also implies monstrosity, settling up with a good degree of unrecognizability. According to another algorithm, the compulsively mimetic reflex picks up speed in a way that menaces genius. I go both to Derrida and Lacoue-Labarthe for getting a handle on that phobic slice in the history of thought in terms of mimetology, and to Laurence Rickels for a mesmerizing analysis of the plagiaristic urge (Rickels 2021). All of this would deserve entire chapters on the regular expulsion in philosophical treaties of copycats and other imitative creatures, mostly scorned, if not outright feared, yet making a warp speed comeback through the insinuations of AI. I'll stay with our subject for now, leaving behind Winckelmann's famous decree stating that the only true way for us to be great (Greek) is by *Nachahmung*: imitation (Winckelmann 1987).

Though independent in their trajectory and tone, Lacoue and Nancy have echoed and bounced off Derrida in a way that might stand as exemplary for us today, given their outspoken honoring of a teacher and his oeuvre. This does not mean that there was no static on the line or unsettled disputes here and there. They hung in there, with each other and with him, striking out on their own yet staying near, brokering serious differences, marking off proximities in the distance of an unassailable intimacy. Derrida wrote on them and they on him—far differently, but vaguely echoing the way Deleuze and Foucault primed each other in friendship and epochal designation, putting up for view each other's breakthrough discoveries. It was a bit different with our guy. Derrida did not spare them his critical bite and teacherly estimates, any of them, including his closest disciples, though he accorded übergenerosity to a handful of them. Usually, he was on the alert for error, a lapse, ready to pounce on a wrong turn taken or wobbly trope. In view of such intricate relations, I muse on the timeline of in-house dispute and quasi-pedagogical corrections. I wonder whether there's ever a time of immunity, when great teachers can let some things slide. Or must they take on the problematic misappropriations with which the exceptional "student" and self-identified disciple leaves home? What are the

norms here? Should the former teacher ever dress down an offspring's work, communicate reproval and publicly register a complaint? Conversely, should a teacher proffer acclaim, withholding critical reprobation, even when nerves are shot by wrongheaded presumption? We know by transferential inference that students do, and possibly cannot avoid in fantasy to, shoot down their teachers Brutus-style, particularly when the elders are seen to harden into an icon, becoming authoritarian or power-blind. Is the test of power, the requirement of rigor, or the press of justice ever concluded? When is one or the other given a free pass, released — or are such tests in any case from the get-go impossible to evaluate, mostly relegated to bottoming out as inconclusive? What happens when the once-student effects a breakaway, or finds themselves pushed on by an imaginary spree of *originality* that requires parricidal declaration? These themes subtend the Derridean homeroom, even when he, grand evaluator, has left home.

<p style="text-align:center">★ ★ ★ ★ ★</p>

His work on the paradoxes of parergonal logic, translation and related transit systems in Benjamin, supplementarity, the hymen—and so many other passes through oblique and subtle portals—continues to bring us out of our paleonymic stagnation. In significant ways, Derrida was able to shift the grounds of purported originality and orient us toward more difficult areas of borrowing and alterity, such as those covered by excess and concealment, competing economies, shade ins, echoes, secondary and excremental margins, aborted run throughs. With these figures in mind, and their disfiguring tendencies, what does it really mean today to be a "Derridean," to dwell in his shadow, ever prone to conducting spectral colloquies in the halting throes of an infinite Conversation? In her seminar, Hélène Cixous once asked what it means to take on a name in order officially to declare a serious engagement. Sometimes the names split off, such as the usages made of Kafkan, Marxist or Marxian strains. Kafka gets an extra round with the supplement of "Kafkaesque," circumscribing the name of an existential-administrative shudder. That expansion is quite an achievement for someone who discarded the name-of-the father in favor of Julie Kafka's maiden name. Kafka repeats in "The Letter to My Father" that he is *not* in fact a Kafka, but a Löwy, thereby bypassing the parricidal path with the shrewd disposal of his father's name. That ordeal and its sublimation open another chapter on the way names work or, when switched off, how the suppression of names can suspend and reroute aggression. Hélène's example was that of Proust. What is it to declare oneself a Proustian, she asks? Where does that mark put one on the scale of imitative originality?

New generations of Derridean inquiry are beginning to show up, differently assigned, freshly motivated and equipped. At the same time, it seems that many of yesteryear's early-birds have dropped off or too quickly assimilated, caved to the ongoing criticism of rude politicizations and the strictures of culture wars, in some cases smoothing over the edges, or claiming to have understood, grafted,

introjected without discernible remainder or quiver, mimetically cleared, moving along the major stakes of pervasive questioning. As with Hegelian and Marxist programs and their swap meet trade-offs involving politics of the left and the right (broadly speaking), deconstruction can also drift into the wrong side of history by dreadful co-option, as when factions on the right call for a "deconstruction" of government…

★ ★ ★ ★ ★

On bad days, Derrida haunts and hounds me, dissatisfied with me, down-turning the domestic approval ratings that I seek from him ever and again, even now. Especially now. On better days, I imagine the tenacity of his resolve, how he holds me up and pushes me on, from afar (a grrl can dream…), carrying me through inadvisable hurdles that I cannot clear by myself. On the whole, I am one who does not struggle with the possibility that I am a mere invention of his, a curlicue of the oeuvre. For the most part driven by an enigmatic pulley, I serve as an operative or a roaming sentinel. Enough, however, about my idiomatic Geistesgeschichte, lending, at best, a spark of false intelligibility to the course of a disjunctive and changeable "intellectual history," a spirit's reluctant chronicle.

With "theory," one doesn't have to decide or tell between philosophy and literature in a rigorously taut, tensed way. In these recollections, I may have said "me," I said "I," but these markers have faded and are overhauled remnants, mere grammatical contrivances so that my sentence can get some feet, go on its ways. As one can see, I put up no fight against the idea that I am, very possibly, an echo of Jackie Derrida, trailing him as he turns his back, an after-effect, stranded along a massive itinerary of considerations not of my making. Others in my situation claim more independence, cutting off signatory rights from their incubators and teachers. Understandably, they struggle with their dreams of emancipation and autonomous by-lines, hard won—or, they sometimes have to turn away from home base, with or without coerced branding. A number of start-up Derrideans have cut themselves loose to go in earnest search of their own voices and deliberate styles, autofictions that may not always renew subscriptions of unreadability. Bucking that trend, Sandy Stone, as indicated, continues to restore a different piece of the Derridean heritage, explicitly hanging on to a prized stumbling block: her unreadability as autobiographical subject and post-transexual performance artist. She remains sensitive to the exhortation that urges us to rethink gender in terms that she found in his work, which became part of the discussion of transitioning that she conducted in the early Manifesto. For one so daring, there was no easy way to abandon the temptation of claiming originality in matters uniquely personal, depersonalizing, resubjectivizing, when she stood in revolutionary readiness, locked into the values of untranslatability. Sandy's work interprets the extent to which she has been scripted by technological incursions associated with transition—her psychic history bulwarked by an evolving gridwork, reconfigured by the frontiers of historical-medical review. The idiomatic disruption that consigns one's existent version to a feeling of originality, she indicates, wants to prevail, even if one

is put together by all sorts of citational imperatives and impulses, driven by intricate tinkering and the surrender to what is at-hand. Traveling among poles established by a constellation of deconstruction, narrative theory, media-tech, and psychoanalysis, her practice, sometimes reordered into a different genre of performance and hypothetical positing, given to misrecognition and proud assertion, consistently elicits self-questioning, particularly where the self resists substantial grounding.

For my part, in speculative alignment with Sandy, if fated to trail behind, I understand only too well the impulse among many innovators to cut one's own profile, to insure against identity theft or reduction, especially when chasing the puzzle of singularity that one wants to preserve while chiseling down core presumptions. I understand that we are in want of an intractable signature, the luring perks of a self-referring work. On some points of duplication and self-technologization, to the extent that they apply, I see things differently, however. Perhaps I follow a different instruction sheet. After the Uncanny recalled by psychoanalysis, or so many reduplicative processes, one cannot simply back away from effects of the double or second generation Doppelgänger-mechanisms in deference to a fantasy of existential wholeness or even, for that matter, of generative originality. Of course, Ego doesn't love the second-tier placement, its mechanical abandon.

As a sometime specter of second-generation output with carefully implemented defects, I guess it makes sense to favor conditions that allow for secondariness, simulators, prototypes, mock-ups, clones and AI pretenders. Anyway, I lucked out. Before locking into registers of untranslatability that carry imprints of equipmentality, I had learned from Eckermann and Goethe the value of promoting forms of excremental outgrowth of the other, including the internal other. Quite frankly, many of us were brought up by literary-historical example to be a receptor, a replicator. Hence the endless reflections, in my case, on non-presence that had me turning my gaze to levels of vanishing, referential and scoptic diminution—a list of acts imputed to absconded gods, telephone, medial connectors, drugs, capital, abyssal grievance, the drudge of losing streaks. Prompted by Derridean inclination, I have been tracing and tracking that which withdraws from early on. Heidegger says, "Entzug ist Ereignis," withdrawal is event. This recessionary drift, though motivated by a number of other considerations in ontology, speaks to my upbringing, or what Kafka calls, in his "Letter to Father," my down-bringing. An echo chamber and simulator, a projected knock-off of the real deal, temping for the other, some of us know how to step away, let oneself be used by the inspiriting breath that comes from an undefinable Somewhere, the unWo (the unWhere) of which Celan writes. We were tethered to that unWo, which arrived as so many weak matches and improbable figurations, some desperately familiar, alien familiar, drop dead in-your-face alien-familiar. I suppose that in terms of a zoomorphic explosion of the unWhere, I wanted to be the animal that followed him, alongside the mimetic sprees of his animots—*hardly averse to aping him, trailing, parroting, or doing whatever it would take to score a reasonable place in the bestiary of teacher's pets, coming in close but not too impertinently on call,*

keeping my lynx eye on the daily fluctuations of imaginary stocks and the shares I put in, pulling back strategically while readying myself for the unpredictable future of a legacy.
  What a trip!

<div align="center">* * * * *</div>

An example to prove my secondary excellence. Once he asked me to write up an abstract for the imminent publication of a forthcoming article. I applied myself to imitating his style but curbed the desire to duplicate its textual intricacies—so, I set about replicating the subgenre by which we identify an abstract with a view to yielding an *abstraction* of Derrida. A few months later, shortly after publication, he quietly told me with a grin, half-embarrassed, half triumphal, that Paul de Man had gone out of his way to compliment the abstract—who knew?! —& that the abstract—itself a copy or instagram of the essay in question—had won the day for being "exemplary," a tour de force of condensation and precise delivery, proving capable of capturing the essential gist of the larger argument. We know that de Man had a thing for paraphrase, a form of capture that he showed to be notoriously untenable—he had his students produce, or rather, *fail* to produce paraphrases as dislocating exercises. You may think it's fairly easy to accept such an assignment, one that requires you to paraphrase an argument, but it's a resistant and only ever frustrating venture. Like other contrived condensers, it tends to fall short of its purported goal. I swelled up with a bubble of pride when learning that I had scored well on a related speech act, the triumph of my life—acing an abstract—and asked whether he had told de Man that I produced that little gem. And so I find out that Derrida hadn't told de Man: it was a compliment he wanted to keep for himself, *Carte postale* wrong destination-style—right destination maybe, if you consider that I imitated him, doubling down on his idiomatic habits and rhetorical finesse, siphoning off his text, reproducing inimitable mannerisms. But the calculations don't stop there: Derrida preferred to keep the compliment possibly meant for me, the abstract writer, to himself, for himself, deflecting off me, or rather off his momentary double and ghost writer, wanting something that was and was not his or mine, having originated in any case with him, the doubly expropriated sliver of a text that he wanted solely to have signed and nailed to Paul de Man's door. A little abstract that bound us and to which we both narcissistically attached. Rebounding off de Man's compliment—you should all know that Professor de Man was spare in his compliments, routinely cutting and putting down his most sophisticated students—the abstract bloated out of proportion in significance and became the symbolic property that we tugged-of-war over. In an unrelated incident, trying to curry favor with the frugal and withholding Belgian friend and sometime counterpart, Jacques told me that all he ever had wanted to do was to "seduce" Paul de Man, secure his approbation—an intention and borrowed kickstart which I annexed according to my own narcissistic metrics.

On some remote level, instigated by the touchy theme of echo and mimetic tendency in writing and circumstance, framed by the comedy of academic rivalry and intellectual valorization, I may have decided to come forward at this time to issue a complaint, finally, if only to hear myself complaining, moved by the hope (unconsciously) to negotiate minimally with the severe chronicity of a plaint from which I cannot, on my own, detach and separate, namely, the unbearable knowledge that I have lost Derrida, allegorized to the pleasure of overcompliance when writing his abstracts.[2] I think back to my friend, Vicki Hearne's book, *How to Say "Fetch!"* (1994) Vicki was a poet, an essayist, and animal trainer whom I met in Riverside, California. For a spell, in the mid-1980s, she moved on to become the resident poet of Yale, until she took on their mascot, a bulldog. *Ach, ach*! Not a pretty picture! Nonetheless, her archives were parked eventually in the Beinecke Rare Book and Manuscript Library. More devoted to Wittgenstein than Derrida, Hearne kept her ears up and open to the newcomer; she and Derrida took note of each other and their companion animals. She had famously given courtroom testimony on behalf of the pit bull, Bandit, whose life she spared. As for me, at the time I was still in obedience school of playing my own version of "Fetch!" After all is said and done, I cannot rule out the hypothesis that, for his part, de Man was simply being sadistic, regardless of the proprietary squabble his scant appraisal had set off. Who compliments Jacques Derrida on the accomplishment of—an abstract?!

And what is my part in this triangulation? Am I honestly complaining about the authorship of an abstract? *Do abstracts even have authors?* Or do they teach one to heel in submission to some human-inhuman command-system? Be that as it may, who in her right mind would come forward to make claims on forgotten, miserably inessential abstracts that Mr. Paul de Man, for whatever over- or underdetermined reasons, may have tossed, one fine day, at the great philosopher and his shadow? How did I, once again, get caught in a narcissistic snag that jacks up the habit of memorializing a complaint—that of the forlorn abstract? As rubbed out author of said abstract, I am certainly responsive to the task of preserving the scrap of writing in complaint, though.

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For a while I argued that I had no choice but to become a Derridean. That's only partially true, for one makes choices and stands by them, even when faced, as was I at the time, with a no-brainer. Still, it's not as if I could have signed up with Habermas when I set out for obedience school; nor could I have landed plausibly in one of the more authoritarian ports of call! Do not think that I was not tempted to attach to an authoritarian master or school, dreaming of being taken in hand, trained in a "methodology," taught how to fail and rebound, opportunely manicured by analytical philosophy or, in the other field, refined by

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2   For more on the melancholic plaint, see my Ronell, Avital. 2018. *Complaint: Grievance among Friends*. Chicago: University of Illinois Press.

thematic reading skills and targeted for a fairly straightforward job. Some part of me wanted to join a secured group, settle into a Kantian comfort zone that consists in blowing off an excess of risk, content to follow evolving academic orders, become part of the university's sifting and sorting systems, defensively fitted for scholarly armature. Another part of me wanted to be an artist, in terms of lobbing signs of subversive defiance and practiced stubbornness. (In both cases, Kant wants us to get over comfortable choices that imply for him *immaturity*. He urges that we enroll in the program of Enlightenment, which, still ongoing, is itself seldom risk-free or in the thrall of external recognition.) Still, "choosing Derrida" still means something, at least, to me. Among other things—among poses of readiness and calculated passivities, beyond the helpful fictions of agency and decisive decree, in terms of assumptions of powerlessness, *ethos* and scaled-back conformities—it means that one has made a commitment, established a line, however fractured, of what he saw as responsible address, even when things shook out differently than expected—even when something or a constellation of calamities comes at you that seems destined for someone else or rings up a wholly different set of coordinates and identity markers, consistently throwing you off by configuring a different type of call altogether. Even when you form an intention, and stick to it, what happens with the resolve is not up to you or predictably set on its course.

Knowing when to take a call never, in any case, amounts to a stabilizing act, but incurs all sorts of hesitations and damage, running up a considerable existential tab. Is it meant for you, this call? Kafka gives us cues about how to take or decline the call, redirect its intentions. The phrase, "this call is—*not*—for you," requires, for instance, on behalf of the purported receiver, a capacity for desistance, a sense of when to back down and, the other way around, a surge of determination when it comes to stepping up. All in all, one is not *sure*, when assuming responsibility for the call, whether one has been blindly led to do so, urged on by delusional prompts or projection, knowing if that call was meant for me (or someone hitching a ride with or in me, or beside myself, a split-off part), or an entirely other receiver. Nor can one be certain about the burden of what rouses you to the reach for a call—a primal impulse, whatever—one can simply not be certain, especially when the nerves lead off, as in the case of those rattled by Benjamin and Kraus and the way they formulated the "rights of nerves." The call comes in many forms. One can quickly find oneself wrung and strung up, shaken to the core. And so, like characters in key narratives who, when struck, become transformed or are roused, suddenly awakened, I was shaken, one day, by an address, perhaps by the way Derrida, in a deflection of transference, once turned to me and spoke out, asking my name. He reported the particulars of that encounter, the initiatory startle, in *The Post Card* and I bounced it back, according to a different switchboard, transferring a call in *The Telephone Book* (Ronell 1991)*,* where I thought he was trying to reach me.

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Avital Ronel

Derrida i njegova senka

Apstrakt:

Prenoseći kontroverze i preusmeravajući tradiciju prkosnog osporavanja, njegovo ime postaje šibole za problematične intervencije, koje i dalje otkrivaju vrednosti uporno nepreispitane u drugim granama filozofskog istraživanja. Od Karla Šmita preuzeo je postojane atmosfere neprijateljstva kako bi politizovao društvene aspekte okupljanja i *Mitsein*-a. Opus Žaka Deride stoga i dalje izaziva neprijateljstvo, proizvodeći implikacije dubokog nepoverenja prema tekstualnim i institucionalnim strategijama jednog „deridijanskog" prostora rada. Ovo nije prvi put da se filozofija suočava sa lošom verom ili fobičnim uvredama. Još od Sokratovog brojenja unazad, znamo, kao što nas Arent podseća, da se filozofija kontinuirano suočava sa državnim neprijateljstvom. Šta izaziva različite vrste i stepene filozofskog neprijateljstva, podstičući primetni nivo ljutnje—do današnjeg dana, raspoređujući proračunate doze nepoverenja koje dolaze od drugih filozofa i građanskih grupacija? Ili je neprijateljstvo—i ljutnja koju rađa, bilo istorijski latentna ili delotvorna—sastavni deo filozofskog profila, određeni tok delovanja? Da li su filozofi, dok su retorički naoružani do zuba, u osnovi nenaoružani

ratnici, politički gladni, kao u različitim slučajevima Platona i Hajdegera? Svakako je moguće da je ono što privlači neprijateljstvo uglavnom pitanje objekata koji se stavljaju u igru. Ali, u pitanju je nešto više.

U velikoj meri, teme kojima se Derida bavio bile su pokretane patologijama i kompulsijom ponavljanja, koje su se neprestano sudarale s politikom poricanja. Ponekad su teme koje je birao bile izložene kritičkom omalovažavanju, smatrane nebitnim za filozofsku suštinu, „trivijalnim" ili aberantnim, poput Ničeovog zaboravljenog kišobrana ili Ženeovih floralnih perverzija. U drugim slučajevima, teme koje neko izabere postaju zarazne ili formiraju osnovu za autoimuni napad na sopstvene premise. Vlastiti rad biva podložan protivljenju ili podleže medicinsko-filozofskoj disrupciji kada imenuje simptomatologiju koja napada rad domaćina. Ustrojstvo teksta uključuje ranjivost koju otkriva i progania, nikada bezbedno odvojeno od svog nadirućeg objekta. Crpeći iz nesvesnih slojeva svog uticaja i invazivnih vezanosti, uključujući razmotavanje logike snova, ovaj esej nastoji da locira ukupni ton Deridine provokacije, oslušujući netematski slučaj koji je teško uhvatiti, kao u Kantovom apokaliptičkom tonu o kojem je pisao.

Ključne reči: neprijateljstvo, politička katastrofa, destruktivne patologije, destinérrance, dobra dojka, Fridrih Kitler, Sendi Stoun, mimetologija, Filip Lakul-Labar, paleonimička stagnacija

Gil Anidjar

THE DEATH OF THE PEOPLE

In Memory of Elleni Centime Zeleke

ABSTRACT

Death, Derrida suggests in *Politics of Friendship*, is a question of numbers. Yet, death is also always "mine," which is why Heidegger can say that "the dying of Others is not something which we experience in a genuine sense; at most we are always just 'there alongside'." Between my death and the death of everyone, between the one and the infinitely many, I have found myself wondering about a different measure, a more limited and distinct grammatical — or arithmetic — register, in which is raised the question of *our* death. The death, not of humanity, nor quite the death of all others, but the death of the people, the death of *we who count* and count for and on each other (or imagine we do). This is where Derrida's calculability or incalculability of death intervenes at its most opaque, it seems to me. Somewhere between the one and the very many, the universal many of humanity, between what Heidegger calls "mineness" (which, when it comes to death, remains a *possibility*) and the death of (all) others, there would be found *the death of we, the people.*

KEYWORDS

death, people, Derrida, Heidegger, numbers

The grammar of death — the possibility of the impossible — is a complex affair. The dead, each already hidden under the banality of that collective noun, are, after all, *many.* Infinitely too many. Or perhaps it was always the *arithmetic* of death. A question of number, as Jacques Derrida strikingly phrased it.

> Are we sure we can distinguish between death (so-called natural death) and killing, *then* between murder *tout court* (any crime against life, be it purely "animal life," as one says, thinking one knows where the living begins and ends) and homicide, *then* between homicide and genocide (first of all in the person of each individual representing the genus, *then* beyond the individual: at what number does a genocide begin, genocide *per se* or its metonymy? And why should the *question of number* persist at the center of these reflections? What is a *génos*, and why would genocide concern only a species — a race, an ethnic group, a

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nation, a religious community — of "the human race"?), *then* between homicide and — we are told this would be altogether different matter — the crime against humanity, *then* between war, the crime of war — which, we are told, would be something else again — and the crime against humanity. (Derrida 1997: xi-xii)

A question of number. Yet death, death itself, as it were, seems to remain, if it remains, a singular and individual affair, the affair of individuals. Whether examined by philosophers, researched by psychologists and anthropologists, or taught to children, death is dominated by the singular, by the number one.[1] We — for it is nevertheless a "we" that insists on speaking the undisputed truth that all of us die — respond to and care about each and every single death. It is a "we" as well, a collective that, for the most part, gathers in mourning and in remembrance of each among the dead. We remember the dead — and with that word we oscillate still between the individual and the collective. And though Derrida points to the limits of that knowledge, we do know something about collective death, about mass death.[2] We remember it, yet death, which is itself an emblematically singular term or concept, continues to be dominated by the singular.[3] Ultimately — and the word seems to make sense here — death, the death we do not know and do not experience, that death is, it has always been, first of all "my own." Martin Heidegger famously summarizes this secular tradition, whereby, "in so far as it 'is' at all," death is that which, "by its very essence, . . . is in every case mine" (Heidegger 1962: 284; Derrida 1993: 22). The admittedly inescapable, individual and personal character of death, of each irreplaceable death, makes its plural declension unlikely, implausible, even disrespectful, not to say, obscene. Besides, Heidegger continues, "the dying of Others is not something which we experience in a genuine sense; at most we are always just 'there alongside'" (282).

We know, of course, that, for the entirety of history and well beyond the recorded archives, many have died. Generations upon generations, across centuries and millennia, have vanished into oblivion, carried by or unto death, with only very few among them making it into, or managing to remain inscribed in our collective memories. We know, therefore, that *others* die. We know that *we all die*. Still, the reasons are perhaps not so obvious to debate Heidegger's assertion about the death of others ("not something which we experience in

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1   Just as it concerns individuals, death remains mostly singular, the limit of an equally singular life. In his own explorations, Derrida attends, with Martin Heidegger, to the disciplines of death, mentioning "the work of the historian, the biologist, the psychologist, and the theologian of death" (Derrida 1993: 80). Nevertheless, Derrida makes clear that "concerning the threshold of death," it is a certain "we" that is engaged, "we are engaged here toward a certain possibility of the impossible" (11)

2   In her remarkable book, Edith Wyschogrod (1985) insists on the historical novelty of what she calls "man-made mass death."

3   "What forms a future, and consequently what truly comes about, is always the singular death—which does not mean that death does not come about in the community [*dans la communauté*] . . . But communion is not what comes of death [*l'avenir de la mort*], no more than death is the simple perpetual past of community" (Nancy 1991: 13).

a genuine sense"), the death of all others. Is not death, once again, the most individual of events? Does not the death of each and every individual count, and count, first of all, for the first among all concerned? Is death not the final limit to which each and every one of us is first and solitarily exposed? "The loneliness of the dying," is the way the great sociologist Norbert Elias had it, who included "the denial of death" in that odd confrontation: "Others die, I do not" (Elias 2001: 1; and see Becker 1973). Which might explain why Elias insists that "it is not actually death itself that arouses fear and terror, but the anticipatory image of death." Which is to say, of *my* death, as Elias makes amply clear. "If I were here and now to become painlessly dead, that would not be in the least terrifying for me" (44; and see Kearl 1989). The knowledge and the denial of death, even the terror of death, persists as being exclusively, *individually* ours, each and everyone of us. Yet, it is no less true, as Elias clearly recognizes, that all of us, not just each of us, but all of us (as a *species* this time) are facing death and, ever more plausibly now, even total extinction. Together.

Between my death and the death of every one, between the one and the infinitely many, I find myself wondering about a different measure, a more limited and distinct grammatical — or arithmetic — register, in which is raised the question of *our* death. The death, not of humanity, nor quite the death of all others, but the death of the people, the death of *we who count* and count for and on each other (or imagine we do). As Marc Crépon formulates it, it is a question of "what kind of political community is suggested or excluded by the thought of death," and more specifically, by the fact of death, to be distinguished from its manner or commemoration (Crépon 2013: 11, 41). This is where Derrida's calculability or incalculability of death intervenes at its most opaque, it seems to me. Somewhere between the one and the many, the universal many of humanity, between what Heidegger calls "mineness" (which, when it comes to death, remains a *possibility*) and the death of (all) others (of which Heidegger does write in the third person plural, as does Emmanuel Levinas too, after him), there would be found — as only death is inevitably found — *the death of we, the people.*

And when I say "death" here, I do not mean to foreground violent death, violence and destruction. I rather mean to leave open a different plural and a distinct plurality, a plurality of ends, you might say, just as Heidegger did — and Derrida as well — when they sought to distinguish, in their reflections on death, between end and completion, conclusions or modes of ending, between dying or perishing, ways of leaving or of disappearing (Derrida 1993: 31). I shall insist that the death of the people is not necessarily a violent event, a violent end, not always the result of a war (a civil or uncivil war), nor of a genocide. It might instead follow the lines of what Hobbes (1996) and Rousseau (2002), among others, described as the dissolution of the body politic, or else of what W.E.B. Du Bois called, in "The Conservation of Races," a different, assimilationist trajectory, a strange "salvation," even, whereby we — and it is, again, of a collective that Du Bois unequivocally speak, of course — we, then, would

demonstrate "our being able to lose our race identity in the commingled blood of the nation" and reach for "self-obliteration" (Du Bois 2007: 183-84).

At once obvious and impossible, spoken — as lip service, feeble consolation, or resigned *constat* — but largely unreflected, our death (Nietzsche writes, but differently, of "our greatest danger"), the death of that contained and proximate collective, the death of we, the people, seems to have escaped our attention, remaining largely unthought.[4] And rightly so, perhaps, as historians and anthropologists of death and of "cultures of death" have amply showed, along with Pericles of Athens, that the collective stands rather — how could it not? — on the side of life, on the side of survival and of commemoration, on the side of life *with, after, or against* death, but always there where "the living reconfigure the social world" (Engelke 2019: 31). The collective stands on the side of the eternal, in other words, guaranteeing (or aspiring to guarantee) the immortality of memory, preserving that which, those whom, ephemerality carries into the mists of time past. And let me underscore that there is no need for the people or the community to be understood as "organic" — far from Dinesh D'Souza (2018), Pheng Cheah (2003) also evokes the death of the nation — in order to recognize that it can come about historically, it can be born or founded. The people or the community can even be, as Jean-Luc Nancy reminds us, a "community of death," a "community of death — or of the dead" [*une communauté de mort — ou de morts*] (Nancy 1991: 13).

Yet, if it is true that each death must be resolutely confronted, if each and every individual must meet the end alone (do they? do we? do we always?), I ask again whether there does not remain a particular dimension, which registers neither at the level of an individual experience (assuming that "my death" could ever be an experience), nor at the level of a truth universally acknowledged for all of mankind, that inescapable fact to which we — and I do mean, we — are apparently resigned (there are those who rebel), namely, the general, collective fate of our species, the final gathering of all nations and, indeed, the end of all living beings. Somewhere in between, between "the world and me" (Coates 2015, borrowing from Du Bois 2007), are there not innumerable, if smaller, collectives, families, tribes, or nations, communities who speak and think, in some manner of speech, in the first person plural? "What collectivity," after all, "what community, are we talking about?" (Crépon 2013: 110). Such is what I mean to evoke by writing of *our death*. It is of such death, in any case, that I want to speak as it might indeed give us pause. It should at the very least

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4   The translation of Philippe Ariès's book (1981) may provisionally suffice to illustrate. Rightly described as "the classic history of western attitudes toward death over the last one thousand years," *The Hour of Our Death* translates the original French, *L'homme devant la mort,* or "man facing death." The book is a cultural study and obviously engages with collective attitudes, but it remains focused on death exclusively in the singular, the death of the individual. This is not quite sufficiently rendered in the English, but the French original, which begins with "nous mourrons tous" [we all die] goes on to thematize "la mort de soi" [the death of the self] and "la mort de toi [the death of you, rendered as 'the death of the other']."

serve as an access point, an alternative or shorthand for the phrase I chose for a title. Such is my resolute concern, or should I say — should *we* say — our resolute concern: the death of the people, the death of "we, the people." My aim is to meander toward and around that mortal concern, to initiate a moment or movement of sober contemplation, of collective — I would not want too quickly to say popular or populist, racial or national — reflection. *Mementote mori!*

Today, of course, not even the inordinate ambiguities of the word "people" could distract from the scandal, the sheer obscenity even, of the question I am raising. Is the people mortal? Of course, peoples are mortal, whatever form they have or give themselves; whatever form their life and death (*our* life and death) takes. Surely, we all know this. Peoples, small and large, groups of people, certainly have died or disappeared. As I write, the Palestinian people are dying under the multifarious assault of impossibly large bombs and innumerable bullets, under subjugation and immurement, famine and scarcity, not to omit constant settler violence, and the threat of more violence and destruction. As are, to an always incommensurable extent, the people of Ukraine and the people of Haiti, of Kashmir, of Sudan and of Ethiopia. Black people continue to be murdered with unending impunity by the police or else are left to die by the European Union's literal (and not only littoral) death-grip over and beyond the Mediterranean. By Europe and its proxies. On every continent, "global subalterns" and Indigenous peoples are under constant and ever evolving threats, lethal threats along with clear and present dangers, as they still await acknowledgment of the genocidal wars and enslaving or extracting policies that have been unleashed upon them for centuries. They are the targets of extreme violence, still facing what Denise Ferreira da Silva calls "the horizon of death" that is the global color line (Ferreira da Silva 2007: 34).[5] Elsewhere, or not, the COVID pandemic, which was just now raging, exacerbated collective injustice the world over, along with equally obscene inequalities across communities in life and in death.

Not all people or peoples die in the same way, of course, nor all at the same time and in the same frightening and sudden number (the differential of life, and not only of medical, environmental and political conditions). But unlike the death of God, the death of nature, the death of the father or that of the author (the news of which having failed to reach as widely as some might think), the death of the people, the often violent or painful end of *many*, the destruction of cities and the collapse of states, the gradual and unspectacular disappearance of empires or of entire collectives, seem better known, all-too well-known, in fact. Machiavellian, Spenglerian and other "organic," civilizational

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5   For Ferreira da Silva, "the racial is the productive tool of reason that writes the 'I' and its 'others' before the horizon of death," not "the declaration of death of the 'other of modernity'" (2007: 69). Nevertheless, in globality, "political subjects always already stand before the horizon of death and, as the foundational statement of race relations establishes, the historical destiny of the (affectable) others of Europe is obliteration" (239, and see 267).

conceptions aside, it has been so for a very long time.[6] True, it is only quite recently that Raphael Lemkin's contribution to the languages of the law, and of our everyday now, came to name the particular and gruesome form of a people's death, to name genocide the violent and murderous death of a people — and still a question of number. Arguably, though, history, the writing of history, tells us of little else than the death of peoples and collectives. Civilizations (Minoan, Mesopotamian, Mayan) collapsed, empires (Roman, "Aztec," Austro-Hungarian, Ottoman) fell apart, languages vanished (Latin, Sanskrit, along with less famous others) and peoples, ancient and modern, indeed died or disappeared (the Phoenicians, the Etruscans, the Taino). Though often extreme, the violence involved varied, as did the speed of the "death event."[7] And yet, even when granting the singularity and value of each and every individual death, history (and now, statistics as well) forces us to acknowledge that the death of many, the death, the mass-death, of specific peoples, may be neither rare, nor modern, nor, indeed, singular. But then neither are war and genocide the only way of death, nor have these always been total or complete. After the death event, surviving remnants may yet constitute a people — the same or another, speaking the same language, practicing the same rituals or producing the same artifacts of culture, belonging to the same territory — or not. Some peoples, in any case, appear to have exited the stage of history with no more than a whimper, the sheer passing of time — less the matter of fact slide into oblivion than the unregistered or un-archived event, the non-fact, of their disappearance.[8] Still, much as there is that we shall never know, we have learned that Sodom, like Atlantis and later Troy, was destroyed; Carthage fell and Rome — the *Eternal* City — did too; as did Jerusalem. Later, Yugoslavia followed the Soviet Union in collapsing and disappearing (Davis 2012; Kennedy 1989). The peoples of these cities and states — and of many a kingdom or empire — vanished from the earth, even if not all of them died a painful or terrifying death at the exact time of collective destruction. The death of a people, then. But what is a people?

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6   "[L]ike all other natural things that are born and grow rapidly, states that grow quickly cannot sufficiently develop their roots, trunks and branches, and will be destroyed by the first chill wind of adversity," is one such view offered by Machiavelli (2019, ch. vii, 23); writing elsewhere of Sparta, Rome, and Venice, Machiavelli recalls more generally that "all things of men are in motion and cannot stay steady, they must either rise or fall" (Machiavelli 1996, I.6, 23). A good historical and scholarly survey along with different views of social collapse and destruction can be found in Tainter 1988.

7   I borrow the phrase "death event" from Edith Wyschogrod's profound meditation (1985). Much of what I write in this essay is inspired by Wyschogrod, even if I shall keep a certain distance from her specific arguments. The "death event," should this have to be said, bears in no way on debates that distinguish death — always individual death, in any case — as event and death as process (Belshaw 2009: 7-9).

8   "Genocide is not a fact," writes Marc Nichanian (2010), asking us to think about the factuality of the fact, its institution by the historical disciplines, and its understanding, manipulation, and premeditated effacement by the perpetrators.

What Is a People?

Raising a proximate question, Ernest Renan — of all people — sought to clear "the most dangerous misunderstandings," and "the most disastrous mistakes" involved in its treatment, one whereby, all-too often and today still, "race is confused with nation and a sovereignty analogous to that of truly existing peoples [*des peuples réellement existants*] is attributed to ethnographic or, rather, linguistic groups" (Renan 2018: 247).[9] Are we speaking of peoples, then, of nations, or of states? Renan, whose contributions to the idea of race and to the brutal practices of racism are hardly negligible, wanted here exclusively to understand the nation. And for him, nations, those properly called nations, "are something fairly new in history" (248). Renan broached the matter by deploying a richer and more diverse lexicon for the explicit purpose of distinguishing (perhaps rather discriminating) between "the vast *agglomerations* of men found in China, Egypt or ancient Babylonia" and "the *tribes* of the Hebrews and the Arabs, the *city* as it existed in Athens or Sparta, the *assemblies* of the various territories in the Carolingian Empire." Some "*communities*," Renan clarified, "are without a *patrie* and are maintained by a *religious bond* alone" (Renan here mentions "the Israelites and the Parsees"). Such collectives are by no means the same as "*nations*, such as France, England and the majority of the modern European sovereign states," nor should they be confused, it seems, with "*confederations* after the fashion of Switzerland and America, and *kinships*, such as those that *race*, or rather language, establishes between the different branches of the Teutons or the different branches of the Slavs" [*les différentes branches de Germains, les différentes branches de Slaves*] (247; emphases added). Having announced his aversion to "the slightest confusion regarding the meaning of words," Renan locates his inquiry at a definite, but general, level choosing to linger in a register that belong neither to ethnography, nor quite to sociology or political philosophy. For better or for worse, Renan refers rather to "modes of groupings [*modes de groupements*]," or simply to "groupings."[10] And he insists that "each of these groupings" (agglomerations and cities, tribes, races, religions, etc.) "exists, or has existed, and cannot be confused with another except with the direst of consequences." At no point, though, does Renan single out the word "people," nor does he explore its differential specificity with regard to nation, race, or religion, or any of the "modes of groupings" he evokes and interrogates.

For myself, I have long found it difficult to suffer any of Ernest Renan's agendas, scholarly, national, colonial, or other. Yet, I cannot but feel partial to the notion that there is more to be said about the vocabulary we use, the categorical divisions we invoke still when designating "groupings" and other human (and nonhuman) collectives and the form they established or refrained from establishing for themselves ("society against the state," to mention Pierre Clastres's felicitous phrase [1989]). In my own concern with language, some

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9   More recently, John McClelland (1989) attended to the history of a different "confusion" (and more often than not, equation) between "people" and "crowd," "mob," or "masses."

10   The translation I am using has "types of groupings" for "modes de groupements" (247).

of which, for my sins, I did learn from Ernest Renan, I have been pushed to marvel at the significance of positions and debates that adamantly distinguish, with little philological care, worlds and realms, that affirm or dispute the difference between religion and race, between "politics" (etymologically, like *state,* a Greek term) and "society" (like "nation," a Latinate word), or again between "politics" and "religion" or "culture" (Latin, again).[11] The problem is not eased nor diminished by registering the unequal impact of "intra-linguistic translations" (as Jakobson had it) between Greek and Greek, say, between "politics" and "economics," or else between "ethics" and "politics." Renan's phrase ("modes of grouping") hardly resolves the question, nor does it assist us in defining a collective, *etically* or *emically*, should we wish to do so according to the lexicons and methods of anthropology, history, politics, law, or philosophy. Unlike Keguro Macharia's "we-formations," Renan's "modes of grouping" cannot yet be trusted to function as "wake formations" (Macharia 2015, and see Sharpe 2016). But they might suspend the wholesale acceptance of divisions and distributions drawn from all-too privileged, insufficiently interrogated linguistic traditions, contexts or disciplines and render visible the path to a different inquiry with regard to people or peoples — another Latinate term too, to be sure, but one that, in English, covers an inordinate range, while holding a peculiar charge, as we shall see.

Now, the meaning of the "human" has long been conceived in its defining rapport to mortality and to death, a rapport often deemed "ethical" or "religious" (now largely monopolized by state bureaucracy and corporate profit, by medicalized governmentality) (Jankélévitch 1977; Dastur 2015). I want to propose that our understanding of *people* — as a signifier of "modes of grouping," which may loosely include those Renan designated as tribes and families, religions and races, agglomerations, cities and nations, and even those groupings to which we casually refer in English with expressions like "some people" or "my people" and even "these people"[12] — might be enriched, however darkly, by what Derrida calls "une politique de la mort," and by the question: Is the people mortal?

El pueblo unido jamás sera vencido!

The scandal I mentioned earlier is no way diminished by what I have said so far, nor do I intend for it to be. I am obviously not calling for the death of people, any people. But we know, do we not, that peoples are mortal, all-too mortal. We know this because we ridicule (though we do not *refute*) the Aryan

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11   Such questions have been raised before, of course see e.g., Benveniste (1974), on *polis* and *civitas,* and Elias (2000) on *civilisation* and *Kultur*.

12   Carita Klippi (2006) deploys disciplinary registers, writing illuminatingly of the people as a collective noun, a "concept [that] oscillates between the social and moral concept of *populace*, the political concept of *nation* and the economic concept of *working class . . .* [*the people*] is also an ensemble of individuals who together constitute a community whose extent may vary" (359).

claim to "a thousand-year Reich," but less so "the Eternal City" or — from the sublime — the current American postal stamp that proclaims "Forever."[13] We nonetheless recall that, in their modern instantiation, peoples — which is to say, in this most popular formulation, *nations* — "often loom out of an immemorial past, and still more important, glide into a limitless future" (Anderson 2006: 11-12; Abulof 2015). Stathis Gourgouris (2021) puts it well, therefore, when he writes that "nations come into historical consciousness precisely by articulating their own self-interpretation while relegating to damned oblivion the historical time of their nonexistence" (1).[14] Which is only to say, in short, that "no nation can imagine its death" (15).

Can it imagine its birth?

In his reading of the American Declaration of Independence, Jacques Derrida laid out the paradoxes of the birth of a people (Derrida did not speak of "The Birth of a Nation," but who could forget it?), of a people giving birth to itself (Derrida 1986; Barrett, Field and Scott 2022). Cognizant of that other declaration, whereby sovereignty was attributed to the nation "precisely because it has already inscribed this element of birth in the very heart of the political community" (Agamben 1998: 128),[15] Derrida underscores the well-rehearsed concerns and preoccupations of peoples with births and beginnings, with foundations and with institutions, with origins, old or new. He attends, however, to the paradoxes, indeed, aporias, thereby entailed.

> Here then is the "good people" who engage themselves and engage only themselves in signing, in having their own declaration signed. The "we" of the declaration speaks "in the name of the people."

> But this people does not exist. They do *not* exist as an entity, it does *not* exist, *before* this declaration, not *as such*. If it gives birth to itself, as free and independent subject, as possible signer, this can hold only in the act of the signature. The signature invents the signer. This signer can only authorize him- or herself to sign once he or she has come to the end [*parvenu au bout*]*,* if one can say this, of his or her own signature, in a sort of fabulous retroactivity. That first signature authorizes him or her to sign. This happens every day, but it is fabulous . . . (Derrida 1986: 10).

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13 "One does not dare think out Nazism," wrote Jean-François Lyotard (1988), "because it has been beaten down like a mad dog, by a police action, and not in conformity with the rules accepted by its adversaries' genres of discourse (argumentation for liberalism, contradiction for Marxism). It has not been refuted" (106).

14 Referring to Anderson, Gourgouris explains that "*an imagined community always imagines itself*. In so doing, however, it must occlude this act by instituting itself as an ontological presence that has, somehow or other, always already existed. hence the 'origin' of the timeless and perpetual Nation" (18).

15 Agamben is commenting on the 1789 Declaration of the Rights of Man and Citizen, and he goes on to explain that "the nation—the term derives etymologically from *nascere* (to be born)—thus closes the open circle of man's birth" (128).

What Derrida makes manifest in his fabulous reading is the significance and the difficulty of beginnings, their impossible possibility, if one might evoke an already familiar turn of phrase. But it is of course well-understood that peoples multifariously preoccupy themselves with narrating their (often immemorial) origins, theorizing their birth or foundation, signing or countersigning — enshrining — the establishment of a dynasty or of a covenant. Aware of the fabulous metamorphosis whereby they move from nonexistence toward an eternal life of sorts, peoples rarely conceive of an end to that fable (though in his famous Funeral Oration, as reported by Thucydides, it is remarkable that Pericles speaks not of a future, much less of immortality, but rather of the *memory* of Athens). When they do, we might expect an account of the end of the world, not, as Ernesto de Martino wrote, the end of *a* world (2023: 6). Births and beginnings, then. Such would be the stuff of political thought and imagination. And yet, however lightly or fleetingly, what Derrida is nevertheless doing here is to evoke an end, the end of a signature, yes, but also the end of a trajectory and, perhaps, the end of all things or at least the end of a signatory ("once he or she has come to the end [*parvenu au bout*], if one can say this"), an end that has as much to do with birth, therefore, as with death, with absence and nonexistence. As Derrida puts it elsewhere, there is a sending off and a destination, a dissemination of signs, words and sentences according to "the precipitative supposition of a *we* that, by definition and by destination, has not yet arrived to itself. Not before, at the earliest, the end and the arrival of this sentence whose very logic and grammar are improbable" (Derrida 1997: 77). Derrida is speaking here of writing, after all, and of a "fabulous retroactivity." So, is the people, we, the people, mortal?

A Question of Number

In his remarkable study of the "mortality and morality of nations," Uriel Abulof (2015) proposes to consider *small* nations and the peculiar relation they have, Abulof argues, to the possibility of their collective demise (Abulof defines mortality as "the awareness of the inevitability, availability, and indeterminacy of death," an individual and collective awareness that is countered, he says, by "symbolic immortality"[3]). Abulof finds particular inspiration in Milan Kundera's description of "small nations," a notion that, Abulof insists with Kundera, is not quantitative, even if it is in fact the case that the three collectives he attends to (French Canadians, Afrikaners, and Israeli Jews) are not only among numerically smaller national collectives, but are in fact marked, in their historical experience and consciousness, as minorities (Anidjar 2023).

What Abulof elaborates might be described as a series of deaths and resurrections (one might also call them metamorphoses). The convulsive history of each of the three groups includes numerous moments of existential crisis, of existential danger, whereby the very *perpetuation* of the group, the basic nature of their collective identity and political existence or future, is put into question. And in a few spectacular cases, the collective is so significantly transformed

that one might easily consider that the collective did, in fact die, as some very much argued. Consider a nation, then, whose very name is changed (multiple times in the case of French Canadians, who went from French to *Canadiens* to French Canadians and later *Québecois*). Or whose existence, once defined as and by religion (Catholicism), no longer understands itself in such terms (French Canadians, again), whose national belonging shifts radically (replacing, in fact, Canadian with Québecois). Or else, a collective who loses its sovereignty and, if not its right, its capacity for self-determination and whose political existence subsequently takes a completely new form in a transformed political arrangement (Afrikaners). Contrast these cases now with the third collective, Israeli Jews, who today "regard the Jewish state as indispensable to their collective survival," consider that "it is not possible to abandon one's Jewishness" and self-consciously proclaim that the death of the people *will never happen* ("Masada will not fall again") (186, 303; and see Zerubavel 1995). This is a people whose very name, as well as form, has changed over the course of history (from Hebrews to Israelites and Judean to Jews and Israelis), whose self-understanding hovers between the religious, the ethnic (or racial) and the national, and whose historical consciousness is greatly determined by the possibility of disappearance and annihilation, a possibility that was tragically realized under the Nazi regime. For this nation, abandoning what defines it would be impossible. It would be tantamount to annihilation.

It might be time to recall that, contending with the death of the people was never the privilege of small nations. No less, no less towering a figure than Abraham Lincoln, was indeed "imagining the end" (Lear 2022: 87).[16] The end of the people. Yet, Lincoln seems to have been of two minds, to have considered at least two distinct options. "If destruction be our lot," Lincoln predicted on January 27, 1838, "we must ourselves be its author and finisher. As a nation of freemen, we must live through all time, or die by suicide" (Lincoln 1989a: 29). Lincoln — who kept assuming the first-person plural — is already of two minds, since he clearly establishes an alternative. Either "we must live through all time," *or* we must face *our death*. Yet, Lincoln is better known for a later iteration (November 19, 1863, to be precise), one that has indeed proved much more memorable.

> It is rather for us to be here dedicated to the great task remaining before us — that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion — that we here highly resolve that these dead shall not have died in vain — that this nation, under God, shall have a new birth of freedom — and that government of the people, by the people, for the people, shall not perish from the earth. (Lincoln 1989b: 536)

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16   Lear attends primarily to questions of mourning, *after* the end, as it were, and illuminates in intriguing ways the context of Lincoln's "Gettysburg Address." Lear joins Lincoln in his valuation, adding reasons "why it is so important that a government of the people, by the people, and for the people should not perish from the Earth" (90). Lear affirms this while consciously considering the mass extinction looming upon us all, something that can hardly be understood as a mere contradiction.

To be sure, Lincoln (whose own "death contained the redemptive promise of national immortality" [Faust 2008: 158]) is here considering the *government* of the people rather than the people "itself" as mortal. How to be certain of the difference? After Renan, one might speak of that "mode of grouping" we call the state (though Renan also recalled "confederations such as exist in Switzerland or in America"), that strange and oddly amorphous form that has been perceived alternatively as the protector and the destroyer of the people (Nandy 2003). Surely, the oscillation between the collective we, "we, the people," and "the government of the people" complicates the question at hand. We might want to ask again about the subject of death, about the subject of collective death. Is it the people or the state (Anidjar 2017)? Renan wanted to distinguish, there where we still have not determined how and whether states and city-states, tribes and nations, races and religions and indeed peoples can vanish, have vanished, and have — sometimes — left survivors of sorts. If granted, the magnitude and significance of the event, cataclysmic or not, is not thereby established, nor is the confusion easily cleared as to the nature of the subject of death. My attempt to address *our death*, in any case, to inquire into the death of the people, is not about accuracy. It is not normative, nor is it simply metaphorical. My question is whether any "mode of grouping," any people (the people, these people, my people, even the state) might be interrogated, confronted, indeed, possibly afflicted, by the event, the death event, that I am calling the death of the people.

Now, as he explores "how states die," and what he aptly calls "the rise and fall of states and nations," the historian Norman Davies notes that "political philosophers . . . have been thinking about statehood for millennia, though state demise has seldom been at the forefront of their preoccupations" (Davis 2011: 729; and see Fazal 2007, Wheatley 2023). Davies takes on the task in a rare but exemplary and studious manner, and he manages to count and recount many an occurrence of state dissolution, of varying magnitude or catastrophic significance. The very language Davies mobilizes to describe the mechanisms by which states or nations — and indeed peoples — meet their end, speaks evidently and directly to the question that occupies us here. Among these mechanisms, Davies lists "implosion, conquest, merger, liquidation and infant mortality" (2011: 732). Insisting that conquest, for instance, "is not necessarily prelude to annihilation" (734) — though it very much was that in the Americas and elsewhere — Davies concludes his book by elaborating on the death of *young* states and what he calls the "test of infancy." With ominous echoes and an odd preference for lasting fame, Davies reminds us that "the best-known polities in history" have successfully passed the test, whereas "those which failed the test have perished without making their mark. In the chronicles of bodies politic, as in the human condition in general, this has been the way of the world since time immemorial" (738).

Davies' reflections constitute an important addition, and a true challenge. They resonate, moreover, with earlier considerations on the "dissolution of the commonwealth" by Thomas Hobbes (1996), for instance, and, more graphically,

on "*la mort du corps politique*" by Jean-Jacques Rousseau (2002). Davies mentions both, of course. Yet, what are we to make of the distinction here inscribed again between the different modes of grouping evoked? And what does death have to do with it? The image of the body politic and its mortality harkens to yet earlier times, to the Christian medieval theory of the corporation, which was formulated, Ernst Kantorowicz notoriously reminds us, when medieval jurists began to conceive of the king's two bodies, of "the prince with both a body natural and corruptible, on the one hand, and a body politic and immortal, on the other" (Kantorowicz 2016: xxvi)? From its humble beginnings, the theory — which also became the theory of the *perpetual corporation* — evolved (Schwartz 2012). "It naturally took some time before the findings of the jurists — the identity in succession and the legal immortality of the corporation — began to sink in and be combined with the idea of the state as an everlasting, ever living organism or with the emotional concept of *patria*" (Kantorowicz 2016: 311). This is how "personified collectives and corporate bodies . . . projected into past and future," how "they preserved their identity despite changes," how they became "legally immortal." As a result, "individual components . . . , mortal components," who "at any given moment constituted the collective," acquired a lesser significance, a "relative insignificance." They began to be deemed "unimportant as compared to the immortal body politic which survived its constituents, and could survive its own physical destruction"(311-12). Like the king who, when he dies, lives still, one could begin to imagine uttering the impossible: "The people is dead! Long live the people!" Not: "we are dead," since, like the unconscious, the collective could not (or no longer) conceive of its own death, but nevertheless something like "our death," that most impossible of impossibilities.

To be sure, Kantorowicz may have omitted a few older references, references to which Hannah Arendt went on to call our attention, with regard, specifically, to the immortality of the body politic. Arendt mentions Plato and Cicero, and even "the Hebrew creed which stresses the potential immortality of the people, as distinguished from the pagan immortality of the world on one side, and the Christian immortality of the individual life on the other" (Arendt 1998: 314-15). Arendt is adamant that there is in that collective immortality something "so un-Christian, so basically alien to the religious spirit of the whole period which separates the end of antiquity from the modern age" (Arendt 1990: 230). Whether or not she is correct (and Kantorowicz's work suggests she is not quite), Arendt does underscore the significance of an "all-pervasive preoccupation with permanence, with a 'perpetual state'," a "deeply felt desire for an Eternal City on earth" along with the conviction that 'a Commonwealth rightly ordered, may for any internal causes be as immortal or long-lived as the World'" (Arendt 1990: 229; quoting James Harrington). In "On Violence," Arendt had marked a profound distinction between the death of the individual ("whether . . . in actual dying or in the inner awareness of one's own mortality"), which she described as "perhaps the most antipolitical experience there is," and the death of the collective. When "faced collectively," Arendt went on

to write, "death changes its countenance; now nothing seems more likely to intensify our vitality than its proximity." Even here, Arendt entertained no more than the death of individuals, albeit formulated, this time, as raising collective awareness "that our own death is accompanied by the potential immortality of the group we belong to and, in the final analysis, of the species." It is as if, Arendt concludes, "the immortal life of the species" were "nourished, as it were, by the sempiternal dying of its individual members" (Arendt 1972: 165).[17]

Between Arendt and Kantorowicz, and with the sources to which they alert us, it might be reasonable to deduce that the people is not, in fact, mortal, that, whatever form a people gives itself, it sees, for itself, an infinite trajectory, an immortal destiny. At the same time, no people can pretend to ignore the death of other peoples, whether these are historically earlier peoples or contemporaries, friends, relatives, or enemies. Does that mean that we, we the people, know death? Do we believe in death, in our death?

Do We Believe in Death?

There are three things, three vectors of thought, that seem to me generally missing from meditations on death, three things that might have registered on one discipline of knowledge or another (history and psychology, say, as opposed to philosophy and anthropology), but that have yet to congeal toward a broader understanding of death. Each of these three things is "about" death — it tells us, teaches us, something about death — as well as "about" repetition, in a sense that will have to be clarified. Most significantly for my purposes here, each of the three has everything to do with the death of the people. Finally, each also has to do with the matter of belief, or more precisely, with the granting of a certain credit, the accreditation of the people.

1. **Death is learned.** None of us come into this world *knowing* death. We may never know our own death, but sooner or later, we will know death. We will experience, inevitably, what Heidegger calls "the death of others." Which is another way to say *we do not all learn death in the same way*. One might therefore say that, in addition to a *culture of death*, but even in its absence, there is a *tradition of death*, a specific way death reaches us — by which I mean each of the many deaths, close or far, of which we will learn, by which we will be affected and transformed, for the better and for the worse. We learn death, therefore, and the nature of the people — we the people, which we are or become — is what is at play each and every time, with each and every death. Death is thus repeated, iterated. It is repeatedly taught, transmitted, learned and practiced.

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17   Arendt acknowledged that "death as an equalizer plays hardly any role in political philosophy, although human mortality — the fact that men are 'mortals,' as the Greeks used to say — was understood as the strongest motive for political action in prephilosophic political thought," as that which "prompted them to establish a body politic which was potentially immortal" (165.).

Which is to say, finally, that, just like a culture of death, no tradition of death is anything less than *collective,* a matter of groupings, of peoples.

2. **We, the people, count.** We (which is to say, each of us, alone and together) experience the death of many people, some close, some impossibly far. How many? And who, among them, counts? We are also told by many people about the death of many people, by people and rituals and funerals — or their impossibility; by way of news or memory and by way of art and any number of artifacts, practices and products, by way of war and destruction, by way of illness and suffering (Azoulay 2001; Penfold-Mounce 2018). Sooner or later, we learn that *everyone dies*, that an almost infinite number of people have died before us. What we all learn, in other words, which may or may not convince us of our death but will certainly have terrified us, is that many, every single individual before us really, generations upon generations, millions after millions, have died. We also learn (and this is equally, if not more, significant) that *some* among the dead, even among the temporally distant dead, matter *otherwise* or *more*. Our dead, of course, but also the memorable and commemorated dead. We learn about death by *learning to count*, in other words, by learning whose death counts.

3. Some of us have or will *practice* death by meting it out, by **actively engaging in killing**. Some of us will have become murderers or assassins, soldiers or police, torturers, executioners, and occasional or accidental killers.[18] Some of us will develop the weapons and make the bombs, others will sell the knives and the guns (and the bombs too) (Franklin 1988). Remotely or not, some of us will pull the trigger or order the drone strike — or indeed the "first strike" (which will most likely be the last strike). But even those who will not partake of these activities, shall learn about death and murder, about death *from* murder or from killing (let us concede the difference still). Should we grant that we learn thereby very little, almost nothing, about *our death*, about our own death? Did Cain understand nothing of death once he had killed Abel? He learned, as many have since, of the dispatching of the other, of the death of the other, of so many others, by murder. And we learned too. We know, we have come to know that, since the beginning of time, there have been many murders, innumerable but willed death events, countless occurrences of mass death.

Ideally, I would attend to each of these vectors in more details, but here it might be sufficient to recall that what is, to my mind, the most concise summary

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18   Emmanuel Lévinas, who dedicated his second book to the victims of the Holocaust, placed murder at the center of his thought. In *Totality and Infinity,* Lévinas was already insisting on the face of the other, "the hard resistance of these eyes without protection"(Lévinas 1979: 262) and the infinite transcendence that is "stronger than murder" (199). Lévinas consistently deploys a grammar of the singular, death — my own and the other's — in the singular.

— if perhaps also the most hurried, considering — of the things I have just laid out. "Even today," Sigmund Freud wrote in 1915, "the history of the world which our children learn at school is essentially a series of murders of peoples" [*Noch heute ist das, was unsere Kinder in der Schule als Weltgeschichte lernen, im wesentlichen eine Reihenfolge von Völkermorden*] (Freud 1915, 292). And do note that Freud is speaking of peoples. The death of peoples.

In Lieu of an Ending: Learning Death

But how, how exactly, do we learn this and know this? How do we learn this history? How do we learn about, and relate to, come to assume our mortality, our death? How does death insinuate or force itself into our life, how does it enter our being, our selves? It may be significant that, according to Heidegger, one of the most exacting modern thinkers of death, this lesson, which he deemed a completion of sorts, a making-whole, nevertheless taxes our credulity. In fact, "this existentially 'possible' Being-towards-death remains, from the existentiell point of view, a fantastical exaction [*eine phantastische Zumutung*]. The fact that an authentic potentiality-for-Being-a-whole [*eines eigentlichen Ganzseinkönnens*] is ontologically possible for Dasein, signifies nothing, so long as corresponding ontical potentiality-for-Being has not been demonstrated in Dasein itself" (Heidegger 1962, § 53, 311). Conceptual difficulties (or "jargon") aside, it may suffice to recognize that "Being-towards-death," just like "authenticity" [*Eigentlichkeit*], is not an everyday given for Heidegger, much less a position maintained or a property owned. It is certainly not an a priori, nor there from the beginning either. Death, my death, must be learned and demonstrated. The reason for this necessary learning step is that "Dasein does not, proximally and for the most part, have any explicit or even any theoretical knowledge of the fact that it has been delivered over to its death, and that death thus belongs to Being-in-the-world" (295). Furthermore, and "factically, there are many who, proximally and for the most part, do not know about death" (295). In order for that (new) knowledge, in order for death not to remain a "fantastical exaction," here "a merely fictitious arbitrary construction [*nur dichtende, willkürliche Konstruktion*]," then "Being-towards-death" must be acceded to, awaited and anticipated (as Derrida insists in his reading of Heidegger), in a process of appropriation (of making one's own, one's proper, *eigentlich*), a making possible. Remember that "factically, Dasein maintains itself proximally and for the most part in an inauthentic Being-towards-death" (304). It is thus not given to every Dasein, not without (fantastical?) exertion, to *make* death its own. Each Dasein must accomplish this task, this "ontological task" [*ontologische Aufgabe*] for itself — or fail to do so. Accordingly, death, "the certain possibility of death," if it does disclose "Dasein as a possibility," does so "only in such a way that, in anticipating this possibility, Dasein *makes* this possibility *possible* for itself as its own most potentiality-for-Being" (*es vorlaufend zu ihr diese Möglichkeit als eigenstes Seinkönnen für sich* ermöglicht" (309).

How does Dasein learn so to anticipate? How does it learn to comport itself toward its ownmost possibility, toward death? Is there something in its past — or in the present, and even future — that enables Dasein to turn, in anticipation, toward death? Heidegger registers that there has to be, in what might be called a history of the everyday (the ontical, the present-at-hand), something, some things, that Dasein will have learned with regard to death. Heidegger entertains this possibility, the possibility of what I have called *a tradition of death*, but only to dismiss it as an impossibility. It *cannot* be, Heidegger writes; or, as his translators not entirely incorrectly put it, "we cannot compute the certainty of death by ascertaining how many cases of death we encounter" [*Die Gewißheit des Todes kann nicht errechnet werden aus Feststellungen von begegnenden Todesfällen*] (ibid). We do encounter cases of death, then, and perhaps many. We might in fact count them, but that count must be discounted (here Derrida differs, insisting on the incalculable). It does not suffice in any case — in every case of death — to maintain or sustain the certainty of death. Such certainty "is by no means of the kind which maintains itself [*hält sich*] in the truth of the present-at-hand" (ibid.).

Still, Dasein must learn, it will in any case have learned, about death. Dasein, which, Heidegger finds important to recall in this context, is "Being-with [*Mitsein*]," is bound to be affected by death, which is to say that death is not always-already there but rather that it occurs as an event (*Ereignis*), the event that puts Dasein on its way, that cannot but put Dasein on its way toward appropriation, the making of death as its ownmost (*eigentlich*) possibility. Heidegger says that as a "non-relational possibility" [*unbezügliche Möglichkeit*], death is that which "individualizes" [*vereinzelt*] (earlier Heidegger had explained that if — and it is a big if — "Dasein stands before itself as this possibility," the possibility that death is, if and "when it stands before itself in this way," then "all its relations to any other Dasein have been undone" [294]). Death, the event of death which is not to be counted or related, does such work, does its work, but only to further "make" — or unmake — Dasein (for insofar as Dasein stands before itself, it appears to have been unmade too, divided from itself). Death, in any case, "makes Dasein, as Being-with, have some understanding of the potentiality-for-Being of Others [*das Dasein also Mitsein verstehend zu machen für das Seinkönnen des Anderen*]." Insofar as it individualizes, death is indeed non-relational, but it is also, Heidegger makes clear, the condition of possibility of relation, the necessary possibility whereas Dasein can relate to the possible being of others, to others as having the possibility (and therefore, the impossibility) of being. Once death has done its work — but death's work is never simply *done* — others as possibilities of being, are no longer a danger for Dasein, the danger of Dasein's failing to recognize Others as dangerous, the danger, that is, of "getting outstripped by the existence-possibilities of Others" [*Existenzmöglichkeiten des Anderen*] (308). Between the possibilities of existence and the final and complete possibility of being, there is a difference that death makes, and it is a difference that has to do with Dasein's relation to itself and to others, to itself as other too. Dasein must be separated

from what it is, Being-with, individualized by that which is without relation, *the* without-relation, that death is, *if it is*, in order to be capable of becoming that which Dasein is, as being-with. The "individualizing" that death is brings a massive failure, in other words. It "makes manifest that all Being-alongside the things with which we concern ourselves and all Being-with Others" [*alles Sein bei dem Besorgten und jedes Mitsein mit Anderen*], will fail us when our ownmost potentiality-for-Being is the issue." That is why Dasein's work, like death's, is never done. "Dasein can be *authentically itself* only if it makes this possible for itself of its own accord" [*wenn es such von ihm selbst her dazu ermöglicht*] (ibid.). Just earlier, Heidegger had made clear that this making-possible involved a "wrenching away," a separation from what Heidegger famously called "the They [*das Man*]," which I would rather have translated "the many" or better yet, "people" — the idiomatic translation of what "the They" does for the most part, namely, speak or talk (*man sagt, man redet*) being "people say").[19] Dasein must wrench itself away from "people," and it must work hard at it, for Dasein, "only reveals its factical lostness in the everydayness of the they-self," the everydayness of people (307). Crucially, though, it is from people, people who themselves may or may not have "the definite character of Being-towards-death" (298), that Dasein hears and learns about death. And what Heidegger does, what he says he does, is merely to provide an interpretation of this fact, "of the everyday manner in which people talk about death *and the way death enters into Dasein*" [*der alltäglichen Rede des Man über den Tod und seine Weise,* in das Dasein hereinzustehen] (302-303, emphasis added; and compare the way "the 'end' *enters* into Dasein's average everydayness" [*das »Ende« in die durchschnittliche Alltäglichkeit des Daseins hereinsteht*] [293]). Thus, "our analysis of death remains purely 'this-worldly' in so far as it interprets that phenomenon merely in the way in which it *enters into* [*hereinsteht*] any particular Dasein*"* (292). As Heidegger finally phrases it, "cases of death [*die Todesfälle*] may be the factical occasion for Dasein's first paying attention to death at all" [*das Dasein zunächst überhaupt auf den Tod aufmerksam wird*] (301). Thus, we learn death from the people who speak and die around us. We receive death, we pay attention to it. We all learn (from) a tradition of death. Can we believe it?

When we first hear about death, when people tell us about death or we experience the death of others, death appears to us, no doubt, with a measure of certainty. But death, Heidegger insists, does not really impress itself upon us as anything more than a fiction, a fantastical exaction. "One knows about the certainty of death, and yet 'is' not authentically certain of one's own" (302). Heidegger's argument is thus both that "people implant in Dasein the illusion

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19   "Man sagt: der Tod kommt gewiß," writes Heidegger, which Macquarie and Robinson translate: "They say, 'It is certain that 'Death' is coming'" and I would render: "People say: 'Death is coming for sure'" (301/G257). The English word "many" can be traced to a cluster of German words among which is *man,* making it another good candidate to translate Heidegger here. As a noun, the OED confirms, "many" also translates *hoi polloi*, the people, the multitude, a large group of people.

that it is *itself* certain of its death" (301) and that "people deny that death is certain" (302). And people, some people, certainly do talk often enough as if death were always remote somehow. In Heidegger's rendering, what people say is that "so far as one knows, all men 'die'" which is another way to say that "death is probable in the highest degree for every man, yet it is not 'unconditionally' certain." (302) The certainty of death, in other words, is no more than "empirical." Why, then, should we believe it? Why should we come to believe for ourselves that we, we ourselves, will die? The very idea (an idea to which the founder of modern subjectivity and great believer in its attendant, apodictic certainty, René Descartes, was, incidentally, indifferent to the utmost) "necessarily falls short of the highest certainty, the apodictic, which we reach in certain domains of theoretical knowledge" (301). Along with the people, Dasein must be persuaded, it must come to believe that, certain as it might be, death is only certain *as a possibility*. That is one significant reason why making death one's own is hard work. It must be believed to be seen for what it no doubt is: our ownmost possibility.

This argument, whereby we do (and must) learn death from the people and for the people, the non-apodictic certainty of death as a possibility, is certainly not meant for us to interpose anything between us and ourselves — our death, ourselves — nor is it to make "the dying of Others" an alternative theme, "the theme for our analysis of Dasein's end and totality" (283) and "a substitute theme for the analysis of totality" (284). It is merely to make "the death of Others," really, the people dying and the people talking, something "impressive" enough (282). It is to make the very lesson, a lesson about learning, and about learning death. The tradition of death. The death of the people. It is this difficult, even impossible and at any rate *incredible*, lesson that we ourselves learn from people.

Have we understood or learned, then? Do we believe? Do we, do people, believe in death? In the death of the people? According to a remarkable book recently written by Abou Farman (2020), there is a growing number of people who, not content to not believe in *life after death*, now do not believe in *death after life*. They do not believe in immortality either, mind you. They simply do not believe in death. So much for the certainty of death. But what about those who do? What about those who *must* and might therefore be said to live, as Christina Sharpe (2016) puts it, *in the wake*? What is it that might bring about a "demonstration" (as Heidegger has it) of death as the most certain of possibilities not for me, but for us? "Only *Dasein,* seul le *Dasein*," Derrida comments. And "only in the act of authentic (*eigentlich*), resolute, determinate, and decided assumption by which *Dasein* would take upon itself the possibility of this impossibility that the aporia *as such* would announce itself *as such* and purely to *Dasein* as its most proper possibility, hence as the most proper essence of *Dasein,* its freedom, its ability to question, and its opening to the meaning of being" (Derrida 1993: 74-75).

Only Dasein, then. Is the people not mortal? Could the people not take upon itself the possibility of this impossibility, its most proper possibility, its

freedom, its ability to question, and its opening to the meaning of being? What could make us — us, the people — learn of our death? What would make us able to confront and assume, resolutely assume, the possibility of this impossibility that death is, that our death is, and to initiate, finally, of the people, by the people, and for the people, a "politics of death" (Derrida 1993: 59)?

We do know that some peoples, nations, and collectives have developed a more conscious, a more resolute and determinate relation to their death. Some peoples are clearly aware of the possibility of their own, collective death, the death of we, the people. Can we learn from these peoples? Is there, in fact, a lesson to be learned? Can death, collective death, be learned and confronted? Does the ethical obligation to resolutely assume and face one's mortality apply to collectives? Is there such a *political* obligation, such a political necessity? Is there an exercise, a political "exercise that consists in learning to die in order to attain the new immortality, that is, *meletē thanatou*, the care taken with death, the exercise of death, the "practicing (for) death" that Socrates speaks of in the *Phaedo*" (Derrida 2008: 14)? Is that what Derrida meant when he referred to a "politics of death?" Did Derrida mean that the people, that we, the people, should face our own death? Learn its possibility and learn from it? Or, a committed advocate of survival, of secular survival, as some have claimed, did Derrida mean that we should make our survival, our immortality, our *eternity* ever more resilient, ever more secure, ever more lasting and seek to live, as that American postal stamp has it, *forever*?

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Gil Aniđar

Smrt naroda

Apstrakt

Smrt, kako sugeriše Derida u *Politici prijateljstva*, predstavlja pitanje brojeva. Ipak, smrt je uvek i „moja", zbog čega Hajdeger može reći da „umiranje Drugih nije nešto što istinski doživljavamo; u najboljem slučaju, mi smo uvek samo 'tu, pored'." Između moje smrti i smrti svih, između jednog i beskrajno mnogih, počeo sam da razmišljam o drugačijoj meri, ograničenijem i određenijem gramatičkom — ili aritmetičkom — okviru u kojem se postavlja pitanje naše smrti. Ne smrti čovečanstva, niti baš smrti svih drugih, već smrti naroda, smrti nas koji brojimo i koji smo bitni jedni drugima (ili to zamišljamo). Čini mi se da je upravo ovde Deridina računljivost ili neizračunljivost smrti najneprozirnija. Negde između jednog i mnoštva, univerzalnog mnoštva čovečanstva, između onoga što Hajdeger naziva „mojošću" (koja, kada je u pitanju smrt, ostaje mogućnost) i smrti (svih) drugih, mogla bi se pronaći smrt nas, naroda.

Ključne reči: smrt, narod, Derida, Hajdeger, brojevi

Cillian Ó Fathaigh

LITERATURE AS A MODE OF THOUGHT: DERRIDA'S INSTITUTION OF *DIFFÉRANCE*

ABSTRACT:
In this article, I argue that literature represents a privileged modality for thinking institutionality in Derrida's work and, moreover, that literature represents a model for institutions. The first section presents Derrida's understanding of literature as anti-essentialist and a mode of experience which resists the transcendence of identity. In the second section, I propose that literature attends to its own fragility, lacking any definite foundation or external referent. I then consider the political implications of this position, demonstrating that literature not only encourages us to attend to its own fragile foundations, but also the foundations of socio-political institutions in general. It achieves this attention through its specific relationship to performative language. In the fourth section, I argue that literature reveals institutions as an effect of *différance*; rather than understanding *différance* as an infinite delay, institutions emerge in the process of *différance*. Literature underscores the inescapability of institutions. Our aim, as Derrida stresses, should not be to do away with institutions, but to form a new relation to institutions. I conclude by outlining some of these implications for literature as an institution which can serve as a model for the new relation to institutionality that Derrida valorises.

Introduction

It is an institution which tends to overflow the institution. (Derrida 1992: 36)

Literature might seem like an odd place to think about institutions. After all, institutions are a serious business and literature can be indulgent, whimsical and, worse still, fictional. Yet literature has also often had an edge to it: at times, it can be a space for radical transgression, imagination and fantasy. In its very non-seriousness, literature can pass through the censor's filter and obliquely critique society. On the face of it, therefore, the link between institutions and literature needs to be taken seriously. One thinker who does

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exactly this is Jacques Derrida. And, as well as helping us think through this link, literature itself can also help us engage with debates around institutions in Derrida's oeuvre. Institutions have begun to receive increased attention in Derrida's work, particularly in thinking through the socio-political aspect of his work.[1] However, literature has remained relatively excluded from these debates. In this article, I will seek to address this gap, proposing that literature represents a privileged modality of thought in Derrida, particularly as a site for thinking institutionality.

I argue that literature represents a privileged modality for thinking institutionality in Derrida's work and, moreover, that literature constitutes a model for institutions. The first section presents Derrida's understanding of literature as anti-essentialist and a mode of experience that resists the transcendence of identity. In the second section, I propose that literature attends to its own fragility, lacking any definite foundation or external referent. I then consider the political implications of this point, with literature not only drawing attention to its own fragile foundations but, through performativity, the fragile foundations of other socio-political institutions. In the fourth section, I argue that literature reveals institutions as an effect of *différance*, as something which takes place in the differing and deferral of meaning. I conclude by considering how literature can serve as a model for a new relationship to institutions.

Literature as Thought

It may seem odd to present literature as a mode of thought. Indeed, to my knowledge, Derrida never uses such an expression. However, if we look closely at Derrida's references to literature, we see that it is often framed as an alternative to philosophy, particularly as a way of thinking that escapes essentialism. Indeed, in state doctoral (*doctorat d'État*) defence, Derrida places an interest in literature above that of an interest in philosophy:

> I have to remind you, somewhat bluntly and simply, that my most constant interest, coming even before my philosophical interest, I would say, if this is possible, was directed toward literature, toward that writing that is called literary. What is literature? (Derrida 2004: 116).

This passage is not the only part of 'Punctuations', where Derrida foregrounds the importance of literature in his work. Indeed, elsewhere in this short text, he offers a brief reflection on his intellectual trajectory, emphasizing how literature has been an object of interest for him since early in his career, with his 1957 MA thesis registered as 'The Ideality of the Literary Object'. What is interesting in the above quotation is not simply that literature is given such a major position in his own work, but that it is given the form of a classically philosophical question: "What is literature?" What is its being and its meaning? If Derrida is interested in literature, therefore, it is not independent from

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1   For instance, Ó Fathaigh (2021), Gustafson (2024), and Bojanić and Perunović (2024).

philosophy, but rather as a continuation of thought itself. While this emphasis on literature is important, perhaps the operative phrase here is "if this is possible": for Derrida, it is impossible to divorce philosophy from literature (and, of course, such a separation is a classic move of the Western philosophical tradition that Derrida wishes to constantly challenge). We can see this, for instance, in his more "experimental" work, like *Glas* or *La carte postale*, as "texts dealing with textuality", which he foregrounds are "inscribed in a space that one could no longer, that I myself could no longer, identify or classify under the heading of philosophy *or* literature, fiction *or* nonfiction" (Derrida 1992: 124/5). As his "most constant interest", literature, therefore, has a critical place in Derrida's *oeuvre*, but one which is also framed through its relation to philosophy.

Derrida takes this link between literature and philosophy further in his work on phenomenology. There, literature is presented as an approach which pushes phenomenology beyond its limits. Reflecting literature's importance from the earliest stages of his work, Derrida's master's thesis took literature as a "very peculiar type of ideal object" and one which "differs from objects of plastic or musical art" that Husserl privileges in his work (Derrida 2004: 116). Moreover, his introduction to Husserl's *The Origin of Geometry* allowed Derrida to "approach something like the un-thought axiomatics of Husserlian phenomenology", including "the absolute privilege of the living present" and "a language that could not itself be submitted to the *epoche* [...] even though it made possible all the phenomenological bracketings and parentheses" (Derrida 2004: 118). Literature thus comes to represent the limits of phenomenology, the unthought assumptions that make phenomenology possible, particularly the directness and unmediated nature of language. This is a point that Derrida makes elsewhere, where he stresses that it is literature which breaks apart the language of phenomenology itself:

> I believe this phenomenological-type language to be necessary, even if at a certain point it must yield to what, in the situation of writing or reading, and in particular literary writing or reading, puts phenomenology in crisis as well as the very concept of institution or convention (but this would take us too far). (Derrida 1992: 44/5).

In Derrida's framework, literature functions as a *supplement* to phenomenology: adding something to phenomenology, in helping it better understand experience, but at the same movement threatening the foundations of phenomenology itself. It is for this reason that Derrida maintains that the experience of literature is "a force of provocation to think phenomenality, meaning, object, even being as such, a force which is at least potential, a philosophical *dunamis*" (Derrida 1992: 45/6). In many ways, it is this very philosophical force which Derrida seeks to do justice to in his work.

The philosophical potential of literature is not limited to phenomenology. Part of literature's importance for phenomenology is its inherent resistance to essentialism and this can be applied to philosophy more broadly. For Derrida, one of the qualities of literature is its lack of identity with itself. In 'Préjugés:

Before the Law', a reading of Franz Kafka's parable in *The Trial* alongside an interpretation of Jean-François Lyotard, Derrida speaks "of the nonidentity with itself" of the text (Derrida 2018: 62), and, similarly, in 'This Strange Institution Called Literature', he maintains that "Literature 'is' the place or experience of this 'trouble' we also have with the essence of language, with truth and with essence, the language of essence in general" (Derrida 1992: 48). Literature is thus presented as a way of challenging a thinking of ontology which focuses on the essence of things. Of particular importance within this argument is the copula: the relationship between the subject and the predicate. Indeed, Derrida draws on literature to challenge what he labels an "ontological prerogative" (Derrida 2018: 14). He maintains that traditional accounts of judgement assume, or pre-judge, that it is possible to determine a subject and a predicate and that this represents an "ontological prerogative" which implies "a pre-judgment [pré-jugé] that says that, the essence of judgment being to name the essence (S is P), that very essence of judgement is itself accessible only to a judgment that says S is P before any modalization takes place" (Derrida 2018: 14). Literature becomes a site where this ontological prerogative is challenged and where we operate without a certainty of essence, where we can name without first deciding on the who/what of something. And it is this potential confusion between who/what in literature, which challenges the fundamental ontological question of "What is":

> If the question of literature obsesses us [...] this is perhaps not because we expect an answer of the type "S is P," "the essence of literature is this or that," but rather because in this century the experience of literature crosses all the "deconstructive" seisms shaking the authority and the pertinence of the question "What is ...?" and all the associated regimes of essence or truth. (Derrida 1992: 48),

As in his engagement with phenomenology, literature thus challenges a fundamental mode of philosophy – the question of essence – and in this respect represents an alternative way of thinking essence or, more precisely, a thought which does not rely on the temptation of essence.

An objection might be raised at this point that Derrida – in emphasizing the anti-essentialist nature of literature – is granting literature itself an essence. And Derrida is alive to this. Indeed, he challenges a movement which would grant "a formal specificity of the literary which would have its own proper essence and truth which would no longer have to be articulated with other theoretical or practical fields" (Derrida 1981: 70). In this respect, we can see that Derrida's insistence on linking philosophy and literature forms part of this effort. Moreover, it is, in fact, our inability to separate the literary and non-literary which can help flesh out the mode of thinking which Derrida associates with literature: one which resists reducing meaning to essence. For Derrida, literature is associated with a non-transcendent experience, one which remains within the text, whereas the non-literary corresponds to the transcendent style. The transcendent approach reduces a text to its meaning and referent (its 'content'), whereas a non-transcendent reading attends to "the signifier, the form, the

language" of literature (Derrida 1992: 44). Very crudely, then, these approaches can map onto a content/form distinction. Yet, what is important here is that there are not some forms of texts which are non-transcendent (literature) and other forms of texts which are transcendent (philosophy), but rather that these are possible readings available to any text: "one can do a nontranscendent reading of any text whatever" (Derrida 1992: 44). There is no text which is entirely resistant to a transcendent reading; in the way that there is no text – even, for instance, the Daily Mail – which can fully reject the non-transcendent reading. However, literature does do something different in its resistance to the transcendent reading "a text is poetico-literary when, through a sort of original negotiation, without annulling either meaning or reference, it does something with this resistance" (Derrida 1992: 47). What sets literature apart is how it relates to this resistance to a focus on 'content' and meaning over language and form: "This moment of 'transcendence' is irrepressible, but it can be complicated or folded; and it is in this play of foldings that is inscribed the difference between literatures, between the literary and the non-literary, between the different textual types or moments of non-literary texts" (Derrida 1992: 45). This delay to transcendence and the resistance of this folding is how Derrida distinguishes the literary versus the non-literary. It is this resistance to the transcendence of philosophy which literature offers thought and which represents its challenge both to essentialism and to phenomenology.

Literature is fundamentally anti-essentialist on Derrida's account and, as we will see later, this challenge to simple identity resonates forcefully with other parts of his work, such as *différance*. But we might still want to ask what sort of "thought" literature might function as? The potential for literature as a form of thought has been briefly touched on in the secondary literature. Samuel Weber, in a chapter on the singularity of "literary cognition" raises the possibility that such cognition may be based on the "privileged place for forms of misapprehension" (Weber 2021: 355) in literature (as opposed to other forms of cognition, which focus on communication, intention or calculation). Similarly, Ian Maclachlan, in an important chapter on literature in Derrida, underscores how "Derrida's work raises questions about what we mean by 'thinking'" (Maclachlan 2004: 9). What we can add to Weber and Maclachlan's accounts is already implicit in Derrida's link between literature and phenomenology: experience. This is one of the most common terms in Derrida's discussions of literature, regularly speaking of literature as an "experience". For example, "this also accounts for the philosophical force of these experiences", "a philosophical dunamis – which can, however, be developed only in response, in the experience of reading" (Derrida 1992: 45/6, emphasis added), or even more explicitly:

> literary experience, writing or reading, is a "philosophical" *experience* which is neutralized or neutralizing insofar as it allows one to think the thesis; it is a *nonthetic experience of the thesis*, of belief, of position, of naivety, of what Husserl called the "natural attitude." (Ibid: 46)

In this respect, if we are to think of literature as a form of thought, it is not cognition in a purely abstract sense, rather it is an experience. This experience of the resistance or folding that comes with a non-transcendental style of reading or writing is an experience, which draws our attention to form and representation; it is a suspension of immediate understanding and of immediately grasping the meaning and in this respect is a "nonthetic experience" of meaning ("the thesis") itself. We will see shortly some of the points that literary attention tends to direct us to, but for the moment it is worth emphasizing this experiential dimension. It is as an experience – the experience of writing or reading – that we can understand literature as a modality of thought, one which Derrida believes can go beyond the restricted thought of philosophy.

Literature's Fragility

If we are to understand the experience of literature as a privileged form of thought, what particular things does it allow us to attend to? In this section, I will propose that literature draws our attention to the lack of secure foundations of institutions and, importantly, it does so by displaying its own fragile foundations.

Before considering this issue of attention, it is worth emphasizing that Derrida has a specific genealogy of literature. And this genealogy underlines the conventional nature of institutions; understanding literature as a "modern invention" (Derrida 1995: 28). Derrida regards literature as an institution, which emerged in the eighteenth-century. He distinguishes literature from "Greek or Latin poetry, non-European discursive works do not, it seems to me, strictly speaking, belong to literature" (Derrida 1992: 40). Homer, therefore, is not part of literature on Derrida's terms, nor is Rumi nor Luo Guanzhong.[2] This allows us to see that Derrida is working with a very specific understanding of literature. However, in spite of this genealogy, Derrida insists that this does not help us easily identify what literature is:

> Having said that, even if a phenomenon called "literature" appeared historically in Europe, at such and such a date, this does not mean that one can identify the literary object in a rigorous way. It doesn't mean that there is an essence of literature. (Derrida 1992: 41)

So, there is no way to fully delineate the borders of literature, even if the principle emerged in a specific historical period. This point can help explain why Derrida describes literature as an "instituted fiction" (Derrida 1992: 36). Derrida thus foregrounds the conventional status of literature – a product of historical,

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2   While we might be concerned about Eurocentrism in Derrida's account, we can also see that in excluding ancient Greek and Roman classics, Derrida at least sidesteps crude Eurocentrism. By the same token, the privileging of European modernity is itself a common Eurocentric trope. On Eurocentrism and modernity, among many others, see Walter D. Mignolo (2021).

political and legal events. Yet, at the same time, he stresses that this cannot determine or reduce literature; it cannot grant it an essence or rigorously define it. This is partially a product of Derrida's understanding of literature as an experience, but it is also because of literature's particular relationship to language and reference.

Derrida's conception of reference is highly complex. Though Derrida has often erroneously been understood as denying referentiality – in favour of pure textuality – this is far from the case. Indeed, in his own view, "what I am doing is more referential than most discourses that I call into question" (Derrida 1985: 20). This is so because, for Derrida, the ultimate referent is the wholly other, that which can only be referred to but can never be integrated into a system:

> The impossibility of reducing reference, that's what I am trying to say and of reducing the other. What I'm doing is thinking about difference along with thinking about the other. And the other is the hard core of reference. It's exactly what we can't reinsert into interiority, into the homogeneity of some protected place. So thinking about difference is thinking about "ference." And the irreducibility of "ference" is the other. (Ibid: 20)

We will return to the rich meaning of "ference", but for the moment it is worth unpacking Derrida's specific understanding of reference. For Derrida, reference and the other go hand-in-hand. Alterity is the "hard core" of reference, exactly that which resists being taken into a system of signification. Indeed, this is what defines the other: "The other is infinitely other because we never have any access to the other *as such*. That is why he/she is the other" (Derrida 1999: 71). Nicole Anderson nicely captures this extreme understanding of alterity, underscoring how "the other is not the possible because it cannot be invented and thus is impossible" (Anderson 2012: 75).[3] Derrida insists on this impossible other, stating that: "Referent, means 'referring to the other.' And I think that the ultimate referent is the other. And the other is precisely what can never allow itself to be closed in again within any closure whatsoever" (Derrida 1985: 20). If Derrida considers his work more referential than, say, empiricist approaches, it is because he understands this relation to the other as an ontological and ethical necessity; language thus always refers to the outside of itself and to that which cannot be contained within it.

While this is true for language in general, there is something specific about literature: "the performative character of its relation to the referent" (Derrida 2007: 402). This performative character means that literature makes its referent in the very act of referring. In this respect, the referent is fictional: "literature produces its referent as a fictive or fabulous referent that in itself depends on the possibility of archivization and that in itself is constituted by the act of archivization" (ibid: 400). Literature acknowledges that it has no material existence outside of itself; unlike, say, scientific discourse, literature presents itself as self-contained, so that its reference is to itself alone. This is

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3   For more on alterity and its ethical implications, see Anderson (2012).

not to say that other forms of discourse achieve some access to the other, but rather it is the acknowledgement of this fabulous dimension which sets literature apart. As a mode of thought, in its resistance to transcendence, it draws our attention to this movement of reference. This is because, performatively, that which it refers to comes into being only in the act of reference. Literature cannot be divorced from its archive, because it is created through this act of archivization (even in the simple act of being written down). In "producing and then harboring its own referent," (ibid: 401), literature does not contradict the referent as the other; on the contrary, it displays, in an exemplary fashion, the impossibility of integrating the other:

> Literature and literary criticism cannot, finally, speak of anything else. They can have no other ultimate reference; they can only multiply their strategic maneuvers in order to assimilate this unassimilable wholly other. They are nothing but these maneuvers and this diplomatic strategy, with the "double talk" that can never be eliminated there. For simultaneously, this "subject" cannot be a nameable "subject," nor this "referent" a nameable referent. Capable of speaking only of that, literature cannot help but speak of something else, and invent strategies for speaking of something else, for deferring the encounter with the wholly other (ibid: 403)

With its fictive referent, literature does not reject the other and forms a self-contained system. Rather it consists in this effort to avoid and evade the wholly other: it consists in this deferral and it is this delay which literature puts on show. This can help make sense of the suspension of the referent that Derrida also takes to be the condition of literature: "There is no literature without a suspended relation to meaning and reference. Suspended means suspense, but also dependence, condition, conditionality. In its suspended condition, literature can only exceed itself" (Derrida 1992: 48). In his reading of Kafka, Derrida claims that literature "somehow perturbs the "normal" system of reference, while at the same time revealing an essential structure of referentiality. Obscure revelation of referentiality that no longer makes reference" (Derrida 2018: 66). Literature is not unique, therefore, in being unable to take in the other. As Maclachlan rightly stresses, the literary should not be seen as some special case standing apart from other, 'ordinary' uses of language" (Maclachlan 2012: 44). What is unique about literature, however, is that in suspending the 'normal' ideas of reference – secured by "an identifiable speaker or writer, addressee or reader, or an empirical referent or context" (Maclachlan 2012: 43) – it displays this structure for us to see. If Derrida privileges high-culture and modernist literature, such as Kafka, it is because this suspension is made more explicit. 'Before the Law' represents a parable of the liminal and unclear persecution of the protagonist of The Trial: it is thus a fiction within a fiction, without a clear, determinable interpretation. Describing his preference for this type of literature in general, Derrida emphasises "its fragility, its absence of specificity, its absence of object", and this fragility is articulated in the "act of a literary performativity" (Derrida 1992: 42). Literature allows us to witness

how reference relates to the other, the limits of this relation and its experience as the deferral of ultimate meaning.

It is this lack of reference – and the acknowledgement of this lack – which Derrida takes as the experience of literature. And it is this quality which makes literature fragile:

> But given the paradoxical structure of this thing called literature, its beginning *is* its end. It began with a certain relation to its own institutionality, i.e., its fragility, its absence of specificity, its absence of object. The question of its origin was immediately the question of its end. Its history is *constructed* like the ruin of a monument which basically never existed. It is the history of a ruin, the narrative of a memory which produces the event to be told and which will never have been present. (Derrida 1992: 42, emphasis original).

As we have seen in our first section, Derrida emphasises frequently that literature is anti-essential, to the point that it has no essence. We can couple this anti-essentialism with a lack of secure ground: this inability to claim an external referent means that it can have no foundations that are not created by itself performatively. In this respect, it can only construct its history in relation to itself. Importantly, this is not a closed-system, but literature tries (and forever fails) to assimilate the other outside it. What sets literature apart as a modality of thought is that it displays this fragility; it does this through its connection to a non-transcendent reading and to its use of performativity. It is not simply that literature is fragile – a condition perhaps shared with all language – but that it suspends immediate meaning and draws our attention to the performative force of language. For Derrida, this attention represents the experience of literature as a specific mode of thought.

Literature Against Institutions

Literature, therefore, is not simply an object of thought for Derrida, but also a modality of it. It supplements philosophical thinking in its anti-essentialism and draws our attention, in experience, to the lack of ground in literature as an institution.[4] It is its ability to display its own fragility, its lack of foundations and absence of an external reference which sets literature apart. We can take these points further and now consider how they allow us to think institutionality itself. As we will see, for Derrida, literature does not simply allow us to think literature as an institution, but it also displays the fragility of other socio-political institutions. Let us return to the epigraph we saw in our introduction and expand on it somewhat:

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4   Derrida, of course, is not the only thinker to consider the relationship between literature, institutions and law. Indeed, within this period, there are two particularly relevant examples in the work of Paul Ricœur (2003) and Jean-François Lyotard (Lyotard and Thébaud: 2008). Indeed, *Just Gaming* by Lyotard and Thébaud is referenced in Derrida's reading of Kafka.

> The law of literature tends, in principle, to defy or lift the law. It therefore allows one to think the essence of the law in the experience of this "everything to say." It is an institution which tends to overflow the institution. (Derrida 1992: 36)

Here, Derrida makes reference to the defiance or lifting of the "law" which he ties to literature. Importantly, it provides a space to think "the essence" of this law and to do so through this "everything to say". By "everything to say" (*tout dire*[5]), Derrida means:

> this institution of fiction which gives *in principle* the power to say everything (*tout dire*), to break free of the rules, to displace them, and thereby to institute, to invent and even to suspect the traditional difference between nature and institution, nature and conventional law, nature and history. (Derrida 1992: 37, emphasis original)

Literature promises the capacity to say everything or anything, regardless of rules or conventions. It comes to represent a transgressive force, one which pushes beyond any determined boundary or rule. As part of this argument, we see further confirmation of the philosophical force of literature, with literature having the capacity to disrupt established binaries of nature/institution, among others. This ability to "say anything" thus removes any limits on our speaking, writing or thinking. On this account, literature defies the law and allows us to break free of social and political rules.

Indeed, this link between literature and *tout dire* is repeated by Derrida when he seeks to distinguish literature from other forms of poetic or artistic discourse. As we have seen in our previous section, Derrida understands literature as emerging properly in European modernity. He draws on this link to connect literature to modern democracy:

> The institution of literature in the West, in its relatively modern form, is linked to an authorization to say everything, and doubtless too to the coming about of the modern idea of democracy. Not that it depends on a democracy in place, but it seems inseparable to me from what calls forth a democracy, in the most open (and doubtless itself to come) sense of democracy. (Derrida 1992: 37)

While literature is distinguished from democracy, we can see that they are intimately linked precisely by this principle of *tout dire*. This move is repeated in other texts:

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5   There is no space to expand here, but the *tout dire* is also closely tied to totality: "to say everything is no doubt to gather, by translating, all figures into one another, to totalize by formalizing" (Derrida 1992: 36). On this account, saying everything implies saying everything that can be possibly said: having the last word. In this, it provides the impulse for literary works to found themselves as their own institutions (as we will discuss in more detail in the penultimate section). Importantly, this transgressive impulse is thus thought simultaneously with this totalizing impulse; the *tout dire* meaning both saying everything (totality) and saying anything (transgression).

> Literature is a modern invention, inscribed in conventions and institutions which, to hold on to just this trait, secure in principle its right to say everything. Literature thus ties its destiny to a certain non-censure, to the space of democratic freedom (freedom of the press, freedom of speech, etc.). (Derrida 1995: 28)

Literature and democracy share this commitment to non-censure to pushing the boundaries and restrictions on speech. Literature is thus a democratic institution and its foundation is this right to say everything. Indeed, it's difficult to understate the importance of this link: "No democracy without literature; no literature without democracy" (Derrida 1995: 28). To complete this link, Derrida ties literature and democracy to philosophy, again via the *tout dire*: "the philosophical demand for the unconditional liberty to say everything that must be said and, on the other hand, the literary demand to say everything that one wants without any type of censorship, an emancipation with respect to censorship. This is what seems to me to join in history the literary project and the philosophical project" (Derrida 2024: 11/2). This *tout dire* thus creates a link between the artistic, the intellectual, and the political, all of which are embodied in the institution of literature.

In one sense, this proposal is not a particularly novel position on the link between democracy and free speech. However, what is important here is that the principle of "saying everything" is embodied in literature (rather than, say, journalism or rational deliberation and debate). It is here that something unique happens with the *tout dire*. Literature does not simply defy established institutions and conventions because of *what* it says, but also *how* it says it. Or, more precisely, the link between literature and the performative force inherent in language. This allows Derrida to allocate literature an even higher position, granting it a "subversive juridicity" (Derrida 2018: 70). This emerges from the fact that literature

> supposes a power to produce performatively statements made by the law, by the law that can be literature and not only the law that subjects literature to itself. It therefore makes the law; it emerges in that place where law is made. But, under certain conditions, it can also make use of the legislative power of linguistic performativity in order to circumvent the existing laws from which it nevertheless obtains the safeguards and the conditions of its emergence. (Derrida 2018: 70).

It is this performative dimension of language that literature deploys both to create its own works and institutions, but also to undercut pre-existing laws, even if these conventions give literature its very force. Peggy Kamuf nicely captures this point in emphasizing that this performativity is the mutual condition of literature coming before the law, which has also to come before literature, and where "to come before" has both juridical and temporal senses" (Kamuf 2019: 124).[6] Literature comes before the law in time, insofar as law needs to become

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6   Much of Kamuf's work involves insightfully teasing out and complicating this relationship. Alongside *Literature and the Remains of the Death Penalty* (2019), see in particular *Book of Addresses* (2005).

articulated in performative language in order to establish itself; but literature also has its performative power made possible through a series of conventions, with such conventions institutionalized, and judged, by a form of law. Because of this mutual condition, the very meaning of literature is never self-contained and never limited, because there is always the possibility of it defying the conventions that define it. Literature can thus undermine, mimic, repeat, or critique any specific conventions in its ability to create through language. Derrida expands on this: "And it does so thanks to the referential ambiguity of certain linguistic structures. Under those conditions, literature can trick the law [*jouer la loi*], repeat it while also deflecting (Derrida 2018: 70). At this moment, "when it tricks the law [*joue la loi*], literature goes beyond literature. It finds itself on both sides of the line that separates the law from the outside-the- law [*hors-la-loi*]" (Derrida 2018: 71). If literature is splayed between the law and outside-the-law, it is because of its ability to embrace and employ performative language: in this respect, it does not simply follow conventions, but repeats them and, in this iteration, has the potential to transform or overthrow these conventions. In this way, literature itself has the potential to overflow its own institutional boundaries.

Yet, as the references to the law above, and the link between democracy and literature in the *tout dire* suggest, Derrida is not only considering literary conventions and institutions here. The implications of literature's performativity go far beyond this. In having the potential to mimic the performative force of linguistic utterances, it becomes tied to other institutional structures which rely on this force as a foundation. Literature thus repeats the performative move of major social and political institutions, but it puts it on display:

> literature shares a certain power and a certain destiny with "jurisdiction," with the juridico-political production of institutional foundations, the constitutions of States, fundamental legislation, and even the theological-juridical performatives which occur at the origin of the law. (Derrida 1992: 72).

From this perspective, literature is a fundamentally political thing. It is involved in this "jurisdiction". If Derrida places this in scare quotes, it is no doubt to foreground the diction (or saying) of law (*juris*). Law does not simply exist, but it needs to be said, to be released and articulated, to take place in language and it is this saying which literature can draw on to undermine and undercut the law in its very moment of emergence.

What is important is that literature displays the structure of these institutions, their own reliance on performativity. And it does so *as* an institution and a unique one at that: "this is not one institution among others or like the others", because it has a "paradoxical trait" (Derrida 1992: 72):

> it is an institution which consists in transgressing and transforming, thus in producing its constitutional law; or to put it better, in producing discursive forms, "works" and "events" in which the very possibility of a fundamental constitution is at least "fictionally" contested, threatened, deconstructed, presented in its very precariousness. (Derrida 1992: 72):

There are two critical points here worth pausing on. Firstly, literature is an institution which transgresses conventions; it is an institution that, on Derrida's definition, inherently goes beyond convention. And this is so because of its performative force, which is how it embodies this principle of *tout dire*. Secondly, it places its own fragility on display, "presented in its very precariousness". It shows its own reliance on performativity and in so doing contests other institutions which would deny their fragility and reliance.

The *tout dire*, therefore, represents a transgressive force, one which pushes beyond any set conventions. This principle is fundamentally political, linked to democracy itself. Crucially, literature is a distinct institution because of its relationship to performativity. Literature thus thinks the institution through its own performative acts, founding itself while displaying the very fragility of its own foundation and that of other socio-political institutions. It is in this respect that literature represents a modality of thought for thinking not only its own institutionality, but institutions in general.

Literature for Institutions

Literature thus plays an important role in Derrida's political thinking, not least in its link to democracy to come, "inseparable to me from what calls forth a democracy" (Derrida 1992: 37). But this is not the only way that literature can relate to Derrida's broader philosophical framework. Indeed, literature can provide a particularly important insight into the link between institutions and *différance* itself. I will propose that literature can demonstrate the crucial role that institutions play as an effect of *différance*: literature does not simply allow us to experience the groundlessness of *différance*, but also shows how such experience is mediated through institutions. It does so by creating institutions, namely literary works. In this respect, the experience of literature draws our attention to the inescapability of institutions.

Différance has been long understood as a key part of Derrida's thought. There is not the space here to explore the different understandings of the term, but there are two points that need to be foregrounded. Firstly, *différance* is not something which is experienced, but rather is what makes any experience possible: "It is a relation, one that accompanies all presence but is itself never present" (Rae 2020: 65). In this respect, as many of the other quasi-transcendentals, it functions by "shaping the essence of our experience, rather than being experienced as such" (Hobson 1998: 28). We can never have an experience of *différance* and this is because it precedes and makes possible all the categories of experience, including being and nothingness. Indeed, *différance* cannot be clearly defined because it cannot be reduced to these categories. As Sands puts it, "there is not even a fixed position from which to begin speaking as différance disrupts this possibility" (2008: 531). One way to understand *différance* is as the condition of possibility for any experience, but which for this reason cannot be experienced. The second aspect of *différance* worth foregrounding is that, though it resists experience, *différance* has effects. *Différance*

is not some purely abstract ontological ground for reality, but rather also impacts it. It is not a pure or infinite deferral, but "is rather a delay that sustains the present even as it divides it" (Maclachlan 2012: 32). These effects include categories of experience or the subject of experience itself. I propose that institutions can be understood as one such effect and that literature allows us to attend to this relationship.

Institutions, as an effect of *différance* represent an important part of the argument in 'Préjugés: Before the Law'. If Derrida emphasizes the parable within *The Trial*, it is in large part because of the deferral of access to the universal, or more precisely a law that should be universal. 'Before the Law' involves a man from the country who is continuously delayed from entry into the law by guardians. Rather than being barred from entry, the guardians ask him to wait, and he waits until his death, when the guardian finally shuts the door. Derrida takes this parable to describe the limit of our access to *différance* in experience:

> By interfering and delaying [*en interférant et en différant*], the law interdicts the "doing" ["*férance*"], the rapport, the relationship, the reference [*référence*]. The origin of *différance*, that is what *one must not* and that cannot be approached, presented, represented, and above all, penetrated. (Derrida 2018: 53)

The origin of différance is something which can never be reached, like the law in Kafka's parable, something which is always deferred and with which we can have no final relation to. This origin is not open to representation, as it is precisely that which makes representation possible. And, in this mention of *férance*, we can see a link here between the limits of representation of the other that we saw in section two: "So thinking about difference is thinking about 'ference'. And the irreducibility of 'ference' is the other" (Derrida 1985: 20). In the above quotation, we see that *férance* is rendered as "doing". Looking closely at the etymology, we can unpack this somewhat further. As a suffix, it comes from the latin *ferre* (to carry) and thus giving "the meaning of 'to carry' or 'to contain' and, by extension, 'to produce' something", so that "the words constructed from this signify that which 'carries, supports, contains, holds/includes (*renferme*), transports' something"[7] (CNRTL: 2012). In this respect, while there is a link to doing in the word, it has a broader semantic field of carrying, supporting or moving, in this case, meaning. In interrupting *férance*, therefore, Derrida points to the fundamental way that *différance* impacts relation and reference, drawing attention to that which cannot be carried in this movement of *férance*, the other. Literature draws our attention to this failure or interruption of *férance*, of the "must not" of *différance*. But this failure is not all that is communicated; in translating *férance* as "doing", we can also see an active dimension to this movement of meaning, which gives rise to a different relationship.

This different relationship is encapsulated in 'Préjugés' by the figure of the guardian. It is here that we can begin to see how institutions operate as an effect

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7   My translation.

of *différance*: this delay and limitations of *férance* are not immediate or unmediated, but rather are thoroughly mediated. Literature helps us attend to this:

> in order to have some *rapport* with the law based on respect, *one must not*, *one must not have* any rapport with it, *the relationship must be interrupted*. We must *establish a relationship* only with its representatives, its examples, its guardians. And these are interrupters just as much as messengers. (Derrida 2018: 52).

The guardian is not only that which blocks entry, but also that which makes possible some form of access to the law. The guardian becomes a representative of *différance* and is the only representation that we can have of it. *Différance* does not *simply* defer/differ: rather, mediation and interruption take place in this deferral and difference. And, for Derrida, this mediation and interruption, these guardians, are precisely institutions. Indeed, though not stated explicitly, Derrida gestures towards this in his own account of "the laws of literature" (Derrida 2018: 68), by which he means a legal system emerging in the eighteenth-century in Europe which "regulates the problems of the ownership of creative works, the identity of corpuses, the value of signatures, the difference between creating, producing, and reproducing, etc." (Derrida 2018: 69). Critics, academics, writers and other "guardians" "appeal to a law, appear before it, watch over it and at the same time allow themselves to be monitored by it" (Derrida 2018: 69). However, this does not get us any closer to the problem of the origin of this law, to an essence of literature. No matter how much they "interrogate its singularity and its universality [...] none of them receives a reply that does anything other than reaffirm *différance*" (Derrida 2018: 69). Specific laws and expertise do nothing to get around *différance*, access to which remains mediated and interrupted. But this does not mean that the specific conventions, rules and institutions which mediate *différance* can be ignored. Quite the contrary, literature emphasizes that institutions are inescapable.

To illustrate this dynamic further, it is worthwhile turning to a questions-and-answers session that Derrida conducted after giving the 'Before the Law' lecture in America. Published as 'Women in the Beehive', this text focuses on feminism and the institutionalization of it within American universities. Here, again, we see 'Law' as *différance* as well as mediated by guardians. While supporting feminism, Derrida wants to emphasise that this noble effort does not remove the problem of institutionalization and the Law: "Do the women who manage these programs, do they not become, in turn, the guardians of the Law, and do they not risk constructing an institution similar to the institution against which they are fighting?" (Derrida et al., 2005: 190). For Derrida, what feminism opens up is the potential to critique the fundamental "phallogocentrism" of society, as well as the university, "to deconstruct the fundamental institutional structure of the university, of the Law of the university" (ibid: 191/2). By the same token, women's studies departments remain caught within the problematic of institutionality: "the more it legitimizes itself by this power; the more then, it risks to cover up, to forget, or to repress the fundamental

question which we must pose" (ibid: 191). So that, "as the research in women's studies gains institutional legitimacy, it also constitutes, constructs, and produces guardians of the Law." (ibid: 189/90). Radical and progressive movements that might challenge some institution do not escape the problem of institutionality: there is no natural foundation for these, rather they all rely on a foundation of *différance*. The issue is not to have done with institutions, but rather to establish a new relationship with the 'Law': "In any case, if one takes again Kafka's text, if one were to radically deconstruct the old model of the university in the name of women's studies, it would not be to open a territory without Law—the theme of liberation if you like. But it would be for a new relation to the Law" (ibid: 192). We will come back to this new relation in our final section, but we see that this is not a matter of doing away with institutions, but rather of finding a new relationship to them.

Importantly, we can draw out a further consequence of the performative relationship to language that literature articulates: literature mediates *différance* through the creation of new literary works, which can be understood as institutions. This can help us re-read a citation we saw in the last section:

> it is an institution which consists in transgressing and transforming, thus in producing its constitutional law; or to put it better, in producing discursive forms, "works" and "events" in which the very possibility of a fundamental constitution is at least "fictionally" contested, threatened, deconstructed, presented in its very precariousness. (Derrida 1992: 72):

Literature does not abstractly contest institutions simply by displaying their arbitrary grounding; it does this *via* "works", through literary acts, which are themselves institutions. In "transforming" and *thus* "producing" its "constitutional law" the *tout dire* does not simply break free of rules, but in this breaking free, it creates new institutions and new conventions: "to break free of the rules, to displace them, and *thereby* to institute, to invent" (Derrida 1992: 37, emphasis added). The "thus" and "thereby" in these phrases play an important role: they emphasise that the transgressive and disruptive attention that literature offers us is produced by new institutions being formed. It is only by displacing these rules that something comes about and what comes about is an institution. In this respect, it is "at once institutional and wild, an institutional place in which it is in principle permissible to put in question, at any rate to suspend, the whole institution". (Derrida 1992: 58). There will always be another institution, because it is institutions which replace institutions. It is this double movement, undermining an institution while constructing new ones, which makes literature "an institution which tends to overflow the institution". (Derrida 1992: 36). Literature thus captures the need for institutions in this overflow. And, indeed, this can perhaps be best illustrated by an example. Returning to 'Before the Law', Kafka does not simply demonstrate that *différance* must be mediated, but *The Trial* also mediates *différance:*

> But what he (Kafka) is doing, in the meantime, is writing a text which in turn becomes the Law itself. "Before the Law" is the Law. We are in front of it as in front of the Law. He reproduces the situation, and the Franz Kafka signature, or the signature of the text, makes the Law—in a deconstructing movement. So deconstruction affirms a new mode of Law. It becomes the Law. But the Law is guaranteed by a more powerful Law, and the process has no end. (Derrida 2005: 197)

This "new mode of Law" is something which is made possible by literature. Kafka thus represents an exemplary form of re-thinking institutions. Institutionality is inescapable, efforts to usurp it will simply install new forms of law. The anti-institutional is destined to eventually become itself an institution. Derrida has little concern with escaping the Law, rather his interest is in the relationship that we have with the Law, to the guardians and mediators that take this up. Literature provides us with such guardians and institutions, but it does so from a space of fragility.

But it's not just Kafka who attests to the need to form new relationships with institutions; Derrida has hatched a similar plan. As we've seen, rather than rejecting the possibility of institutions, Derrida is committed to thinking "a new relation to the Law" (Derrida 2005: 192). And, indeed, we need to understand this new relation as being fundamental to Derrida's philosophical approach:

> Deconstruction is the Law. It's an affirmation, and affirmation is on the side of the Law. […] As soon as you affirm a desire, you perform something which is the Law. The Law says, "yes." That's difficult to understand. The Law is not simply negative. That's why writing in a deconstructive mode is another way of writing Law. (Derrida 2005: 197)

Reconfirming what we have seen in our last section with even greater force, institutions (or here 'the Law') are not to be rejected, but rather represent an inescapable part of existence. In this respect, deconstruction is not anti-institutional, but rather seeks another form of institution: "a deconstructive mode is another way of writing Law". This other way of writing Law, I propose, as well as this deconstructive mode is the experience that Derrida ascribes to the literary and literature.

Literature as an Institution

Thus far I have proposed that literature represents a privileged modality of thought for Derrida in thinking institutionality. I have proposed that its anti-essentialism, its resistance to transcendence, its fragile foundations and its performativity all draw our attention to the groundless and constructed nature of institutions, but also to the necessity of institutions in the mediation of this groundlessness (i.e. *différance*). In this final section, I will go further and suggest that literature also represents an exemplary model of what an institution *should* be. What are the characteristics of this model?

The first aspect we have seen is that literature is fundamentally anti-essentialist within this account. By this, Derrida means that it does not operate within a pre-defined field, with a pre-defined object or with an established definition of itself. This is not to say that meaning does not occur and there is no sense within the institution, but rather that all determinations are subject to revision and are understood contextually and pragmatically, rather than within a horizon of essence.

The second aspect is that literature is a fragile institution. Indeed, this fragility is what makes literature exemplary as a model of an institution: it exhibits its lack of security. The literary acknowledges the arbitrariness of its foundation and its lack of stabilizing external reference. Crucially, if this is an exemplary institution, it is because literature is not alone in sharing this lack of foundation; indeed, it is shared by all socio-political institutions, including the state. It is this acknowledgement which Derrida foregrounds in his account of literature

Thirdly, in a related way, literature as a model for institutions foregrounds the mediation of this ground. As Derrida has demonstrated, while *différance* is unrepresentable, it still has effects on experience. Indeed, it is precisely in this inability to fully represent that institutions emerge. In section one, we saw the literary defined as a resistance or folding which delayed transcendence. This non-transcendent approach draws attention to mediation and form. In so doing, it demonstrates the mediated nature of all institutions and of all guardians that determine any institution.

Fourthly, literature is a model because it takes place through institutions. In so doing, it acknowledges the inevitability of institutions. Rather than pretending to be a space of non-institution, literary works are precisely institutions in themselves, working with previous conventions, transforming these rules, and producing meaning.

Finally, literature does not come with any guarantees. It is important to stress that what Derrida describes in literature is framed not as an essence, but as a tendency: "it is an institution which *tends* to overflow the institution" (Derrida 1992: 36, emphasis added). Indeed, this is itself already implicit within the French *expérience* meaning both experience and experiment, as in a scientific experiment; with the latter, naturally, connoting a lack of guarantee or certainty in the result. As both experience and experiment, therefore, literature displays its fragile foundations in a literary work and institution, but it does so without a guarantee of the effects (if any) of this institution, what these effects will be, and when they will take place.

Conclusion

Literature indicates an experience for Derrida which reveals the nature of institutions and provides us with space to think through a new relation to institutions. This relation would be based on anti-essentialism, the fragility of the foundation of such institutions, and an awareness of the mediated nature of

this ground. Importantly, as a form of thought and as a model for institutions, achieving this is far from guaranteed: rather literature offers a tendency and a possibility that this will take place in *expérience*, as both experience and experiment. Importantly, it does this while attesting to the inevitability of institutions. In its inherent lack of an external referent, its performative self-founding and its resistance to the transcendence of identity, it provides the resources for a new way of thinking about and engaging with institutions.

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Kilijan O Fahi

Književnost kao način mišljenja: Deridina institucija razlike

Apstrakt

U ovom članku, predlažem da književnost predstavlja privilegovani modalitet mišljenja institucionalnosti u Deridinom delu, kao i da književnost predstavlja primer institucije. Prvi deo predstavlja Deridino razumevanje književnosti kao anti-esencijalističkog modusa iskustva koje se opire transcendenciji identiteta. U drugom odeljku, prelažem da književnost stremi ka svojoj sopstvenoj krhkosti, kao i da joj nedostaju konačni temelji ili spoljašnja odrednica. Potom promatram političke implikacije ove pozicije, demonstrirajući kako književnost ne samo da nas ohrabruje da se suočimo sa njenim krhkim temeljima, nego takođe i sa temeljima socio-političkih institucija uopšte. Ona to postiže kroz svoj specifičan odnos prema performativnom jeziku. U četvrtom delu, tvrdim da književnost razotkriva institucije kao efekat rAzlike (*différance*); radije nego smatrati rAzliku kao beskonačno odlaganje, smatram da institucije potiču iz procesa rAzlike. Književnost podcrtava neizbežnost institucija. Naš cilj, kako naglašava Derida, ne bi trebao da bude odricanje od institucija, već formiranje novih odnosa prema institucijama. Zaključujem članak sumirajući neke od implikacija ovakvog shvatanja književnosti, kao institucije koja daje uzor za novi odnos prema institucionalnosti, onakav kakvim ga je vrednovao Derida.

Ključne reči: Književnost, Derida, Institucija, Misao, Iskustvo, Performativ, Anti-fondacionalizam

Giustino De Michele

ON THE ECONOMICAL POLITICS OF INVENTION

ABSTRACT
This article tackles the question of invention in Jacques Derrida's thought of deconstruction according to two perspectives. In the first part, drawing on "Psyché: Invention of the Other", it examines its economic implications; in the second part, drawing on "A World of Welcome" and on the confrontation with Emmanuel Levinas, it examines its political implications. The problem at stake in both perspectives is the role of an idiomatic schematics (a sophistication of Kantianism, as Derida puts it) in fostering the potential invention of a counterinstitution. In the second part, while interrogating Derrida's views on the possibility and means to deduce a politics from an ethics, we will encounter the current geopolitical scenario, and notably the Israeli-Palestinian conflict.

But today Sinai is also, still in relation to the singular history of Israel, a name from modernity. Sinai, the Sinai: a metonymy for the border or frontier between Israel and the other nations, a front and a frontier between war and peace, a provocation to think the passage between the ethical, the messianic, eschatology, *and* the political, at a moment in the history of humanity and of the Nation-State when the persecution of all these hostages – the foreigner, the immigrant (with or without papers), the exiled, the refugee, those without a country, or a State, the displaced person or population (so many distinctions that call for careful analysis) – seems, on every continent, open to a cruelty without precedent.

Deduction and deconstruction

Is it possible to deduce a political economy from deconstruction and/or from grammatology? Were this the case, all controversy would be resolved concerning the potential of this current of thought not only to lend a philosophical apprehension of what goes on in the world, but even to foster the definition of legal and social measures aimed at changing the course of things.

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Nevertheless, the issue of the seeming early promise of a "grammatology as a positive science" (Derrida 1997: 74 ff) should dismiss such hypothesis: as Derrida would point out later on, such thing as a grammatology was never intended to become a positive science, neither as a method nor as a set of knowledges. How, then, can one hope for positive policies, there where the very notions of a thing or of the world, not to mention of an identifiable course of theirs, are troubled in their logical and existential consistency, this is to say, there where all teleology and ontology are unsettled? Let us add that hope, as such – as the possibility of satisfying a deferral, of satiating "*différance*", of attaining what is to be and must be attained – might be the very target of a deconstruction.

If the analysis were to be stopped here, then the detractors of deconstruction would be right: there is nothing to it but nihilism, hermetic meditations, logical inconsistencies, irresponsible relativism, even a pernicious advocacy for post-truth. After all, the accusation of nurturing Trumpism might not be worse than that of nurturing Hitlerism. Moreover, were one to remark that deconstruction is also condemned for disrupting all identitarian standpoint (from gender to nationality) and claim (including any call to the greatness or superiority of, say, America or Deutschland), as well as to being fundamentally anti-Semitic at the same time as it reproduces "liberal-Zionist" positions[1] – how could one contradict such charges, might one conclusively add, once having refused all binary oppositions and first of all that between truth and falseness or between invention and effectuality?

By no chance, the invention of the other, the possibility of the impossible, if not more correctly the impossibility of what reveals possible, or of what in fact will have arrived – all these musings, that should render deconstruction's views on the things and on their course in the world, depend on Derrida's attempt to read reality through the mirror, quite literally, of fables such as Francis Ponge's eponymous one.

Instead of tackling our argument through addressing these dilemmas, let us come back to our question. Can one deduce a political economy from deconstruction? In order to tend toward politics and economics, let us not aim to legitimate a positive answer, but rather interrogate the terms of the question: can one *deduce* politics and economics from deconstruction? If the answer is negative, this is because one does not *need* to deduce anything, or to wait for an analysis to be carried out starting from deconstruction. This is to say that politics and economics, institutions and practice, credit and matter, are already there, "here and now", both as the object and as the framework of all deconstructive description. This double determination – objective and contextual

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1   On the relation of Derrida's œuvre to the Palestinian question, see in particular Mc Quillan (2016), including the bibliography on this matter, and Anidjar (2013) among the texts of Weber (ed. 2013), as well as Peeters (2013). On the conceptualisation of a "Politics of the heart", related to the issue of "living together" addressing the Israelo-Palestinian confrontation, see the important contribution by Berger (2025). By the author himself, see notably Derrida (2013. 2001. 2004: 118–119).

– being inextricable, any accomplished thematisation of the politics or of the economics of deconstruction (or of their possible combinations) is impossible.

In other words, if a deconstructive approach aims at showing how things go as they go, or to let things show in their course – and since this applies in the first place to such things as its pragmatic means, notably to textual and pedagogical scenes –, then it must carry out this endeavor through leaning and relying on devices or artifacts (be them "originally" natural, they will nevertheless be a priori reflected through an artifactual apprehension) such that their structure reflects the impossible closure of thematisation (this is nothing else but the structure of the real), while at the same time indicating (imperfectly) this contextual insaturability of theirs. Ponge's poematic invention, *Fable*, is precisely such a device, and an exemplary one. This is why it is the occasion (the object and even the context) of Derrida's reflection on the political economy of imagination in *Psyche*'s opening essay.

In what follows, I will attempt to bring out the relation of this economy to the problem of the political. If in *Psyche* Derrida speaks of an economy and of an economics of invention, some years later, in *Adieu*, he will speak of a politics of invention. To be true, this expression is a borrowing from Emmanuel Levinas; nevertheless, in integrating this suggestion Derrida will appeal to his own thought of invention and of reinvention (and of borrowing, one shall add). It is then on the ground of this thought, or of this acknowledgement, of invention and reinvention, on the ground of this "reinventive" temporality, that deconstruction exposes an economics and a politics.

What is then the relation between these two terms? Once again one shall not proceed by deduction. On the one hand, it would be totalitarian to deduce the social from the legal, that is, economics from politics – or, by analogy, politics from ethics: we will return to this. On the other, it would be reductionist to deduce politics from economics, or to think the political in terms of a scientific apprehension of the social. But conversely, if an economics must face the values it carries in spite of all claims of a neutral and objective apprehension of the phenomena that it comprehends, a politics must face the calculating and mechanical tenor of its *principles*: both of its conditions of possibility, and of its issues. Strategically, it seems even better to insist on the second side of this last alternative, for not drowning the risks and chances of calculation into the just longing for a righteous destination. The tenor of this politics will then be economic, and it will be so in the sense of "economy as abbreviation" (Derrida 2020b: 33): of frugality, scarcity, finitude, or better still, of metonymical precipitation.

Hence, an *economical* politics – of invention: if an invention, such as Derrida describes it, is a metonymical machine – at the same time a product, a commodity, and a means of production – what can it produce? What else but another invention? Even a political invention, an inventive politics maybe, if not invention as a faculty?

Semantics of invention

The intertwinement of several meanings and connotations of "invention" is certainly contingent, but since this contingency is due to the finiteness of semiotics, to the necessity of homonymies and of equivocality in general, it is nonetheless stringent. Necessity is the metonymic structure of reality. This confirms our previous conclusion: if an invention can only produce another invention, conversely, in order to produce some invention, one must rely on existing inventions. Similarly, were one to reinvent "invention" in general, one should rely on the existing connotations of it.

This is precisely the problem faced by Derrida while writing "Psyche. Invention of the Other", the opening essay of his 1987 *Psyché* anthology, which was redacted on the occasion of a conference on the theme of invention. Hence the overture: "What else am I going to be able to invent?" (Derrida 2007a: 1) As if invention could only come out of an exhausted repetition, and depended on a passive power: as if, through the indefinite reiteration of the same, the glitch of the aleatory should produce something different, unpredictably but with statistical necessity.

One can interpret Derrida's position accordingly, although one thus risks equating it to a rather classical messianism by which one should wait for the end of history, for the exhaustion of all possibilities, in order to have something happen. What if one did not have to wait this long to break the tautology whereas the invention of invention depends on invention? In fact, the contextual singularity of all positions, of all metonymy, and of all signification (including those of "invention") makes so that the closure of, or in, a tautology is a false problem. But tautology does not equate repetition: and since no method is available to transform repetition into novelty or to interpret it inventively, one still has to face a structure of repetition ("the trace", or "generalised writing"), and this necessity is what Derrida analyses in his essay. He does so through a semantic, structural, and historical analysis of which we will retrace the scheme in order to highlight its overall "economy".

In "Psyche" Derrida seeks a narrow path of his among the multiple determinations of a classical notion. Not only can the same noun stand for the object, for the event, and for the faculty of "invention" (Derrida 2007a: 30). As we already saw, a "natural" enchainment of these three (artifactual) moments can even be reversed in a deconstructive perspective: as if the invented item could produce the event that gives rise to the faculty of invention, rather than the other way around. Furthermore, considering these three moments altogether, Derrida insists on their often oppositional determinations.

According to a consolidated rhetorical taxonomy, one can distinguish *inventio* and *dispositio*, or the *finding* of the things (or the expressions) themselves, and of their arrangement. Furthermore, one shall distinguish between the finding of the truth to which expressions refer, and the finding of the best way of exposing it. Invention is then caught between allegory and tautegory, between the auto-reference of the found thing (*invenuta*, in Latin), and the hetero-reference

of the invention (the rhetorical device) which permits to refer to it. According-ly, the truth at stake in invention is at the same time the result of a discovery or unveiling (in this sense one can find – *invenire* – truth itself) or of a creation or production (Derrida 2007a: 4). And even if, according to a more contempo-rary semantics, one leaves behind the *inventio veritatis* and concentrates on the technical aspect of invention as production, one can still distinguish among the production of a narrative fiction, or of an often mechanical artifact: between art and science, or between "*Fabula or fictio,* on the one hand, and, on the oth-er, *tekhne*, *episteme*, *istoria*, *methodos*, that is, art or know-how, knowledge and research, information, procedure, and so forth." (Derrida 2007a: 10)

This last distinction entails a more general one: invention regards something new or newly found, *but* this found item must show itself in its regularity (this, in fact, is no less evident in the techno-scientific realm than in the realm of dis-cursive or artistic, and therefore coded, production). An invention must reflect some truth: the truth it refers to, and the truth it deploys in its functioning. In-vention finds a new rule, but a rule is referrable to and repeatable. Invention is then *at the same time* constative and performative. This is precisely why Der-rida devotes his essay to an exegesis of Ponge's *Fable*, such a device that shows the instability of all these oppositions, and that it renders possible to conceive invention (its own invention, the one it describes) *as* the very oscillation of these determinations: "The infinitely rapid oscillation..." (Derrida 2007a: 13)

This dynamic determination of invention immediately entails its proper social stakes: as we said, "at first we might think that invention calls all status back into question, [but] we also see that there could be no invention without status." (Derrida 2007a: 34) A new status is invented. Let us stress that inven-tion is not creation: it is not the production of a new item per se, or *ex nihi-lo*, but the production of a new or previously unseen arrangement of preex-istent items. "For the other is not the new." (46) So what is invented is a rule, a scheme, a way of approaching (be that of truth itself: classically, *veritas* was already there, for being susceptible of *inventio*). Stated otherwise, what is in-vented *is an institution.* Hence Derrida insists on the necessity of recognis-ing and inheriting an invention. If an invention is technical and institutional (it has to do with rules, it is the invention of its own rules), then the technical and the institutional dimension are analytically related. A technique must be repeatable (and immanently so, that is to say it must be recognisable), or it is not a technique at all. "[I]nvention is never private" (5). This is also why Der-rida insists on the juridical apparatus that surrounds inventions, on the double level of the arts – copyright – and of techno-sciences – patents. Nevertheless, here goes his stress, the semantics of invention entails something new, some-thing else, or something different:

> In every case and through all the semantic displacements of the word "inven-tion," this latter remains the "coming," the *venire,* the event of a novelty that must surprise, because at the moment when it comes about, there could be no statute, no status, ready and waiting to reduce it to the same. (Derrida 2007a: 24)

In the best case, then, we can define an invention as a counterinstitution, or as an eventful institution.

Techno-sociality of invention

This is not always the case, and, if Derrida wants to save – if not, and more properly, to invent – the eventful possibility of invention, the object of his historical analysis in "Psyche" is the reduction of the eventfulness of invention, or the possibility to program the invention.

> [I]n the domains of art or the fine arts as in the techno-scientific domain[, e]verywhere the enterprise of knowledge and research is first of all a programmatics of inventions. [...]" "[...] This programming claims – and it sometimes succeeds up to a point – to extend its determinations all the way to the margin of chance – a chance it has to reckon with and that it integrates into its probabilistic calculations." (Derrida 2007a: 27–8)

Derrida points at an early 90s context when, as he remarks, an inflation of invention is at the same time a rhetorical *zeitgeistlich* effect and the result and aim of a planification that is both public and private, and that touches all sectors of the economy and of the social and cultural sphere. One shall instruct a parallel among this inflation and that of "language", or of coding – the "inflation itself" that Derrida recognised in the cybernetic-fed time of *Of Grammatology* –, as well as with the all recent emphasis on "research through creation" – which can be seen as an advanced spectacularisation (in a Debordian sense) of the academic society (see Citton 2018) – and of course with the production or the invention of artificial intelligences, as precisely being devices programmed to invent ever new, possibly interesting, and a priori capitalised, inventions.

As the passage quoted above suggests, Derrida relates this contemporary situation to scientific modernity: to the age of Descartes and of Leibniz in particular. This is when a mutation would have occurred in the semantics of invention: ever since, invention is no more connoted as the unveiling of some truth, but rather, following the above-said distinction, only as the production of a device.

> *Production* then means the implementation of a relatively independent mechanical apparatus, which itself is capable of a certain self-reproductive recurrence and even of a certain reiterative simulation." (Derrida 2007a: 30, trans. mod.) To invent is to produce iterability and the machine for the reproduction, the simulation and the simulacrum. (34, trans. mod.)

This definition applies adequately from Ponge's *Fable*, to François Jacob's cybernetics-informed modeling of DNA reproduction, as Derrida suggests in *Life Death* (Derrida 2002a), and of course – as its industrial overtones suggest – to contemporary informatics. As a matter of fact, in "Psyche", commenting on Descartes's and Leibniz's project of an artificial language, Derrida does hint at "artificial intelligence" as such:

The artificial language is not only located at the arrival point of an invention from which it would proceed, it also proceeds to invent, its invention serves to invent. The new language is itself an *ars inveniendi*, or the idiomatic code of this art, the space of its signature. In the manner of an artificial intelligence, owing to the independence of a certain automatism, it will anticipate the development and precede the completion of philosophical knowledge. (Derrida 2007a: 36)

As Descartes wrote, "the *invention* of this language depends on the true philosophy; for it is otherwise impossible to enumerate all the thoughts of men, and to record them in order" (Descartes, 1953: 914–915, quoted in Derrida 2007a: 35). And until this knowledge will be perfect, as Leibniz puts it following on Descartes,

It will be a marvelous aid for the utilization of what we know, and for the perception of what is missing in our knowledge, and for the invention of the means to find it, but most of all for the extermination of controversy in those areas where knowledge depends on reasoning. For to reason and to calculate will then be the same thing. (Leibniz 1903, 27–28, quoted in Derrida 2007a: 35)

Unsurprisingly, after all, this passage is very similar to the first definition of an "AI" research project's goal: "a 2-month 20-men study of artificial intelligence [...] is to proceed on the basis of the conjecture that every aspect of learning or any other feature of intelligence can in principle be so precisely described that a machine can be made to simulate it", as the opening of the "Proposal for the Dartmouth Summer Research Project on Artificial Intelligence" declares (McCarthy 1995).

The reason for this continuity can be found in the notion of the "scheme", in a Kantian sense: what is invented is neither the object nor simply the sign-device aiming at it. Commenting on the *Port Royal Logic*'s distinction between analytic and synthetic method (*ordo inveniendi* and *ordo exponendi*), Derrida writes: "the truth that we must *find* there where it *is found,* the truth to be invented, is first of all the nature of our *relation* to the thing itself and not the nature of the thing itself. And this relation has to be stabilized in a proposition." (Derrida 2007a: 33) If Derrida underlines the importance of the distinction between invention as discovery (that of truth itself) and as production (that of technical advancements to it), the hegemonisation of the latter marking the seal of techno-scientific modernity, one can add that this *passage* entails the installation of a middle ground without contraries. Here truth and functioning collapse into one another: discovery is the result of a sort of *a posteriori* analysis, at the same time as invention produces truth (*veritas facta est*) according to the necessity whereby object and sign coincide (in a quasi-Parmenidean landscape)[2].

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2   On more than one occasion Derrida develops explicitly the epistemological implications of this situation of invention: be it as he underlines the unconscious dimension (and the example of psychoanalysis) in the manifestation of invention as "the impossible" (see Derrida 2022: 289, 310; and 2004: 58), or when he deduces the impossibility

As Derrida insists on the continuity between the 17th and 20th century, he also points out the juridical and political manifestations of this economy of invention. On the one hand, copyright and patents can certify the accomplishment and exploitability of inventions, be they narrative and artistic or technical and scientific. On the other, from Raymond Lull's *ars combinatoria* to E-Learning, and at a more and more institutionalised level, the flourishing of methods and policies to stimulate invention results from a twofold goal: to integrate the hazard and singularity of the process of invention thanks to the development of methods to invent/discover methods or "schemes" as defined above; and to do so thanks to an investment planification which makes so that the economy sustains invention, and vice versa. This goal designs a (restricted) "*economic* horizon (the domestic law of the *oikos* and the reign of productivity or profitability)." (Derrida 2007a: 40) Leibniz, again, gives us a synthetic formula that expresses the articulation of imagination and of economy, or, as Derrida remarks, a very economy of imagination whereby imagination is at the same time freed, *and* freed from (41): the investment in a universal characteristic (or in a generative AI, for that matter) "saves [*espargne*] the mind and the imagination, the use of which must above all be managed. [...] [A]nd it is finally this science that causes us to reason at little cost, by putting written characters in place of things, so as to disencumber the imagination." (Leibniz 1903: 98–99, quoted in Derrida 2007a: 41)

From a deconstructive perspective, it is first necessary to underline the metaphysical systematic character of this economy: even when – from Kant, to Schelling, to Large Language Model AIs – productive imagination or artificial intelligence (one shall say, natural or produced productive imagination) is at the center of the scene, it can always be interpreted, rigorously, as a supplement for its source to be reflected (be this source spirit as capital, or capital properly speaking as spirit) (see Derrida 2007a: 43). Nevertheless, in a second moment, it is possible to recognise a counterinstitutional chance in the repetition of an institutionalised invention.

Insofar as deconstruction is "the invention of the impossible" (Derrida 2007a: 44), "the invention of the other" (39), or the "reinvention of the *avenir*" (23, trans. mod.), it must certainly contest a restricted economy or what Derrida calls "the economy of the same": "The aleatory advent of the entirely other – beyond the incalculable as a still possible calculus – there is 'true' invention, which is no longer invention of truth and can only come about for a finite being: the very *chance* of finitude." (44, and note 30, trans. mod.). The refrain, which repeats a Batallian trope, is known. Yet, the accent put on finitude and especially on its *chances* – on its occasions, precipitations, even on its fetishes and accidental stilts – shall be insisted upon: Derrida holds that difference or otherness can be found, invented, thanks to the repetition of an old institutional scheme; and it cannot be otherwise, if one does not long for

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of distinguishing discovery and invention in the realm of historical and natural sciences as well as in mathematics or in the juridical field (Derrida 1996: 252–253).

novelty as creation or for transgression as for an authentic way out of the repetition and inflation of a "restricted" economy. This otherness or difference can be found inasmuch as repetition can make the singularity and the contingency of the institution and of its supports remarkable.

Through identity and locality, toward war

The inventiveness of deconstruction entails an "other transcendental imagination", a different economy of images that deranges "the good schematics of a constitution of time" (Derrida 1993: 140) and space. We shall insist that the "synthetic image" (94) (the brackets are Derrida's) is precisely what produces imagination as a faculty. It is through its singular chances that "one must, within economy, manifest this beyond of economy", "take into account the incalculable, inscribe the aneconomc into the economic" (Derrida 2022: 237). One must, and cannot but, invent the rule singularly: "It is necessary [*Il faut*] that at every instant – this is what the event is – it is necessary that in each singular experience, one invents without rule" (312). This is how the dialectics of actuality and potentiality is deranged, how the impossible is the origin of what will have been possible, or how the other can manifest in the economy of the same. This structure is described by Derrida at the same time with materialistic accents: the metonymy in question is always non-immaterial, it is non-sublatable, even though its materiality must be attentively formalised[3]; and with Kantian ones: the "law of the singular event" is, as Derrida says in "Before the Law", "neither multiplicity nor, as is believed, universal generality. It is always an idiom, and in that lies [*voilà*] the sophistication of Kantianism." (Derrida 2018: 61) Between a revolutionary interpretation of legal deposit and an economic acknowledgement of messianicity, this singular, materialistic, and even sophistic *Typik* of invention manifests its immediate political implications.

The political element is well present in "Psyche". In fact, the institutional definition of invention makes the political/economic distinction very labile. Invention, as an institution, and either as a discovery or as a production, must be countersigned, says Derrida, who seeks a third path, which is situated beyond heritage, and that nevertheless rests on the recognition that "invention is never be private" (Derrida 2007a: 5). An invention worthy of its name must be an event. But, since an event "does not exist", in a Kantian sense, then convention, community and exchange cannot be bypassed. Hence the tight path (*or the fiction*) of an eventful countersignature (*s'il y en a* – if there is such a thing).

Let us stress two points that Derrida insists upon in this respect: *identity* and *locality*. On the one hand, the structure of the inventive proposition, that of Ponge's *Fable*, would be the same as that of scientific and "most of all" of

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3   "I leave a piece of paper behind, I go away, I die: it is impossible to escape this structure, it is the unchanging form of my life." (Derrida 2007b: 32). "If I had invented my writing, I would have done so as a perpetual [*interminable*] revolution. For it is necessary in each situation to create an appropriate mode of exposition, to invent the law of the singular event" (31).

juridical propositions, especially the most instituting ones (Derrida 2007a: 14). The reference is to the "Declarations of Independence" (such as the American one – see Derrida 1986) that, by declaring the institution/invention of an identity (collective as well as personal), constate what they perform and vice versa. This means that identity is a performative arrangement, and that it is inhabited by the paradoxes stated above: "*we are to be invented*" (Derrida 2007a: 45). The same stands for locality: "the relation of invention to the question of place [*lieu*] – in all senses of the word – is evidently essential" (31, trans. mod.), because inventing means to give way while finding (*donner lieu en trouvant*). A place is an inventive arrangement, and conversely, as said above, an invention cannot but *lean on* (*lehnen an*, in a Freudian sense) localised instances, or "chances" as Derrida puts it.

Let us then keep in mind that the inventiveness of identity, of locality, and of their intertwinement – the definition of identity through locality, and of locality through identity – shall characterise a politics of invention. But also, that "a politics of invention" is "is always at one and the same time a politics of culture and a politics of war"[4] (Derrida 2007a: 10).

Politics of invention

The Levinassian accents of the conclusion of "Psyche", the allusions to otherness, metaphysical separation and plurality[5], thus lend us a truly felicitous, alas truly not pacified, *locus* for a transition toward the notion of a "political invention".

"Political invention" is not an expression by Derrida: this refers, in *Adieu*, to "a politics beyond the political [or] to what Levinas calls a 'political invention.'" (Derrida 1999: 79) And the following passage is the context of this expression from Levinas's essay "Politics After!", in *Beyond the Verse*:

> Beyond the State of Israel's concern to provide a refuge for men without a homeland and its sometimes surprising, sometimes uncertain achievements, has it not, above all, been a question of creating on its land the concrete conditions for political invention? (Levinas 1994a: 194)

Levinas is writing after the November 1977 visit of the Egyptian president Anwar Sadat to Israel, an "exceptional transhistorical event", as he defines it, bearer of a promise of peace in the Near East. This promise and this peace shall take place, as Sadat's courageous visit attests, in a land and a State whose political invention, "the ultimate culmination of Zionism" as Levinas adds,

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4   "Someone may invent by fabulation, [...] or else [...] by producing a new operational possibility (such as printing or nuclear weaponry, and I am purposely associating these two examples, since the politics of invention is always at one and the same time a politics of culture and a politics of war)."

5   "The call of the other is a call to come [*l'autre appelle à venir*], and that happens only in multiple voices." (Derrida 2001a: 47) "For the other is always another origin of the world and *we are to be invented*. And the being of the we, and being itself. Beyond being." (45)

will have permitted the Jewish people to leave "a state of political innocence which it owed to its role as victim. That role is not enough for its vocation." At the end of 2024, the stakes of this conjuncture could not be more sadly actual. We will touch upon them in conclusion, after having reconstructed Derrida's conception of the political tenor of invention.

The main and second text of *Adieu* is entitled "A Word of Welcome", and was given on December 7, 1996, at a Parisian conference in homage to Levinas whose title was "Face and Sinai". As Derrida opens his prolusion with a stress on the idiomatic inflexion that these "common or proper nouns" (*visage* and *Sinai*) assume in Levinas's discourse, and as he questions which provenance they shall be interpreted from – "From the past of a holy writing or from an idiom to come?" (Derrida 1999: 19) – that is to say, as he puts forward their inventive and potentially counterinstitutional tenor, Derrida articulates these problems with the question that we were starting from: how to *deduce* a politics from an ethics? (20) Is this possible? Is this desirable? Is this necessary? The matter is particularly urgent on two articulated plans, or in fact, it is problematic and potentially inventive at the very articulation of these plans; the trans-theoretical one: how to relate Levinas's hyperbolic ethics to any ontology, how to relate hospitality (the "noun" of this ethics) to its realisation?; and the historical and empirical one: how to interpret Levinas's Zionism and the metaphysical hospitality it embodies in view of the possible foundation of "a law and a politics, beyond the familial dwelling, within a society, nation, State, or Nation-State" (20)?

For Derrida, this deduction of the legal, political, and economic realm from the ethical, or the articulation of the political and of its beyond, passes precisely through the interpretation of some idiomatic *loci*. Without any categorical foundation, without a theoretical, logical, or ideological architectonics, it rests on the chance of what we can call ethical-political *chevilles* (pivots) or syncategoremes: face and Sinai, for example. Moreover, this deduction is *necessary*, and in a twofold sense. The ethical *must* exist, and this "obligation" is at the same time factual and ethical. On the one hand, the ethical must exist, it must produce effects, and therefore must give way to institutions; even more so, these institutions, in order to not dissolve, must rely on some force, even on some armed force. On the other hand, the ethical cannot not "exist" (phenomenally): if these were not the case, there would not be any immanence; but then, ethical transcendence is inscribed, as the after-effect of an interpretation, or as a possible (or possible-impossible) virtuality, in the most common or usured of traces (again: such as "face" and "Sinai"). This metonymical necessity is what motivates the *economical* character of deconstruction's political invention.

Derrida's argument, while echoing a Kantian articulation of law and duty and of noumenality and phenomenality, also aims at reinscribing the Levinassian thought of the trace and of the "third" in the deconstructive logic of the incalculable singularity of the idiom, a singularity which is always on the way of its calculable generalisation (see Derrida 1998, or 2005a). A political invention being idiomatic then entails its relying on the singular schematism, on the sophisticated exemplarity (or *Typik*) of which we spoke above. As Levinas,

caught in its aporia as Derrida says, must admit, "Justice is necessary, that is, comparison, coexistence, contemporaneousness, assembling"... (Levinas 1991: 157, quoted in Derrida 1999: 30), and this "*comparison of the incomparable*" (Levinas 1996: 168, quoted in Derrida 1999: 32; the stress is Levinas's) gives this deduction a calculating and economic form. The (dual) "face to face", the elementary (ethical) relation to otherness, is contaminated from the beginning by comparison, representation, ontologisation. This "realisation" perverts or betrays ethical purity, but at the same time, insists Derrida, it protects the real from the intransigent purity of the ethical. "The third would thus protect against the vertigo of ethical violence itself." (Derrida 1999: 33) If then all institutionalisation violates the purity of ethics, it is also a condition of the possibility of its existence and a firewall against the deployment of its purity: absolute hospitality would entail the annihilation of the other, of the other's other, or of both. If this articulated "threshold" is thus not "at the disposal of a general knowledge or a regulated technique" (35), it nevertheless expresses a technique which entails some incalculability but without exceeding calculation; which entails some traditionalisation, but through the vicissitudes of a singular idiom; that is, it expresses an inventive technique.

Politicisation of invention

By no chance do these formulations reproduce the deconstructive intertwinement of the laws of unconditional and conditional hospitality, since "A Word of Welcome" is a close re-elaboration of Derrida's 1996-97 *Hospitality* seminar's first sessions, and hospitality, as per *Totality and Infinity*, is the very noun of ethics. As we said before, the Derridian logic of inventive performatives entails a reconfiguration of locality, of identity, and of their reciprocal determination. The motif of "hospitality" offers precisely a rather vertiginous confirmation of this. In the first place, if ethics is welcoming (*accueil*) of the other, then hospitality is its structure. Ethics as a relation to otherness *takes place* as a relation to the localisation (a dwelling, a foyer) of a "hospitality [which] precedes property" (Derrida 1999: 45) – even and notably in the case of a promised land that, for the Torah, is only lent to an elect people. But in turn, this hospitality must *take place* empirically, through a factual place and a factual identity. The contradictory (auto-immune) logic of the "third" presides over this localisation, as we saw. But then, how to try and opt *against* the immunising taking place of localisation and identity? This happens through an inventive interpretation of an institutionalised idiom, one which is an act of hospitality to hospitality itself through the very *word* "hospitality": this, says Derrida, is how "Levinas justified the coming [*venue*] of the word 'hospitality' and prepared its threshold [*seuil*] while writing [...]" (Derrida 2022: 33, cf. 1999: 46).

Let us resume: radical passivity (ethics) takes place in/as a hospitality which precedes property, which in turn takes place contradictorily as concerns the essence of locality and of identity, and all this takes place in an idiom which must be inventively reinterpreted. Thus "the logic of performative decrees

attempting to invent a new language or a new use for old words […] opens up hospitality by an act of force that is nothing other than a declaration of peace, the declaration of peace itself." (Derrida 1999: 47) Hence, political invention. But let us take a step further: how does "hospitality" takes place or displace some positions (in a language, in a culture, in a philosophy)? In which terms or *loci* does it dwell or translate? In Levinas's case, these are "face" and "Sinai". One easily perceives the nationalistic bending of this coupling, together with its metaphysical ambition.

Derrida relies on these elements and on Levinas's own writing to counter this possible and likely bending. He insists on the double connotation of the subject as a host (*Totality and Infinity*) and of ipseity as hostage (*Otherwise than Being*) and on the "here I am" – "The word *I* means *here I am*, answering for everything and for everyone" (Levinas 1991: 114, quoted in Derrida 1999: 55) – as the auto-deictic (constative and performative at the same time)[6] that expresses the trouble of locality and of identity, the substitution of the irreplaceable as a "trace" of the ethical injunction. One is a hostage of the place from which one can offer hospitality (and *a fortiori* a hostage of one's host), and a hostage of the necessity of substitution, which configures a "debt before any borrowing and before any commitment" (Derrida 1999: 58). This necessity, the violent and traumatizing necessity of the "third", which Derrida underlines as being anterior or structurally articulated to any welcoming, to any inhabitation of a place or of a name, *and* to the interpretation of any election, is what inscribes the economic-legal-political deduction in the essence of the ethical.

One is a hosting hostage of hospitality, or of the *Faktum* of the "face". Concurrently, "Sinai", for Levinas, names the place and time, the trace of the revelation of this ethical conjuncture; of what Derrida, for his part, would call "hostipitality", as well as he remembers (see the exergue to this article) that it also names a modern conflict, one which is foremost a war of religion. What does it mean, then, to be hosts-hostages of Sinai? There where the metaphorical inversion encounters its limit[7], this question reveals more or less, more and more *and* less and less, metaphorical.

Localisations and identifications of invention

Derrida analyzes and tries to displace this limit as he follows Levinas's engaged texts of *In the Time of the Nations* and *Beyond the Verse*. His analysis starts precisely by giving a certain "privilege" to an expression that entails the coupling

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6   "One can always interpret phenomenological discourse as at once prescription and the neutral description of the fact of prescription." (Derrida 1999: 53)

7   According to this topos, one can translate hospitality into Sinai, as well as into face, not in order to relate it to an assured knowledge (of face, or of Sinai), but to ask oneself what face and Sinai must be in order to be able to mean hospitality. This means translating Sinai and face themselves. Yet, translation, which always and immanently encounters the resistance of its own limit as auto-translation, here shows the necessity of being particularly inventive.

of Sinai and hospitality, of the singular (as well as the empirical) and the general (as well as the universal): "A recognition of the Torah before Sinai?", asks Levinas, the sign of which would be "the degree to which [non-Israel nations'] solidarity is open to the other, to the stranger"[8] (Levinas 1994b: 97, quoted in Derrida 1999: 68–69).

Derrida stresses two related aspects of the metaphysical framework that Levinas's thought constitutes for these "metapolitical" questions: the radical passivity of hospitality, and the singularity of the stranger's injunction (hence of the "elected" or injuncted host). If considered rigorously, these aspects should throw all identitarian standpoints, based on ethical or on geographical titles, into an aporetic situation. This should in the first place disquiet, or reopen, Levinas's answers.

If on the one hand Levinas opens the experience named "Sinai" (the revelation of the Torah) to other nations than Israel, if he makes it hospitable, so to speak, and if he does so based on the very idea of hospitality (openness to the stranger), his text nevertheless allows for the two following deductions.

1) Sinai is the place and time of the political event (of the ontologisation) of what is a transcendent essence, a "universal message". Moreover, this universal message would communicate universality itself: "human universality, humanitarian hospitality uprooted from a singularity of the event that would then become empirical or at the most allegorical, perhaps only 'political' in a very restricted sense" (Derrida 1999: 66). Derrida insists: as Levinas precises, this universal configuration is represented by the triad of fraternity, humanity, and hospitality, but the latter would be "the figural schema that gathers or collects these three concepts together" (68). Since a deconstruction questions all three of these determinations (fraternity, humanity, and a universal *schematism* of hospitality), and since for Levinas the message delivered on Sinai (the Torah) means the "Thou shalt not kill" which "the face of the other signifies" (90), then this is a regressive, or at least a firmly institutionalised interpretation of the idiomatic pair of "face and Sinai" – of which we thereby encounter the intimate relation.

2) Even if one were to interpret the event named "Sinai" in a way that would unsettle the logic of universality, the election of Israel still seems to dictate the interpretation and the custody of this event, both as concerns locality and as concerns (ethnic) identity. Stated otherwise, the Torah and Israel would not be dissimilar here to what the *logos* and the *Magna Graecia* were to Heidegger.

Aware as he is of this, Derrida proposes to reinterpret this conjuncture in the following senses:

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8   "Has not the history of the nations already been in a sense that glorification of the Eternal in Israel, a participation in the history of Israel, which can be assessed by the degree to which their national solidarity is open to the other, the stranger? A recognition of the Torah before Sinai?"

a) "A hospitality beyond all revelation", as he says, not only cannot be a universal: but ("[t]he hypothesis I am venturing here is obviously not Levinas's", adds he):

> What announces itself here might be called a structural or a priori messianicity. Not an ahistorical messianicity, but one that belongs to a historicity without a particular and empirically determinable incarnation. Without revelation or without the dating of a given revelation. (Derrida 1999: 67)

b) This radical historicity can be announced through such a name as "Sinai" (it cannot not be announced by a singular name, place, trace) but thus "the allegorical anachrony in the name *Sinai* itself allows it to signify, through its own body, a foreign body, indeed, the body of the foreigner or stranger" (Derrida 1999: 69). And thus, to signify

> an election whose assignation cannot be restricted to some particular place or moment and thus, perhaps, though one could not by definition ever be certain of this, to some particular people or nation. Let us never forget that election is inseparable from what always seems to contest it: substitution. (70)

Beyond universalism, but also beyond the logic of a unitary uniqueness of election and of the event, the historicity of deconstructive messianism calls for another logic of election, that of the "every time unique" election and event. And once again, this structure is not represented by a scheme, or by a trace which, although it is a sign of substitution, remains privileged in time and space, but by idiomatic occasions which, although their insistence is necessary, remain intrinsically ephemeral and even abusive. These metonymies are the "stilts" of the political invention of deconstruction.

Invention and the political

Derrida follows this articulation, which he esteems aporetic and that Levinas would have encountered (and welcomed, in a way), between the political and its beyond, between politics and ethics, between the state and the promise of a non-political (in a Schmittian sense) peace. And, if this articulation (which is not a categorical deduction, but which is necessary) reposes on an idiomatic (re)invention, he does not shy away from passing through the Zionist determination of Levinas's response to the said *encounter*. Nevertheless, this cannot be a passage from political to eschatological Zionism, as Levinas suggests: rather, a passage through or beyond Zionism as beyond any identitarian institution (as through a certain desert, maybe); *not in spite* of the singular historicity of the institution in which an ethics can exist, and a political invention can take place, but precisely by virtue of a non-identitarian, of a non-legitimating interpretation of its singular name, place and time. For Levinas, Israel is in a way a hostage of the necessity of hosting the stranger (and Sadat), but it is *in Israel* (which names a territory and a people) that this happens. Therefore, he can

claim that other nations' hospitality *means* "a participation in the history of Israel". For Derrida, this aporetic condition *speculates*: Israel becomes the sign of whatever place and people might substitute it according to the very aporetic logic that it is the trace of. To say this otherwise: "Israel" is not a transcendental signifier, not even if it were to name the revelation of the absence of a transcendental signifier.

This is the speculative reason, shall empirical ones not suffice, by which Derrida reiterates perplexity as concerns the plausibility of a political inventiveness in contemporary Israel, and drily rejects a Zionist perspective and the (Levinassian) hypothesis of a

> Zionism that would no longer be just one more nationalism (for we now know better than ever that all nationalisms like to think of themselves as universal in an exemplary fashion, that each claims this exemplarity and likes to think of itself as more than just one more nationalism). (Derrida 1999: 117)

But he does so while following very closely Levinas's interpretation of hospitality and political invention. Most of all, through his own interpretation of the logic of the third, Derrida insists on the necessity for an ethics to effectuate its promise (Derrida 1999. 105). All the more so if ethics, hospitality, is "held hostage to the here-now" (110), to the substitutive determination of the irreplaceable – to itself. In Levinas's case, it is the hostage of the Torah, of Sinai, of Jerusalem. "What is promised in Jerusalem [says Levinas] is a humanity of the Torah"; but – since (or although, following Derrida's logic) "the longing for Zion, that Zionism, is not one more nationalism or particularism; [it] is the hope of a science of society, and of a society, which are wholly human" – then "this hope is to be found in Jerusalem, in the earthly Jerusalem, and not outside all places, in pious thoughts." (Levinas 1994a: 51–52)

As we said, Derrida recurs to a "sophistication" of Kantism to think this articulation, to effectuate this effectuation which cannot repose on any "rules or schemas" (Derrida 1999: 114) – hence an *inventive* decision:

> the *formal* injunction of the deduction remains irrecusable, and it does not wait any more than the third and justice do. Ethics enjoins a politics and a law: this dependence and the direction of this conditional derivation are as irreversible as they are unconditional. But the political or juridical *content* that is thus assigned remains undetermined, still to be determined beyond knowledge, beyond all presentation, all concepts, all possible intuition, in a singular way; in the speech and the responsibility *taken* by each person, in each situation, and on the basis of an analysis that is each time unique – unique and infinite, unique but *a priori* exposed to substitution (115).

In the case of the political invention that he is after following Levinas, Derrida insists that an invention, without any foreseeable content or perceivable origin, shall be oriented by the dissociation of a structural messianicity from any determinable messianism: a generalisation of "Sinai" beyond Zionism will

then be the pendant of a generalisation of "face" beyond humanism[9]. More generally still, the "reinvention" or the counterinstitutionalisation of such "proper names" as "*Sinai*" and "*visage*" (for example) entails a reinvention of invention itself, or, as Derrida says in saluting Levinas at the end of *Adieu*, of "a thought of translation to be invented, a bit like politics itself." (Derrida 1999: 123)

If it is impossible to deduce a politics categorically, the consideration of the necessity of the precipitation of ethics in singular traces and proper names nevertheless induces an injunction to interpret names and traces in general according to a deconstructive apprehension of invention. This entails a particular economy. Based on *very economical means* (singular traces), the effects of invention are and must be incalculable: this is what is enjoined in invention itself, despite the unforeseeable character of its effects, for the worse and for the better (hence, a hyperbole of responsibility). As Derrida writes in *Rogues*,

> The invention of these maxims resembles the poetic invention of an idiom whose singularity would not yield to any nationalism. [...] This idiom would again be a singular idiom of reason, of the *reasonable* transaction between two antinomic rationalities. [...] The reasonable, as I understand it here, would be a rationality that takes account of the incalculable so as to give an account of it, there where this appears impossible, so as to account for or reckon *with* it that is to say, with the event of *what* or *who* comes. (Derrida 2005b: 158-9)

In French, these economical means could be called "*grenades*".

Through war and peace, toward the Nation-state

Let us now shift our focus from invention to politics, and take a step back from the generality that we have described. We saw that Derrida brings Levinas close to Kant through the motif of schematism, in order to think the necessity to deduce a politics from an ethics, as well as to go beyond politics *in* politics. We also saw that, if the said deduction is necessary (Derrida 1999: 115), it also entails a certain violence, and in a very concrete sense. The essence of ethics implies politics, but its existence (through politics in politics) requires its survival in a physical world: it requires an army, a police, border control. "The 'Thou shalt not kill' [...] still allows any State (the one of Caesar or the one of David, for example) to feel justified [...] in killing." (116)

Between Kant and Levinas thus emerges another plan of comparison, this time a diverging one. What is at stake is the relation between war, violence, and peace. For Kant, as Derrida argues, war is a natural state, and peace must be instituted: it is a political entity, and thus bears the trace of war, of its natural and polemic origin. Peace is the trace of war, or, actual peace cannot *exist* (just like the regulative ideas of Soul, World and God). For Levinas the opposite is true: since separation is a metaphysical given, and since transcendence

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9   "The proper name 'Sinai' is thus just as enigmatic as the name 'face.'" (Derrida 1999: 119)

cannot be overcome, or, since one cannot but want to kill a face but the Other remains unattainable, then peace is metaphysical and originary: it is not natural, but not political either. Hence, war is a trace of peace, and no existing hostility can efface the fact of otherness (Derrida 1999: 90).

How to try and conciliate these positions? On the one hand, every war would be a sort of peace process, or would be oriented by peace; on the other, every political stance, be it peaceful, would be persecutory and betraying otherness. As we said, for Derrida this aporia must be endured through an inventive interpretation of old but singular institutions in which it cannot but be localised. Hence, through "Sinai" and the "face", the passage between the metaphysics of hospitality and a political actuality is necessary:

> The host [*hôte*] is a hostage insofar as he is a subject put into question, obsessed (and thus besieged), persecuted, in the very place where he takes place, where, as emigrant, exiled, stranger, a guest [*hôte*] from the very beginning, he finds himself elected to or taken up by a residence [*élu à domicile*] before himself electing or taking one up [*élire domicile*]. (Derrida 1999: 56)

But again, no general scheme is at hand:

> Where might we find a rule or mediating schema between this pre-originary hospitality or this peace without process and, on the other side, politics, the politics of modern States (whether existing or in the process of being constituted), for example, since this is only an example, the politics underway in the "peace process" between Israel and Palestine? (91–92)

It is worth noting that, in the original formulation of this passage in the *Hospitality* seminar (Derrida 2022: 109), the exposed alternative is that between voting "Peres or Netanyahu". We might stridently couple this synchronic alternative to that between Netanyahu and Moses. The stridency could not be more acute in light of the current "genocide *in the making*", if one accepts the minimal definition proposed by Étienne Balibar (2024, cf. 2023) that frees the debate from the burden of an empirical-numeric verification (it seems *reasonable* not to wait for the completion of such an ongoing war action before judging its nature).

In *Adieu*, Derrida's remarks become explicit as he distances himself from a Zionist perspective. And Zionism, the question of the State, and of statuality as essential to the political, is central to the reflection on violence, on the better and worse, bigger and lesser determinations of which, the counterinstitutionalism of inventiveness is enjoined to negotiate.

Derrida's position differs doubly from Levinas's: if he acknowledges the necessity of violence, and of violence as necessary to the existence of a state well beyond the (potential or regulative) distinction between a State of Caesar and a State of David, and thus also beyond Levinas, he also insists that no State, despite all national exceptionalism and regulative idealism, is freed from violence: violence can only be repressed. Stated otherwise: if Levinas's position

is anti-Kantian *and* anti-Schmittian (peace is not politics, and politics is not up to peace), it is also anti-Kantian but *not* anti-Schmittian as it refuses a liberal principle of the constitution of subjectivity in view of a spiritual statuality (peace is not politics, and an "a-theologico-political" state is not up to peace); better still, as his discourse, despite Derrida's wish, does not seem to express a "humanitarian" potential[10].

As he reiterates his perplexity concerning the possibility for modern Israel to fulfill the determinations of "political invention" (Derrida 1999: 81), Derrida in fact implies that a logic of hospitality, perverted indeed by its nevertheless necessary precipitation in secular institutions, shall "call out for another international law, another border politics, another humanitarian politics, indeed a humanitarian commitment that effectively operates beyond the interests of Nation-States" (101). Levinas's appeal to humanity (that is: "Sinai" and the "face") shall be bent at least toward a "*humanitarian* universality insofar as it would at least try, despite all the difficulties and ambiguities, to remain, in the form, for example, of a nongovernmental organization, beyond Nation-States and their politics." (72–3).

And beyond

If one lets these considerations echo in the context of late 2024, the aporetic and autoimmune logic that Derrida aims at sketching, particularly as it concerns the intertwinement of locality and identity, hospitality and hostility, assimilation, or annihilation, proves disquietingly efficacious.

His mid-90s observations on a peace process which is the prosecution of a war with other means now reverse, on the terrain of this aporia, in those on a context where political maneuvers on all of the sides of a multilateral conflict take the form of even terroristic and/or genocidaires attacks (whatever we may call them, the definition of "crimes against humanity" seems to fit).

As for the autoimmune tonality, the Hamas' attack of October 7 2023 has been openly revendicated as a means to revive a conflict and even to induce, as a retorsion, a massive sacrifice of Palestinian civilians to this aim. But on the other hand, the revendication of a promised land for an elected people, triggered to its uttermost and programmatically dehumanising[11] violence by such attack, takes place in a context where a collective identity (Israel's normative framework) is as uncertain as a geographic one (Israel's borders), and where moreover the tensions between the laic and the religious, the military and the

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10   In *Adieu* Derrida remarks that, if Levinas never speaks of Schmitt, the latter's "discourse" would "embody for Levinas the absolute adversary. More so than Heidegger, it seems." (Derrida 1999: 91, note 95; cf. 23, note 8). For a critical comparison of Levinas's and Schmitt's theologico-political conceptions, see Rae (2016).
11   On this point, Judith Butler's (2012: 23, 38, 48–50) position on the facelessness of Levinas's Palestinians is known. For a reconstruction (generous to Levinas) of this topos, see Eisenstadt and Katz (2016).

political, the judicial and the executive components and faculties of such collective entity are implicated in a potentially suicidal conflict.

Yet, this national level is not up to the ambitions of a deconstructive approach to political invention. In effect, one might wonder if Derrida has not too often limited himself to insist on an Arab/Israelian conflict or on a Palestinian/Israelian duality, certainly in order to discard it under the overtones, once again, of a political invention that would defy the triumph of nationalism, and even of a "Two states solution" (Derrida 1999: 86).

> "Living together" is reducible neither to organic symbiosis nor to the juridico-political contract. Here too there could be no "how" that would precede, as would a knowledge, the decision or responsibility whose rule each one, singularly, chosen without election, chosen to an irreplaceable place, must invent. But I asked myself first, in anguish – and it was the same question: Who can allocate places? (Derrida 2013: 27)

The question of the state *per se* narrows this approach, which shall be deployed on the geopolitical level. What then becomes evident is that, in the name of "Sinai" and the "face", what is at stake is – and was well before the said Hamas' attack – a vast reconfiguration. This does not only concern the possession of a land; or a new regional and international order, based on ethnicity, religion or economy (the context encompasses the Abraham Accords – the 2020 Israeli-Arab or Sunnite agreements signed under USA aegis –, the ongoing Israeli-Shiite war – including the controlled Israeli-Iranian conflict, the bombing of Houthis objectives in Yemen, and the invasion of Lebanon against Hezbollah – including the recent fall of the Syrian regime –, but also the Russian-Ukrainian war, involving on the ground NATO and North Korea, and the Chinese threats to Taiwan, precisely while the BRICS envisage a new international currency to counter the hegemony of US dollar); rather, it concerns a reconfiguration of politics as a "world politics", of politics beyond the Nation-state, or, as we saw, of "politics beyond politics".

If we are to follow Derrida's intuition, international politics of the end of the 20th century have been characterised by a "mundialisation" of reparatory gestures, and even by a mundialisation *as* the generalisation of these gestures of demanded pardon (see "Le siècle et le pardon", in Derrida 2000). The notion or the *invention* of "crimes against humanity" is the mark of this cycle, begun with the end of World War II and whose first or more evident early episodes were the inception of the Nuremberg process in 1945 and the institution of the State of Israel in 1948. If this reading were not too dialectical, too epochal, one might acknowledge in current-day events the exhaustion of this cycle, which could also be seen as the self-deconstruction of a Christian apprehension of the world as a political concept.

In this framework, since October 10, 2024, the Israeli army has deliberately attacked and damaged UN UNIFIL compounds in Southern Lebanon, a few days after a speech at the General Assembly where Benjamin Netanyahu discredited the main intergovernmental organisation as "an antisemitic swamp".

If we are to read here a sinking of national and international symbolic democratic institutions and a rise of nationalistic sensibilities (which the outcome of the November 5 USA elections seems to confirm), an ideological or metapolitical conflict does not free deconstruction from the responsibility of a response that exists in the world: according to the Kantian logic that we have deployed, the second-best option of humanitarian rights and the implementation of an international criminal law cannot be defended without an international non-governmental or intergovernmental recourse to armed force (see De Michele 2020). This is some hyperbolically problematic conclusion.

The seeming impossibility, that we started from, to deduce concrete legal measures from an ethics brought us to the necessity of deducing a possible armed response to the infringement of the "Thou shalt not kill", beyond the Nation-state level. Such is the landscape in which some idiomatic compound shall intervene. These inventions, these metonymies must indeed be economical[12], if they may bear the possibility of restructuring all this ground, be it through reinventing old institutions, or the faculty of invention itself. One might question if the institution of invention is up to this task, and if the repetition of the institution of the question itself may bring about its own peaceful soubresaut.

And so on

Let us try and make one last step forward, and identify at least one potentially deconstructive lever, be it a term or an institution, or both at the same time, beyond this general conclusion. Up until 2024, Derrida (2005b: 95 ff., 2005c: 103 ff.; 2015) identified on the one hand "war", and on the other the UNO statutes, in particular the role of the Security Council, as a ground where the unhinging of the axioms of national and international politics and of sovereignty was evidently at stake, and potentially eventful. The background for this position was the aftermath of "9/11", and the 2003 "aggression", as he defined it, of Iraq by USA: the Bush administration infamously – and *inventively*, we must say – motivated this aggression as a response to international (Qaedist) terrorism. Nevertheless, underlines Derrida, this gesture still entailed a confrontation with the international community. This confrontation manifested on the one hand the USA administration's need for legitimation, and on the other the insufficiencies of UN proceedings. Furthermore, it manifested that all confrontations of a state and of the international community with terrorism would reveal the completely arbitrary – and properly Machiavellian – ground upon which one would absolve or ignore *state* terrorism.

In Derrida's perspective – one "without illusions" said he – this instability would at least call for a possible perfectibility; in any case, "this cannot last", "this has to change", said he as well. Indeed, things seem to have changed twenty years later, and not in the sense of perfectibility. We can assume that the terms

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12   Cf. Derrida (2007c) on the nuclear as a rhetoric – and strongly economical as to its effects – compound. On weapons and deconstruction, cf. Anidjar (2018).

at play are the same (economic interests and juridical legitimation; the national and the international; declared war and terrorism). Yet, some diagnostics might have to be adjourned: Derrida observed the destabilisation of national sovereignty as operating from two sides: the exterior or the inter-national level; and the interior or the infra-national level, i.e. terrorist or transnational criminal interests (the Afghan case was explicit as to this), amplified and transformed by new technologies and "cyberpolitics", as he would put it. We can diagnose a shift in this process: not only does the international law appear as fragile as ever under the attacks of national, nationalistic, and national-terroristic interests, but what now appears wholly fragile is the state of law itself, on the symbolic as well as on the procedural plan. In parallel, what is "rogue" about a certain number of emblematic state entities is not their behavior concerning other states they oppose to, or the civil societies they govern – but their very constitution: we witness rogue reconstitution or refoundation projects with a view to the dissolution of the state of law. What is more, these projects are not only connoted by authoritarian and often neo-fascist programs, but also depend on the rise of private and often criminal interests. And, what is even more structurally coherent with Derrida's observations on invention, these uprises are based on the capitalisation of technical innovations in the realm of communication. This also entails that contemporary "Western" nationalisms or sovereignisms are concerned less with a clash among vital strains and spaces, than among economic oligarchies resting on political clienteles.

Stated otherwise: private law entities (if not individuals) manifestly enact a primitive accumulation of political power which is articulated to a primitive accumulation that is exquisitely economic, and furthermore evolves in a context that is either (at least borderline) criminal, or characterised by a normative void (which does not mean that in a more or less near future such accumulation, let us say such *colonisation*, will not be explicitly labeled as criminal). Nowadays, and at least for a couple of decades, the exemplary primitive accumulation operating in a normative void is that of data, and the role of Elon Musk in Donald Trump's campaign and future administration can be the metonymy of it. Some decades ago, the case of Silvio Berlusconi would metonymise the (still too classically sovereign?) former case. If only to stress the necessary relation between (mass) politics and communicational inventions, we might observe that in this respect the "figure" that Trump represents is more akin to that of Mussolini or Hitler as *users* or occupiers of radio and newsreels, than to those of Berlusconi and Musk as *owners* and maybe inventors of television and social media[13]. We shall also remark that, to limit ourselves to the last century (follow-

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13 Trump did, however, open his own platform, Truth Social, after his suspension from Twitter, which has since been bought and transformed into X by Musk (Trump's account on X was then restored). We shall add that Musk is also the owner of a satellite network on which depend essential military communications worldwide, as the Russian-Ukrainian conflict exposes. Let us add that a number of essential internal communications and services are assured worldwide, at the state level, by private company servers such as Jeff Bezos's Amazon. This means that modern states externalise domestic and foreign

ing Derrida, we should at least go back to the *Phaedrus*), the progress of information technology corresponds to a progression of sensorial grabbing: from hearing, to vision, to the "five" senses with so-called virtual reality, but also, from reception to production of stimuli (on which informatic design is based).

It is also on this ground that an analysis of the deconstructive political economic inventiveness, if we may call it so, at stake in the current Palestinian scenario shall be undertaken. On the one hand, the October 7 2023 attack and its aftermaths were *meant* to go "viral", and so to revive a regional hostility toward the political invention (as Levinas would put it) that the state of Israel represents, as well as potentially to trigger an internal conflict (as the Netanyahu government's management of hostages, among other elements, showed). On the other, Israel's widely artificial-intelligence implemented military operations do pose enormous problems and inventive challenges to a formalisation of human rights and war ethics. At the same time, they represent a real *experimentation* with techniques, while they deploy the destructive potential of a decades-long capitalisation of data. This is evident in the Gaza Strip (which revives Foucault's stress of the epistemological value of detention institutions – the one in question being the Gaza territory itself), as in Lebanon (where Israel's apparatuses triggered the explosion of Hezbollah's communication – once again – gear).

What counterinstitution, what counterinvention can one lie upon *in* this context? How to *resist* this? It is maybe not – surely not only – on the meta or supra-political level (a Security Council, a General Assembly, even an International Criminal Court), but also on the intra and pre-political one that one shall seek leverage. Perhaps on a (supposedly) apolitical and even aneconomic plane. Let us pick two terms/institutions: work and retribution. What do they mean, if consuming freely means to gratuitously produce[14] – data? What does it mean that a post-democratic political market depends on this most disengaged ground? Is it by chance if, by a consequence of the digitalisation of economic processes, a universal basic income is advocated for at the same time by nationalists and by internationalists, by late and anarcho-liberal transhumanists (such as Musk himself) and by late socialists and political ecologists? And moreover, what of the analogy (but is it just an analogy) between a primitive accumulation and a colonisation? But then, how to think, interpret, or *name* these – eminently pharmacological – *metonymies*, and according to which political, economic, and agonistic project? How to orient these synthetic schematics? Whatever the case, they appear to be apt occasions (chances and substantiations) for the old institutions of the question and of inventiveness to be insisted upon.

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security, which is to say, the condition of possibility of the application of their sovereignty. Once again, the "shared sovereignty" that Derrida was interested in is more and more concerned by nominally infra-statal or non-political entities.

14   If we assume that a primitive accumulation is akin to an illegal occupation, and that a social media user/consumer is a data producer, then social media utilisation widely exploits minor labor; we may interpret accordingly the November 28, 2024, deliberation of the Australian parliament of a social media ban for children under sixteen.

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Đustino De Mikele

O ekonomskoj politici izuma

Apstrakt

Ovaj članak se bavi pitanjem izuma u misli Žaka Deride o dekonstrukciji iz dve perspektive. U prvom delu, oslanjajući se na delo "Psiha: izum Drugog", istražuju se njegove ekonomske implikacije; u drugom delu, oslanjajući se na "Svet dobrodošlice" i na suočavanje sa Emanu-elom Levinasom, istražuju se njegove političke implikacije. Ključni problem u obe perspektive jeste uloga idiomatske shematike (kao sofisticirane verzije kantovstva, kako Derida kaže) u podsticanju potencijalnog izuma kontra-institucije. U drugom delu, dok ispitujemo Deridine poglede na mogućnost i sredstva izvođenja politike iz etike, susrešćemo se sa savremenim geopolitičkim scenarijem, a posebno sa izraelsko-palestinskim sukobom.

Ključne reči: izum, dekonstrukcija, ekonomija, politika, Derida, Levinas, Izrael, Palestina, she-matika, gostoprimstvo

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THE ENIGMA OF VALIDITY: SPECULATIONS ON THE LAST PARAGRAPH OF *DONNER LE TEMPS II*

ABSTRACT
In the final paragraph of the concluding session of the seminar *Donner le temps II*, Jacques Derrida enunciates—but does not develop—what I shall term the "enigma of validity." Following a close reading of Heidegger's *On Time and Being*, the session abruptly ends with a promise to analyze a certain transition: from the *es gibt* ("there is," "il y a") to the *es gilt* ("it is valid," "il vaut," and "il doit"). This suggest that a set of questions organized thematically around the *gift*—prominent among these is the idea of a Being that *is there* and gives itself as a gift—needs a supplement. The enigma of validity pertains to the emergence of a normative vocabulary divided into value, obligation, and interest. In this paper, I will trace some of the clues Derrida leaves in *Donner le temps II* and other texts, arguing that the "mystery of normativity" is bound to the ambiguous status of legality within metaphysics. Validity, as the mystical foundation of normativity, functions simultaneously as a metaphysical shortcut to secure self-reference in philosophical thought and as the impossibility of any foundational grounding (*Grundlegung*).

Introduction

Donner le temps II holds a peculiarity in relation to the always awaited publications of Derrida's seminars and courses. As highlighted by the editors of the book, Laura Odello, Peter Szendy and Rodrigo Therezo, *Donner le temps. 1. La fausse monnaie* (*Given Time: I. Conterfeit money*) carries a numeral in its title, signaling the expectation of a follow-up—a rare occurrence in Derrida's oeuvre. Derrida himself notes that the "first" volume revisits the initial sessions of a seminar conducted in 1977-1978, naturally drawing readers to seek its remaining parts. This curiosity is further amplified by the overarching theme of the work: "the problematic of the gift," a motif that permeates much of Derrida's writings—whether overtly or implicitly—and yet persistently eludes

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interpretation, shrouded in layers of antinomies and complexity. Might we not hope, even if in vain, that the unpublished sessions of the seminar would shed light on notions such as "speculation, destination, or the promise, [the] sacrifice, the "yes," or originary affirmation, [the] event, invention, the coming or the "come" (Derrida 1992: X)?

Upon their eventual publication in 2021, sessions 7 to 15 of the seminar—which, as it turns out, were conducted between 1978-1979 rather than 1977-1978, as Derrida had previously indicated in *Given Time: I*—did not, unsurprisingly, offer their readers any salvific revelations. In Derrida's meticulous readings on the issues of "the thing" and "the gift" in Heidegger, it is not the anticipated answers that emerge, but rather a new question, one previously unarticulated in this manner. We might refer to it as "the enigma of validity:" why does the *gift* transitions into the *valid*?

The enigma of validity appears at the end of *Donner le temps II*'s session 15. In this last session of the seminar, Derrida offers an analysis of Heidegger's "Zeit und Sein" (*On Time and Being*), a conference presented in 1962 in Freiburg im Breisgau and later published in *L'endurance de la pensée*, a book written in honor of Jean Beaufret. The importance of this text goes beyond the reference to the famous division three of *Being and time*. According to Derrida, "Zeit und Sein" offered to the "thematization of the gift within the "es gibt" its most systematic, its most open space" (Derrida 2021a: 212). In other words, nowhere else does Heidegger so systematically articulate the idea that the gift precedes Being. The enigma of validity is of course tied in with this conceptual chain. Derrida only mentions it, however, in the context of an interruption. It is in the last paragraph of this last session that he introduces this "something" that would clear a passage for validity through the gift. Here is a transcription of the excerpt:

> What remains to be examined is the passage from this *Reichen*, from what comes together in the "to tend towards," < which > here will take us to the value of property, of proper, what "to propriate [*proprier*]," propriation means. And it is the word "*Ereignis*" that will support the last stage, "*Ereignis*" not in the usual sense of event but in the sense of propriation. And in the same way as manifestation, letting-be or letting-appear do not go without <appropriation>, the movement of *Ereignis* does not go without *Enteignis*, depropriation. We shall see how the meditation on *Ereignis* unfolds and how in the end we pass from or return from a certain *Es gibt* to a certain *Es gilt*. It is worthy [*il vaut*]. It is obligatory [*il faut*]. It is in one's interest to, etc. (Derrida 2021a: 228).

The rather brusque ending of the session allows us only to speculate on the fate of this *es gilt*, from which Derrida derives at least three formulae: *il vaut*, *il faut* and *il y a intérêt à*. In what follows, I do not intend to offer a conclusive interpretation of the enigma of validity, or have the ambition of exhausting the meaning of the terms used in the above quotation. The scope of my investigation is limited in that I will be content to follow some of the clues left by Derrida and, in doing so, suggest some consequences of conceiving the enigma

of validity as a "mystery of normativity"— or, conversely, of approaching the mystical foundation of normativity[1].

Ereignis and economy

From *es gibt* to *es gilt* we transition from the verb *geben* to the verb *gelten*. The enigma of validity, the enigma of *Geltung*, involves a tendency towards the "proper" and property in general. *Geltung* is, after all, an economic concept: its etymologic roots are the Gothic "*gildan*" (*fragildan*, *usgildan*), the Old High German "*keltan*, *geltan*" and the Middle High German "*gelten*," which are all organized around the idea of "paying." As we move forward, it will become clear that payment is connected to a key legal issue: debt. Payment is a way to settle a debt, which establishes the economic cycle of general equivalence. Debt presupposes a legal relationship, where an obligation aligns with a claim: credit gives the creditor a right to payment, creating a debt for the debtor. The semantic variations in this context underscore the interconnectedness of payment, compensation, and the emergence of value (*wert, valor*). Is this the problem that Derrida alludes to at the end of session 15?

To answer this question, we must consider that the 1978-1979 seminar was not the first nor the last time Derrida engaged with "Zeit und Sein," a text to which he has consistently returned throughout the years. Some of the clues that help us illuminate the enigma of validity are found in *Margins—of philosophy.* At least twice in this book, Derrida directly references "Zeit und Sein" and highlights passages studied in session 15.

The first of these moments is particularly important. Derrida is trying to distinguish his *différance* from Heidegger's *ontological difference.* The reason for that has everything to do with the notion of *Ereignis*: "If the "gift of presence is the property of Appropriating (*Die Gabe von Anwesen ist Eigentum des Ereignens*) (...) *différance* is not a process of propriation in any sense whatever" (Derrida 1982: 26). This is a quotation extracted from a footnote to the famous text *La différance*, an address given before the *Société francaise de philosophie*, in 1968, and republished in *Margins* (1972). This footnote was added in 1972 and has a more programmatic character. It sets the tone for the entire volume since it defines the task of deconstruction as the "displaced reinscription" of the conceptual chain organizing "Being," "presence" and "propriation." For, among the metaphysical remnants of the Heideggerian *destruktion* is the idea that: "then, Being belongs into Appropriating [*Dann gehort das Sein in das Ereignen*]" (Heidegger 2002: 21). According to Derrida, *Ereginis* as event and Appropriation, as something that *happens* but in the order of *property*, is the very articulation of ontology and *logos*, the onto-logic in the *fundamental ontology*.

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1   For a different perspective on the notion of property in Heidegger, see Giorgio Agamben's "The passion of facticity" (Agamben 1999). There is also a critique of Derrida's interpretation of *Donner le temps II* and his approach to the problem of normativity (cf. Liakos 2024).

Since Heidegger understands the gift of presence—conceived as *Anwesen*—as the property of Appropriating, Derrida sees in the value of "proper" an entanglement or a contamination between (a) a fundamental ontology that seeks an Appropriating beyond any mundane notion of property, and (b) the regional or particular sciences that elaborate the idea of the "proper," notably political economy, psychoanalysis, and semiolinguistics (while omitting a discipline that will be addressed shortly: Law). The "proper" exemplifies the precarious boundary between ontology and its others, raising doubts concerning the status of *Ereignis*. If Derrida is correct, it would be particularly doubtful whether the notion of "Appropriating" can fully evade commodification and the value-form. As a result, a thinking that probes Being (*Sein*) not as beings (*Seiende*) but as the truth of Being (*Seyn*)—as a gift— still has to answer to all these economic inputs.

This idea becomes even clearer in a second reference to "Zeit und Sein" in *Margins*. In a footnote to "Les fins de l'homme," Derrida discusses again the motif of the "proper." He claims that words like "*eigen*" or "*eigentlich*" set the tone for the *Ereignis* that dominates the question of the truth of Being. And this domination has permeated Heidegger's texts for a long time. Derrida mentions the "Letter on humanism" to add the following comment: "The themes of the house and of the proper are regularly brought together: as we will attempt to show later, the value of *oikos* (and of *oikēsis*) plays a decisive, if hidden, role in the semantic chain that interests us here" (Derrida 1982: 129). Quite early in his lifelong readings of Heidegger, Derrida was interested in the clandestine exchanges taking place near *Ereignis*: between event and appropriation, *Ereignis* conceals an economic-driven logic. The "proper" in general is dependent on the notion of "house," on the semantics of "dwelling," "inhabiting" and "residing," all of which are organized by the Greek word *oikos*. Derrida has famously offered an analysis of these values in *Given Time: I*, where he links *oikonomia* to circulation and return. According to Derrida, the structural constitution of the "self, of the subject that says I, *ego*" (Derrida 1992:15), is fundamentally characterized by a circular process of self-reflection and return. This is the ipseity of the Same (*même*). Ipseity is propelled by an economic principle, which underscores not only the dynamics of self-reference, but also the values of organization, nearness, return and power (*I can*).

From this first set of clues, we are prompted to believe that the enigma of validity is inseparable from the economic force that characterizes the domain of *Ereignis*. In this sense, the work of deconstruction, as the deconstruction of economics, has to do with thinking that which does not simply escape economic value (which, strictly speaking, would amount to postulating a transcendent and metaphysically charged object), but dismantles the logic of return and property. For Derrida, the gift is not a fact outside the market, but an undecidable, a principle that makes economic circulation unsaturable.

Yet, this does not fully account for the transition from *es gibt* to *es gilt*. It remains unclear why the economic discourse of value should necessitate the emergence of this alternative domain wherein language is *fraught with ought*

(Sellars 1962: 44). To address this issue, we have to introduce a legal element in validity: a force of law.

Validity and Legality

Heidegger enunciates the following problem: (a) Being (*Sein*) is not a thing (*Ding*) and, therefore, is not temporal; (b) however, Being (*Sein*) is *Anwesenheit* (a fundamental mode of presence)[2] and, therefore, is determined by time. To solve this problem, Heidegger brackets propositions like "Being is…" and "Time is…," and substitutes them for "there is Being and there is time [*es gibt Sein und es gibt Zeit*]" (Heidegger 2002: 5). In session 15 of *Donner le temps II*, Derrida investigates how the *geben* in *es gibt* is ultimately able to hold together Being and time. How can the gift bind them?

Derrida tries to answer this question by interrogating the apparent self-evidence of what "holds together" means here. To paraphrase the philosopher Roberta De Monticelli, one could say that the destiny of Heideggerian thought is a "Gift of bonds." In this sense, *there are* bonds "holding together the manifold phenomena (…) and imposing constraints on the variations of these phenomena, by violating which things cease to be what they are" (De Monticelli 2024:1). The gift not only ties, connects, links or associates "Being" and "time," it also binds them, and, in this sense, it creates a commitment, a duty, a constraint, a liability, an obligation: "This characterisation of being as *Anwesen*, as present, creates an obligation [*fait obligation*]; it binds together all our language, all our knowledge, all our technique and all our history" (Derrida 2021:219). The necessary contamination between these two meanings of the verb "to connect" anticipates the enigmatic last paragraph of the session. For, alongside its economic dimension, the gift carries with it the mysterious appearance of a normative language: a logic of values (*il vaut*), but also a logic of obligations (*il faut*). The giving of the gift (*Gabe*) conceals the validity (*Geltung*) of the *es gilt*. I will argue that the enigma of validity does not concern the emergence of an indefinable and unanalyzable value of goodness (*sensu* Moore), but rather the intrusion of an ought-form that will reveal itself multifarious. Normativity is a theme that always appears shrouded in an aura of secrecy in Derrida's text. As we shall see, this is because normativity is the institution of secrets.

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2 The Heideggerian *Anwesen* is not to be understood from the point of view of a metaphysical mode of presence that stands in opposition to "past" and "future." Heidegger deals with highly intricate semantic associations here: the *Anwesen* is a kind of presencing that manifests itself in the notion of "approaching," of "bringing about." In other words: "In future, in past, in the present, that giving brings about to each its own presencing, holds them apart thus opened and so holds them toward one another in the nearness by which the three dimensions remain near one another. For this reason we call the first, original, literally incipient extending in which the unity of true time consists in "nearing nearness," "nearhood" (*Nahheit*)" (Heidegger 2002:15).

Tending toward a task

The reader will not find in "Zeit und Sein" any explicit reference to what Derrida calls the passage "from or return from a certain *Es gibt* to a certain *Es gilt*." The syntagma "es gilt" occurs only a few times in the text, and it is used in the ordinary sense of "it applies," "it holds" or "it is valid." If we do not want to abandon ourselves to an exercise of pure imagination, we will have to reconstruct the possible articulations between the pieces of our puzzle otherwise. I will single out some of those pieces—all of which are propositions taken from the last paragraph of session 15.

   (i) "how the meditation on *Ereignis* unfolds;"
   (ii) "*Ereignis*" not in the usual sense of event but in the sense of propriation;"
   (iii) "the passage from this *Reichen*;"

   These propositions establish a dialogue with the last lines in "Zeit und Sein," where *Ereignis'* unfolding is examined. Heidegger asks what would remain to be said about time and Being, and answers categorically: only that "Appropriation appropriates [*das Ereignis ereignet*]." Understanding (ii) calls for discerning in this phrase something beyond a simple logical tautology. According to Heidegger, if this sentence is to say something other than the "*Same* affirming the *Same*," we ought to use it as a "guide for our thinking" (Heidegger 2002: 24). This is where (i) and (ii) connect: the mediation is possible if and only if *Ereignis* becomes a task.

   This idea is grasped by Joan Stambaugh's English translation of the following short paragraph: "The task or our thinking has been to trace Being to its own from Appropriation—by way of looking through true time without regard to the relation of Being to beings" (Heidegger 2002: 24). Now, let us compare it to the German original: "*Es galt, Sein im Durchblick durch die eigentliche Zeit in sein eigenes zu denken—aus dem Ereignis—ohne Rücksicht auf die Beziehung des Seins zum Seienden.*" Faced with the intricate syntax of the passage, the translation strategy adopted by Stambaugh consisted of rendering "*es galt*" by "the task of our thinking has been…." "*Galt*" is the first/third-person singular preterite of the verb "*gelten*." We might also rephrase the sentence this way: it was valid for us to think of *Being* in terms of what is proper to it; therefore, the property of Being is only realized from within *Ereignis*.

   The challenge in this translation is to operate with these two markers simultaneously. Since *gelten* refers here to the notions of "task" (a goal to be achieved) and of "validity" (a deontic concept), the answer to (i) necessarily evokes some guidance or orientation that embodies normative standards. After all, the enunciation of the task implies that we ought to pursue the aimed goal. In (iii), *Reichen* is not only the "giving" (the word chosen by Stambaugh to translate it), but also the *"tendre"* as in Derrida's translation proposal: "to reach," "to extend," "to stretch," "to tend towards." It seems that a deconstruction of the semantic chain that connects, in Heidegger, "Being," "property" and

"economy" must be widened and include validity. Why we need a normative vocabulary to address the gift? For Heidegger, this is a question about adequacy, and adequacy means appropriation, appropriateness:

> If overcoming remains necessary, it concerns that thinking that explicitly enters Appropriation in order to say It in terms of It about It. Our task is unceasingly to overcome the obstacles that tend to render such saying inadequate (Heidegger 2002:25).

Originary impurity and the genesis of normativity

Following Derrida's deconstructive reading of "Zeit und Sein," I would like to suggest a further complication of this Heideggerian schematism ruled by *Ereignis*. This complication concerns the following pieces of our puzzle:

(iv) "We pass from or return from a certain *Es gibt* to a certain *Es gilt*";
(v) "It is worthy [*il vaut*]. It is obligatory [*il faut*]. It is in one's interest to, etc."

The two propositions are related to the appearance of a normative language that we cannot pin down precisely yet. This difficulty, we shall argue, is what makes Derrida's proposal interesting. According to him, there is a kind of constitutive uncertainty that takes over our analyses every time we try to address this moment of emergence. Since his earliest work, Derrida has investigated the following questions: "How can the originarity of a foundation be an *a priori* synthesis? How can everything start with a complication?" (Derrida 2003: xxv). The manifest contradiction in these formulae indicates "an originary complication of the origin," "an initial contamination of the simple" (Derrida 2003: xv). We cannot understand the passage—that is also a return—from *es gibt* to *es gilt* without bearing in mind this primordial impurity. Our challenge, then, lies not so much in determining the origin of normativity, but rather in grappling with the more nuanced question of why the origin itself is already complicated by normativity.

Propositions (iv) and (v) are connected with this overall regime of contaminations: (iv) enunciates that the relation between *es gibt* and *es gilt* is reversible; (v) says that validity implies value, necessity and ought, but also incentive, motivation and profit. At this point, an inescapable element emerges. While Derrida presents, as a result of the enigma of validity, a series of candidates for a fundamental deontic concept, he introduces syntagmas that, in his view, indicate an absence of foundation. In *Given Time: I*, he had already concluded that there can be no point of presence in any economic structure capable of serving as an ultimate value-conferring instance. Value is the outcome of an excess within economic circulation. The same applies to interest, which, between self-interest and the remuneration of capital, always maintains a speculative, immaterial dimension in Derrida. Finally, we come to "il faut." This is perhaps the most sybilline of notions because Derrida makes an absolutely idiomatic use of

this expression. Derrida writes: ""il faut" not only means it is necessary, but in French, etymologically, it also means "something is lacking" or "missing." Fault or failure is never far away" (Derrida 1993:96). Since it signifies both duty and lack, this undecidable "il faut" cannot be constituted as an analytical particle (immune to further analysis). Derrida responds to the problem of normativity not by offering a foundation, a reason, or a source, but by setting up a position—or even a staging—where Being is always already contaminated by ought.

Logonomocentrism

If the passage/return to/from *Geltung* is the result of the unfolding of *Ereignis*, it is natural to inquire how this property-form comes about and unfolds. In *Given Time: I*, Derrida shows that economic circularity relies not only on the notion of obligation in general but also on the specific form assumed by a legal bond. Through his analysis of Marcel Mauss' concept of the *don*, it becomes evident that complex social structures, such as credit and contracts, perform the dual function of both enabling and negating the gift. In a moment, this will lead us to the problem of *expropriation.* But first, let us emphasize the contrast with Heidegger's position on the legal form. In a text called "The way to language [*Der Weg zur Sprache*]," Heidegger makes a particularly important observation regarding *Ereignis* and law:

> Appropriation grants to mortals their abode within their nature, so that they may be capable of being those who speak. If we understand "law" as the gathering that lays down that which causes all beings to be present in their own, in what is appropriate for them, then Appropriation is the plainest and most gentle of all laws, even more gentle than what Adalbert Stifter saw as the "gentle law." Appropriation, though, is not law in the sense of a norm which hangs over our heads somewhere, it is not an ordinance which orders and regulates a course of events: Appropriation is the law because it gathers mortals into the appropriateness of their nature and there holds them (Heidegger 1982:128).

This passage plays with the reader's expectations, particularly in light of Heidegger's famous despise of Roman metaphysics and juridical concepts. How could the author who so bitterly lamented the overthrowing of *aletheia* by the *imperium*, the philosopher who penned lines such as: "the command is the essential ground of domination and of *iustum*, (...) the "to-be-in-the-right" and the "to have a right"— how could he now assert that *Ereignis* is the most gentle of all laws? How could *Ereignis* be conceived in the form of a law?

In fact, Heidegger uses the word "law" in a very non-Roman way: "the gathering that lays down." He compares the law to a tendency towards appropriateness, a force of reconciliation capable of holding beings together with their own *Wesen*, their own "essence" in the sense of "the most resonant way" (Spinosa 2005:291). Law, for Heidegger, the "real" law is an appropriation that rules over separateness. In a footnote, Heidegger writes "*Setzen* not as *Thesis*, but rather as Letting-go, Bringing." The verb "*setzen*" ("to set" and "to put")

plays an important role here. The German word for law, *Gesetz*, contains in it the *Setzen*[3]: it refers to a norm that is stated, instituted, or put down. Heidegger is thus negating the traditional legal concept of "law" in favour of a gentler law of *Ereignis*. This is why, according to him, Appropriation is not a legal norm "which orders and regulates a course of events"; it is supposed to evade the idea of "command," for, instead of binding and exercising domination, this *Gesetz* lets go and bring being towards its "own" self. It is a gathering force that appropriately reunite Being.

In the words of philosopher Daniel Loick, Heidegger has called for a "de-legalization and thus a de-subjectivization, as he rehabilitates concepts of subjective "passivity" against the will to power, which has become a planetary dispositif" (Loick 2014:497). But we can go a step further: Heidegger belongs to a long-standing tradition—within which Hegel is not merely an isolated episode—that interprets philosophy's passage through Rome as the decline of the Greek philosophical spirit into a legalistic metaphysics. In this context emerges a desire to recover an experience of being untethered from the imperial violence of the law. *Logocentrism* has always been a *logonomocentrism*: the quest for the truth of norms within an instance of pure presence, where voice, meaning, and command are aligned in an absolute, non-violent proximity. Logocentrism confines law—analogous to the confinement of writing—to a "secondary and instrumental function" (Derrida 1998: 8). Legal norms are technical apparatuses subservient to language. They are mere representatives of true a normativity—often equated with an *ethos*— that is insulated from mediation, interpretation, distance and division. Heidegger's version of logonomocentrism postulates a law beyond mere positivity, upheld by a primordial *Setzen*, and characterized as both "letting-go" and "gathering."

The doubling effect

Ereignis is inextricably bound to a certain economy, blurring the lines between fundamental ontology and all the regional ontologies grounded in the concept of property. I want to propose an analogous claim: for Derrida, the transition from *es gibt* to *es gilt* is inseparable from the juridical form, that is, from a certain normative language that is imbued with legal structures. I will argue that logonomocentrism, the desire for a law beyond every possible positive law, tries to inhibit the effects of legality, especially its casuistry, and ends up provoking

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3   *Setzen* is a very important word in the vocabulary of deconstruction. Derrida has often explored the relationship between position and positivity, especially in connection with terms like "*envoi*," "*halte*," "*thèse*" and "*carte postale*." In this passage, these connections become clearer: "It's the end of an epoch. The end of a race also or of a banquet that is dragging on until the small hours of morning (I no longer know to whom I was saying that "epoch"—and this is why I am interrogating myself on this subject— remains, because of the halt, a postal ideal, contaminated in advance by *postal différance*, and therefore by the station, the thesis, the position, finally by the *Setzen* (by the *Gesetzheit des Sichsetzens* that he talks about in *Zeit und Sein*)"(Derrida 1987: 191).

a certain return of the repressed. It is no coincidence that Kant, along with the various interpretations of his work—especially Heidegger's—has remained central to Derrida's inquiries for several decades.

The term "validity" has traditionally been connected to legality. For Neokantians like Wilhelm Windelband, *Geltung* defined the very activity of philosophy because philosophy is concerned, after Kant, with the difference between "quid facti" and "quid iuris" (Windelband [1882] 2021:30). If validity is the quality of something that is justified and legitimized, something that not only *is*, but *ought to be*, we cannot escape the metaphor of the *tribunal of reason*[4]. This motif, now almost a commonplace in philosophical critique, is examined by Derrida in the preface to *Du droit à la philosophie*. He claims that the question "quid iuris?" has an expansive potential, extending its reach to colonize other domains of Being. This is an effect of what I call logonomocentrism. Derrida refers to this rather as "juridicism," identifying the functional advantages that the courtroom metaphor bestows upon philosophy. He is interested in the relationship between the power of justification and the possibility of reason's self-foundation. In other words, the juridical metaphor enables philosophy to position itself as the custodian of reason, a sovereign and plenipotentiary authority accountable only to itself. Juridicism here entails the possibility of interpreting "justification as foundation (Derrida 2002: 55)—whereby the *ius* transforms reason into a self-authorizing supreme court, pronouncing truth as if it were declaring the law.

A hasty analysis might lead us to conclude that, in light of this facts, deconstruction must call for a radical questioning of the *ius*, followed by the negation of its predicates. Heidegger, then, would seem correct in his invective against Roman metaphysical legality. We must be careful, however, not to oversimplify Derrida's critique of juridicism. This is a central point in my argument. There is obviously an intimate connection between juridicism and the historical structure of legality. But even if we construe juridicism as the colonization of Being by legal concepts, it remains uncertain how the juridical properties can be thematically specified. Put differently, from what instance can we determine what is law's "proper"?

According to Derrida, juridicism is to be understood rather as a lining or a doubling. A similar view was adopted earlier by Jean-Luc Nancy. In this respect, Derrida and Nancy's views differ from Heidegger's. Heidegger took law as referring to *imperium*, a rule-based commandment that requires obedience from individuals and takes possession over territories. *Ius*, for him, is always the domination achieved by a superior authority over a subject. Following Nancy's trailblazing paper "Lapsus judicii," Derrida sees this description as fundamentally flawed, because it misses the ambiguous structural constitution of

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4   I do not intend to delve into the problems related to the cognitive or ontological status of legal metaphors here. It seems to me that the interpretative solution to these problems lies in understanding the porosity between the metaphorical and the structural in the construction of reason as a legal framework. For a discussion on this topic, see (Møller 2020).

the juridical field. "Law" may be used to describe commandments in the form of *imperium*, but it also refers to casuistry, that is, the science of accidents. In a very important footnote in *Du droit à la philosophie*, Derrida quotes the following passage from "Lapsus judicii" in order to clarify the deconstructive effects of a legality that erases its own property:

> Such is the *properly juridical* (neither founding, explicative, interpretive, verifying, or sublating—but doubling all these meanings, or, as is said in navigation, bringing them to the surface) meaning of the critical question: "How are synthetic a priori judgments possible?" (Nancy 1977:93).

Derrida adds the following comment to this passage: "Or again: if one absolutely wants there to be something properly juridical in these conditions, this is on the condition that it would no longer be strictly juridical" (Derrida 2002:200). Despite resembling a sort of overall colonization of the philosophical vocabulary by legal terms, we see here that juridicism is a one-sided metaphysical stance that erases law in favor of all the main logocentric values: presence, essence, nearness, property and truth. We are in the middle of a scene that has been instantiated several times in Derrida's *oeuvre*: the scene of a paradoxical foundation. Juridicism is, in fact, a *Urszene* where law is supposed to solve self-reference problems generated by philosophy's self-description. But it can only do so on the condition of overturning that which, in law, does not belong to the authority of command; that which eschews legal certainty, that is, the casuistic and fictional form of *juris-diction*.

Juridicism and normativity

According to Derrida and Nancy, the empire of the question "*quid juris?*" is not, strictly speaking, law's empire. Logonomocentrism secures logocentrism by evoking a *properly juridical form* that, in reality, erases the fundamental *property* of every legal system: the property of not having a proper. This antinomic formulation is the result of something that Nancy has captured under the notion of "*lapsus.*" For Nancy, legal normativity is inseparable from the institutional technicality of law. Law is a normative system of organized coercion based on the interaction between rules and cases. And this includes not only the judicial fact-finding process through which the underlying facts are ascertained. Legal technique is concerned with the application of legal rules and principles, i.e., the determination that the facts in question fall under the application domain (*Anwendungsbereich*) of a norm. Law's systemic nature allows two different sets of interpretations. In the first set, jurisdiction enounces the law of a case and, in this sense, "it subsumes [the case], it removes its accidentality, it raises it from its fall" (Nancy 1977:85): Law would then function as Hegel's *Aufhebung*. The other set, however, reverses this affirmation. Law is nothing but the accident since it acquires meaning only in light of contingent

facts that actualize possible legal states. Here is what Nancy writes about this second interpretation:

> [Jurisdiction] states the law in and through this particular case; law only exists, in a way, through the case, through its accidental nature; if the case, once judged and *cased* [*casé*] (*casa*, the house, has nothing to do with *casus*), is lifted up, it nonetheless remains that it has fallen into its own fall. It "is" a fall: one lifts up what has fallen, not the act of falling itself. The logic of the case is to fall or slip on itself: a logic of relapse. In canonical law, the case, even when judged, is always susceptible to "*lapsus*" and "*relapsus*." It also bears—as we will verify—this other Latin name of the fall: *lapsus*."

"*Casa*, the house has nothing to do with *casus*": because of this effect of doubling, the law cannot go back home. Its economy is of one excess, expenditure and, why not?, a certain generosity. More exactly: "an excess of the gift over the essence itself" (Derrida 1992:10). Thus, *juridicism* means Law minus accident: it is the suppression of cases and casuistry in favor of an essence, an image of law that is constructed around the authority of hierarchical norm applications. According to this view, norms are once and for all standards that can anticipate and control every possible context where they will be applied.

Therefore, *juridicism* tries to create a safe passage between truth-making, justification and jurisdiction: stating the truth is asserting authority, and that authority comes from correctly applying rules determining the extension of concepts, words, ideas, etc. In the tribunal of reason, philosophy is not merely concerned with truth, but also with formalizing this connection in terms of duties and commitments. Drawing on H.L.A. Hart's famous distinction, we might say that philosophy does not oblige—it creates obligations (Hart 2012: 5).

Although Derrida emphasizes the need to differentiate between The Law (absolute and unconditional) and particular laws—especially in relation to hospitality (Derrida 1997:43, 2021b: 146)—he is not suggesting a law beyond the law grounded in a point of presence. His notion of an unconditional law does not adhere to recollection or adequation but operates, as we will see, as a counter-law, a form of the legal system's self-immunity. The discussion surrounding juridicism is crucial, because although Heidegger appears to deconstruct its premises, he ultimately reaffirms them. His search for a law beyond the law ends up being a return to propriety and ownership. This happens because, as Derrida had already noted in *Of Grammatology* (following Heidegger himself in this), it is not possible to simply negate or move beyond metaphysics. Similarly, it is not possible to simply abandon the law and the effects of juridical normativity in juridicism. The challenge lies in thinking how this system divides and enters into conflict with itself.

The conclusions we have explored so far address the problem of normativity. Traditionally associated with Kantian philosophy, the concept of normativity has, in recent scholarship, been reappropriated to frame "one of the oldest and most foundational philosophical questions, previously articulated through concepts such as "value," "good," "ought," "justification," "rationality,"

and "obligation" (Finlay 2010:331). Authors like Christine Korsgaard seek something like a "source of normativity" because, whether in morality, politics, logic or epistemology, the normative has to do with the incessant search for justification (Korsgaard 1996). To justify means to give force to reasons; a force of law. It is only possible to be compelled to act by a reason if this reason is accompanied by an authority that impels us. It is in this sense that juridicism takes up the notion of command. To enquire about the normativity of something is the same as asking about the origin of its power to command. In this sense, normativity is inseparable from the metaphor of the source; a source that has long been *fons legum et iuris*.

Whenever we say normativity we also say origin and foundation. The young Derrida has famously studied the antinomies of origin under the heading "the problem of genesis." He explored the nuances of genesis as both a general process of becoming and as a history at the level of essence (*Wesensgeschichte*). On the one hand, the term "genesis" evokes ideas of birth, conception, initiation, and, thus, foundation. It designates something unique, something that stands apart from any series— even a temporal one— and institutes absolute and independent novelty. On the other hand, genesis means the very impossibility of a proper beginning. Derrida writes: "there is no genesis except within an ontological and temporal totality that contains it" (Derrida 2003:xxi). In other words, genesis is the becoming of something in articulation with its past (and future). A genetic product arises from a line of continuity, a chain of events that challenges the idea of an analytic beginning. What Derrida calls the "problem of genesis" is therefore not simply the direct correlate of genetic phenomenology, but rather the outline of a contradiction between creation and becoming.

In a recent book, Alexander Schnell suggested that investigating the problem of genesis is the task of 21st-century phenomenology (Schnell 2021:23). According to him, phenomenology has always been bound up with what Eugen Fink called "*die phänomenologische Grundlegungsidee,*" i.e., the founding, the grounding, the groundwork, the "Laying-a-ground" (Fink 1966). Schnell believes that Derrida's hypotheses about the genesis only make sense when contrasted with this destinal aspect of the idea of foundation.

In addition to his criticisms of the eidetic of genesis, the punctuality of the present in temporality and the Husserlian teleology, I would like to suggest something about what is perhaps the most important consequence of Derrida's problem of genesis: the impossibility of drawing a stable boundary between the factual, historical and mundane on the one hand, and the transcendental on the other. The contamination between these two registers impacts the enigma of validity.

Ever since his *The problem of genesis in Husserl's philosophy* and his introduction to the translation of *The origin of geometry*, Derrida has raised suspicions about the privileging of the theoretical over the practical in phenomenology. In *Speech and phenomena*, he draws attention to the fact that Husserl "always determined the model of language in general—indicative as well as expressive—on the basis of *theorein*" and "continued to affirm the reducibility of

axiology to its logico-theoretical core"(Derrida 1973: 71). The problem, as Derrida points out, is that at key moments, Husserl inevitably turns to the practical sphere to justify or underpin the very theoretical priority he seeks to maintain. Practical language consistently intrudes into the realm of theory—whether in the explanation of transcendental inner dialogues, the framing of philosophy as an infinite task, or in the definition of phenomenology as a rigorous science.

Derrida displaces the classical form of the *Grundlegungsidee*. Instead of asking what are the theoretical foundations of normativity, he interrogates why normativity contaminates the very gesture of "Laying-a-ground." If we revisit propositions (iv) and (v), which address the shift from *es gibt* to *es gilt*, we can see that *Geltung* has functioned in metaphysics as a legal force beyond the positivity of any written law—a law beyond law that eliminates the role of contingency. The enigma of validity is an instantiation of the problem of genesis; and juridicism is a strategy to cope with it. However, this logonomocentrist solution is besieged by a return of the repressed. This is what seems to be said in proposition (vi), which is also taken from the aforementioned last paragraph of *Donner le temps II*:

(vi) the movement of *Ereignis* does not go without *Enteignis*, depropriation.

Tautologies and paradoxes: expropriation

I would be tempted to translate proposition (vi) as follows. In establishing the tribunal of reason and "quid juris?" as the main tenets of a legal metaphysics, juridicism answers to the *Grundlegunsidee*: philosophy must lay its own foundations autonomously. As we have hinted before, autonomous foundations evidently raise self-referential difficulties. Pure self-reference does not lead to a meaningful laying-of-ground, but only to tautologies and paradoxes. In those circumstances, philosophy—or phenomenology for that matter—can only state that philosophy is what it is (identity to itself, tautology) or that philosophy is not what it is (paradox). A successful *Grundlegung* must be able to de-tautologize and de-paradoxize philosophy. Juridicism—or logonomocentrism, as I prefer—is a strategy aimed at doing precisely that. But how?

Niklas Luhmann borrows from cyberneticist Lars Lofgren the idea that self-reference is addressed through the "unfoldment" of self-reference. Quite significantly for our discussion, he indicates that this procedure consists of interrupting the positive or negative circularity of self-reference. Unfoldment, however, does not happen through an ultimate resolution, but by the institution of a regime of invisibility:

> In any case, processes of "de-tautologization" and "de-paradoxization" require the "invisibility" of the underlying systemic functions and problems. That is, non-tautological and non-paradoxical societal self-descriptions are not due to individual plans or intentions but are possible only if crucial systemic processes and operations remain latent. Only an observer is able to realize what systems themselves are unable to realize. Or, alternatively, we can say that the problem

is to avoid "strange loops," "tangled hierarchies," or their effects such as "double bind" without being able to eliminate tautologies and paradoxes as identity problems of self-referential systems (Luhmann 1990: 127).

I believe that Derrida understood (vi) in analogous terms. This is why law, for him, is always connected to (in)visibility (*droit de regard*), mystery, guardianship and crypts (Derrida 1976, 1985; Derrida, Peeters, and Plissart 1985). The limitless extension of the question "quid juris?"—allowing philosophy to "pronounce the law on the subject of law"— functions as an *unfoldment* procedure. Therefore, normativity appears as the institution of the invisible. Logicians normally deal with paradoxes by distinguishing different logical levels. Unfoldment works in the same way: whenever a paradox or a tautology arises, one shifts to a different logical level to resolve it. Luhmann suggests that paradoxes and tautologies are broken down by postulating two identities, one meta-level and a lower level. The idea is that meta-levels unfold the paradoxes of the lower levels. But this procedure necessarily leads to another problem: we must avoid asking what constitutes the unity of the difference between the two levels. This question cannot be answered, it can only be hidden. Unfoldment is thus accompanied by procedures that hide this ultimate paradox; and by "hiding" we mean "prohibiting," or "forbidding" access. One cannot solve tautologies and paradoxes; one can only differ them. We are in the realm of *différance*.

Whenever we ask for foundations, we ask for the normative status of reasons; whenever we ask for the normative status of reasons, we ask for validity; whenever we ask for the ultimate source of validity, we incur in paradoxes and tautologies. This is why, *from a philosophical perspective*, the *Grundlegung* is philosophy's destiny. If juridicism is to unfold this scene, it has to accomplish two tasks. Firstly, it has to guarantee legal security in the space of validity: philosophy must be identical to itself, and this means correctly applying the rules that regulate its own essence. Identity implies rule conformity. Secondly, it has to posit the difference between philosophy and non-philosophy in order to secure the very possibility of progress. This is attained by postulating that philosophy is an infinite task: not only an ideal, but also the obligation to pursue this ideal of validity through a path of continuous approximations.

Needless to say, juridicism has had to pay a price for this unfoldment of *Grundlegung*. This price might be its own deconstruction or, in other words, the deconstruction that inhabits those legal concepts. Now I shall take it as obvious that the passage from *es gibt* to *es gilt* through *Ereignis* is also the oscillation between two slightly different concepts of property. The economic property, the one described by Derrida in texts like *Given time: I*, is concerned with circular exchange, circulation of goods, amortization, expenditures and, of course, the idea of return. It describes the possibility of value. The legal property, nevertheless, is concerned with ownership. Of course, this distinction is purely didactical, since the two properties presuppose each other. But there is one element that the passage from *Ereignis* to *Geltung* sets forth: property is "the parceling of chances for access while acknowledging the corresponding

chances of others" (Luhmann 2004:155). A stable pattern of ownership regulates access to values and, in this sense, stabilizes the self-identity of subject and object. Consequently, the "proper" is not only an "entitlement to a private sphere of discretionary decisions" (Menke 2020: 208), but also a concealed space where access is fundamentally denied to others. Property is mystery.

This is the core of my argument: understanding the dual nature of law and the expropriation inherent to its casuistry allows us to infer that juridicism cannot uphold the system's stability. Something inevitably slips through—an excess of normativity, a legal accident. If *Grundlegung* is fundamentally the keeping of a secret (the secret concerning paradoxes and tautologies), can we not expect this unsolvable and undialectisable contradiction to resurface? If it remains a secret, even for authors who, like Heidegger, have undertaken a careful *Destruktion* of the metaphysical archive, is there not a moment when the problem of genesis comes up?

In the typescript notes preceding the transcription of the oral record from session 15, Derrida makes the following observation: "Respect [*égard*], regard [*regard*]. Passage to *Es gilt*. See *Folie du jour*." This last piece of our puzzle can maybe help us understand the *différance* at work in the legal *Grundlegund* that has occupied us here. When examining *La folie du jour*, by Maurice Blanchot, in *Parages*, Derrida insists on the fact that the respect for legality is associated with a regime of visibility (*égard, regard*), i.e., the regulation of what is visible. As Derrida's reading makes clear, Blanchot's writing leads us to the mystery of juridical self-reflection, this doubling effect that forces us to think not of the law's unity, but its division. What we might call a mystical institutionalism emerges from a single question: "What if law's very condition of possibility were the a priori of a counter-law, an axiom of impossibility that would drive its meaning, order, and reason mad?" (Derrida 1986: 254). Terms like "impurity" and "contamination" reveal the extent to which this internal division within normativity cannot be thought within the metaphysical framework of juridicism.

Just as "the moment of decision is madness," so too is the genesis of law. And by "madness," in this context, we must understand the impossibility of presenting an ultimate reason or foundation. Derrida links the excessiveness of law's genesis to the double affirmation (*yes, yes*) that both repeats and inaugurates this excess. This is an exposure to the other which is, indeed, a call or an alliance. It is now clear that the ontological and normative registers endlessly contaminate one another. Legality, as writing, crosses over into the general domain of appearance: "There is no affirmation, especially not a double affirmation, without a law coming into being and daylight becoming right. Such is the madness of the day, such is a narrative in its "remarkable" truth, in its truth without truth"(Derrida 1986:282).

Thus, proposition (vi) challenges the authority of Heidegger's reading of *Ereignis and Enteignis*. Heidegger suggests that it belongs to the gift a "keeping back (*Ansichhalten*)." This means that *Ereignis* keeps something to itself in a regime of non-visibility: it is a denial, a withholding or, more exactly, a self-withdrawing. We are not very far from the idea of "unfolding" when we

consider that *Ereignis*' fundamental property is withdrawing "what is most fully its own from unconcealment" (Heidegger 2002: 22). This is the moment, in "Zeit und Sein," that Heidegger introduces the idea of *Enteignis*, i.e., an appropriation that exproprates. But this following comment seals the difference with respect to Derrida's position: "Expropriation [*Enteignung*] belongs to Appropriation [*Ereignis*] as such. By this expropriation, appropriation does not abandon itself—rather, it preserves what is its own" (Heidegger 2002: 23). The basic idea underlying Heidegger's *Enteignis* consists of reaffirming the proper despite self-withdrawing. Appropriation is the law of property and expropriation only serves to confirm it. To go back to Luhmann's unfoldment, in Heidegger we do not interrupt any positive or negative circularity of self-reference: on the contrary, the *oikos* obeys a law of reappropriation.

The destinal aspect of session 15 lies in the fact that, halfway between the theoretical and the practical, the enigma of validity is constituted as a mystery. Encrypted as a double effect of the law, there seems to be no escape except to stand before the law. But was this not already the primal scene of *différance*? Was it not a scene of expropriation without reappropriation?

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Gabrijel Režendе

Enigma validnosti: spekulacije o poslednjem paragrafu *Donner Le Temps II*

Apstrakt

U poslednjem paragrafu zaključnog predavanja seminara *Donner le temps II*, Jacques Derrida iznosi—ali ne razrađuje—ono što ću nazvati „enigmom validnosti." Nakon detaljnog čitanja Heideggerovog *O vremenu i biću*, predavanje se naglo završava obećanjem da će se analizirati određeni prelaz: od *es gibt* („ima", „il y a") do *es gilt* („važi", „il vaut", i „il doit"). Ovo sugeriše da je skupu pitanja tematski organizovanih oko dara—među kojima se ističe ideja Bića koje postoji i koje se daje kao dar—potrebno dopunsko razmatranje. Enigma validnosti odnosi se na pojavu normativnog vokabulara podeljenog na vrednost, obavezu i interes. U ovom radu pratim neke od tragova koje Derrida ostavlja u *Donner le temps II* i drugim tekstovima, tvrdeći da je „misterija normativnosti" povezana s dvosmislenim statusom zakonitosti unutar metafizike. Validnost, kao mistička osnova normativnosti, funkcioniše istovremeno kao metafizički prečac za obezbeđivanje samoreferentnosti u filozofskom mišljenju i kao nemogućnost bilo kakvog temeljnog utemeljenja (*Grundlegung*).

Ključne reči: dar, normativnost, zakon, validnost, dekonstrukcija

Barry Stocker

SINGULARITY, VIOLENCE AND UNIVERSALITY IN DERRIDA'S ETHICS: DECONSTRUCTION'S STRUGGLE WITH DECISIONISM

ABSTRACT

The starting point of the paper is Derrida's early discussion of Lévinas, focusing on the suggestion that violence is paradoxically magnified in Lévinas's attempt to articulate ethics as first philosophy within a metaphysics ostensibly free of violence. The next step is an examination of Derrida's thoughts on Lévi-Strauss and Rousseau in *Of Grammatology*. Derrida's comments on names and violence in Lévi-Strauss establish that ethics emerges through a distinction between the "good" interior and the "bad" exterior. Derrida's subsequent remarks on Rousseau bring up his view of pity as a pre-social morality and the emergence of a social world that enacts violence upon the fullness of nature and the spontaneity of pity within a system of organized, competitive egotism. In his engagement with Celan, Derrida explores a poetics that conveys the sense of a particular, singular self as essential to ethics—defining itself in its separation yet inevitably caught up in universality. This theme develops into an examination of mass slaughter around the Hebrew Bible story of the "shibboleth", highlighting the violent consequences of exclusionary conceptions of identity. In *The Gift of Death*, Derrida discusses the relationship between Paganism, Platonism, and Christianity through Patočka's perspective, then returns to Judaism via Kierkegaard's discussion of Abraham and Isaac. Derrida's reflections on secrecy, the sacred, ethical paradox, the violence of ethical absolutism, and the aporetic nature of ethical decisions converge around a discussion of political decisionism in Schmitt and the broader ethical significance of decisionism, as it also appears in Benjamin.

Introduction

Derrida famously suggests that "deconstruction is justice" in *Force of Law: The 'Mystical Foundation of Authority'* (in *Acts of Religion,* Derrida 2002: 243). This phrase in isolation might lead us to overlook the degree to which Derrida sees violence as irreducible in law and social institutions. Few, if any, close readers

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of Derrida have overlooked the account of irreducible violence in his thought, but it is important to focus on how far ethics is entangled with the irreducibility of violence and the always self-undermining struggle with violence. Justice must be caught up in metaphysical violence against law, if we pursue the famous phrase to its full extent. The accompanying argument in *Force of Law*, drawing on a discussion of Pascal and Montaigne, establishes the primacy of justice in deconstruction, because justice is the ideal necessarily different from law as interpretation and institutional violence. At least one commentator, Richard Vernon in *Pascalian Ethics* (2010) responds to this discussion with the argument that Derrida, along with Lévinas, is a Pascalian moralist, which is a strong claim, but is certainly suggestive of a useful genealogy. Law is constructible and deconstructible but justice is undeconstructible. Derrida adds the suggestion that "Deconstruction takes place in the interval that separates the undeconstrutibility of justice from the deconstructibility of law" (Derrida 2002: 243). Justice is then the opposite of law in an interplay of differences, but is also the source of the difference, or it is the difference, since it is deconstruction. Justice has primacy even if it may never appear, and its primacy is inseparable from this non-appearance. Glendinning has a Wittgensteinian response to this in *Derrida and the Philosophy of Law and Justice* (2016), which is worthy of consideration, but Derrida does have arguments with regard to institutions and practice, which challenge a quietist version of late Wittgenstein.

There are some definite echoes of Derrida's long 1963 essay on Lévinas *Violence and Metaphysics* (in Derrida 2001). This is an encounter with the violence still necessary in the attempt at the most purely ethical philosophy. As will be discussed below, *Force of Law* is the occasion of a discussion of Benjamin and Schmitt on decisionism. The argument below will proceed from Lévinas to Benjamin and Schmitt via Celan, Patočka, and Kierkegaard, in order to explore some fundamentals of Derrida's ethics.

Lévinas and the Ethics of Ethics

The themes of morality include the possibility of individuality and this is the center of morality: the positive possibility of moral agency, along with the tension between individual agency and communal rules. The existence of a community and the existence of moral agency themselves pose immediate challenges to the possibility of systematic morality. In *Writing and Difference* (2001), Derrida explores this significantly in relation to Judaism, whether the ethics as first philosophy of Emmanuel Lévinas or the poetics of Edmund Jabès. These encounters with Judaism and ethics have various echoes in later texts and it is important to follow some of this up in order to grasp Derrida's general ethical development. An extended discussion of these issues can be found in Martin Srajek's *In the Margins of Deconstruction* (1998). The arguments in *Writing and Difference* apply to the ethical issues raised in *Of Grammatology* (1997a) Part II. This is mostly a detailed discussion of Rousseau which is not followed up by much later discussion, but it does set out a starting point for

Derrida's ethics in parallel to the essays on Judaism, metaphysics and poetics in *Writing and Difference*.

Derrida sets up Lévinas' criticisms of Heideggerian ontology as a wasteland in the desert where Being and phenomenality are abandoned, a place that Lévinas claims can be beyond Heideggerian ontology (2001, 101). The Judaic ethics of Jabès is an experience of the desert, as is Abraham's near sacrifice of Isaac in *Fear and Trembling* which Derrida comes to discuss in *The Gift of Death* (1995). This role of the desert in Judaism implicitly harmonizes and contrasts with the wilderness in which Rousseau conceives of the origin of language, social ethics and political power, discussed by Derrida in Part II of *Of Grammatology*.

In *Totality and Infinity* (1969), Lévinas takes the face as necessary in the relation of the same to the Other, since the Other transcends the same. The same can only experience the other as face. This face to face is not a purely peaceful relation, since it is where we can experience conflict as well as peace in the relation with the other as face which cannot be eliminated from experience (ibid.: 78–81). Derrida's general view in *Violence and Metaphysics* of Lévinas' attempt to offer the ethics of the face as ethical and non-violent in contrast to the ontology of Heidegger, is that it only confirms the place of violence since peace is dependent on the ethics of the face. If this vanishes there is violence, in which case ethics is complicit in violence since the presence or absence of violence is dependent on the face. Derrida explains this in *Violence and Metaphysics* in terms of an economy in which God must be complicit with war, since the peace of God depends on the difference between the face and a finite world without a face. Without the face there would be no violence, since there would be no experience of the other which necessarily contains the possibility of conflict (2001: 133). Lévinas cannot escape from the thought that history is violence and metaphysics is an economy of violence, since it must be a violence against violence, the violence of metaphysical transcendence, experienced as the face, against violence. In Derrida's argument, the implication is that Lévinas is correct to conceive of the Other as always present, but mistaken in conceiving of this as a kind of primal peace. Metaphysical transcendence has a movement and this movement is history, with violence inherent to it (ibid.: 146).

Derrida discusses Lévinas as offering an ethics of ethics, which is ethics without law, "[m]oreover, is this Ethics of Ethics beyond all laws? Is it not the Law of laws? A coherence which breaks down the coherence of the discourse against coherence—the infinite concept, hidden within the protest against the concept" (ibid.: 138). The desire for non-violence makes the discussion of ethics as beyond law inevitable (foreshadowing *Force of Law*, which is discussed further below).

Derrida's 1996 text on Lévinas, *A Word of Welcome* (in *Adieu* 1999) continues this discussion after three decades in terms of another deconstructive moment deep in the origin of ethics, that is in the tension between: an original promise to the Other in the second person relation between "I and you", the "face to face" (1999: 34); and the third person nature of justice. This leaves an ethics which has tried to escape from Heideggerian ontology in a metaphysics of the Other, but is maybe still entangled in it:

the proceedings that open both ethics and justice are in the process of com-
mitting quasi-transcendental or originary, indeed, pre-originary, perjury. One
might even call it ontological, once ethics is joined to everything that exceeds
and betrays it (ontology, precisely, synchrony, totality, the State, the political,
etc.). (Derrida 1999: 34)

Derrida argues that if we follow through fully on Lévinas' own argument
that the ethics of ethics is inevitably a perjury, breaching the primary oath to
the Other in the face-to-face, as the third person inevitably enters into justice,
of the ethics of ethics, even contaminating the original promise.

[E]ven if Levinas never puts it this way, justice commits perjury as easily as it
breathes; it betrays the 'primordial word of honor' and swears [jurer] only to
perjure, to swear falsely [parjurer], swear off [abjurer] or swear at [injurier]. It is
no doubt in facing this ineluctability that Levinas imagines the sigh of the just:
'What do I have to do with justice?' (Derrida 1999: 34)

Lévinas as caught up in a form of decisionism, an arbitrariness in ethics
in the decision of the one who is deciding, "the impossibility of controlling,
deciding, or determining a limit, the impossibility of situating, by means of
criteria, norms, or rules, a tenable threshold" (Derrida 1999: 35). The possi-
bility is established of allowing the worst when the understanding justice, or
ethics, is based on betrayal and arbitrary choice with regard to falling on the
side of the original promise or third-party justice. The suggestion is not sim-
ply that the choice is between a category of the original oath or the category
of third-party justice, but that all claim to justice and ethics is deeply contam-
inated so that there is no barrier to the most horrifying of decisions, to deci-
sions that unleash horror.

Ethical Beginnings in Lévi-Strauss and Rousseau

Of Grammatology, like *Writing and Difference* originally published in 1967, has
an ethical dimension, particularly apparent in Part II "Nature, Culture, Writ-
ing", emerging around discussions of Jean-Jacques Rousseau's speculations on
the origin of language and Claude Lévi-Strauss's reports on the language of
the Nambikwara people of the Brazilian Amazon, in the state of Mato Gros-
so, during the 1930s. That is the discussion in *Tristes tropiques,* which has a
distinctive place as a poetic subjective reflection on anthropology by some-
body claiming to put it on a more scientific basis as "structural anthropology".
Though Lévi-Strauss was a great figure in the formation of anthropology as
a discipline with empirical methods and some claim to scientific status, here
as in the 1966 paper collected in *Writing and Difference*, "Structure, Sign, and
Play in the Discourse of the Human Sciences", Derrida plays on the specula-
tive, poetic and metaphysical elements of his writing, alluding to continuities
with Rousseau. The metaphysical elements revolve around a logocentrism
going back to Plato in which meaning is present in the *logos* at its most pure.

This appears in the philosophy of Descartes around assumptions of the transparency of consciousness, the infallibility of reason, the certainty of clear and distinct ideas, and the necessary existence of God. Husserl's phenomenology can be considered a self-declared last great attempt to follow Cartesian methods, so a major chapter in the history of logocentrism which influences many, including Lévi-Strauss.

Derrida discerns deeply Cartesian assumptions in Lévi-Strauss' melancholic nostalgic reflections on the apparently pure world of the Nambikwara, and backs this up with his own summary of Cartesian assumptions in the history of metaphysics (Derrida 1997a: 98). What Derrida suggests is that Lévi-Strauss brings these preconceptions to bear on his encounter with a language in the most "primitive" state of existence. Where the Nambikwara self-understanding begins and ends, where Lévi-Strauss' interpretation begins and ends as pure reportage and as interpretation, are themselves indeterminate issues, certainly on the basis of evidence purely internal to Lévi-Strauss' writing from the 1950s about anthropological work of the 1930s. These thoughts of Lévi-Strauss must then apply to assumptions about ethics, about deep assumptions that evil is external and good is internal, for the individual and for the community, which seek solidity of identity in inside/outside binaries. The external evil, as in the Cartesian evil spirit, is necessary to defining the goodness of the interior, so ideas of moral community are both deeply embedded but inherently ambiguous. This is in Lévi-Strauss, but for Derrida it also demonstrates something that is very common to ethics, as it exists in communal practice and as articulated in philosophy. The implicit metaphysics of Lévi-Strauss' anthropology bring out something about the logocentric-metaphysical assumptions embodied in widespread practice and articulated in a very wide range of reflection on the world, on the sacred, and on ethics. The violence Lévi-Strauss refers to, in the elements and beginnings of this process, is deeply significant for Derrida's own ethical reflections.

Derrida reaches a key point in "The Violence of the Letter" about one-sixth of the way through in his reading of Lévi-Strauss on the Nambikwara, where he refers to three levels of violence, with regard to names (1997a: 112). On the first level, the Nambikwara have a given name, a proper name, whose use is sometimes forbidden in order to provide some kind of protection from the outsider. The proper name is from Derrida's point of view already a loss of the proper, since the name comes from a system of signs external to the bearer. So, in some sense, for Derrida, our most proper name is forbidden and unknowable, preceding all naming. The second level of violence comes out of the protective concealment of the name which is already a moral institution, though a moral institution that denies its origin. The third violence is the outbreak of all the possibilities of war and evil, that break the moral institution of the second violence, instituted by the second violence.

"The Violence of the Letter" finishes with thoughts on two poles of morality built up from reflections on ethics and language in Lévi-Strauss and Rousseau (1997a: 139–140): the Rousseauesque assumption of social authenticity,

including a deep tension between idealization of the living word and the ethic of speech as the delusion of presence mastered. What Derrida sees in Lévi-Strauss on "primitive" peoples is in some degree the continuation of themes in Rousseau, regarding a kind of fullness of being and innocence of conscience in nature. According to Rousseau, the negativity of evil will always be a supplementary form, as evil is exterior to nature, to what is by nature innocent and good, so evil supervenes upon nature. The evil supplements possible only because of the lack of full being and innocence. They are always absent as soon as reflection upon them is possible and certainly when language appears (1997a: 145).

As Derrida points out in his examination of the *Essay on the Origin of Languages* in relation to the *Discourse on Inequality*, and a number of other texts, pity has a natural status as virtue, undermined by community. Its natural identity is undermined by imagination and loss of self-identity. Pity is undermined by sexual desire, by the desire that a man has for a particular woman, so that the universality of the city is undermined by the strength of a particular desire, Political virtue rests on there being community which can gather and hear the speech of any individual. Social division, including aristocracy, leads to less natural language as less natural force is used in speech. There is natural law in the heart which is supplemented by the laws created in a society. Natural pity is then the foundation of social laws, but is also displaced by them, certainly by the ways in which laws refer to universals, and not to particulars. The natural pity for individuals is eroded by the laws formed in society which apply to all. On the other hand, the particularity of desire undermines a universal aspect of natural pity. A man's desire for a particular woman, in contrast to the indiscriminate coupling Rousseau attributes to natural humans in the *Second Discourse*, in the social world undermines natural pity which is something before and separate from any particular connection. The *Second Discourse* suggests a link between competition for partners in the dancing of the earliest human communities and the general formation of societies based on status.

Derrida's extensive investigation of pity and social law in Rousseau, gives us another aspect in which the institution of morality is formed, with a shift from any kind of natural sense of individuality and morality. The articulation of the natural morality and identity itself is its repression in the formation of morality as a social institution. The Nambikwara apparently begin 'in nature' with a secret name, but Lévi-Strauss turns the proper name, consistently with his more theoretical general writing, into something that names an enemy. The proper name of someone is given to Lévi-Strauss by very young girls apparently using his presence to enable some kind of spite, a 'war of proper names' with someone they don't like. So, in Derrida's account, Lévi-Strauss preserves the innocence of a 'primitive' people (even if Lévi-Strauss at one level has reservations about assuming the Nambikwara to be 'primitive'), by attributing the war of a proper names to the presence of an outsider, that is himself. There is in Lévi-Strauss some assumption of an innocent primitive state, which has a kind of pre-morality. There is no moral law, but there is no evil. It seems from

Derrida's reading that this pre-morality only exists in the context of the second and third violence, so has no reality as a complete social world. The minimal primal moral moment is a topic of fascination for Derrida, as what is always already entangled in violence and evil.

In this concern with the moment at which morality and evil emerge, Derrida acknowledges the role of pity and natural law in Rousseau (1997a: 173–174). There is a natural sense of pity, according to Rousseau, preceding theories of good and evil, and certainly preceding the kind of alienation within the self which arises when differential social status enables *amour propre*. Derrida is very insistent that 'natural pity' in Rousseau involves imagination. A purely physical experience of pity would be destructive to the body. The stage of the formation of communities is one in which pity becomes more imaginative and then more universal. So, at this point a natural morality becomes rationalized. Derrida refers to the role that jealousy has in Rousseau, initially primarily to do with male jealousy in regard to desired women (1997a: 175), which breaks up the universality of pity (1997a: 190). So, the formation of society both universalizes and breaks up pity, except maybe as a residue. Derrida refers only in passing to the rise of *amour propre* in opposition to *amour de soi*, presuming that *amour de soi* is consistent with pity. Derrida's discussion of the ethical aspects of Rousseau's thought on the origins of language and early social development provide another perspective on the tensions and paradoxes inherent in ethics. Pity is natural but imaginative in Rousseau. It is the original ethical impulse, but is submerged in the violence of the separation of social humanity from natural humanity, lingering on but never fully expressed. These tensions are violent in a conceptual sense and can always become violent in the more physical sense, where the jealousy inherent in human community defines relations between communities; and pity is definitively submerged by annihilationist impulses directed against the external community, negating and threatening the purity and power of the first community in what is defined as an external evil to be eliminated.

Poetics, Violence and Judaism in Celan

An interest in Jewish law and individuality, apparent in *Writing and Difference* through the essays on Jabès ("Edmond Jabès and the Question of the Book" and "Ellipsis") and the long essay on Lévinas ("Violence and Metaphysics"), is carried on through discussion of the poetry of Paul Celan, gathered in *Sovereignties in Question* (2005). Here, however, I will examine only Derrida's long essay "Shibboleth", presented as a conference paper in 1984 and published as a book, *Shibboleth pour Paul Celan*. Two themes are particularly significant in "Shibboleth": singularity and universality; linguistic difference and communal annihilation.

Derrida partly discusses the 1955 poem "Shibboleth", along with others from Celan, in terms of a poetics of the singularity of subjectivity and experience, and poetry as a way of giving form to this inward freedom. The singular turn

of this phrase, "He as an I", will support the whole logic of individuation, of the "sign of individuation" that each poem constitutes. The poem is "the language of an individual which has taken on form" (Derrida 1997a: 5). The "He as an I" echoes Derrida's focus on the relation between "I-thou" and "ille" in Lévinas (Derrida 2001: 131). The shift from personal to neutral terms is a force in the writing of both and refers to what Derrida identifies as the difference between law and justice in *Force of Law* (2002), which will be discussed below. This is the difference between endless interpretations of finite laws and justice as absolute. The subjectivity of lyric poetry, the singularity of aesthetic experience as the most inward and free form of experience, can only be intelligible, can only have an existence, where the 'I' is more than subjectivity, where it communicates from the third-person point of view. The poem is, in this context, an account of the struggle to relate singular subjectivity with the universality of communication.

Derrida highlights the importance of dates in Celan's poem and his poetry in general. The poem refers to the month of February and other more indirect ways of locating memories in time, which has equivalents in other poems by Celan: "Instead of walling up the poem and reducing it to the sign of singularity, a date gives it its chance, the chance to speak to the other!" (Derrida 2005: 8). The essay starts with reference to circumcision, and the theme of the date is interwoven with this discussion, so that the discussion of dates has a Judaic context, though it is then just as much the case that Judaism is given a universalizing context. The theme of the universalization of the "I" in the third person has a counterpoint in the universalization of Judaism. The latter topic itself raises many issues about the place of Judaism in the world that go beyond the scope of this paper, but it should at least be noted that they are there.

The dating of the poem is not just an issue of giving the poem a unique identifying date but is also the way that dates gather in memory. The poem universalizes subjectivity but also gathers external world references into a unique event, which is an expression of individual singularity.

> Concentration gathers a multiplicity of dates around the same anamnestic centre, "all our dates" coming to conjoin or constellate at once, in a single place: in truth in a single poem, in *the only one,* in the poem that is each time, we have seen, alone, the only the, solitary and singular. (Derrida 2005: 10)

The dating can be very allusive, as in the phrase "*no pasarán*" [they shall not pass] which appears in the poem "Shibboleth" and is associated with the Republican side in the Spanish Civil War. For Derrida, the dates, whether particular days in history or events that unfold over years, are significant in Celan and give a sense of political resistance or struggle to his poetry, as the dates are those which are meaningful in the history of progressive causes and struggles. Clearly, the Holocaust underlies these aspects, and many other aspects of Celan's poetry. Much of his poetry offers a dispersed and fragmented encounter with horror and struggle in history that implicitly revolves around

the Holocaust, both placing this historical event at the center as a particularly overwhelming evil and dispersing it as an example of the persistent horror of history. In Derrida's thought, the persistence of evil and horror can be seen as consequences of the violence he identifies with the emergence of ethics and which finds something like an ultimate culmination in the Holocaust.

Derrida deals with the persistence of annihilationist horror through Celan's indirect invocation of the ancient Hebrew story of the *Shibboleth*, which can be found in Judges 12 of the Hebrew Bible and is a story of ethnic slaughter on the grounds of difference within an ethnic community, which divides itself against itself. The Israelite Ephraimites slaughter the Israelite men of Gilead when they cannot say "shibboleth" correctly according to Ephraimite linguistic practices. The result is the death of forty-two thousand. There is a resort to a kind of violence between Jewish tribes, which may have been written to indicate the weakness of ancient Israel under the rule of judges with limited power over tribes; even if the judges are inspired by God, they do not succeed in ruling or legislating over a unified, peaceful polity pleasing to God (Redfield 2021). Derrida, in his discussion of Celan (and Kierkegaard), seems to miss the chance to bring in Jephthah's sacrifice of his daughter in Judges 11, that is, Jephthah the Gileadite who promises the Lord to make a human sacrifice if he can defeat the children of Ammon. The Judges 12 story follows on from this sacrifice, as it is Jephthah who leads the Ephraimites in the slaughter of the Gileadites. This slaughter is a reaction to an attack by the Gileadites, who are angered with Jephthah as he did not include them in his war with the Ammonites. It is significant that the story of the *shibboleth* carries on a story of family sacrifice and ethnic destruction. The story of Jephthah and his daughter is a disturbing sequel to the story of Abraham and Isaac, which seems to promise the end of human sacrifice. The commentaries of Kierkegaard and Derrida on Abraham and Isaac, discussed below, can be seen in this context. In this context, there is a recurring dilemma of the relation of oaths to God and moral duties (along with affective ties) to children. The horrifying moral aporia never ends as a secret of ethics and religion

For Derrida, the story of the *shibboleth* names an event of annihilationist horror, which is also an event of difference in language. The Gileadite violence is imposed through a test of pronunciation of the word "*shibboleth*", in which they detect the Ephraimites when they fail to pronounce 'shi', turning it into 'si' (Derrida 2005: 26). Derrida argues that this is a difference without differences, a pure marker which marks a secret of the Gileadites, as a marker of their identity, but a secret with no content, a secret with no secret (Derrida 2005: 26). This argument in some significant ways carries on from his 1968 essay "Différance", collected in *Margins of Philosophy* (1982) and the cryptomimesis of his discussion of the cryptonomic psychoanalysis of Nicolas Abraham and Maria Torok in "Fors" (1977), and so can be seen as part of the deep themes of Derida's writing. For the purposes of the present paper, most significantly it shares themes with Derrida's thoughts about Jan Patočka and Søren Kierkegaard in *The Gift of Death* (2008).

Patočka on Ecstasy and Ethics

Derrida's discussion of Patočka in the first two chapters of *The Gift of Death* (1995) focuses on Essay 5 in *Heretical Essays in the Philosophy of History* (2011), 'Is Technological Civilization Decadent, and Why?'. The main concern of this paper is with Chapter 1 in *The Gift of Death*, 'Secrets of European Responsibility' which is closer to the central concern of this paper than Chapter 2.

Derrida builds on the role of the Pagan orgy in Patočka in an emphasis on secrecy, which proves a counterpoint to Derrida's concerned with singularity as the secret name in Lévi-Strauss, the poetics of the individual in Celan, and the secret of the *shibboleth* in Celan. There is a deep tension in Patočka between the demonic and the responsible, which also refers to an opposition between secrecy and freedom. The secrecy refers to sacred rites, while the demonic also refers more broadly to confusion between the animal, the human, and the divine. This is an issue whenever humans fail to take themselves as responsible in the sense Patočka develops. Responsibility belongs with religion and a self which has freedom (Derrida 1995: 2). Religion, which Patočka only considers from the Christian point of view, depends on an overcoming of the demonic. Derrida points out an ambiguity here, in which religion may eliminate the demonic or merely bring it under domination (ibid.). Patočka's view of religion as responsibility is the story of the formation of a subject as a relation of the self with itself, a singularity and individuality which has freedom. This exists in relation to others, with a goodness expressed in the gift of death (ibid.: 3). Derrida sees a gift of death here, because the Christian message refers to a life oriented towards salvation through 'selfless goodness' (ibid.: 5) after death. He sees a kind of moralized view of history, which is a specifically Christian and European history, around a history of responsibility which is being forgotten (ibid.: 4). This view of history rests on 'an abyss that resists totaling summary. Separating orgiastic mystery from Christian mystery this abyss also announces the origin of responsibility' (ibid.). The consequence of the abyss and the forgetting of responsibility is the forgetting of historicity itself (ibid.). Derrida here is presumably drawn towards an ambiguity around 'mystery' as both demonic rather than Christian, but also existing within Christianity.

Derrida identifies two problems for Patočka: responsibility cannot be part of history without undermining the idea of responsibility by making it something historically conditioned; historicity must be open and undecided, without totality, as it contains responsibility, which is necessary to Christian spirituality (ibid.: 5). Derrida adds that 'the paradox here plays on *two heterogeneous types of secret* (ibid.: 6)': the secret of historicity (presumably the paradox just outlined); the secret of the demonic-pagan orgy which historical responsibility should overcome (ibid.). There is also another sense of the secret here, which is the Christian mystery, 'the dread, fear and trembling of the Christian in the experience of the sacrificial gift' (ibid.), anticipating the discussion of Kierkegaard later in *The Gift of Death*. The individual feels an interior force in Christian spirituality, in which singularity is confirmed by the terrifying power of God.

For Derrida, this brings up another transition, opposition and tension, which is the movement from the Platonist 'ethico-political self (ibid.: 7), which is necessary in the overcoming of Paganism, but also has to be overcome itself in Christianity. In Derrida's analysis the Paganism cannot be excluded from Platonism or Christianity and the Platonism cannot be excluded from Christianity, as these relations of domination and opposition also preserve. Patočka creates a new mystery in the transition from Pagan mystery to Platonic ascent of the soul to observe the Good: what Patočka refers to as a '"new mystery of the soul"' (ibid.: 8) and an '"interior dialogue of the soul"' (ibid.). Eros and death both enter into this mystery and a particular importance is given to Socrates on death in the *Phaedo* (ibid.: 12). Derrida brings in Heidegger as the philosopher who is concerned with death and with the issue of care, which arises in Socrates' posture towards death in *Phaedo* (ibid.: 13).

Derrida also gives acknowledges a sociological perspective in references to Émile Durkheim on the sacred (in *The Elementary Forms of Religious Life*, 1995 [1912]) as they appear in Patočka, which indirectly invoke Nietzsche in the repetition of the pagan sacred in history, giving the example of the French Revolution. The deconstructive interplay of Heideggerian and Nietzschean perspectives is implicitly acknowledged, in the discussions of the philosophy of the soul and of the sociology of the sacred.

Derrida's position, combining these perspectives, is that the secret, which is a fundamental term for Christian spirituality, is necessarily close to the Pagan sacred, and so the demonic orgy is preserved in Christianity, as it is in Plato. Derrida gives the example of the allegory of the cave as a trace of demonic orgies tied to the depths of the Earth. The demonic orgy is part of the original sacred as an escape from daily routines and labor in experiences of ecstasy, of sensory experiences, and moments of consciousness which escape from everydayness. The Eleusinian mysteries, which Plato may be hinting at when he refers to the cave in the famous allegory, are an example deeply embedded in the Athens of Socrates and Plato, as well as the tragedians and the comic dramatists.

Patočka uses Durkheim in his discussion of the sacred across human societies and history. Drawing on the anthropology of the nineteenth and very early twentieth centuries, including the work of his nephew Marcel Mauss, Durkheim refers to the sacred as the ecstatic experiences of the earliest human communities, repeated in later forms of religious experience. There is some important background to Lévi-Strauss in Durkheim and Mauss, though this is not the place to explore the connections and the implications for the reading of Lévi-Strauss. Patočka draws on the persistence of the sacred, in Durkheim, to emphasize what he sees as the dangers of a present fall into the orgiastic (Derrida 1995: 22). Derrida also discusses the dangers of Platonism for Patočka in the priority Plato gives to knowledge, in Patočka's reading. The presence of this tendency, however repressed, in Christianity means it may subordinate knowledge to theology based on nature, leading to a naturalistic world view (ibid.: 24). Responsibility is then caught in the aporia between its primacy over knowledge and the need to use knowledge in responsibility (ibid.: 24). Derrida

detects here a general aporia about the relation between theoretical and practical philosophy, which is maybe something we should bring into the reading of Derrida on the relation between ethics and ontology (ibid.: 25). Derrida also refers to the tendency of Patočka's position to create and aporia for freedom and the decision (ibid). Implicit in Derrida's account is the possibility that we are brought to the brink of unmotivated decisions, a kind of violence, within ethical responsibility.

What Derrida focuses on in his reading is that the freedom of responsibility allows for differences of opinion about the central claims of Christianity, so that heresy arises, creating new secrets of repressed thought (ibid.: 26). Derrida brings in Kierkegaard here: 'experiences that are paradoxical in the strong sense that Kierkegaard gives to the word' (ibid.). Derrida does not expand on this thought, but it can be taken as a foreshadowing of his discussion of Kierkegaard in the later chapters of *The Gift of Death*, placing Abraham's dilemma in the context of philosophical aporia.

Secrets, Fictions and Ethical Singularity in Kierkegaard

The first line of chapter three of *The Gift of Death* (1995: 53) establishes a link between Patočka and Kierkegaard through the phrase *mysterious tremendum* which Patočka uses in *Heretical Essays* (2011: 106) to highlight the inscrutable relation of the human to the absolute highest being. Derrida brings this into connection with the trembling in Kierkegaard's *Fear and Trembling* and brings the *mysterious* into connection with secrets in Kierkegaard, particularly Abraham's secret when commanded to sacrifice Issac. Derrida emphasizes the physiological aspects of trembling and its status as something that comes at the limits of knowledge (1995: 55). It is both the gift of love and the gift of death (ibid.: 54-55), all derived from the gap between the finite individual and the infinity which the individual faces.

While Derrida's examination of Patočka focuses on the relation between Platonism and Christianity, the examination of Kierkegaard enters into the relation between Judaism and Christianity. The idea of Christianity and European tradition emerging from the interplay of Greek and Jewish influences is already an issue in 'Violence and Metaphysics'. Derrida's reading of Kierkegaard's *Fear and Trembling* in chapters three and four of *The Gift of Death* is inevitably part of his engagement with Judaism, in religion and ethics, given that it is a way of approaching the story of Abraham and Isaac in *Genesis* 22. That is the story of how God commands Abraham to sacrifice his son Isaac, but provides a ram as a substitute at the moment when Abraham raises his knife at the place of sacrifice.

What Derrida emphasizes most directly in his comments on the Christian side of Kierkegaard's reading is simply the phrase 'fear and trembling', used by Paul on couple of occasions in the Epistles of the *New Testament*. Derrida refers to Philippians 2:12 and 13, with regard to the fear and trembling of finding salvation, and the origin of our will in God. He does not refer to Paul First

Corinthians 1 to 5, though that seems to reinforce the import of fear and trembling. These passages build up a Pauline teaching of Christianity as devoted to the power of God, individual responsibility for salvation, the fear and trembling which comes from the individual search for salvation, along with the awareness of Crucifixion and the power of God. The second passage does not obviously exist in tension with the first tension, though it does emphasis the Crucifixion.

The secret is fundamental to Derrida's understanding of Judaism, as discussed above with regard to Celan. He sees it as preserved in Christianity, which is emphasized by the attention given to Kierkegaard as a reader of Genesis 22. Derrida is concerned with how story telling in Genesis is repeated and transformed by Kierkegaard, with the implication that narrative and fiction, involving at least some poetic use of language, is an inevitable part of the origin of ethics and a full investigation of this origin. Additionally, Derrida writes about how Abraham's secret relates to stories about the nature of secrets in Kierkegaard, which are among other things an aspect of his literary and rhetorical approach to writing philosophy or theology. There is a deep concern with fictionality and interaction of voices in Kierkegaard's writing including his writing on Isaac and Abraham. As Derrida points out, this can be seen in the pseudonymous nature of *Fear and Trembling* (ibid.: 58). The book claims to be by Johannes de Silentio bringing up the issues of secrets as well as the general concern with fictionality. Abraham's secret is of course that he does not speak of the sacrifice commanded by God to anyone, including Isaac himself. The question here for Derrida (and Kierkegaard) is not just that Abraham kept a secret on this occasion, but that the relation between the individual and God is in its nature a secret, including the possibility of a command to violate ethics, a command which is likely to create the trembling of faith, as defined by Christian writers since Paul.

In Derrida's account, not speaking throws us back on our individuality, as it is language in which we go outside our singularity into the universal world of communication (ibid.: 60). He picks up on the discussion of Patočka with regard to the theme of the responsibility of the individual. Responsibility is divided in Kierkegaard's account of Abraham's dilemma between ethical responsibility and the responsibility to God, which requires abandoning ethical responsibility (ibid.: 61). In this case, responsibility rests on an aporia. Following Kierkegaard's understanding of the difference between the ethical and the religious, Derrida describes this as the paradox of general or universal (ethical) and absolute (religious) responsibility (ibid.). Derrida emphasizes that for Kierkegaard the contradiction within responsibility becomes actual in the instant of action, when the act is in contradiction with Abraham's feelings (ibid.: 65). There is a significant shift from the abstract contradiction to the lived passion of the contradiction, which is act versus feeling rather than absolute versus universal. There must be a moment of decision for Kierkegaard which is the moment of action.

Derrida here brings his own consistent exploration of aporia, paradox, and contradiction into relation with Kierkegaardian passion, emphasizing an aspect

of his own philosophy, certainly beyond the intellectual trickery and game play-ing that Derrida's harshest critics attribute to him. Derrida refers to the instant of decision which is madness in Kierkegaard, but as in the epigram to 'Cogito and the History of Madness' (Derrida 2001: 36), three decades before ,he fails to provide the reference, as Geoffrey Bennington notes in 'A Moment of Madness: Kierkegaard's Derrida' (2011). This omission seems surprising since the phrase (Kierkegaard 1985: 52) comes from the section on 'Offence at the Paradox' in *Philosophical Fragments*, a section and a book which are focused on paradox. Nevertheless, the place of paradox and the inevitability of the decision that lacks a rational normative basis in Derrida's ethical thought is clear enough.

Deconstruction and Decisionism at the Origins of Ethics

The possibility of decisionism hangs persistently over Derrida's ethics. That is not to say he is much concerned with the word, but his work does engage with the ethical aspects of what emerged in Carl Schmitt as a political and legal doctrine. The decisionist aspect of ethical, legal and political though precedes Schmitt and is independent of Schmitt, as Derrida's ethical writings implicit-ly show, even if he did not use the label 'decisionism' and does not appear to have been much concerned with Schmitt before the 1990s. Even then, he treats Schmitt as a political and legal thinker, without going directly into any ethical implications, which is anyway the general approach of Schmitt commentators.

In the broad sense of decisionism used here, it is a way of thinking in which ethical, legal and political decisions are in the last resort superior to rules and laws, are necessary for there to be rules and laws. Decisions which cannot be reduced to rules or laws and are necessarily to some degree unmotivated and arbitrary. They appear as an act of violence against the abstract university of legality and the rule bound social world. If the foundations of ethics, laws and politics are contradictory, paradoxical and aporetic then some element of de-cisionism is unavoidable in these spheres, since a decision cannot be arrived at through deduction from norms. What underlies and accompanies decisionism in this sense, as can be seen in Schmitt, is the friend-enemy conception dis-cussed in *The Concept of the Political* or more broadly a view of political rela-tions as inherently antagonistic to an annihilationist degree, if we follow what Schmitt has to say about this polarity. The annihilationism has a basis beyond political decisionism, entering into Schmitt's discussions of *nomos* and law (*The Nomos of the Earth* 2003 [1950]), despite his tendency to argue that deci-sionism and the multiplication of friend-enemy distinctions was the product of the liberal destruction of natural law and the historically corporate nature of political communities. Schmitt provides a label for a necessary part of the origin of all norms. Decisionism is not just a 'fascist' theory. Its National So-cialist, fascist and broadly authoritarian expressions in Schmitt, depending on which text and which moment in history are at issue, are themselves expres-sions of something much deeper and inescapable. It has a liberal equivalent in Max Weber, writing towards the end of his life, as Schmitt started writing his

most famous texts, in 'The Profession and Vocation of Politics' (1994 [1919]); and a Marxist equivalent in Benjamin's 'Toward the Critique of Violence' (2021 [1921]). Schmitt greatly appreciated Benjamin's lecture and wrote to him to explain this. Passages in Heidegger's *Being and Time* (1962[1927]) on Being-towards-death and historical decisions (e.g. § 72, H 387, ibid.: 438), share these broadly speaking decisonistic assumptions.

Weimar Germany was particularly rich in this kind of thought, but something decisionistic has always structured ethics, as well as legal and political thought, so that the writings of the 1920s began to make the implicit explicit. Patočka's *Heretical Essays* allude to the persistent role of decisionism. The word decisionism (*decisionismus* in Czech. Patočka 1975: 87) appears once in this text (2011, 98), in the fifth essay which Derrida on in chapter of *The Gift of Death*. It is only once, but the significance is clear for a deconstructive view of ethics and it is not surprising that an examination of Patočka should be followed by a discussion of *Fear and Trembling* as a significant example of 'decisionism' in ethics, in this case a pure action intervening in the aporia of two senses of individual responsibility. Schmitt himself develops his decisionistic view of politics partly with reference to Kierkegaard, but in relation to Kierkegaard's philosophical fiction *Repetition* (1983) rather than *Fear and Trembling* (1983). The definition of the source of sovereignty, aligned with the friend-enemy distinction in *The Concept of the Political*,[*Der Begriff des Politischen* 1932, based on a 1927 journal article], is already explained with regard to the state of exception several years earlier in *Political Theology* [*Politische Theologie* 1922] 1985: 15), where Kierkegaard is referred to as a Protestant theologian, and with reference to Kierkegaard's philosophical fiction *Repetition* (Kierkegaard 1985: 227). In Kierkegaard, repetition is the opposite of Platonic recollection, a way in which we can live forward in life through repetition of transcending states, which can happen in romantic love, but most significantly in a life of religious faith. In Schmitt, this transcending moment is the point in politics where an exception arises, and the sovereign is revealed in this moment of decision.

Derrida reacted directly to Schmitt, as a political thinker, in *The Politics of Friendship* (1997 [1994]), particularly in chapter 5. Preceding that book, Schmitt does have a significant if brief appearance in the 'Force of Law' ([1990] in Derrida 2002) in relation to a lengthy discussion of Benjamin's 'Toward the Critique of Violence'. As Derrida points out, Schmitt sent Benjamin a letter of congratulation (ibid.: 259), setting up some unease about Benjamin's version of revolutionary political decisionism and the more broadly decisionist attitude to ethics and law that underlies it. The unease also comes from 'Toward the Critique of Violence' as a text concerned with Judaic ethics, taking divine violence as superior to mythic violence. It takes its defining example of violence as divine from Hebrew scripture, that is the divine fire and opening of the earth which destroys the Korah rebellion against Moses, killing the families of the rebels as well as the rebels themselves (Numbers 16: 1-41). According to Benjamin, this is sacrifice in the service of the living, and should be placed in the context of the impossibility of always following the Sixth Commandment

('Thou shalt not kill'). That is, the ancient Israelites and all people now thinking about justice, are faced with the necessity of respecting a profound principle while recognizing when it has to be honored in the breach in the service of life.

Derrida recoils from this form of decisionism mingling a form of revolutionary leftism, very influenced by Georges Sorel, as well as recent revolutionary upheavals. Sorel's thought is highly ambiguous in the political legacy of *Reflections on Violence* (1999 [1908]), which influenced the revolutionary right as well as the revolutionary left, and elevates a version of decisionism, in the commitment to the mobilizing myth as an end in itself. There is a connection with Durkheim's *The Elements of Religious Life*, and his earlier writings, with regard to an interest in, and even longing for, the return of moments of sacred communal action.

Benjamin's account of divine violence shows an inclination to favor theological-ethical justification for the divine destruction of a group, regardless of individual responsibility. Derrida is evidently disturbed by this despite, or maybe because, of his sympathetic interest in Marx (1994). Presumably it is the peaceful gradualist constitutionalist interpretations of Marx that Derrida finds most sympathetic, what has sometimes been labelled Revisionism or Kantianism in debates about Marxism, and which may appear to some to be in practice indistinguishable from egalitarian liberalism. All celebratory expressions of decisionism, as a political or ethical-religious end in itself, are disturbing for Derrida; and even more disturbing because some kind of decisionism is an unavoidable part of there being ethics of any kind.

Derrida finds that Benjamin's thoughts on the paradoxes of "justice", always caught between natural law and positive law, make 'justice' a name of deconstruction, while also finding something deeply disturbing about divine violence as an expression of Judaic justice and ethics. It is appropriate that Benjamin's articulation of justice as deconstruction, should also articulate the inevitability of decisionism, and the more extreme ways, in which decisionism may then become a totalizing end for action belonging to the action itself. Benjamin is a precursor to Derrida in his deconstructive moments, but also a revealer of how close the deconstructive moment is to the decisionistic moment. The decisionistic moment in isolation becomes the source of ethics or politics as annihilating horror.

The Passion of Jacques Derrida

The discussion of Benjamin in *Force of Law* brings out the importance to Derrida of recognizing that deconstruction must verge on decisionism, so might become tainted by the annihilating horror of unrestrained decisionism. This is a deep intellectual issue for Derrida and more. He writes frequently on the passions, agonies, and transcendent hope associated with ethics. This becomes most clearly tied up with Derrida's own identity when it touches on Judaism. There is a concern in Derrida with how ethics can become a moralism of this kind and how this can be found in a Jewish tradition which Derrida

finds valuable in general, and certainly in relation to his own sense of identity as someone of Sephardic Jewish origin. Derrida's interest in Judaism as religion and ethics is apparent across many texts. "Interpretations at War: Kant, the Jew, the German" ([1989, 1991] in Derrida 2002) confirms the link Derrida makes between Judaism and law, which is a theme of texts going back to *Writing and Difference.* The personal aspect of this is particularly apparent in "Abraham, the Other" (2007a) and is hinted at already in the last essay of *Writing and Difference* (1978), "Ellipsis", which ends (2007a: 300) with a quotation from Jabès attributed to Reb Derissa, that is, a name similar to Derrida preceded by an honorific used for observant religious Jews. There is a play with identities here, certainly not a direct statement about Derrida, but since Derrida emphasized existential passion as essential to Kierkegaard's account of ethical-religious paradox, it should be noted that there is a strong element of existential passion in Derrida's account of Judaism and the ethical discussions that always connect with Judaism, directly or through the context of Derrida's writing, which is sometimes playful (as is Kierkegaard's) but always significant. Ethical idealism may become annihilating decisionism, so deconstruction must be an engaged struggle against this horror, whether in philosophical tradition or in the religious scripture, the laws, the interpretations, and the poetics of Judaism.

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Bari Stoker

Singularnost, nasilje i univerzalnost u Deridinoj etici: borba dekonstrukcije s decizionizmom

Apstrakt

Polazna tačka ovog rada jeste Deridina rana rasprava o Levinasu, s fokusom na sugestiju da se nasilje paradoksalno uvećava u Levinasovom pokušaju da artikuliše etiku kao prvu filozofiju unutar metafizike koja je navodno oslobođena nasilja. Sledeći korak predstavlja ispitivanje Deridinih razmišljanja o Levi-Strosu i Rusou u *O gramatologiji*. Deridini komentari o imenima i nasilju kod Levi-Strosa ukazuju na to da se etika pojavljuje kroz distinkciju između "dobrog" unutrašnjeg i "lošeg" spoljašnjeg. Deridini kasniji komentari o Rusou razmatraju njegovo shvatanje sažaljenja kao pred-socijalnog morala i pojavu društvenog sveta koji vrši nasilje nad punoćom prirode i spontanošću sažaljenja unutar sistema organizovanog, kompetitivnog egoizma. U svom angažmanu s Selanom, Derida istražuje poetiku koja prenosi

osećaj singularnog sopstva kao suštinskog za etiku—definišući se u svojoj odvojenosti, ali neizbežno uhvaćenog u univerzalnost. Ova tema se razvija u analizu masovnog pokolja kroz priču iz hebrejske Biblije o "šiboletu", ističući nasilne posledice isključujućih koncepcija identiteta. U *Dar smrti*, Derida razmatra odnos između paganizma, platonizma i hrišćanstva kroz Patočkine perspektive, a zatim se vraća judaizmu putem Kjerkegorove rasprave o Avramu i Isaku. Deridina promišljanja o tajnosti, svetom, etičkom paradoksu, nasilju etičkog apsolutizma i aporijskoj prirodi etičkih odluka konvergiraju oko rasprave o političkom decizionizmu kod Šmita i širem etičkom značaju decizionizma, kako se takođe pojavljuje kod Benjamina.

Ključne reči: Derida, dekonstrukcija, decizionizam, Levinas, Selan, Patočka, Kjerkegor, Benjamin, etika, nasilje

Terrence Thomson

AFTER THE BIRTH/DEATH OF KANT/DERRIDA

ABSTRACT

In this paper I explore some points of cross-over (as well as points of difference) between Kant's framing of critique and Derrida's deconstruction of this frame. I begin by situating the question concerning "where we stand now" in terms of some of Kant's late (unpublished) thoughts on metaphysics and "*Fortschritt*" (stepping-forward and progress) in his "What Real *Fortschritte* has Metaphysics Made in Germany since the Time of Leibniz and Wolff?" I show how Kant inadvertently tears open a deconstructive space at the center of critique (a framing of a metaphysics of the future, of the to-come [*Zukunft*] which never properly comes) while eschewing an attempt to walk through it. With this in mind, I then read Derrida's picking up of this tear in his discussions of the *Parergon*, *Ergon* and the *hors d'oeuvres*—the starter *outside* and *before* the main work—in *The Truth in Painting*. My aim is to unravel a view in which we can say simultaneously, perhaps metaphorically but also methodologically, that Derrida's death frames Kant's birth, and that the birth of deconstruction frames the death of critique.

> "But the other 'end' is the 'beginning', the 'birth'"
>
> —Heidegger (1977: 373)

> "Now where do we situate the syntagma 'my death' as possibility and/or impossibility of passage? (As we shall see, the mobile slash between and/or, and/and, or/and, or/or, is a singular border, simultaneously conjunctive, disjunctive, and undecidable)"
>
> —Derrida (1993: 23)

What of the repetition of the "mobile slash" between the birth/death and Kant/Derrida in my title? It refers to the conjunctive, disjunctive simultaneity of the birth *and/or* death of Kant *and/or* Derrida, in the sense that where we talk about the birth of Kant, there too we talk about the death of Derrida. Or perhaps we should read the center between the two slashes, the "death of Kant" framed and cut off by the "birth [...] Derrida"? And then again, perhaps when

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we talk about the birth/death of Kant/Derrida or the death/birth of Derrida/ Kant, we also refer tacitly to the birth of deconstruction *as* (not only and/or) the death of critique? But we must start more concretely, pushing off from these already entrenched and loaded questions.

The occasion is of course 20 years since the death of Derrida. But this year also marks 300 years since the birth of Kant. This double occasion prompts us to mark it by asking after some of the constellations as well as the differences between these two bodies of work. To bring us around once again to the question repeatedly being asked this year ("where do we stand now in relation to and after Kant?") the other question consists of how we might respond *after* Derrida (not "where do we stand now in relation to Derrida?" but "where do we stand now in relation to Kant because of Derrida?"). Indeed, this question, "where do we stand now?" is one that both thinkers tarried with, but I'd like to go a step further by suggesting that, perhaps, Kant, or critique, can only be read after Derrida, or deconstruction. That is, in the double meaning of the word, "after": after the emergence of as well as in the manner of. But, as I will argue, there remains a stubbornness at play in critique resisting deconstruction by (or while) simultaneously making it possible—it refuses to become deconstruction. For while Derrida is clear that deconstruction is decidedly *not* critique,[1] this means we should pay special attention to how close they are, to the minimal gap (verging on immense distance) between them. After all, in Derrida's (bracketed) words, "(this is why one must read Kant and always begin by rereading Kant)" (Derrida 2015: 37).

With respect to inquiring into where we stand now, I'll push off from Kant's own posing of the question, which hangs on the somewhat elastic term, *Fortschritte*—stepping-forward and stepping-away, advancement and progress. This word heads an unpublished piece from 1793, "What Real *Fortschritte* has Metaphysics Made in Germany since the Time of Leibniz and Wolff?" (the so-called *Preisschrift*)[2] and so I'll linger with it in the first half of this paper, which I hope to weave into a broader accentuation of a barred future (a *Zukunft* always to come) inlayed into the heart of critique. To draw this out further, I discuss Derrida's deconstruction of the frame, enframed, *parergon* and *ergon* in *La Vérité en peinture* (*The Truth in Painting*) sparking questions as to what lies after or outside the frame of critique.

Overall, this paper suggests that perhaps just as Kant hopes for a "*neue Geburt*" of metaphysics (AA 4:257), we might hope for a (re)birth of Kant *after* Derrida (whose shadowy trace has never fully been born nor fully died where Kant studies is concerned). Indeed, deconstruction frames the work we do

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1   Here I echo Geoffrey Bennington in one of his lectures at EGS (Bennington 2012).

2   All citations of Kant's work are from Kant (1901–) (AA) with the volume number followed by page number apart from Kant (2013) (KrV) which is quoted according to the A/B pagination (as is customary). All translations from the German are my own. I'd like to thank the organizers and attendees at the *Kant 300* conference put on by the Romanian Academy (April 2024) where I first gave this paper. In particular, I thank Rodica Croituru and Claudiu Baciu for their engaged comments and questions.

on and in critique in a manner reminiscent of Heidegger's *Unlebendiges*, the un-living or non-alive (Heidegger 1977: 238). And yet it is critique that allows for the frame of deconstruction to appear at all. Thus, Derrida persists in reading Kant, permitting us to momentarily catch a glimpse of what was in critique all along but could only be uncoiled *after* the intervention of deconstruction; that is, an after-critique within critique itself.

Rest in Peace

Fortschritte, then, how does Kant use this term in the *Preisschrift*?

Let's start at the end of the *Critique of Pure Reason*, the last two lines of the Doctrine of Method, on the History of Pure Reason which, it must be remarked, is surprisingly short since it still largely lies ahead as an empty title that "must be filled-out [*ausgefüllet*] in the future" (KrV A852/B880). Kant closes the book with a decided opening and openness: "The *critical* way [*Weg*] alone is still open [*offen*]" (KrV A855/B883). The critical philosophy offers and opens a path (a *Weg*, a way) leading to a closure yet to come. As Kant goes on to state, the aim is to take a step along the pathway for the sake of bringing reason to "full satisfaction," "*völligen Befriedigung*" (KrV A855/B883), to pacify it by closing down the need for further steps. Or to stretch it a little further, to bring reason to a peaceful end (in the sense of *im Frieden*) such that we can say "*Ruhe im Frieden*," rest in peace.

We might also recall another text Kant drew up afterwards, namely, the philosophical *Entwurf* of "*ewigen Frieden*," eternal peace. But as we know from the start of that sketch, there is somewhat of a joke that lingers on. "Eternal peace this way" as the sign above the inn says, a directive that teeters on the edge of what is, for critique, theoretically impossible to encounter.[3] Kant finds it amusing that we might point the way toward what is essentially the actualization of a transcendental idea, that if eternal peace were found then it would erase the characteristics that make it what it is, it would lose its horizonal, asymptotic status—eternal peace ultimately refers us to death and "the cemetery" as Hannah Arendt reminds us (Arendt 1992: 52). There is a self-deprecating failure or internal undoing at work in the sign which we might transliterate as "step this way for that which one can never actually step into." In the end, all we have is the sign that signals its own impossibility of actualization and the bare, minimal mark of pointing or waving at it through a clue (*Wink*).[4] So to bring to full satisfaction or to peace—to encounter reason dying—already circumscribes a dubious area; the full appeasement of reason ultimately points to the inability to fully appease it, its inability to lay itself to rest.[5] John Sallis' opening words

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3 As Peter Fenves puts it, the text is "written under the sign of failure" (Fenves 2003: 92).
4 See KrV B421, AA 5:300 and 5:352. Also see Derrida (1987: 39).
5 We might also open this out to Heidegger's conversation of the *Ende* and *Ganzheit* in *Being and Time*, as well as to the example of the unripe fruit which "*vollendet sich*," "completes itself" in ripeness (Heidegger 1977: 244). Of course, this would take us down

to his compelling text on Kant are indeed fitting here: "Reason—the very word now bespeaks crisis, failure of every available sense to fulfil what cannot but be intended" (Sallis 1980: 1).

Despite this, however, Kant maintained the hope that the full satisfaction of reason was not far off, that this might even happen by the close of his century and that reason's hitherto fruitless quest for grounded metaphysical knowledge had become tantalizingly close owing to innovations made by the *Critique of Pure Reason*. What are we to make of this hope despite the impossibility of satisfaction? It is this structure of the "hope despite" that I think gives us a clue. We might call this "hope despite" something like a zone of perpetual vacillation, a holding back of the step-forward (the *Fortschritt*), a suspension of reason's demand for a metaphysics precisely because of the advancement (again, the *Fortschritt*) made by critique. *Fortschritte* repeats or resounds in a double echo: a step-forward projected onto the future by remaining hopeful for the full laying to rest of reason in a metaphysics; and an advancement away from the metaphysical demand to cede the sensible to the super-sensible despite reason's refusal to be put to rest in this matter.

We come, then, to Kant's own (unpublished) 1793 diagnosis of the steps taken 12 years after the first edition of the first *Critique*; what "progress" did Kant think had been made? Had the *Fortschritt* taken an unforeseen step-backward? The question, put more generally, could be: what is the current standing of metaphysics after the advent—or should we say event?—of the *Critique of Pure Reason*?

In the first line of the *Preisschrift* Kant echo-locates his own project, demonstrating that he is not only aware of the context of the question as if standing outside it, but actively placed within its milieu. Critical philosophy is a major part of what has happened in metaphysics since Leibniz and Wolff; after all, the question of *Fortschritte* concerns "one part of philosophy, in one part of learned Europe, and also for one part of the current century" (AA 20:259). It's a question of history in the sense of asking after the present, inquiring into where we are at *this* time, in *this* place, and in *this* geographical and disciplinary area of investigation. For this reason, Kant's response to the question is premised upon a reading of the history of metaphysics via an encounter with its "first and oldest steps [*Schritte*]" (AA 20:261), followed by a series of stages that it had to go through (AA 20:264). Moreover, this encounter is modulated through the lens of critique itself understood as an interpellation that interjects into or intervenes in the battlefield (*Kampfplatz*) of metaphysics by succeeding its history while at the same time projecting forward to a distinctively *critical* metaphysics, a future metaphysics *after* critique. Thus, while there is a clear line separating the before-critique and the after-critique the details of

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a different pathway toward the dynamic of opening and closing indicative of Dasein's *Sein zu Tod*, Being-toward-death and the inadequacy of describing the fruit in terms of two entirely different states—that is, the inadequacy of all models of completion and wholeness where Dasein is concerned.

their entanglement remain ambiguous in so far as critique is still in some way a part of the history of metaphysics by Kant's own reckoning.

The togetherness of these two strands—the history of metaphysics and its reading through the lens of what comes after critique (an anticipatory nod toward a future, rejuvenated metaphysics)—harbors a contemporary awareness of the historical context and the role one's own text might play in it. That an "analysis" should start with a history, not only of the past but of the present is hinted at in the title of Kant's First Section, "History [*Geschichte*] of Transcendental Philosophy Among Us in Recent Times [*unter uns in neurer Zeit*]" (AA 20:265). In other words, a history of the writing, general thesis and contextual impact of the critical philosophy which is still in our midst, *among us*.[6] This mixing of history (*Geschichte*) and recent times (*neuerer Zeit*) perhaps underlies the confusion Henry Allison faces in the "Editor's Introduction" to his translation of the text, when he says that there are "significant discrepancies" between the historical understanding of metaphysics and its role after critique; he claims these are due to "an uncertainty on Kant's part about whether to base the divisions on the familiar distinctions within traditional philosophy [...] or on the divisions of the critical philosophy (which partly coincide with these)" (Allison 2002: 341). A discrepancy perhaps, but things aren't as clearcut as Allison hopes, for Kant conducts an experimentation with the ambiguous jointure of the two steps (*Schritte*), one forward and one backward, or perhaps, a step back *for the sake of* a step forward. Ultimately, metaphysics after critique points to an area of undecidability such that the so-called discrepancy Allison detects is not an error overlooked by Kant, but is constitutive or "built-in," so to speak. What Allison sees but doesn't recognize is the doubling of *Fortschritte* by means of a projective draft that comes before; critique as a ground-laying for a future metaphysics—a "*Grundlegung* of metaphysics" in Heidegger's words (Heidegger 1991: 208)—and then its failure to deliver this metaphysics, which results in a collapse between the before of the projective draft and the after of the metaphysics.

And this isn't about transforming critique into an alternative metaphysics as Gerard Lebrun warns us, "Kant doesn't now support another thesis, he doesn't now search for a better method; he speaks another language" (Lebrun 2008: 31). That is, he speaks a language other than the logical "yes" or "no" that Allison seeks: he speaks in an indecisive tone that says both "yes" and "no" simultaneously. It is here that critique sustains itself at a fork in the road, facing off in two directions (AA 20:261). The *Fortschritt*, then, (and I refer both to the text itself and the thematic it harbors) is not only concerned with the death of metaphysics but also with its birth or, more precisely, its *re*-birth under a different rubric than how it was yesterday, by framing what's happening now around what should happen tomorrow.

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6   According to de Vleeschauwer, the essay "marks an important stage in the process by which the distinction between the critical propaedeutic and the transcendental system became obscured in Kant's mind" (de Vleeschauwer 1962: 153).

But we must disentangle the various meanings of metaphysics here. In Kant's late estimation metaphysics is polysemic, concurrently signifying: a natural pre-disposition that we cannot escape no matter how much we believe ourselves to have been purged of it (AA 4:279 and KrV A500/B528); an italicization prompted by a future text entitled *Metaphysics*, divided into two parts (morals and nature) projected by Kant before (AA 18:9), during (KrV Axxi) and after (AA 6:216 and 445) the establishment of critical philosophy; and the demand for another type of *Fortschritt*, an *Überschritt*, or stepping-over from the sensible to the super-sensible in a manner conducive to the limits set by critique (that is, by way of practical philosophy and its encounter with human freedom).[7]

Speculatively tying these strands together, we could argue that stepping-over from the sensible to the super-sensible, even if through practical philosophy and human freedom, calls upon critique to have transgressed its own limit "all along" because the drive toward metaphysics and the writing of a text entitled "*Metaphysics*" (and more precisely a theoretical "*Metaphysics of Nature*") are themselves natural pre-dispositions. This confrontation with the limit reveals the ambiguous edge or margin of critique and so provides a potential opening. We might say that a tear rips open precisely when the delivery of a metaphysics/*Metaphysics* is both demanded *and* indefinitely suspended.

To come back to our point of departure, the peaceful death of reason reveals itself to have been deferred all along because it cannot help but be busy crossing from the shore into the ocean,[8] even after—or precisely *because of*—the drawing of limits conducted by critique. Accordingly, far from the stiff, dusty rigor(-mortis) one often gets a whiff of in interpretations of Kant, critique here takes on the garb of instability, a restless turbulence in the face of its own undeliverable *Fortschritte*.[9] It is an inevitable fall in the face of the limit it sets itself since critical philosophy is still called upon to navigate the "shoreless sea [*uferloses Meer*], in which the step-forward [*Fortschritt*] leaves behind no trace [*Spur*]" (AA 20:259). To return to Lebrun, he puts it well when he says, "The simple project of methodologically establishing the ground of metaphysics is now equivalent to the death of 'that' which has always been called 'metaphysics'" (Lebrun 2008: 35). The aim of critique was to establish the ground for metaphysics but it results in a death, an accidental death. Not the full satisfaction of reason in a restful state, but the violent (albeit inadvertent) putting to death

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7   Kant alludes to this last one in the *Preisschrift*: "it is the science [*Wissenschaft*] of stepping-forward [*fortzuschreiten*] from knowledge [*Erkenntniß*] of the sensible to that of the super-sensible through reason" (AA 20:260), later contrasting it to a leap (AA 20:273).

8   I refer here to the internal split of Transcendental Logic in the first *Critique* where the Transcendental Analytic is compared to an "island" and the "land of truth" while the Transcendental Dialectic is compared to "a wide and stormy ocean [*Ozeane*], the proper seat of illusion" (KrV A235/B294–5).

9   Diane Morgan encodes this element of critique by way of the "Egyptian metaphor," which "helps to reveal architectonic foundations in general, and more particularly Kantian philosophy, as flimsy, as not fixed" (Morgan 2000: 65).

of the possibility of a future metaphysics. In other words, the attempt to pacify reason is seen here as the involuntary manslaughter of metaphysics wrought by critique. Perhaps Kant was, after all, the "all-destroyer"[10] of metaphysics, but not on purpose and not in the way that prominent neo-Kantians might claim.

This gives rise to the question: is it possible to detect something of a *Destruktion* or indeed deconstruction of the history of metaphysics here in this margin (even if this death is accidental)?

[...]

The most extended and (for us) interesting encounter between Kant and Derrida is in the first chapter of *The Truth in Painting*. In particular, Derrida hones in on critique as composed of "detachable" (*détachable*) parts (e.g., the detachment of the theoretical and practical). But he goes further, relating it to the fact that critique itself is detached from the system of metaphysics in the manner of a *hors d'oeuvres*, a starter or appetizer, or what comes outside (*hors*) the main work (*oeuvre*).[11] This points to a more fundamental suspension:

> It is in the critique that, precisely, the critical suspension is produced, the *krinein*, the in-between [...] But the system of pure philosophy *will have had to* [*aura dû*] include the critical within itself, and construct a general discourse which will get the better of the detachable and account for it. This system of pure philosophy is what Kant calls *metaphysics*. It is not yet possible [*elle n'est pas encore possible*]. Only the critique can have a program that is currently possible [*actuellement possible*] (Derrida 1987: 39).

And so, the third *Critique* attempts to bridge the theoretical and practical domains as well as constituting the outer edge that leads to a system of metaphysics, a reattachment between critique and metaphysics (and note Derrida's italicization of *metaphysics* here, whose "m" Derrida refrains from capitalizing—it is a quasi-title). But we must also underscore that "it is not yet possible" (*elle n'est pas encore possible*) and that Derrida italicizes the "*will have had to*" (*aura dû*), since this system is never given and so doesn't and can't reincorporate critique into itself. It is not yet possible and never will be; it *will have had to* and so it didn't; it remains a pure, indefinite potential, a literal future perfect that remains outside. The detachability of critique therefore permanently stays detached, leaving a "lacuna" (*lacunaire*) both between the first and second *Critique* but more importantly *after* the third *Critique* where the system of a critically grounded metaphysics (a doctrinal text bearing the title *Metaphysics of Nature*) should have been. In this connection, Derrida goes to the end of the Preface of the third *Critique*, claiming,

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10   Moses Mendelssohn, quoted from Beck (1969: 393). Also see de Vleeschauwer: "the critical era had opened victoriously with the destruction of its opponents" (de Vleeschauwer 1962: 152).

11   See Derrida (1987: 57).

After deploring that nature has mixed up the threads, at the moment when he is finishing his critical work [...] admitting the lacunae [*lacunes*] and projecting a bridge over the abyss [*l'abime*] of the other two critiques, Kant speaks of his age. He must gain time, not let the delay accumulate, hurry on toward the doctrine. (Derrida 1987: 43)

Derrida then introduces an ellipse by framing an empty space on the page, perhaps a performative gesture[12] to the lacuna Kant leaves:

This empty space, this shining through of the blank, white page[13] which is formed only by enacting it (it is not even quotable without performing and reperforming it, for there is nothing *there* to quote) waves at the very last words of the third *Critique*'s Preface (which I have subtracted and framed with "[...]" in the quotation):

I will step [*schreiten*] without delay to the doctrinal [part], in order, if possible, to wrest-from [*abzugewinnen*] my increasing age some time still favorable [to the task]. It's self-evident that there is no special part for judgement in it, since with respect to judgement critique serves instead of theory; rather, following the division of philosophy into the theoretical and the practical, and [the division] of pure [philosophy] equally into such parts, the metaphysics of nature and of morals will constitute that business [*Geschäft*]. (AA 5:170)

Again, it is a matter of stepping (*schreiten*) toward the doctrine, which comprises two sides, "metaphysics of nature" and "metaphysics of morals"—which are now, noticeably, *not* italicized as they were in the first edition of the first *Critique*.[14] The completion of this business is concurrently the arrival of the future perfect, a delivery of the yet to come announced by critique, the bridging of the lacuna and the filling in of a blank space. But precisely because this doctrinal metaphysics never fully appears (Kant only delivers a *Metaphysics of Morals*), the desire of reason ends up plummeting into the abyssal "*bythos*" beneath it and recoiling back into the anticipatory preparation (Derrida 1987:

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12   For more on the performativity of the *parergon* see Harvey (2004: 59ff).

13   As Foucault said in the context of reading Kant, there is a continuing speech "*la page une fois blanche*," "once the page [is] blank" but also in the emptiness of the page, "the page [at] once blank" (Foucault 2008: 95).

14   This reflects the de-italicisation of these terms between the two editions of *Critique of Pure Reason* from 1781's "title [*Titel*], *Metaphysics of Nature*" (KrV Axxi) to 1787's "plan [*Plan*] of providing the metaphysics both of nature and of morals" (KrV Bxliii).

41). After all, here we are, three centuries later still in the ambit of critique, still stepping along the pathway tarrying with the propaedeutic (we are still in the midst of it and it is still "among us"); we stand at the portal of the *parergon* and not even the first line of the work itself, the *ergon*, has been written. While this blank has yet to be properly filled, Derrida implies that this is no oversight on the part of Kant but rather constitutes the very marrow of critique: it has the power it does only in so far as the future perfect remains empty and undelivered. It is this *Mangelhaftigkeit* (deficiency and deficit) that Kant sends us through the cacophony of failed attempts to present such a doctrine, the various post-Kantianisms aimed at plugging the lacuna (e.g., Reinhold's *Elementarsystem*, Fichte's *Wissenschaftslehre*, Schelling's *System of Transcendental Idealism* etc.). There is no time to waste, and yet we could waste all our time attempting to deliver the system in the hope that it will eventually be complete. But, alas, it continues to unavoidably recoil back into the padded comfort of the propaedeutic, back into the *Grundlegung* of metaphysics rather than the metaphysics itself.

In a sense, we could say that the propaedeutic character of critique is akin to the sublime, whose "abyss [*Abgrund*] threatens to devour [*verschlingen*] everything" (AA 5:270) except Kant has created a frame which has always already swallowed up any metaphysics that might succeed it by limiting knowledge to objects of possible experience. In this connection, the suspension of a theoretical doctrine of metaphysics is precisely what gives critique its critical flavor. Derrida again:

> But even if it were established that in principle, in metaphysics in the Kantian sense, one must begin at the foundations, critique is not metaphysics: it is, *first, in search of* the foundation (and thus in fact comes *afterwards*), suspended like a crane or a dragline above the pit, working to scrape, probe, clear, and open up a sure ground (Derrida 1987: 50).

Critique is taken back to the Greek *krinein* here: to cut apart through decision, to keep separate, but also to hold in a state of sustained *krisis*:[15] critique holds crisis open.[16] In the end it is bound up with a suspension of the end in a promise that not only cannot be kept but must remain indefinitely promissory for the sake of the very fabric of critique.

But what about when Derrida speaks directly about the frame, when he defines a "*discourse of the frame*" (Derrida 1987: 45) as denoting a thickness—which also echoes a certain *Dichtung*, a fiction, a poetry and invention as densification (*dichten*)[17]—between two zones. With reference to the third *Critique*, Derrida shows that the frame Kant outlines is itself the instantiation of the inside and outside such that the line isn't drawn between two pre-existing entities, but

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15   See the entries for "critique" and "crisis" in Onions (1966: 229).
16   Sallis again: "*Metaphysics*—this too bespeaks crisis, no less than does *reason*. It bespeaks the same crisis" (Sallis 1980: 3).
17   See Schürmann (1987: 12).

rather being on/over (*Über*) the line[18] first generates an interior and exterior or a before and an after. Just as in the performative framing of empty space dispersed throughout "Parergon" as well as Antonio Fantuzzi's prints framing rectangular and oval empty spaces (e.g., Derrida 1987: 65–6), if there were no frame, the inside and outside, the before and after, wouldn't only be indistinguishable, they'd cease being anything at all. Where does the (always) promissory, absent metaphysics stand in relation to this frame, then; is it the frame or the enframed? Where is the overlap between the before of critique and the after of metaphysics (if indeed there is an overlap at all)?

Arguably, a glimpse of it can be found in a 1799 note published by Kant, the infamous Declaration (*Erklärung*) against Fichte and the *Wissenschaftslehre*. Here it appears that the frame of critique has forced an incorporation of the doctrine that it prepares the ground for into itself. For instead of the demand for a (re)attachment of critique,[19] Kant now acts as if its detachment never existed by nesting it into the system it always anticipated and pointed toward. The frame of critique now trespasses into the void it framed at its center. For while it is still about stepping—specifically the "*übergeschritten*" (stepping-over, transition or transgression)—from transcendental philosophy *to* metaphysics, directly after this Kant makes a powerful statement against reading the critique as merely preparatory:

> Here I must remark that the presumption [*Anmaßung*] foisted upon me [that] I wanted to deliver merely a *propaedeutic* to transcendental-philosophy and not the *system* of this philosophy itself is incomprehensible [*unbegreiflich*] to me. (AA 12:370–1)

Critique is no longer merely the frame, then. But how could this statement not be incomprehensible to those who still live in the ambit of critique, that is, *to us*?

Against many of Kant's remarks both in and around the first *Critique* (e.g., KrV Bxxxvi and Bxliii)—and even against Kant's own plea in the *Erklärung* to read *Critique of Pure Reason* by the letter (AA 12:371)—critique must now be identified with the transcendental philosophy, which in turn seems to be ambiguously bound up with the reborn system of metaphysics. (And we cannot fail to engage in a nod toward Heidegger's thesis that transcendental philosophy is *metaphysica generalis*, that is, ontology here).[20] It's as though Kant says, "no future needs to be assumed; we have everything right here, right now in 1799; the promise has, all along, been fulfilled, we just didn't realize it until now." Doesn't the after-critique, which must remain blank, not only get filled in here, but erased entirely since the frame has dissolved into its own absent

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18   See Heidegger's and Jünger's (2008) correspondence and the latter's essay dedicated to Heidegger's sixtieth birthday, "*Uber die Linie*."

19   See AA 5:168 and Derrida (1987: 39).

20   See Heidegger (1995:199–200). For more on this interconnection see de Vleeschauwer (1962: 165).

enframed? And doesn't this erasure also wipe-out the very reason why the interpellation of critique had the impact it did on metaphysics and its history?

To put this closer to Derrida's terms, Kant's *Erklärung* sees the *parergon* falling into the *ergon*, or the point where the supplement and frame is shown to have all along—perhaps secretly—been the entire work itself.[21] Critique had been viewed by Kant as a preparatory project, an annex leading onto a system of metaphysics. It was considered a prior, albeit entirely necessary, supplemental clearing; a *parergonic hors d'oeuvres* that prepares the ground for a future *ergon*, a future *oeuvre*. And now, here in the *Erklärung* we find this distinction collapsing such that the use of the word "*Erklärung*" is quite apt in its equivocation; the clearing of the pathway toward the system needs to overlap with the system itself, which is affirmed in another type of *Erklärung*: clearing-up the controversial matter of Fichte, making it clear that the *Wissenschaftslehre* is not needed since critique is itself the long desired *Lehre*. In a way, the situation is more deconstructive than deconstruction itself as if Kant made critique *too* strong, *too* powerful, such that it overflowed beyond its intended purpose, for as Derrida puts it, critique is a "discourse constantly threatened with overflowing [*débordment*]" (Derrida 1987: 70). (And *débordment*, as Derrida reminds us, also refers to a de-boarding or perhaps a sort of walking the plank and falling into the sea). The *hors d'oeuvres* is no longer an announcement of what is to come, it is no longer the outside that remains outside; for Kant now reveals that it has been the main (dis)course all along; but right at that moment, just when we accept this revelation, the deconstructive moment calls out: we remain in a state of hunger.

"One fine, sunny day"

With all this in mind, I want to reach for a broader conclusion here to do with the absence of work in general and its connection with the dynamic between the *parergon* and *ergon*. For what Derrida hints at in his deconstruction of Kant is a project of reading the history of Western thought not only under the rubric of a "metaphysics of presence" but also under its related mode of occurrence, that is, the prosthesis and the stand-in or substitute. Because what critique opens onto, ultimately, is a "non-existent" text; indeed, it is *premised upon* the (impossible) possibility of someday bringing this non-existent text to presence. Derrida's intervention is to show how, when broadened, this may apply to *all* properly "philosophical" texts in the history of Western metaphysics, that they are all prosthetic stand-ins for unpenned texts never delivered; the work itself as the shadow of another work that was never written. Giorgio Agamben says it succinctly:

> Every written work can be regarded as the prologue (or rather, the broken cast) of a work never penned, and destined to remain so, because later works, which in turn will be the prologues or the molds for other absent works, represent

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21   See Derrida (1987: 59).

only sketches or death masks. The absent work, although it is unplaceable in any precise chronology, thereby constitutes the written works as *prolegomena* or *paralipomena* of a non-existent text; or, in a more general sense, as *parerga* which find their true meaning only in the context of an illegible *ergon*. (Agamben 1993: 3)

The text we receive is always the shadow of (and sometimes, as with the case of Kant's three *Critiques*, *in* the shadow of) a work never written. The *ergon*, even if Kant tries to backhandedly identify it with the *parergon* to save critique in the face of Fichte's *Wissenschaftslehre*, must remain—can *only* remain—illegible in the literal sense of unreadable because there is no text present to read.

The implication of course is that the only text which can be called properly "philosophical" is the text that doesn't prosthetically stand-in for an absent work, the text that is not simply present in the shadow of a work that is not there, but is this absent work itself sustained in its illegibility. But this is equivalent to demanding a pure *ergon* without any *parergon*, which would result in a sort of self-cancellation of the *ergon* (after all, for the *ergon* to be *ergon* it must be framed by a *parergon* or else it dissipates into a pure nothing). So the absent work that is most authentically absent *as* absent and not hidden behind a sheen of false presence would be a text that isn't really a work but is only an announcement of its own absence. Metaphysics, in Kant's sense of the term, then, can only be a proper metaphysics in so far as it remains absent—that is, if it sustains itself as a marked, italicized *Metaphysics* without a readable text corresponding to it. For in the mere announcement of a work through its entitling and then the subsequent failure to write it, Kant accidentally opens up the deconstructive space wherein one can read the problematic text of the history of metaphysics as consisting in none other than the tradition of assuming its deliverability. And it is here that we could project an alternative reading of the history of metaphysics not based on presence, but on absence.

What holds critique back from becoming deconstruction, then? It is Kant's self-assurance of closure, the unreflective certainty he has that reason can be pacified if critique stows away unnoticed under the guise of doctrine. As Morgan puts it (albeit in reference to a slightly different locale): "Kant still retains the notion that one fine, sunny day the philosophical event will take place" (Morgan 2000: 77). Derrida was not so sure, for his assurance was of a different kind, a keeping open of no assurances, a birth always in the process of being born. The roles have, then, been figuratively reversed; we find that it is really a matter of the failed attempt at closure by putting to death in Kant, and the deferral of closure by refusing to die in Derrida.

Of course, my point has not been to claim that we should "return" to Kant through Derrida, for we know that we can return to Kant at any moment in any manner we like. My point, rather, has been that Kant opens up a potential deconstructive space within his own work that makes possible what Derrida does. But it isn't as simple as a transcendental relationship, critique doesn't act as the condition of possibility for deconstruction, not only because of the

radical distance between them, but because the marginal blind spots in critique are left in the margins by Kant. For it is only on the basis of Kant's eschewal, of his holding back (from engaging in a *Fort-schritt*), of his handing over to absence, that critique doesn't morph into deconstruction—that is, Kant's turn away from confronting the deficit that is the marrow of critique is what opens up a pathway. Moreover, when this is combined with Kant's refusal to diagnose an overflowing of the margins of critique into the metaphysics it attempted to lay the ground for, a potential route to deconstruction is carved out. Or to put it in a way reminiscent of Jean-Luc Nancy, it is Kant (whose feminine form, *die Kante*, means "edge") who inadvertently delineates the border—or drives a wedge, which is an edge—between them.[22] Kant is, for Nancy at least, "*die Kante* of philosophy" (Nancy 2008: 99), the edge of philosophy; perhaps the frame.

Thus, we end up with a curious circle, not quite a tautology but also not entirely free from the tautological: deconstruction steps away from critique, but it couldn't do this without the tear harbored within critique and its subsequent refrain from stepping-forward into it. Kant *after* Derrida, finally, means to read what is already at work in critique as the "presence of an *absence*" (Kojève 1980: 135)—to riff on Kojève at this late stage—and yet what can only trace itself through the framing conducted by deconstruction (an absence of the presence of a work of metaphysics at the core of critique). And so, in some obscene sense, Kant's birth is framed by Derrida's death, or maybe it is the birth of deconstruction which frames the death of critique?

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22   See Nancy (2008: 91).

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Terens Tomson

Posle rođenja/smrti Kanta/Deride

Apstrakt

U ovom radu istražujem tačke preklapanja (kao i razlike) između Kantovog uokvirivanja kritike i Deridine dekonstrukcije tog okvira. Počinjem situiranjem pitanja „gde se sada nalazimo" kroz neke od Kantovih kasnih (neobjavljenih) misli o metafizici i „*Fortschritt*-u" (napredovanju i progresu) iz njegovog dela *Kakve su stvarne napretke postigle metafizika u Nemačkoj od vremena Lajbnica i Volfa*? Pokazujem kako Kant nenamerno otvara dekonstruktivni prostor u samom centru kritike (uokvirivanje metafizike budućnosti, onoga što dolazi [*Zukunft*], a što nikada zaista ne dolazi), dok istovremeno izbegava pokušaj da kroz taj prostor prođe. Imajući to u vidu, zatim analiziram Deridino preuzimanje ove pukotine kroz njegove diskusije o *Parergonu*, *Ergonu* i *hors d'oeuvres*—predjelu izvan i pre glavnog dela—u *Istini u slikarstvu*. Moj cilj je da razjasnim perspektivu prema kojoj možemo istovremeno reći, možda metaforički, ali i metodološki, da Deridina smrt uokviruje Kantovo rođenje i da rođenje dekonstrukcije uokviruje smrt kritike.

Ključne reči: kritika, dekonstrukcija, metafizika, budućnost, okvir, parergon, ergon, Fortschritt, *Istina u slikarstvu*

Ramón Mistral

"DE L'*AUFHEBUNG*, IL Y EN A TOUJOURS". LA LECTURE DERRIDIENNE DE HEGEL AVANT GLAS

RÉSUMÉ

Cet article vise à reconstruire le rapport de Jacques Derrida à la philosophie hegelienne telle qu'il s'est établi avant la parution de Glas (1974). À la fin des années 60, dans un contexte philosophique marqué par l'anti-hégélianisme, une première réception de l'œuvre de Derrida s'est contentée d'affirmer l'opposition entre idéalisme spéculatif et déconstruction. Bien qu'accepter cette opposition soit devenue l'interprétation la plus répandue de la position du philosophe français envers Hegel, il est possible de découvrir dans son œuvre des affinités d'importance entre les deux penseurs. Pour ce faire, nous analysions les textes de Derrida consacrés à Hegel avant 1974: Le problème de la genèse dans la phénoménologie de Husserl, "De l'économie restreinte à l'économie générale. Un hégélianisme sans réserve" et "Le Puits et la pyramide. Introduction à la sémiologie de Hegel". Nous démontrons que malgré un apparent rejet explicite de la pensée dialectique, Derrida a toujours reconnu sa pertinence, déclaré qu'une rupture unilatérale était impossible et, au moins au début de sa carrière, conçu la possibilité d'une interprétation deconstructive de la pensée de Hegel.

Introduction

Quelle est la place de Jacques Derrida dans le champ français de la réception de Hegel? Dans un texte tardif consacré au livre *L'avenir de Hegel* de Catherine Malabou, le philosophe se demandait s'il y a un sens à parler d'un tel champ, étant donné qu'avant et après la Seconde Guerre, celui-ci se confondait avec le champ intellectuel français dans sa totalité, qu'il décrit dans les termes suivants:

> Rares furent alors ceux qui ne situaient pas au regard de Hegel et des médiations de Kojève ou de Koyré. Et non seulement dans la discipline plus ou moins académique de la philosophie (Lévinas, Sartre, Merleau-Ponty, mais aussi Breton, Bataille, Klossowski, Lacan, tant d'autres, c'est trop connu) et non seulement dans cette génération: Althusser, Foucault, Deleuze, Lyotard ont partagé

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au moins avec quelques autres, une sorte d'allergie active et organisée, organi-satrice même à l'endroit de la dialectique hégélienne. Ils avaient en commun de se situer, et ils le firent explicitement, depuis ce rejet. (Derrida 1998: 24)

Il est clair que Derrida ne fait pas partie de la première génération. Il ne s'agit pas uniquement d'une question d'âge ; on sait que les commentaires de Kojève et Koyré ont été pour lui toujours secondaires. Pendant des années Derrida a pré-paré une thèse sur la sémiologie de Hegel — cependant jamais soutenue —, et aurait dû alors figurer parmi ceux qui suivant la voie ouverte par Jean Hyppolite ont progressivement corrigé les imprécisions de ces premières lectures (Bour-geois, Labarrière, Lebrun, Souche-Dagues, etc). Or, comme Derrida lui-même le raconte dans *Ponctuations*, son itinéraire a été complètement différent: il s'est éloigné de plus en plus de l'institution universitaire, de la prose académique, des études hégéliennes, il a négligé sa thèse et s'est lancé dans une écriture labyrin-thique aussi peu dialectique que possible, qui l'a rendu désormais célèbre (Der-rida 1990a: 452). Il ne se reconnaît pas pour autant dans le deuxième groupe. Les philosophes Althusser, Foucault, Deleuze, Lyotard ont partagé — et il faut y entendre "contrairement à lui" — un certain rejet de la dialectique hégélienne. Derrida ne la refuse-t-il pas ? Cela peut surprendre. N'a-t-il pas déclaré que "s'il y avait une définition de la différence, ce serait justement la limite, l'interruption, la destruction de la relève hégélienne partout où elle opère" (Derrida 1972c: 55). Les textes allant dans ce sens sont nombreux. (Derrida 1972a; 1967a; 1974). Et pourtant, Derrida se situe lui-même en marge de l'anti-hégélianisme des pen-seurs nietzschéens et marxistes de son temps. Qui plus est, il affirme à plusieurs reprises que la pensée de Hegel est incontournable, allant même jusqu'à suggé-rer que la dialectique se confond avec la déconstruction, qu'elle pourrait servir à faire ce qu'il tente de faire en philosophie (Derrida 1967b: 364).

Comment interpréter cette incohérence, voire contradiction, dans le rap-port de Derrida à la philosophie de Hegel? Dans les pages suivantes, nous vou-drions examiner l'interprétation derridienne de Hegel telle qu'elle s'exprime dans les premières publications du philosophe, afin de proposer une interpré-tation possible de ce rapport. Nous espérons démontrer que malgré l'expres-sion d'un rejet de la pensée dialectique — que Derrida n'a cependant jamais cessé de nuancer — il a toujours reconnu la pertinence de cette philosophie, déclaré qu'une rupture unilatérale était impossible et, au moins au début de sa carrière, conçu la possibilité d'une interprétation deconstructive de la pensée de Hegel. Dans un second moment, nous étudierons les premières critiques de l'idéalisme hégélien qu'il a formulé. Pour des raisons d'espace et parce que nous l'avons déjà analysée ailleurs (Mistral 2022), cet article ne se penchera pas sur l'examen de la pensée hégélienne telle qu'elle est proposée dans *Glas*. En raison de sa complexité et de son niveau de détail, il nous semble que ce texte majeur appartient à une étape distincte de l'évolution de la pensée de Derrida.[1]

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1   Il existe, néanmoins, des raisons philosophiques de considérer ces étapes comme dis-tinctes. Les critiques de Derrida envers l'hégélianisme, que nous allons examiner ici,

L'anti-hégélianisme de Jacques Derrida

En juin de 1971, Jacques Derrida accorde un entretien à la revue *Promesse.* La première question qu'on lui pose évoque une phrase de l'essai "La différance" que Derrida juge à ce moment nécessaire de nuancer. Il avait en effet écrit que "l'efficace de [la] thématique de la différance peut fort bien, devra être un jour *relevée*, se prêter d'elle-même, sinon à son remplacement, du moins à son enchaînement dans une chaîne qu'elle n'aura, en vérité, jamais commandée" (Derrida 1972b: 7). Il est connu que Derrida se sert du champ lexical du mot "relève" pour exprimer en français l'opération majeure de la dialectique hégélienne: l'*Aufhebung.* Dans un premier abord, on peut dire que celle-ci consiste à résoudre les oppositions binaires de la philosophie dans un troisième terme, tout en conservant d'une certaine manière ce qu'il a fallu nier pour les dépasser. L'*Aufhebung* supprime donc l'opposition, la remplace par un concept qui en prend la relève; mais, en même temps, en intériorisant la négativité de l'opposition, l'*Aufhebung* dirige cette dernière vers le haut — la lève ou la soulève —, lui donne une forme plus élevée. L'*Aufhebung* est la *relève*: traduction d'autant plus remarquable que certains la jugeaient impossible, par exemple Bataille: "[l'opération de transgression] répond au moment de la dialectique exprimé par le verbe allemand intraduisible *aufheben* (dépasser en maintenant)" (Bataille 1970: 39).

Affirmer qu'il est possible de *relever* la différance, c'est alors peut-être vouloir dire qu'elle pourra un jour recevoir une signification à l'intérieur de la métaphysique, peut-être même du système hégélien, qu'elle est malgré tout une certaine négativité à enchaîner dans la chaîne du sens, du savoir. La question des intervieweurs est donc moins naïve qu'elle ne le semble; elle suggère que Derrida est peut-être prêt pour abandonner le concept de différance, qu'il a même commencé à en renier dans quelques textes récents. En soulignant le mot "relever", ils laissent aussi entendre qu'il conviendrait de l'intégrer dans une pensée dialectique, à la manière dont Phillipe Sollers l'avait récemment suggéré (Sollers 1971). Derrida y répond qu'à ce moment il essaie de poursuivre, selon d'autres voies, une stratégie générale de déconstruction et il ajoute: "le mot "relevée", dans la phrase que vous citiez, n'a pas, en raison de son contexte, le sens plus technique que je lui réserve pour traduire et interpréter l'*Aufhebung* hégélienne" (Derrida 1972c: 55). Ensuite de quoi, Derrida expose très clairement, dans quelques pages depuis lors célèbres, son refus du hégélianisme: "S'il y avait une définition de la différance, ce serait justement la limite, l'interruption, la destruction de la relève hégélienne partout où elle opère" (Derrida 1972c: 55). Les nouveaux concepts — ou des quasi-concepts (Gasché 1995):

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n'assument pas encore pleinement le caractère totalisant de la relève hégélienne. Or, c'est précisément ce que nous espérons démontrer et que nous ne pouvons donc pas présupposer à ce stade. Pour des analyses qui dépassent la période que nous examinons ici, nous nous permettons de renvoyer, en plus de notre propre étude, à deux travaux remarquables: celui de Charlotte Thévenet sur *Glas* (Thévenet 2022) et celui de Simon Gissinger sur la lecture de Hegel dans l'enseignement de Derrida à la Sorbonne (Gissinger 2022).

le supplément, le *pharmakon*, l'hymen, l'espacement, l'entame, la marque —
que la déconstruction produit ne contribuent pas seulement à l'analyse des
hiérarchies philosophiques, mais les affectent par ce qu'ils ne se laissent plus
comprendre dans leur régime. Ce sont de fausses propriétés verbales, nomi-
nales ou sémantiques qui ne font pas partie des oppositions binaires de la phi-
losophie et qui pourtant les habitent, leur résistent, les désorganisent, mais —
et voilà ce qui nous intéresse le plus: — "sans jamais constituer un troisième
terme, sans jamais donner lieu à une solution dans la forme de la dialectique
spéculative" (Derrida 1972c: 58). L'*Auhfebung* hégélienne aurait normalement
tendance à se réapproprier ces termes indécidables, à y voir des termes qui
pourraient relever les oppositions qu'ils sont censés compliquer. Étant donné
que des raisonnements impliquant ces concepts sont fréquents chez lui, il est
légitime de parler d'un certain antihégélianisme chez Derrida. La définition
de la déconstruction que tout commentateur répète — "l'effort d'interrompre
l'*Aufhebung* hégélienne" (Bennington 1991: 268; Gasché 1986: 223; Descombes
1979) — est en essence correcte. On pourrait multiplier les citations où Der-
rida la confirme. Cependant, le philosophe prend beaucoup de précautions
lorsqu'il formule ses objections contre la dialectique.

> Je dis bien l'*Aufhebung* hégélienne telle que l'interprète un certain discours hé-
> gélien, car il va de soi que le double sens de l'*Aufhebung* pourrait s'écrire autre-
> ment. D'où sa proximité avec toutes les opérations qui sont conduites *contre* la
> spéculation dialectique de Hegel. (Derrida 1972c: 55–56)

Selon cette autre interprétation, le mouvement dialectique pourrait s'opposer
à la spéculation dialectique. "Dans ce livre", écrit Derrida au début de *Marges*,
"il s'agira presque constamment de relancer en tous sens la lecture de l'*Aufhe-
bung* hégélienne, éventuellement au-delà de ce que Hegel, en l'inscrivant, s'est
entendu dire ou a entendu vouloir dire" (Derrida 1972b: II). Et un peu plus tard,
au moment où il affirme que la différance peut opérer un déplacement radical
du discours hégélien, il avoue reconnaître "les rapports d'affinité très profonde
que la différance ainsi écrite entretient avec le discours hégélien, tel qu'il doit
être lu" (Derrida 1972b: 15). La proximité entre la différance et l'*Aufhebung* est
donc telle qu'une certaine lecture pourrait peut-être les faire apparaître comme
étant une seule et même chose. La dialectique s'avérerait être sa propre limite,
l'interruption d'elle-même, sa propre déconstruction. Derrida s'écarte sans au-
cun doute de l'interprétation courante (hégélienne) de Hegel, mais la rupture
avec l'idéalisme n'est cependant pas évidente. Derrida a toujours critiqué les
penseurs qui ont essayé de rompre trop brusquement avec lui. En décidant de
s'installer brutalement dehors le discours hégélien, ils risquent de l'habiter en-
core plus naïvement. Dans l'essai de *L'Écriture et la différence* consacré à Ba-
taille et à son interprétation de Hegel, Derrida se demande:

> Pourquoi aujourd'hui les meilleurs lecteurs de Bataille sont-ils ceux pour qui
> l'évidence hégélienne semble si légère à porter? [...] Méconnu, traité à la légère,
> le hégélianisme ne ferait ainsi qu'étendre sa domination historique, déployant

enfin sans obstacle ses immenses ressources d'enveloppement. L'évidence hégélienne semble plus légère que jamais au moment où elle pèse enfin de tout son poids. (Derrida 1967b: 369)

La prétention à s'installer en dehors le discours hégélien risque toujours de tomber dans ce qu'on déclare déserter. C'est par exemple ce qui serait arrivé à Foucault dans *L'histoire de la foilie.* La simple pratique du langage risque de lui faire relever le silence, la négativité propre de la folie. Hegel a raison "dès qu'on ouvre la bouche" (Derrida 1967b: 71). On perçoit la complexité du rapport. D'une part, la dialectique hégélienne serait pour Derrida une interprétation erronée du mouvement de la différance, qu'il faudrait donc comprendre autrement. D'autre part, Hegel a raison la plupart du temps. Après l'entretien, Derrida a échangé quelques lettres avec les intervieweurs. Dans la dernière, Derrida se permet une remarque: "Nulle *Aufhebung* ici", écrivez-vous. Je ne le dis pas pour vous prendre au mot, mais pour souligner la nécessité de réinscrire plutôt que de dénier: *de l'Aufhebung,* il y en a toujours" (Derrida 1972c: 130). Hegel a à tel point raison que l'*Aufhebung* est même présente dans le mouvement censé la détruire. En principe, les termes indécidables ne peuvent être compris en aucune dialectique. C'est bien cela ce que dit Derrida de la supplémentarité dans *De la Grammatologie.* Or, il exprime ici les mêmes réserves. La supplémentarité pourrait être comprise dans une autre dialectique:

> Le positif (est) le négatif, la vie (est) la mort, la présence (est) l'absence [...] cette supplémentarité répétitive n'est comprise en aucune dialectique, si du moins ce concept est commandé, comme il l'a toujours été, par un horizon de présence. (Derrida 1967a: 335)

Ces passages et d'autres semblables (Derrida 1972c: 59–60) ne sont que des allusions discrètes. Il est vrai, Derrida ne développe jamais un concept de dialectique compatible avec le mouvement de la différance. Nonobstant, il n'y a jamais une rupture totale avec Hegel: la nécessité de sa pensée est reconnue par Derrida en même temps qu'il élabore une critique interne, subtile, difficile qui, sans nier la proximité entre celle-ci et la déconstruction, la désignant pour autant comme sa cible. La réception de Derrida en France et ailleurs a cependant beaucoup plus insisté sur le point de rupture que sur le point de proximité. Les rares fois où la similitude entre dialectique et déconstruction a été abordée, l'analyse s'est souvent avérée superficielle[2].

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2   Un des rares à faire référence à la ressemblance entre Derrida et Hegel est Geoffrey Bennington, alors qu'il la conteste immédiatement. Dans "Derridabase", il soutient que travail de lecture accompli par Derrida consiste en la localisation de termes indécidables dans les textes mêmes de la tradition philosophique. Cette situation aurait donné lieu selon lui à deux types de contresens parmi les lecteurs de Derrida: d'une part, on a vu dans la déconstruction une opération post-philosophique qui ne fait que constater la clôture de la métaphysique et se borne à lire l'histoire de la philosophie avec un style postmoderne; d'autre part, étant donné que la philosophie n'est pour Derrida lui-même rien d'autre que l'effort de s'approprier ce qui auparavant lui était extérieur, on a pensé

Si l'on pense convenablement l'*horizon* de la dialectique — hors d'un hégélianisme de convention —, on comprend peut-être qu'elle est le mouvement indéfini de la finitude, de l'unité de la vie et de la mort, de la différence, de la répétition originaire, c'est-à-dire l'origine de la tragédie comme absence d'origine simple. En ce sens la dialectique est la tragédie, la seule affirmation possible contre l'idée philosophique ou chrétienne de l'origine pure. (Derrida 1967b: 364).

Dans les pages suivantes, nous voudrions élucider le sens de cette proximité entre la déconstruction et la dialectique hégélienne. Pour ce faire, nous examinerons, en premier lieu, le premier écrit philosophique de Jacques Derrida, *Le problème de la genèse dans la philosophie de Husserl*. On a souvent dit que ce texte propose la première formulation de la problématique de la différance. Cette notion y apparaît effectivement pour la première fois*,* alors que sous une forme précaire et inexacte*.* Et sans porter ce nom. Il importe néanmoins plus de constater que Derrida croit à cette époque pouvoir penser cette différance comme si elle était une certaine *dialectique* et multiplie pour cela les références à Hegel. Dans un second temps, nous dirigerons notre attention aux premières publications que Derrida a voulu consacrer au philosophe allemand. Nous considérerons alors à fond deux textes: "De l'économie restreinte à l'économie générale. Un hégélianisme sans réserve" et "Le puits et la pyramide. Introduction à la sémiologie de Hegel", le premier développe une lecture du rapport de Bataille à la philosophie hégélienne, tandis que l'autre propose une analyse approfondie des paragraphes de *l'Encyclopédie des Sciences philosophiques* consacrés au signe et à l'écriture. Nous essayerons de formuler les lignes générales de l'interprétation qu'ils véhiculent.

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que la déconstruction était elle aussi une philosophie traditionnelle. "On peut resserrer cette alternative en disant que la première option ferait de Derrida l'anti-Hegel par excellence et la deuxième, l'héritier direct de Hegel" (Bennington 1991: 264). Or, si la clôture n'est pas la fin de la métaphysique, cela veut dire qu'il n'y a pas un véritable dehors de la métaphysique. Dans ce fait, dit Bennington, on pourrait reconnaître l'héritage de Hegel. Derrida n'établirait pas seulement les limites de la pensée à la manière de Kant, mais chercherait comme Hegel à incorporer l'au-delà impliqué dans toute position de limites. De ce point de vue, explique Bennington, le complice de la déconstruction ne serait pas la postmodernité, mais la philosophie hégélienne que Derrida compte critiquer. "Sous les apparences d'une contestation de la philosophie hégélienne, la déconstruction aurait trouvé le moyen de jouer avec elle un jeu interminable" (Bennington 1991: 267–68), Or, l'auteur voit ici une simple erreur herméneutique qu'il se presse de corriger. Pourtant il ne s'agit peut-être pas uniquement de cela. Comme Derrida lui-même reconnaît, la proximité entre la déconstruction et la dialectique se joue sur un autre plan. Celle-ci ne tient pas à l'incorporation ou à la relève des marges de la philosophie, mais au fait que la différance présente, malgré tout, des points de similitude avec l'*Aufhebung*. La déconstruction ne donne pas l'impression d'être complice du hégélianisme parce qu'elle ne s'y oppose formellement — alors que cela est vrai —, mais parce qu'elle paraît le confirmer par la découverte d'un mouvement qui ressemble à l'opération majeure de la dialectique. Tant et si bien que Derrida affirme parfois qu'une certaine interprétation de Hegel pourrait les rendre équivalentes.

La différance avant la lettre. Dialectique et phénoménologie.

Le refus du hégélianisme que nous venons de constater dans les textes publiés à partir de 1967 se formule avec réserves. Il serait possible de montrer que ces précautions s'expliquent par ce que sa lecture de Hegel est alors en cours de développement, son anti-hégélianisme prenant forme progressivement au fil des années. Or il faut également souligner que l'opinion de Derrida sur la dialectique hégélienne n'a pas toujours été défavorable.

Il est bien connu que son mémoire de maîtrise, soutenu en 1954, traite du *Problème de la genèse dans la philosophie de Husserl*. L'intérêt de Derrida pour la phénoménologie remonte donc du moins à cette époque, mais il en va de même pour son intérêt pour la philosophie hégélienne. Comme l'observe Jérôme Lèbre, ce commentaire est amplement influencé par la lecture de Hegel: le philosophe allemand "s'invite déjà et fait figure de tiers anonyme dans la relation entre l'étudiant et l'auteur qu'il commente" (Lèbre 2016: 60). Lorsqu'il accepte en 1990 de publier le *Problème de la genèse*, Derrida souligne la valeur documentaire du texte. La loi de la lecture qu'il a proposée, affirme-t-il, "n'aura cessé, depuis lors, de commander tout ce j'ai tenté de démontrer [...] Il s'agit toujours d'une complication originaire de l'origine, d'une contamination initiale du simple" (Derrida 1990b: VI). Pour notre propos, la remarque qu'il se permet ensuite de formuler est de la plus haute importance: "Mais à travers les moments, les configurations, les effets de cette loi, la "contamination" originaire de l'origine reçoit alors un nom philosophique auquel j'ai dû renoncer: la *dialectique,* une "dialectique originaire". Le mot revient avec insistance, page après page" (Derrida 1990b: VII). Dans le *Problème de la genèse,* les références à la dialectique sont, en effet, abondantes. Et celles-ci jouent un rôle important: d'une part, elles lui servent à souligner à plusieurs reprises les ressemblances entre la pensée de Hegel et Husserl; d'autre part, l'un des principaux reproches que Derrida adresse à la phénoménologie consiste à affirmer que Husserl n'a pas été dialectique là où il aurait fallu l'être. Double fonction, double empreinte, double influence: tantôt Hegel annonce la phénoménologie transcendantale, tantôt il résout ses contradictions.

Soit par exemple le problème de l'invention scientifique, évoqué par Derrida dès l'avant-propos. D'après Husserl, il est clair que toute invention a besoin pour être ce qu'elle est d'être vérifiée; il faut un acte qui mette directement devant nous ce que la nouvelle intention désigne. À la vérité, une invention non vérifiable ne pourrait être que l'action d'une conscience non intentionnelle, détachée du monde — ce qui n'a pas de sens chez Husserl. Mais, l'intentionnalité de la conscience exige aussi que le sens de l'invention soit toujours à la portée d'un *ego transcendantal*. C'est pourquoi le contraire d'une invention non vérifiable, une vérification sans invention est de même impossible. Dans ce cas, il n'y aurait rien à vérifier. L'invention d'une vérité scientifique doit, par conséquent, coïncider avec l'acte temporel de la vérification de son sens. L'acte analytique de la vérification doit renvoyer, explique Derrida, à l'acte synthétique de la genèse. "Avant même qu'on ne les attribue l'une à l'autre [...] l'invention

est 'déjà' vérification, la vérification est 'déjà' invention" (Derrida 1990b: 10).
Derrida rappelle alors la critique de Kant par Hegel dans *Foi et savoir*. Chez
Kant, explique-t-il, l'invention d'une vérité scientifique ne peut être nécessaire
qu'à condition d'être irréelle, c'est-à-dire ayant lieu hors l'expérience; la syn-
thèse *a priori* étant alors nécessaire, mais intemporelle. Certes, pour Kant, il
y a des découvertes temporelles, mais celles-ci sont chez lui *a posteriori,* ont
lieu dans l'expérience et, par conséquent, sont toujours douteuses. Hegel en
revanche affirme qu'il y a une *synthèse a priori* — faite par l'imagination, fa-
culté alors productive — attachée à l'expérience comme au sens de celle-ci et
qu'elle-même (la synthèse a priori de l'imagination) rend possibles. Ne s'agit-il
pas du même type de raisonnement qu'on vient d'attribuer à Husserl? "L'ex-
périence indubitablement originaire et fondamentale de l'intentionnalité, ren-
versant l'attitude "critique", écrit Derrida, inscrit la synthèse *a priori* au cœur
même du devenir historique; une telle synthèse *a priori* est le fondement ori-
ginaire de toute expérience" (Derrida 1990b: 12). En effet, Derrida pense avoir
trouvé une ressemblance profonde entre Husserl et Hegel:

> On est étonné par la précision avec laquelle, sur ce point du moins, la critique de
> Kant par Hegel annonce la perspective husserlienne [...] Il est trop évident que
> l'idée de cette synthèse originaire comme principe réel de toute expérience pos-
> sible est intimement solidaire de l'idée d'intentionnalité de la conscience trans-
> cendantale. Nous aurons souvent à éprouver la profondeur étrange de certaines
> ressemblances entre les pensées hégélienne et husserlienne. (Derrida 1990b: 12)[3]

Une lecture attentive de *Le problème de la genèse...* montre que la dialectique
de Hegel accomplit une double fonction. D'une part, elle annonce la perspec-
tive husserlienne. D'autre part, elle est la solution de certaines contradictions
importantes de celle-ci. Sans être le sujet du livre, la dialectique se trouve ainsi
partout: avant et après; elle précède la phénoménologie transcendantale et la
succède. L'échec de Husserl sur la question de la genèse s'explique par ce qu'il
ne fait, pour définir la négation, qu'osciller entre deux pôles — la réceptivi-
té pré-prédicative et l'activité logique — sans pour autant penser la négation
comme un moment intermédiaire, qui est justement celui de la genèse. En ce
sens Husserl "est très en deçà de Hegel et de Heidegger qui donnent un sens
originaire à la négation et la fondent non pas sur une attitude ou une opération,
mais sur le néant" (Derrida 1990b: 197). La plupart des difficultés à concevoir

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3   Il convient peut-être de noter que ces ressemblances ne tiennent pas à leur apparte-
nance à une même époque de la philosophie, à la tradition occidentale, à la métaphy-
sique. Dans le *Problème de la genèse,* Husserl et Hegel ne sont pas encore les représen-
tants les plus décisifs d'une tradition à l'époque de sa clôture. Malgré les critiques qu'on
puisse leur adresser, malgré les insuffisances de leurs philosophies, tous les deux sont
des penseurs de la synthèse, de l'historicité, du devenir; ils sont plus attentifs à la genèse
originaire, plus respectueux de celle-ci que les philosophes classiques et annoncent ain-
si la pensée derridienne. L'examen de la genèse permet de reconnaître son caractère
instable — sa "contamination" — alors qu'il est ici décrit en termes d'une *dialectique
originaire.* C'est bien ce motif qui deviendra une décennie plus tard la différance, le sup-
plément d'origine, la trace, alors que non sans quelques transformations profondes.

le rapport entre les termes binaires de Husserl — passivité/activité, certitude/ jugement, empirique/transcendantal — s'expliquent par une mécompréhension de la négation. "Dans tous ces "passages", si difficilement concevables si l'on s'en tient aux analyses de Husserl, la négation assure le rôle de la médiation. En tant que telle, elle paraît être le moteur et le mouvement de toute genèse" (Derrida 1990b: 197). Comme Fredric Jameson le dit: "étant donné que Husserl aborde constamment la genèse ou l'origine sans faire rien d'autre que repousser plus loin le problème, le texte de Derrida conclut en se demandant pourquoi il n'a pas recours à la solution la plus évidente — l'instrument dialectique qu'on appelle médiation" (Jameson 2010: 103). On constate l'emploi chez le jeune Derrida d'un vocabulaire typiquement hégélien: la négation, la médiation, l'unité originaire, etc. Ces termes sont fréquemment utilisés sans dificulté comme des outils herméneutiques lui permettant de désigner une dimension à laquelle Husserl ne fait qu'allusion. Pourquoi Husserl diffère-t-il constamment l'analyse de la genèse originaire? Derrida pense déjà que c'est parce que cela aurait ébranlé l'édifice phénoménologique. Celui-ci serait alors devenu précisément un idéalisme hégélien: "L'idéalisme transcendantal [...] ne serait-il pas élargi aux dimensions d'un idéalisme absolu de type hégélien?" (Derrida 1990b: 224). C'est pourquoi la genèse originaire — considérée dans sa duplicité dialectique — ne nous semble être rien d'autre que la différance, peut-être dans une forme précaire et insuffisante — sans rapport à la langue, au signe à l'écriture. On peut la reconnaître rétrospectivement sans difficulté, par exemple dans les analyses de la temporalité.

> On n'y rencontre jamais [dans les analyses de Husserl] la genèse. [...]. Et pourtant ce qui fonde la présence de la négation dans tout acte intentionnel, dans toute réduction, dans toute activité prédicative, etc., c'est l'originarité du temps. C'est parce que chaque présent absolu est à la fois la négation et l'assimilation du moment passé dans la rétention; c'est parce que cette rétention elle-même est immédiatement solidaire d'une protention qui conserve et nie le présent comme futur passé, parce que tous les mouvements de l'intentionnalité sont constitués par cette dialectique du temps que la négation apparaît ici comme l'animation essentielle de toute genèse. (Derrida 1990b: 199)

D'après Derrida, l'examen husserlien de la temporalité ne rend pas compte du rôle que la négation y joue. Le présent est la négation (et l'assimilation) d'un passé que la conscience garde passivement; celle-ci vise de façon analogue le futur, qui nie pour sa part le présent. Il s'agit donc d'un présent divisé par le passé et par le futur, lesquels sont eux-mêmes constitués à partir du présent de la conscience. La temporalité comprise comme dialectique (i) du moment présent et (ii) les rétentions protentions de la conscience passive engage tous les mouvements de l'intentionnalité. Elle détermine, par conséquent, qu'il y ait pour nous des objets. C'est une analyse très proche de celle que Derrida fera de l'espacement dans *Marges*. Pour qu'il y ait des objets, dit-il, il faut un intervalle qui sépare tout élément présent de ce qui n'est pas lui. Mais cet intervalle divise le présent en lui-même. L'intervalle définit une position dans le

système (de la langue, du réel) qui reste valable même en l'absence de l'objet présent. Ce dernier est là, traversé par son passé et son futur, auxquels il renvoie, mais s'il n'y était pas sa trace resterait. Le renvoi serait encore possible. Le temps qu'on pense naturellement sous la forme du présent n'est en réalité, par conséquent, ni originaire ni simple. Pour apprécier la proximité, il vaut la peine de citer ces lignes de "La différance":

> Ce qu'on peut appeler espacement, devenir-espace du temps ou devenir-temps de l'espace [...] est [la] constitution du présent comme synthèse "originaire" et irréductiblement non-simple, donc, stricto sensu, non-originaire, de marques, de traces de rétentions et de protentions [...] que je propose d'appeler archi-écriture, archi-trace ou différance. Celle-ci (est) (à la fois) espacement (et) temporisation. (Derrida 1972b: 14)

La différence entre les deux analyses tient évidemment à ce que l'interprétation dialectique de la genèse est entre-temps disparue. La négation se transforme, elle n'est plus le concept adéquat pour penser l'inscription du passé/futur dans le présent. Pour ce faire, à partir de 1967, Derrida préfère parler de traces de rétentions et de protentions. Mais à l'époque du *Problème de la genèse...*, la genèse transcendantale du temps — et de la subjectivité — est pour lui une genèse dialectique de type hégélien. Dans le même sens, Javier Bassas Vila soutient que "déterminer la genèse comme une certaine dialectique originaire" permet à Derrida de mettre en évidence "l'impossibilité d'établir l'antériorité de n'importe quel terme par rapport à son opposé [...] et, par conséquent, de refuser la possibilité d'une origine pure: la contamination est originaire nécessairement" (Bassas Vila 2015: 305; 2016). Une question se pose alors: si Derrida avait des raisons d'interpréter dialectiquement la genèse, pourquoi y renoncer quelques années plus tard? D'après "La différance", Derrida semble avoir découvert que le rapport entre l'activité et la passivité, le rapport entre le présent et l'absence qui le traverse, ne peut pas être réduit à une complication dialectique, car celle-ci implique toujours un certain aboutissement, un retour à l'identité, à l'unité qui n'existe pas en tant que telle:

> On déplace et on réinscrit le projet même de la philosophie, sous l'espèce privilégiée du hégélianisme. [...] Contrairement à l'interprétation métaphysique, dialectique, "hégélienne", du mouvement économique de la différance, il faut ici admettre un jeu où qui perd gagne et où l'on gagne et perd à tous les coups. (Derrida 1972b: 21)

La lecture dialectique de la pensée husserlienne proposée en 1954 se radicalise et, à partir d'un certain moment, devient un refus de la dialectique. Or, un tel développement ne s'explique pas seulement par une analyse plus approfondie de cette "complication de l'origine". Pour justifier son nouvel anti-hégélianisme, Derrida mobilisera une interprétation rigoureuse de la philosophie hégélienne, qu'il n'avait pas encore élaborée à l'époque, notamment du concept d'*Aufhebung* — qui n'avait pas reçu son attention. C'est cette interprétation que nous aborderons dans les pages suivantes.

Hegel (lu par) Bataille (lu par) Derrida

Nous venons de constater que l'intérêt de Derrida pour la philosophie hégélienne date de longtemps. La dialectique jouait déjà dans *Le problème de la genèse* un rôle positif, fort et structurant. Elle ne le fera certes plus dans les textes postérieurs, mais cela n'implique pas pour autant que l'intérêt disparaisse avec le temps. Seulement il se déplace: la figure de Hegel devient vite celle d'un ennemi philosophique qu'on est tenu de désarmer, et qu'il faut donc toujours connaître avec précision. Ce déplacement ne se produit cependant pas chez Derrida sans remords: à certains endroits de son œuvre, il considère encore sa propre démarche comme très proche de la philosophie de Hegel. Qui plus est, la forme que cet intérêt prend chez Derrida — difficile, reconnaissante et critique à la fois — distingue, nous semble-t-il, la déconstruction de la plupart des positions théoriques de l'époque, qui sont ou bien encore très fidèles à un certain hégélianisme, ou bien ouvertement hostiles à son égard. Dans les années cinquante, quand la philosophie existentielle s'approche du marxisme, elle accorde simultanément plus d'importance à la méthode dialectique, du moins telle que Marx l'aurait réinterprétée. Merleau-Ponty écrit en 1955 *Les aventures de la dialectique* et Sartre publie cinq ans plus tard la *Critique de la raison dialectique*. À la même époque, le structuralisme commence à s'imposer et conteste de plus en plus vivement la méthode hégélienne, et même l'idée que Marx en aurait effectivement hérité. D'ailleurs, le développement de la réception française de l'œuvre de Nietzsche — Foucault et Deleuze rédigent l'"Introduction générale" aux *Œuvres philosophiques complètes* de Nietzsche — déclenche un anti-hégélianisme auquel Derrida n'est pas étranger, mais qu'il ne partage pas entièrement. À l'opposé de beaucoup d'autres, Derrida a très tôt éprouvé la nécessité d'élaborer une interprétation différente de Hegel, de clarifier ainsi le rapport qu'il établissait graduellement avec sa philosophie; un rapport qui était, c'est le moins qu'on puisse dire, loin d'être simple. Pourquoi proposer une nouvelle interprétation de la dialectique hégélienne? Il s'agissait pour Derrida, d'une part, de reconnaître la richesse d'une pensée qui a quasiment anticipé mot pour mot les critiques qu'on lui adresse depuis deux siècles. En effet, Derrida considère, depuis ses années universitaires, que Hegel a raison, sinon très souvent, plus souvent que certains ne le présument. D'autre part, la déconstruction était contrainte de justifier son propre refus de la philosophie hégélienne. Anticipées par Hegel, les critiques les plus récurrentes n'étaient pour Derrida de pratiquement aucune utilité; il lui en a alors fallu d'autres, fondées sur une lecture prenant enfin la philosophie hégélienne au sérieux. Sa mise en œuvre s'amorce dans "De l'économie restreinte à l'économie générale. Un hégélianisme sans réserve" et "Le puits et la pyramide. Introduction à la sémiologie de Hegel".

Ces deux textes sont néanmoins assez différents. Tandis que l'essai de *Marges* consiste en une analyse approfondie de quelques paragraphes de l'*Encyclopédie des Sciences philosophiques,* le premier n'aborde la philosophie de Hegel qu'indirectement. Son point de départ est l'idée que la lecture que Bataille

propose de la pensée hégélienne éclaire le sens général de la sienne. Il s'agit, par conséquent, d'une interprétation de Bataille à partir de son approche de Hegel. Or, la pensée de Bataille est à tel point la seule chose que Derrida entend examiner qu'il n'y a pratiquement aucune citation directe de Hegel. Cette absence est d'autant plus remarquable que les pages de Derrida sont pleines d'autres références (Sartre, Foucault, les interprétations de Hegel par Kojève et Hyppolite, entre autres). On lit certes des extraits de la *Phénoménologie*, mais c'est toujours sous la plume de Bataille, que Derrida cite à son tour. Dans la mesure où Derrida lui-même reconnaît que "dans son explication interminable avec Hegel, Bataille n'a eu sans doute qu'un accès resserré et indirect aux textes eux-mêmes" (Derrida 1967b: 372), l'absence de référence directe à Hegel équivaut à la mise entre parenthèses de la validité de l'interprétation qu'il examine. Derrida aurait pu sans doute confirmer l'approche de Bataille par sa meilleure connaissance de Hegel, montrer que celui-ci avait raison, même s'il a eu comme presque tout le monde à l'époque un accès limité et peu méthodique aux écrits de Hegel. Mais il ne le fait pas. Il ne faut alors pas présupposer que Derrida lise Hegel de la même façon que le fait Bataille, qu'il souscrive en bloc à son interprétation, puisque c'est clair qu'il se montre du moins méfiant à l'égard de sa connaissance du texte hégélien. Bien entendu, tout cela n'empêche pas Derrida de marquer à nombreuses reprises son accord avec la position de Bataille, mais nous devons nous demander ce qu'il en emprunte exactement.

Dans "Le puits et la pyramide", la situation est diamétralement inverse: Hegel est partout. Le texte de *Marges* est un des écrits les plus académiques de Derrida. C'était à l'origine une intervention dans le séminaire de Jean Hyppolite, à l'époque où Derrida préparait une thèse sous sa direction. Ce contexte contraste avec celui de "De l'économie restreinte…" qui avait été publié dans *L'Arc* (une revue à vocation non universitaire) et explique peut-être l'abondance des citations et le style plus sobre de cet essai. Cela est néanmoins insuffisant pour rendre compte du fait que Derrida lui-même semble y être absent. Nous ne savons pas à partir d'une simple lecture de son commentaire ce que Derrida pense de Hegel. Il y est tout simplement question de reconstruire l'argumentation hégélienne sur le signe et l'écriture. Les petites incohérences que Derrida trouve sont sans commune mesure avec les affirmations anti-hégéliennes qu'elles sont censées fonder. Si l'on veut donc déterminer en quoi consiste l'interprétation derridienne de Hegel — et non pas exhiber seulement les présuppositions fondamentales de la dialectique hégélienne du langage ni nous contenter non plus de vérifier l'influence de l'interprétation de Bataille sur celle de Derrida —, il convient peut-être de lire ces deux textes et d'élucider leur rapport mutuel.

Relève et souveraineté

La lecture de Hegel par Bataille se caractérise au premier abord par ce qu'elle prétend à être une lecture rigoureuse. C'est le premier trait que Derrida fait remarquer dans "De l'économie restreinte… ". Beaucoup se contentent, dit-il,

d'une allusion discrète aux concepts hégéliens, des appels à la convention, à la complicité nietzschéenne ou marxienne et ne se confrontent pas directement au texte de Hegel. Cette attitude est sans doute contraire à l'avis de l'historien de la philosophie, mais le problème est plus fondamental: "méconnu, traité à la légère, le hégélianisme ne ferait ainsi qu'étendre sa domination historique, déployant enfin sans obstacle ses immenses ressources d'enveloppement" (Derrida 1967b: 369). Malgré leurs intentions ces lecteurs hâtifs de Hegel restent dans le territoire que définit sa philosophie, et contribuent *ce faisant* à son extension. Bataille aurait fait heureusement l'inverse; il aurait pris Hegel et le savoir absolu au sérieux. Si bien qu'une connaissance *intime* de la philosophie hégélienne semble être nécessaire (mais sans doute insuffisante) afin d'en contester la domination historique. Certes, il est toujours possible de rompre avec Hegel, de faire comme s'il était l'auteur d'une théorie obsolète qu'il vaudrait mieux s'empresser d'oublier. Mais Derrida nous dit que cela est contraire au but recherché, que l'oubli renforce la domination historique du hégélianisme. D'où l'intérêt porté à Bataille, qui tient donc premièrement à ce qu'il aurait satisfait à l'obligation de connaître le discours hégélien (Bataille 1988, 345; Derrida 1967b: 371). Prendre Hegel et sa philosophie au sérieux, c'est bien s'en procurer une connaissance précise, mais pas seulement. La rigueur de Bataille réside aussi dans le fait qu'il s'interdit d'extraire des concepts, de manipuler des propositions isolées du système hégélien. Il faut connaître le système comme en respecter l'architecture. D'après Bataille, toute critique isolée est vaine, manque forcément sa cible, parce que le sens des concepts hégéliens dépend complètement du rapport qu'ils établissent les uns avec les autres. Or, cela est sans doute valable pour n'importe quel discours philosophique, à condition qu'il soit plus ou moins systématique, ce qui est vrai, sinon pour toute philosophie, du moins pour une partie non négligeable. Pourquoi serait-il en effet plus grave d'extraire des concepts de la philosophie de Hegel que de celle de Descartes, par exemple? La réponse de Derrida est, nous semble-t-il, que la philosophie cartésienne a encore un dehors — le monisme, le matérialisme, l'aristotélisme… — tandis que le système de l'idéalisme absolu intègre en son sein toutes les figures de son au-delà. "[Le logos hégélien était] un discours, par quoi s'achevant la philosophie comprenait en soi, anticipait, pour les retenir auprès de soi, toutes les figures de son au-delà, toutes les formes et toutes les ressources de son dehors" (Derrida 1967b: 370). Par le fait de vouloir manipuler isolément des concepts et des propositions hégéliens, certains entendent se situer dans une position séparée du système, laquelle tombe cependant dedans, car celui-ci se distingue par l'appréhension de toutes les figures du dehors. Le monisme, le matérialisme, l'aristotélisme ne sont pas des points de vue philosophiques extérieurs à la philosophie hégélienne, mais des moments de son développement. Le rationalisme, le subjectivisme le sont eux aussi, et même peut-être ceux que Hegel n'a pas connus, le matérialisme historique, l'existentialisme, la phénoménologie transcendantale. On ne peut donc s'y situer pour juger des concepts et des propositions, les critiquer, les refuser ou les emprunter, car ce faisant l'on est déjà dans le système, alors que naïvement,

sans le savoir. L'affirmation qu'une analyse légère de la pensée hégélienne ne fait qu'étendre sa domination historique va dans ce sens. Considérer la pensée de Hegel comme une théorie philosophique parmi d'autres — c'est-à-dire la juger d'après son contenu dogmatique —, c'est manquer l'essentiel. À savoir qu'elle est moins une doctrine que la promesse d'un discours où tout prend enfin son sens.

> Cet impératif: qu'il y ait du sens, que rien ne soit définitivement perdu par la mort, que celle-ci reçoive la signification encore de "négativité abstraite", que le travail soit toujours possible qui, à différer la jouissance, confère sens, sérieux et vérité à la mise en jeu. Cette soumission est l'essence et l'élément de la philosophie hégélienne. (Derrida 1967b: 377)

Pour refuser cette soumission, il ne sert à rien de remettre en question les propositions hégéliennes depuis l'extérieur, tout simplement parce que l'extérieur *en tant que tel* n'existe pas. Toute philosophie croyant pouvoir y parvenir sera en réalité toujours une partie du système dont elle prétend parler. Elle aura virtuellement reçu une signification, une place, une fonction dans le système; les critiques qu'elle aura pu formuler auront déjà été anticipées.

On sait, en effet, que l'exposition du système ne se termine jamais, qu'il est toujours possible de le détailler davantage. *L'Encyclopédie des sciences philosophiques* présente le tout du système hégélien, alors que Hegel lui-même en développe ailleurs *certaines* parties: il avait en effet déjà écrit la *Phénoménologie de l'esprit* qui n'est dans l'*Encyclopédie* qu'une sous-partie de la "Philosophie de l'Esprit"; dans l'*Encyclopédie* se trouve aussi la deuxième *Science de la logique*, beaucoup plus concise que celle que Hegel avait publiée entre 1812 et 1816; les *Principes de la philosophie du droit* seront rédigés quelques années plus tard, mais ils correspondent à "l'Esprit objectif" de l'*Encyclopédie*. Comment cela est-il possible? Pourquoi peut-on revenir sur un sujet qui a déjà été traité *systématiquement*? Étant par essence infini, le système ne se présente jamais dans un discours fini; sa validité ne dépend donc pas de celle de ses propositions, qui sont virtuellement infinies, mais de son architecture, toujours ouverte. Pour cette raison, la validité du système n'est jamais démontrée de façon définitive (Martínez Marzoa 1995). Le caractère de promesse ou d'impératif du système reste ainsi à jamais. Mais cela revient à dire que la possibilité de parler dès l'extérieur du système est exclue d'emblée, du moins tant que cette promesse hyperbolique n'a pas été rompue. De l'impossibilité de se placer en dehors du système, Derrida en fournit normalement une démonstration faible ou rapide: "Il n'y a qu'un discours, il est significatif et Hegel est ici incontournable. [...] Il a toujours raison dès qu'on ouvre la bouche pour articuler le sens" (Derrida 1967b: 383–86). La simple pratique du langage nous réinstalle sans cesse dans l'élément de la philosophie hégélienne: le sens. Dès que la langue se profère, il y a du sens, les mots, les concepts sont dès lors dans un rapport dialectique, même si on l'ignore, l'extériorité devient aussitôt négativité. C'est pourquoi les critiques *articulées* sont des fausses sorties du système (Derrida 1967b: 54). La démonstration forte requiert une analyse du

concept d'*Aufhebung*: il faut déterminer exactement comment la philosophie hégélienne est en principe capable d'anticiper et comprendre toute négativité.

On entend maintenant beaucoup mieux l'interdit. Il ne s'agit pas de n'emprunter à Hegel aucun concept, aucune proposition, mais de les emprunter tous. Pour démontrer que la promesse hégélienne est irréalisable, il faut d'abord suivre les chemins du philosophe. La rigueur de Bataille va ainsi très loin. Il n'a pas seulement voulu comprendre Hegel, mais aussi accueillir tous les concepts dialectiques dans sa propre écriture. Dans "De l'économie restreinte...", on affirme en effet que toutes les notions qu'emploie Bataille sont des concepts hégéliens: "pris un à un et immobilisés hors de leur syntaxe, tous les concepts de Bataille sont hégéliens" (Derrida 1967b: 373). C'est le cas de ceux "d'expérience", "d'intériorité", de "mystique", de "travail", de "matérialisme" et notamment de celui de "souveraineté", qu'il analyse de plus près. Cette analyse mobilise le concept d'*Aufhebung* ou *relève* qui est au centre de l'essai et nous intéresse davantage. L'*Aufhebung*, qu'est-ce? C'est le concept spéculatif par excellence, la loi du système. En quoi consiste-t-elle, comment s'y opposer? C'est d'abord le seul point sur lequel Derrida se permet: "Peut-on, comme le dit Bataille, comprendre le mouvement de la transgression sous le concept hégélien d'*Aufhebung* dont nous avons assez vu qu'il représentait la victoire de l'esclave et la constitution du sens? Il nous fait ici interpréter Bataille contre Bataille" (Derrida 1967b: 404). Avançons progressivement.

Le concept de souveraineté traduit chez Bataille — bien sûr: *traduttore traditore* — celui hégélien de maîtrise. On le sait: dans le chapitre de la *Phénoménologie de l'esprit* sur l'indépendance et la dépendance de la conscience de soi, Hegel présente les comportements que peuvent adopter deux consciences de soi opposées. Dans un premier temps, celles-ci ne se présentent pas l'une à l'autre comme ce qu'elles sont, c'est-à-dire comme des consciences de soi, mais comme des objets quelconques. Chaque conscience se sait capable d'extirper de soi tout être immédiat (c'est bien là la négation), mais elle n'est pas encore une conscience pour l'autre; pour l'autre elle n'est qu'une chose vivante. Cela signifie que cette conscience ne connaît pas encore son propre être, puisqu'elle n'en a qu'une certitude immédiate, faible. Il faut que l'autre conscience de soi se présente à elle justement comme une conscience de soi. De cette façon, explique Hegel, la conscience de soi le sera enfin *en soi* et *pour soi*. Or, étant donné que la situation est la même pour les deux consciences, cela revient à dire que chacune doit se faire reconnaître pour l'autre comme ce qu'elle est. La suite est célèbre: pour ce faire, les consciences "se prouvent elles-mêmes l'une à l'autre au moyen de la lutte pour la vie et la mort" (Hegel 1939: I:159) [4],

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4   Ce n'est pas par hasard si Bataille s'intéresse à ces pages de la *Phénoménologie de l'esprit*. La lecture de Hegel par Bataille se joue dans l'espace herméneutique inauguré par Alexandre Kojève. Bataille cite abondamment son Introduction à la lecture de Hegel et notamment son fameux commentaire de la dialectique du maître et de l'esclave. Bataille admet en effet souscrire presque totalement à sa lecture de Hegel, qui repose, on le sait, sur une interprétation anthropologique de la Phénoménologie de l'esprit. Cette interprétation voit dans les figures de la conscience de soi la conceptualisation de

celle-ci étant le seul moyen de prouver que leur essence n'est pas la vie, mais la possibilité de nier tout contenu donné. Le résultat de cette expérience, explique Hegel un peu plus loin, est la dissolution de l'unité de la conscience de soi. Par la lutte à mort sont posées, d'une part, une conscience qui est effectivement pour soi — c'est-à-dire qui est capable de mettre en jeu sa propre vie — et, d'autre part, une conscience qui n'est pas purement pour soi, mais qui est pour l'autre: "l'une est le maître, l'autre l'esclave" (Hegel 1939: I:161). Les consciences opposées ne sont plus tout à fait identiques. Tout en restant pour elles-mêmes ce qu'elles sont, elles prennent à l'égard de l'autre des formes différenciées. Le maître est la conscience de soi qui montre effectivement qu'elle n'est pas attachée à la vie; elle se présente par là comme ce qu'elle est certaine d'être, à savoir, comme une conscience libre, ayant la possibilité de nier tout contenu de conscience, même si ce contenu n'est qu'elle-même. L'autre, l'esclave, en revanche, est celui qui n'en est pas capable: il ne met pas sa vie en jeu, préfère la conserver.

Le souverain de Bataille ressemble trait pour trait au maître hégélien, tel que son concept vient de nous apparaître. Bataille semble en effet les identifier, parfois sans réserve (Bataille 1988: 351). Du moins, la maîtrise consiste à risquer la propre vie pour faire reconnaître la liberté de la conscience de soi. En cela, le souverain et le maître sont indiscernables, ils sont tout à fait capables de mettre leur vie en jeu. Ils sont aussi libres tous les deux, et par là sont censés se distinguer nettement des esclaves. En effet, ce qui est souverain, écrit Bataille, par définition ne sert pas. Dans d'autres textes, Bataille paraît cependant vouloir séparer le souverain du maître (Bataille 1988: 351) —, sans chercher pour autant à effacer les traits que nous venons d'évoquer. Il écrit: "S'il [Hegel] ne put trouver la souveraineté authentique, il en approcha le plus qu'il pouvait [...] la souveraineté dans l'attitude de Hegel ne peut donc être pleinement souveraine" (Bataille 1988: 343–45). Lorsque Derrida examine le concept de souveraineté chez Bataille, il s'efforce d'éclaircir cette différence avec la maîtrise, qui n'est pas tout à fait explicite dans les textes de Bataille. Pour Derrida, une telle différence est essentielle, puisqu'elle dessine pour la première fois une expérience irréductible au système hégélien.

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certaines classes d'hommes. Or Derrida ne s'est en effet jamais réglé sur l'*Introduction à la lecture de Hegel*. Il s'intéresse à Bataille malgré Kojève, plutôt que l'inverse. Il est alors peut-être intéressant de noter qu'il préfère dans ces pages parler "d'opération souveraine" et de "souveraineté" (et même de "maîtrise") que du souverain et du maître. Derrida ne parle pas d'individus, mais de stratégies discursives. Nous pensons qu'il fait ce choix pour s'éloigner de l'interprétation de Kojève, dont il reconnaît de toute façon l'influence chez Bataille. Quelques années plus tard, Derrida écrira: "la lecture anthropologiste de Hegel, de Husserl et de Heidegger était un contresens, le plus grave peut-être. C'est cette lecture qui fournissait ses meilleures ressources conceptuelles à la pensée française d'après-guerre. Or, premièrement, la *Phénoménologie de l'esprit*, qu'on ne lisait que depuis peu de temps en France, ne s'intéresse pas à quelque chose qu'on puisse appeler simplement l'homme. Science de l'expérience de la conscience, science des structures de la phénoménalité de l'esprit se rapportant à soi, elle se distingue rigoureusement de l'anthropologie" (Derrida 1972b: 139).

La souveraineté "est plus et moins que la maîtrise, plus ou moins libre qu'elle par exemple, et ce que nous disons de ce prédicat de liberté peut s'étendre à tous les traits de la maîtrise. Étant à la fois plus et moins une maîtrise que la maîtrise, la souveraineté est tout autre". (Derrida 1967b: 374–76).

La différence entre la maîtrise et la souveraineté est liée au fait que l'exposition au risque de mort par le maître n'est qu'une étape dans l'histoire du sens. Si l'on fait attention, explique Derrida, on s'aperçoit qu'en réalité le maître ne risque rien, mais seulement feint de le faire. Le maître ne peut pas mourir, parce que la phénoménologie de la conscience n'est pas encore finie. Une telle mort manquerait de sens. Mais cela veut dire que le maître apparaît maintenant comme étant soumis depuis toujours à un impératif — qu'il y ait du sens — ce qui est, sinon contradictoire, du moins risible. Qu'il se déclare libre tant qu'il voudra, la vérité est que le maître est aussi assujetti aux lois de la dialectique que l'esclave, au point de devoir avouer que "la vérité de la conscience indépendante est la conscience servile" (Hegel 1939: I:163). La servilité n'est en réalité, écrit Derrida, que le désir du sens. Il faut que le maître garde la vie pour profiter de ce qu'il gagne en la risquant. "Hegel avait clairement énoncé la nécessité pour le maître de garder la vie qu'il expose. Sans cette économie de la vie, [...] on risque de perdre l'effet, le bénéfice de sens que l'on voulait ainsi gagner au jeu" (Derrida 1967b: 375). Au moment où la différence entre le maître et l'esclave devrait se manifester — l'un risquant sa vie, l'autre en s'y refusant —, on découvre qu'aucun d'eux ne regarde la mort en face. La mort pure et simple, la négativité en tant que telle, ne se présente alors jamais chez Hegel. Si elle apparaît, c'est toujours comme une négation qui supprime sans supprimer, qui conserve et garde ce qu'elle supprime, c'est-à-dire sous la forme de l'*Aufhebung*. Personne ne meurt, rien ne disparaît vraiment, rien ne finit de finir jamais. Incohérence, contresens, paradoxe: la conscience de soi se montre libre en s'asservissant. Elle est mise d'emblée à travailler en faveur du sens, du mouvement dialectique. En voulant dépasser les métaphysiques classiques de la présence, la philosophie hégélienne n'aurait donc pas rendu justice au négatif, mais l'aurait récusé plus subtilement, c'est-à-dire mieux.

Le concept de souveraineté de Bataille constituerait la réponse à l'effort dialectique pour se réapproprier toute négativité, viserait pour ainsi dire le point aveugle de la philosophie hégélienne. Le souverain est celui qui prend sur soi une négation si radicale (mort, sacrifice, liberté, destruction) qu'on a tort de la nommer négation — négation, négativité, négatif voulant toujours désigner une ressource pour l'enchaînement du sens. "On ne peut parler, on n'a jamais parlé de négativité que dans ce tissu du sens. Or l'opération souveraine, le point de non-réserve n'est ni positif ni négatif. On ne peut l'inscrire dans le discours qu'en biffant les prédicats ou en pratiquant une surimpression contradictoire qui excède alors la logique de la philosophie" (Derrida 1967b: 380). À la question: qu'est que l'*Aufhebung*? on répondra maintenant qu'elle est l'opération par laquelle le discours hégélien s'efforce de comprendre toute négativité. "L'immense révolution [de Kant et de Hegel, mais Derrida n'explique

pas pourquoi il évoque ici le nom de Kant] a consisté — on serait presque tenté de dire *tout simplement* — à *prendre au sérieux* le négatif. À donner *sens* à son *labeur"* (Derrida 1967b: 380). Par le recours à l'*Aufhebung*, la pensée hégélienne incorpore la négativité de la mort, la rend *familière* au système, la fait travailler pour celui-ci; cette négativité devient alors positivité. Derrida l'exprime dans le vocabulaire des finances: il est question chez Hegel de transformer la mise en jeu en investissement, d'amortir la dépense absolue, d'établir une économie restreinte au sens, à la valeur constituée des objets, à leur circulation. En s'installant dans l'élément du sens, Hegel s'est cependant aveuglé sur ce qu'il avait décidé de ne plus ignorer. Et, de même que le maître ne regarde pas la mort en face, il ne rend pas justice au négatif, ce qui constitue un échec incontestable. La réaction de Bataille consiste, nous l'avons déjà avancé, en proposer un autre rapport à la mort: la souveraineté d'un certain rire — "rire de la philosophie (de l'hégélianisme)" (Derrida 1967b: 370) — qu'il convient maintenant d'élucider.

  "Le rire, qui constitue la souveraineté dans son rapport à la mort, n'est pas, comme on a pu le dire, une négativité" (Derrida 1967b: 377). Le mouvement dialectique que nous venons de reconstruire est sensé: la conscience doit être servile, puisqu'il ne peut y avoir une conscience sans vie. Derrida pense néanmoins que cela est de toute façon risible et que Bataille a donc raison de se moquer. "Éclat de rire de Bataille. […] L'indépendance de la conscience de soi devient risible au moment où elle se libère en s'asservissant, où elle entre *en travail*, c'est-à-dire en dialectique" (Derrida 1967b: 376). Bataille rit de l'impératif qu'il y ait du sens, mais le plus important, c'est qu'il met ainsi sur le tapis un quelque chose qui paraîtrait échapper au système hégélien. C'est du moins ce qu'affirme Derrida: ce rire — et tous les concepts qui sont attachés à lui: ivresse, effusion érotique, effusion du sacrifice, effusion poétique, conduite héroïque, colère, absurdité — excède la dialectique. La raison en est que ce rire n'est susceptible de se transformer en rien de positif. Il est absent du système parce qu'il manque de signification discursive, et, comme nous venons de le voir, la dialectique en a toujours besoin, ne marche qu'en présence du sens.

  À partir de ce moment, l'essai adopte, pour s'approcher autant que possible de ce rire, le ton de la théologie négative. Cette gaieté, écrit Derrida, n'appartient pas à l'économie de la vie, n'est ni positive ni négative, c'est le point où "la destruction, la suppression, la mort, le sacrifice constituent une dépense si irréversible, une négativité si radicale — il faut dire ici *sans réserve* — qu'on ne puisse même plus les déterminer en négativité dans un procès ou dans un système" (Derrida 1967b: 380) En quoi consiste alors la différence entre la négation du souverain et celle du maître? Apparemment en rien, Derrida y insiste à maintes reprises. Tous les attributs de la souveraineté sont empruntés à la logique hégélienne de la maîtrise; la souveraineté, c'est son double exact. Derrida affirme même que celle-ci n'échappe pas de la dialectique. Théologie négative: le souverain n'est ni la négation dialectique de l'esclave — il serait alors le maître — ni un élément étrange à l'égard du système. Dans *Un nouveau mystique,* Sartre insistait sur l'importance du rire chez Bataille. Comme Derrida,

Sartre soulignait le caractère subversif du rire, qui est en effet censé révéler l'insuffisance du système. Il s'est cependant empressé de l'identifier au négatif hégélien. D'après lui, Bataille aurait tout simplement supprimé la négation de la négation — "de la trinité hégélienne [Bataille] supprime le moment de la synthèse" (Sartre 2010: 183). Pour Bataille, explique-t-il, Hegel avait raison de considérer que la réalité est en conflit, sa seule erreur étant qu'il ne voulut pas accepter qu'il n'y ait pas des conflits sans solution. Du point de vue de Sartre, donc, le rire aurait pour fonction d'interrompre la dialectique; celle-ci ne serait désormais rendue qu'à sa deuxième étape: "le rire est ici le *négatif*, au sens hégélien. [...] Il s'agit de se perdre. Mais se perdre en ce cas, c'est se perdre et d'aucune façon se sauver" (Sartre 2010: 200). Cette identité entre le rire (du souverain) et la négation (du maître), Derrida la refuse explicitement: le rire n'est pas le négatif hégélien. Or, si Sartre se trompe, c'est parce que la confusion est possible. "Pris hors de son fonctionnement, rien ne l'en distingue [la souveraineté de la maîtrise]" (Derrida 1967b: 391). Il faut alors conclure que la différence réside dans le *fonctionnement* du rire à *l'intérieur* du système.

On peut convenir qu'il s'agit de faire fonctionner autrement le système; que le rire en fasse partie, c'est en revanche plus difficile. Ne venons-nous pas d'assurer que "le rire est absent du système hégélien" (Derrida 1967b: 377)? Certes, il en est absent dans la mesure où il ne contribue point à la présentation du sens, mais le rire appartient quand même au système, ce dernier étant le seul discours possible et, par conséquent, le seul où l'on peut entendre le rire du souverain. Hegel est ici, encore une fois, incontournable. Quelle est alors la fonction du rire? "Risquer la mort ne suffit pas si la mise en jeu [...] s'investit comme travail du négatif. La souveraineté doit donc sacrifier encore la maîtrise, la présentation du sens de la mort [...] Sacrifiant le sens, la souveraineté fait sombrer la possibilité du discours" (Derrida 1967b: 383). En un mot: le sacrifice du sens. Cependant, étant donné qu'il s'agit de faire fonctionner autrement le système, il convient de ne pas prendre le mot "sacrifice" au sens littéral. Disons plutôt: le rire doit faire apparaître l'impératif qu'il y ait du sens comme la loi du système. Pour ce faire, certains pensent qu'il faut le supprimer ou, du moins, concevoir d'autres lois possibles. On comprendrait que l'impératif avait été aux commandes quand il ne l'est plus, et le choix du mot "sacrifice" paraîtrait évident. Mais, il y a une autre possibilité: pour mettre en question l'impératif, il suffit de le *transgresser* (mot si cher à Bataille). Derrida pense que celle-ci est l'interprétation correcte. Malgré les apparences, le sacrifice est moins une destruction qu'une transgression. D'où l'importance accordée aux stratégies *discursives* — il faut, écrit Derrida, redoubler le langage, biffer ses prédicats, recourir aux ruses, aux stratagèmes, aux simulacres, imprimer au langage un certain tour stratégique — et à *l'instant* comme mode temporel de l'opération souveraine. Le rire est absolument éphémère, il a lieu en un instant, se glisse entre deux moments de présence, et, pour cette raison, rien (ni positif ni négatif) n'en résulte (la destruction du sens non plus). Celle-ci est sans doute la différence la plus importante avec la maîtrise: pourquoi le rire n'est pas le négatif, comme Sartre le pensait? Après avoir cité *Un*

nouveau mystique, Derrida y répond: "le rire n'est pas le négatif parce que son éclat ne se garde pas, ne s'enchaîne à soi, ni ne se résume dans un discours: rit de l'*Aufhebung*" (Derrida 1967b: 377). À différence de la maîtrise hégélienne, la souveraineté ne veut pas se garder, c'est tout. Et, si nous nous étonnons de ce qu'elle se perd sans le moindre but, c'est qu'il y avait, qu'il y a en fait tout le temps un impératif à l'œuvre.

Lorsqu'il est question du rire, l'*Aufhebung* ne marche pas. Celle-ci est incapable de le faire collaborer à la constitution du sens. Du rire souverain, on serait tenté de dire que c'est enfin le non-dialectisable, un îlot de vraie résistance au système hégélien. Notre recherche aurait alors atteint un premier résultat: l'intérêt pour Bataille tiendrait en dernier ressort au besoin de trouver un quelque chose qui résistait le mouvement dialectique, un instant de non-sens qui s'en échappait; chez Bataille, ce serait le rire, mais on pourrait en trouver d'autres. Toute l'interprétation de Hegel/Bataille dans *L'Écriture et la différence* va en effet dans ce sens. Quelques nuances sont néanmoins nécessaires. Étant donné que ce rire ne possède pas une identité ou une essence, qu'il est plutôt un certain rien, l'on ne peut songer à fonder sur lui un discours autre que celui de la philosophie (hégélienne). Tout au plus, on tentera de le réécrire ailleurs en le rapportant à la possibilité de la perte de sens. Le sacrifice, la transgression, la dépense absolue, c'est impossible de les faire perdurer, de les maintenir. C'est pour cette raison qu'il y aura toujours de l'*Aufhebung*. La résistance au système que le rire souverain permet est donc assez précaire: on ne le détruit pas, ne propose pas un système alternatif, elle a tout au plus la consistance d'une *épochè,* d'une réduction phénoménologique (Derrida 1967b: 393). Cela constitue néanmoins un résultat assez intéressant: la lecture de Hegel par Derrida se satisfait d'une résistance de ce genre. Une transgression presque imperceptible est pour lui plus efficace que les tentatives de rupture radicale qu'on connaît. Étant donné que le crédit fait à la philosophie hégélienne est total, Derrida ne peut que chercher des figures non relevables, destinées à paralyser, ne serait-ce que pour un bref instant, le mouvement dialectique. Que notre interprétation soit pertinente, le confirme la citation que voici: "[la] transgression du discours (et par conséquent de la loi en général, le discours ne se posant qu'en posant la norme ou la valeur de sens, c'est-à-dire l'élément de la légalité en général) doit, comme toute transgression, conserver et confirmer de quelque manière ce qu'elle excède" (Derrida 1967b: 403–404). L'opération souveraine semble bel et bien être pour Derrida une certaine transgression de l'impératif qui commande l'*Aufhebung*.

Cela implique-t-il nécessairement que Derrida adopte l'interprétation de Hegel par Bataille? C'est ce que Charles Ramond semble suggérer lorsqu'il décrit le rapport de Derrida à la philosophie de Hegel: "L'épreuve" à laquelle Derrida ne va cesser de se soumettre est de présenter au système hégélien, et dans le système hégélien, des îlots de résistance [...] Les propres constructions théoriques de Derrida ne sont qu'autant de façons de retarder, de freiner, de différer en un mot, la relève du signe par le sens. [...] des machineries anti-hégéliennes, ou plutôt des grains de sable destinés à paralyser les machineries

hégéliennes" (Ramond 2006: 8–9). Or, cette interprétation nous semble poser certains problèmes, dans la mesure où ces concepts désignent peut-être encore des étants, que les grains de sable sont encore de (tout petits) objets. Ramond le reconnaît, sans le remarquer peut-être: il dit en effet qu'il s'agit de les *présenter* au système. Pourquoi celui-ci ne pourrait-il pas s'en réapproprier? Pourquoi l'*Aufhebung* ne pourrait-elle aussi incorporer le rire, le sacrifice ou l'écriture? Il semble que pour Derrida la raison en est que leur nature est de telle sorte que le système ne peut que les méconnaître. Lorsqu'il fait face, par exemple, à la souveraineté, le système hégélien l'interprète, soit comme une négativité abstraite, soit comme la négativité du maître; dans les deux cas, il trahit son essence, ce qui interrompt momentanément le mouvement dialectique. Mais pourquoi la dialectique ne marche-t-elle pas face à ces objets? S'agit-il d'une question de droit — elle ne peut pas marcher — ou de fait — elle n'a pas encore pu? Cette question nous semble de la plus haute importance, non seulement parce qu'en réalité rien n'empêche la dialectique de s'approprier, si elle a le temps, de ce genre d'obstacles (elle est dans tous les sens un travail infini), mais parce que Derrida s'en est peut-être rendu compte.

Comment prouver que les concepts que Bataille présente au système hégélien ne sont pas relevables? Derrida peut démontrer que dans le texte hégélien tel ou tel concept est mis de côté ou indiquer qu'un concept dans l'analyse qu'en fait Bataille (ou quelqu'un d'autre) n'est pas tout à fait compris par celui de Hegel. Mais Derrida montre ainsi seulement qu'un tel concept n'est pas relevé. Ce concept échappe *hic et nunc* de la dialectique, mais c'est là une question de fait. En revanche, que le hégélianisme ne pourrait jamais relever ces concepts, Derrida n'est en mesure de l'établir que préalablement, en déclarant qu'ils ne désignent aucun étant. Or, ce faisant, il exprime moins une certitude qu'un désir. Mieux: Derrida peut être sûr qu'il lui faut de tels concepts, mais non pas qu'il les ait trouvés quelque part. Comment s'assurer? rappeler ce que nous avions noté plus haut: que le statut de "De l'économie restreinte…" diffère de celui de "Le puits et la pyramide". Concrétisons maintenant cette affirmation. L'essai sur Bataille présente le projet d'interrompre l'*Aufhebung* — un projet commun à ces deux textes, mais dont on ne parle que très peu dans Marges. Si dans le premier essai Derrida cite très peu Hegel, c'est parce qu'il espère malgré tout trouver les concepts-obstacle en un certain dehors du système hégélien. Mais, comment pouvons-nous être sûrs qu'ils ne trouveront jamais une place rassurante dans celui-ci? Même si l'on souligne avec insistance la proximité des concepts de Bataille avec ceux de Hegel, le problème reste entier. Bataille ne se confond pas avec Hegel. La stratégie de "Le puits et la pyramide" est pour cela différente: on cherchera l'obstacle dans les textes de Hegel lui-même. On dira désormais que ce sont le signe ou l'écriture tels qu'ils apparaissent à l'intérieur du texte hégélien. Ramond évoque ce déplacement lorsqu'il fait allusion à la différence qui existe entre présenter des îlots de résistance "au système hégélien" et le faire "dans le système hégélien". La proximité doit être totale: si c'est la dialectique qui, dans son fonctionnement, a produit les restes qui la retardent — c'est-à-dire si elle n'a pas pu le faire autrement —,

l'analyse derridienne peut enfin atteindre une dimension a priori. On assiste à l'échec de la dialectique dans les textes de Hegel pour se convaincre qu'elle ne pourra pas relever ce qu'elle n'a pas pu relever. Et ce ne sera plus possible d'affirmer qu'il ne s'agit là que d'une question de fait.

Hegel de l'intérieur.

L'essai sur la sémiologie de Hegel se présente comme une partie d'une enquête plus large concernant le concept de signe dans l'histoire de la métaphysique. Dans ce sens, il prolonge les développements de *De la grammatologie,* en examinant la pensée hégélienne sur le sujet. Il s'agit principalement de montrer que le privilège de la parole sur l'écriture est à l'œuvre aussi chez Hegel et de mettre en lumière les présuppositions sur lesquelles il repose. Mais lors de l'analyse, Derrida revient sur le problème de la résistance à la relève dialectique:

> Les objets perçus par l'œil [...] résistent à l'*Aufhebung*, ne se laissent pas, en tant que tels, absolument relever par l'intériorité temporelle. Ils freinent le travail de la dialectique. C'est le cas des œuvres [d'art] plastiques et ce sera aussi, on s'en doute, celui de l'écriture comme telle. (Derrida 1972b: 107)

Dans sa forme la plus schématique, l'argument de "Le puits et la pyramide" est celui que voici: en déployant les ressources de la tradition métaphysique, la sémiologie hégélienne est parvenue à élaborer un concept de signe si radical qu'elle a dû immédiatement réduire sa portée pour garantir la stabilité du système; or, il en a résulté un certain nombre d'effets souvent inaperçus: quelques contradictions subtiles (et irréductibles au mouvement spéculatif de la négation) lorsque Hegel fait un thème du concept d'écriture, et surtout la juxtaposition des contenus empiriques et des formes abstraites surimposées à ce qu'elles devraient organiser (Derrida 1972b: 120). Il convient néanmoins d'indiquer que Derrida n'en tire pas de conséquences dramatiques. Ce qui l'intéresse, c'est le fait que les contradictions se produisent, leur résolution ou leur dépassement étant beaucoup moins importants. À la vérité, sans la lecture de "De l'économie restreinte..." on ne comprendrait pas pourquoi faudrait-il faire ici attention à des incohérences si minimes. Les critiques traditionnelles de la philosophie hégélienne visent généralement des moments majeurs (la supériorité de l'idée, la fin de l'histoire, la critique de la morale kantienne...) de sorte que le fait que Hegel privilégie la parole et l'écriture phonétique ne semble rien changer. Mais la lecture de Hegel par Derrida, comme nous avons déjà noté, reconnaît en principe presque sans réserve la validité de l'idéalisme absolu — d'où la critique de toute rupture unilatérale. C'est pour cette raison qu'on ne peut y opposer résistance qu'à partir de ces petites discordances.

La place que Hegel accorde à la sémiologie dans l'architecture du système est classique. Dans l'*Encyclopédie des sciences philosophiques,* la théorie du signe appartient à l'esprit subjectif. La sémiologie est un chapitre de la psychologie, de la science de l'esprit se déterminant en soi comme sujet pour soi,

plus précisément, une partie de la théorie de l'imagination. Cette topique re-
conduit à Aristote, qui est, comme le rappelle Derrida, le patron réclamé ici
par Hegel (Hegel 1988; Derrida 1972b: 86). Lorsqu'elle est reproductive, l'ima-
gination opère sur un contenu donné, gardé dans la mémoire sans rien créer;
enfermée en elle-même l'imagination se borne à la synthèse des impressions.
Cette limite sera levée dans l'imagination productrice — ou fantaisie — dont
le premier produit est le signe. Par la fantaisie, l'intelligence devient un étant
en s'extériorisant, se produit dans le monde comme une chose (Hegel 1988:
III:457). Étant la simple expression d'un contenu intérieur, l'imagination n'au-
rait rien d'extraordinaire, mais elle est de même capable de produire des intui-
tions. Cela est en revanche remarquable. Derrida y insiste: "cette affirmation
pourrait paraître scandaleuse ou inintelligible. Elle implique en effet la création
spontanée de ce qui se donne à voir, par cela même qui peut ainsi voir et re-
cevoir" (Derrida 1972b: 90). On se souvient: chez Kant, la finitude de la raison
humaine ne consiste pas en ce qu'elle manifeste divers défauts (l'inconstance,
l'imprécision, l'erreur), mais dans le fait qu'elle ne peut produire ses intuitions
— "comme par exemple, un entendement divin, qui ne se représenterait pas des
objets donnés, mais par la représentation duquel les objets eux-mêmes seraient
en même temps donnés ou produits" (Kant 2006: 206 KrV B145). C'est pour-
quoi il y a chez lui deux facultés: la sensibilité et l'entendement. Kant évoque
néanmoins l'existence d'une faculté intermédiaire entre les deux, l'imagina-
tion, une fonction aveugle "sans laquelle nous n'aurions jamais une connais-
sance, mais dont nous ne sommes que très rarement conscients" (Kant 2006:
161 KrV B103). C'est cette imagination qui lui permet d'expliquer pourquoi la
synthèse entre les intuitions et les concepts est *a priori* possible, mais ce fai-
sant Kant brouille en quelque sorte les oppositions qu'il s'efforce tant d'établir
(intuition/concept, sensibilité/entendement, pluralité/unité, passivité/activité).
C'est en ce sens que Derrida affirme que l'imagination hégélienne s'accorde
avec l'imagination kantienne: dans les deux cas, il est question d'une instance
qui produit un quelque chose (schémas ou signes) où "toutes les oppositions
de concepts s'y rassemblent, s'y résument et s'y engouffrent" (Derrida 1972b:
91) Le signe unit une représentation indépendante et une intuition, mais cela
revient à dire qu'il est irréductible aux oppositions philosophiques: "ce qui
s'annonce sous le nom de signe paraît irréductible ou inaccessible à toutes les
oppositions formelles de concepts: étant à la fois l'intérieur et l'extérieur, le
spontané et le réceptif, l'intelligible et le sensible, le même et l'autre, etc., le
signe n'est rien de cela, *ni* ceci, *ni* cela, etc." (Derrida 1972b: 92).

Il s'agit d'une juxtaposition du contenu avec la forme qui devrait l'organi-
ser. Derrida suggère en effet que la contradiction qui définit le signe coïncide
avec la dialectique. "Cette contradiction est-elle la dialecticité elle-même?
[...] La question du signe se confondrait vite avec la question "qu'est-ce que la
dialectique?"" (Derrida 1972b: 92). La nature du signe, qui consiste à n'être ni
intériorité ni extériorité, ni sensible ni intelligible, semble être analogue à la
dialectique elle-même, dont le mouvement prend toujours la forme de néga-
tion de la négation (*ni ceci ni cela*). Derrida ne développe pas ici le problème

de la juxtaposition — il faudra attendre jusqu'à *Glas.* Mais quoi qu'il en soit, le fait de déterminer le signe comme le lieu où les contradictions conceptuelles s'estompent suffirait à déstabiliser le système. Dans *L'Écriture et la différence*, Derrida avait cité les mots de Lévi-Strauss dans la préface à *Le Cru et le Cuit:* "[j'ai] cherché à transcender l'opposition du sensible et de l'intelligible en [me] plaçant d'emblée au niveau des signes" (Derrida 1967b: 413). Ce geste est nécessaire et sans doute légitime, écrivait alors Derrida, mais il ne peut nous faire oublier que le concept classique de signe (un signifiant renvoyant à un signifié) ne peut en lui-même dépasser cette opposition, parce qu'il est de part en part par déterminé par elle. À la manière classique d'effacer la différence entre le signifiant et le signifié — qui consiste à subordonner le signifiant au signifié, et donc la matière à l'idée —, Derrida opposait une autre, la sienne, consistant à mettre en question le système dans lequel cette réduction fonctionne, mettant d'abord en question l'opposition du sensible et de l'intelligible (Derrida 1967b: 413). Pour ce faire, expliquait-il, il faut conserver malgré tout le concept de signe. Car un certain concept de signe (il ne le dit pas dans *L'Écriture et la différance*, mais il nous apprend dans *Marges* que c'est bien celui de Hegel) pourrait justement menacer la pureté et la sécurité des oppositions métaphysiques. Comme le *pharmakon* et l'imagination transcendantale*,* le signe hégélien abrite en lui-même les deux opposés, il est le lieu du passage de l'un à l'autre; il permet leur rapport, leur mouvement. On voit combien il est proche de ce que Derrida appelle ailleurs la différance: "ainsi caractérisée, l'opération du signe pourrait étendre infiniment son champ" (Derrida 1972b: 92).

Cette possibilité est cependant écartée par Hegel. Dans les paragraphes suivants de *l'Encyclopedie*, il accuse le signe: tout ce que nous en venons de dire est peut-être vrai, mais c'est provisoire puisque la vérité lui manque. "Hegel en réduit néanmoins la portée [de l'opération du signe] en l'incluant aussitôt dans le mouvement et la structure d'une dialectique qui la comprend " (Derrida 1972b: 92). De ce choix découlent certaines conséquences, dont la hiérarchie des systèmes sémiologiques et le privilège de la voix sur l'écriture. Le signe tel qu'il nous est apparu jusqu'ici est l'unité d'une intuition — produite par la fantaisie — et de l'intériorité qui s'y exprime. Or, il faut, explique Hegel, que la raison lui donne un contenu en vue de la vérité. Sinon l'intuition resterait formelle, sans signification. Elle n'acquiert la valeur qui lui est propre que lorsqu'elle représente un contenu, un signifié susceptible d'être vrai. Hegel revient ainsi au concept traditionnel de signe, une intuition représentant un signifié. Le signe doit vouloir dire quelque chose de concret, ne peut rester vide. Tout en reconnaissant l'arbitraire du signe, Hegel soutient que ce dernier n'existe qu'en vue de l'idéalité signifiée qu'il représente, que l'intuition sensible (le signifiant) doit s'effacer pour la rendre présente le mieux possible. Hegel envisage alors la relève dialectique du signifiant et la calque sur celle plus générale de l'intuition sensible: de même que la relève de l'espace est le temps, la substance signifiante la plus propre à se produire comme le temps sera la relève des signes trop étendus. Il y a donc des signes dont la nature leur rend plus aptes à représenter leur contenu.

L'intuition en tant qu'elle est d'abord immédiatement un donné et une spatiali-té, reçoit, pour autant qu'on l'utilise comme signe, la détermination essentielle d'être seulement en tant que *aufgehobene.* L'intelligence en est la négativité; aus-si la forme la plus vraie de l'intuition qui est un signe, c'est la présence dans le temps — un effacement de la présence tandis qu'elle est — et suivant sa nouvelle déterminité extérieure, psychique, une position procédant de l'intelligence, de sa naturalité propre (anthropologique) — à savoir le son. (Hegel 1988: III:459)

Hegel reconnaît une pluralité des matières signifiantes, mais la relève de l'espace par le temps permet d'y établir une hiérarchie. "[Le] concept téléo-logique du son comme mouvement d'idéalisation, *Aufhebung* de l'extériorité naturelle, relève du visible dans l'audible, est, avec, toute la philosophie de la nature, la présupposition fondamentale de l'interprétation hégélienne du langage" (Derrida 1972b: 109). L'excellence du son par rapport à la vue (et aux autres sens) fait que tout langage d'espace reste inférieur. Hegel peut alors se permettre de réduire la question de l'écriture au rang de question accessoire. Celle-ci n'est pour lui qu'un développement supplémentaire qui vient à l'aide de la langue parlée. Ce disant, Hegel reproduit un geste classique qui fut celui de Platon, de Rousseau et sera celui de Saussure. Il n'en reste pas moins que Hegel doit justement mentionner l'écriture. Celle-ci doit faire partie du sys-tème. Pour nous cela est fondamental: l'écriture apparaît lors du mouvement dialectique, dans ses marges et ne disparaît jamais. La relève de l'espace par le temps, de la vue par l'ouïe, de l'audible par le visible n'est pas complète, il y a des restes. Derrida enchaîne: ces restes "résistent à l'*Aufhebung*, ne se laissant pas, en tant que tels, absolument relever par l'intériorité temporelle. Ils freinent le travail de la dialectique. [...] Ce sera aussi, on s'en doute, [le cas] de l'écriture comme telle" (Derrida 1972b: 107). Alors que Derrida n'explique pas comment et dans quelle mesure l'écriture et les arts plastiques freinent l'*Aufhegung* il est pourtant clair que ces restes sont produits par la dialectique elle-même, ce qui constitue une différence remarquable par rapport aux analyses de *L'écriture et la différence*, où les concepts ayant la même fonction se trouvaient dans le texte de Bataille. Il serait trop risque de dire qu'un point de vue substitue l'autre, il faut néanmoins reconnaître qu'il doit y avoir une résistance *au* système, mais aussi *dans* le système.

En quel sens l'interprétation de l'écriture chez Hegel est problématique? Il y a d'une part la hiérarchie téléologique des écritures. En tant que l'écriture phonétique transcrit la voix mieux que les autres, elle occupe une position pri-vilégiée dans le système. En même temps, Hegel doit reconnaître cependant qu'il ne peut pas y avoir d'écriture purement phonétique. Il en va de même pour la critique de la pasigraphie (et notamment l'écriture universelle leibnizienne) dont les précurseurs sont selon Hegel les modèles égyptien et chinois. Hegel leur reproche de rester trop symboliques, trop liés à la représentation sensible de la chose. Dans le cas du signe/symbole hiéroglyphique, cela aurait néces-sairement produit une certaine polysémie que Hegel considère comme regret-table. Il avait cependant mis en valeur l'ambivalence réglée de certains mots naturellement spéculatifs de la langue allemande. Quant au modèle chinois,

certes moins symbolique, il serait néanmoins insuffisamment développé. Mais ceci est en contradiction avec d'autres affirmations hégéliennes que Derrida ne manque pas de souligner:

> Hegel se contredit donc deux fois, sans qu'il s'agisse ici le moins du monde d'une négation dialectique de la négation, seulement d'une dénégation. Nous avons en effet reconnu plus haut les deux motifs suivants: 1. le développement et la différenciation de la grammaire sont en raison inverse de la culture et de l'avancement spirituels d'une langue; 2. le moment 'chinois' de la culture est celui de l'entendement formel, de l'abstraction mathématique, etc. ; or, par opposition à sa fonction matérielle ou lexicologique, la fonction formelle ou grammaticale d'une langue, procède de l'entendement. (Derrida 1972b: 121)

Enfin, toujours sous la rubrique de la critique de l'écriture universelle, Derrida rappelle que le symbolisme mathématique est aussi chez Hegel l'un des points de résistance au mouvement dialectique. Comme chez Husserl dans *L'origine de la géométrie* (Derrida 1962), le passage par l'abstraction mathématique est nécessaire, mais cette nécessité devient pour Hegel régression dès qu'on la prend pour modèle philosophique. "Le silence de cette écriture et l'espace de ce calcul, interrompraient le mouvement de l'*Aufhebung* ou en tout cas résisteraient à l'intériorisation du passé, à l'idéalisation relevante, à l'histoire de l'esprit, à la réappropriation du logos dans la présence à soi et la parousie infinie" (Derrida 1972b: 123). Pensée abstraite, extérieure, sans objet, trop liée à la sensibilité, l'arithmétique — et son écriture — doit être relevée, à défaut de quoi la philosophie resterait formelle: morte. Dans la préface de la *Phénoménologie de l'esprit*, Hegel avait posé l'équivalence de l'entendement, de la formalité, du mathématique, du négatif, de l'extériorité et de la mort et la nécessité de leur travail (Hegel 1939: I:29–38). Le calcul, la machine, l'écriture muette, affirme Derrida ici, appartiennent au même système d'équivalence. "Au moment où le sens se perd, où la pensée s'oppose son autre, où l'esprit s'absente de lui-même, le rendement de l'opération est-il sûr? [...] Si l'investissement dans la mort ne s'amortissait pas intégralement [...], pourrait-on encore parler d'un travail du négatif?" (Derrida 1972b: 125–26). Tout le problème semble alors tenir au fait que lorsque la philosophie fait face à son autre dans ces phénomènes, il n'est plus sûr que l'*Aufhebung* réussisse. Pour rendre compte de cette incertitude, il faudrait pouvoir concevoir un négatif qui ne se laisse pas relever.

Dans les dernières pages de l'essai, Derrida identifie de manière un peu énigmatique ce négatif à une machine qui fonctionnerait indépendamment de son utilité, de son sens, de son rendement et de son travail. Ce serait ce que Hegel n'aurait jamais pu penser: une machine — mais un système philosophique n'est-il pas en lui-même une sorte de machine? — qui fonctionne simplement, c'est-à-dire qui inscrit en elle-même un effet de pure perte. " La philosophie y verrait sans doute un non-fonctionnement, un non-travail, et elle manquerait par là ce qui pourtant, dans une telle machine, marche " (Derrida 1972b: 126). Il nous semble que dans sa lecture de Hegel, Derrida n'a jamais prétendu penser de manière plus approfondie à des phénomènes déterminés — tels que le

rire, le sacrifice, le signe, l'écriture... — afin d'étendre infiniment leur champ. Il s'agissait plutôt de montrer que le mouvement dialectique, dont le champ est d'emblée infini, génère au cours de son processus des restes qui posent des problèmes à ce même mouvement, l'entravant de l'intérieur, (se) différant ainsi de lui-même. De ce point de vue, le négatif ou la machine que nous venons d'évoquer ne seraient peut-être rien d'autre que la loi du système, l'*Aufhebung* elle-même, du moins telle qu'elle apparaît, malgré la volonté de Hegel, dans son propre texte. Pour confirmer cette hypothèse, il faudrait examiner cette loi de plus près, ce que Derrida entreprendra dans le dernier livre qu'il consacrera à la pensée hégélienne, *Glas*, dont la rédaction même, deux ans plus tard, constitue déjà un indice de la validité de cette hypothèse. Si tel est le cas, si ce qui résiste au mouvement dialectique ne peut être que ce même mouvement, qui ne parvient jamais à fonctionner parfaitement pour des raisons essentielles, cela veut dire que, étant infini, un tel mouvement ne finira jamais et qu'il y aura toujours de l'*Aufhebung*

Conclusion

Tout au long de ces pages, nous avons tenté de reconstruire le rapport qui existe entre la pensée de Derrida et la philosophie de Hegel. Nous espérons avoir démontré (i) que malgré quelques déclarations anti-hégéliennes souvent citées, il existe aux yeux de Derrida une proximité parfois problématique entre sa pensée et l'idéalisme spéculatif; (ii) que cette proximité est lisible dès *Le problème de la genèse dans la philosophie de Husserl* et dans certaines allusions de ses premières œuvres; (iii) que l'anti-hégélianisme qui commence à se formuler de manière rigoureuse avec l'essai sur Bataille est complexe, reconnaissant et relève du concept de reste ainsi que d'une interprétation très particulière de l'*Aufhebung*; (iv) que Derrida perfectionne son interprétation de Hegel au fil des années jusqu'à conclure que toute résistance à la dialectique, si elle est possible, doit être produite par le mouvement dialectique lui-même. Ces conclusions nous semblent contribuer à délimiter la place de Jacques Derrida dans le champ français de la réception de Hegel en la seconde moitié du XXe siècle.

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Ramón Mistral

"THERE IS ALWAYS *AUFHEBUNG*." DERRIDA'S READING OF HEGEL BEFORE GLAS

Abstract

This article aims to reconstruct Jacques Derrida's relationship to Hegelian philosophy as established prior to the publication of *Glas* (1974). During the late 1960s, a moment in which the philosophical context was marked by a strong anti-Hegelianism, Derrida's deconstruction was received as the opposite of Hegel's speculative idealism. While this opposition became the most accepted version of the French philosopher's position towards Hegel, there are discernible affinities between the two thinkers. This paper analyzes the texts dedicated to Hegel before 1974: "Le problème de la genèse dans la phénomenologie de Husserl", "De l'économie restreinte à l'économie générale. Un hégélianisme sans réserve" and "Le Puits et la pyramide. Introduction à la sémiologie de Hegel". It demonstrates that despite an apparent explicit rejection of dialectical thinking, Derrida consistently acknowledged its relevance, declaring a unilateral break as impossible, and, at least during the early stages of his career, conceived the possibility of a deconstructive interpretation of Hegel's thought.

Keywords: Jacques Derrida, Hegel, Anti-Hegelianism, Dialectics, French Philosophy, Aufhebung, Deconstruction.

II

STUDIES AND ARTICLES

STUDIJE I ČLANCI

Milan Urošević

THERAPY CULTURE AND THE PRODUCTION OF SUBJECTIVITY IN NEOLIBERALISM[1]

ABSTRACT
This article explores the relationship between neoliberalism and the phenomena of "therapy culture". We define therapy culture as a consequence of the spread of ideas, discourses, and practices from psychology and psychotherapy into various realms of society. Previous studies, drawing from cultural sociology, Marxism, and governmentality theory, have failed to adequately address how therapy culture integrates subjectivity with the institutions of the neoliberal mode of regulation. We begin with a historical overview of therapy culture's evolution through the twentieth century and its role in neoliberal economic reforms. Our analysis then delves into conceptualizing the neoliberal mode of regulation, emphasizing the role it gives to subjectivity. Finally, we propose a theoretical framework integrating Foucault's "technologies of the self" and Lacan's concept of "fantasy" to conceptualize the relationship between neoliberalism and therapy culture. By relying on this framework, we will conclude that therapy culture serves as a governmental technology through which neoliberalism integrates subjectivity into the process of capital accumulation.

Introduction

Contemporary research and theoretical conceptualizations of neoliberalism often emphasize the significance subjectivity has in this mode of regulation. As Krce-Ivančić puts it: "...neoliberal subjects are neoliberalism, or, more precisely, neoliberalism is above all a form of subjectivity...What is essentially new in neoliberalism is the change in subjectivity" (Krce-Ivančić 2020: 208). Such emphasis on the importance of subjectivity in neoliberalism has spurred a large

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number of studies, mostly inspired by Foucault's understanding of neoliberalism as a governmental regime that seeks to regulate the actions of individuals through their dimension of subjectivity, that is, through the regulation of their relationship with themselves (Lemke 2001; McNay 2009; Read 2009; Dean 2010: 175–205; Cotoi 2011; Gane 2013). Hence, many authors exploring neoliberalism have drawn inspiration from Foucault's assertion that when studying governmentality, one should investigate the intersection of "technologies of domination" and "technologies of the self" (Foucault 2016: 25).

One field of research that has emerged in studying this intersection deals with the relationship between neoliberalism and the phenomenon known as "therapy culture". The investigation of this phenomenon has a substantial history in the social sciences and humanities. Indeed, since the 1950s, various authors have noted the growing importance of therapeutic and psychological knowledge in various social institutions and culture (Wootton 1959: 17; Berger 1965; Rieff 1966; Lasch 1991 [1979]). Thus, therapy culture is generally understood as the result of a gradual process of "psychologization", which denotes the diffusion of various discourses and techniques from disciplines such as psychology, psychiatry, and psychotherapy through state and economic institutions as well as through culture and the everyday lives of citizens[2] (Nehring and Kerrigan, 2022: 3). This process of knowledge dissemination from the so-called psy-sciences was observed almost three decades before the emergence of neoliberalism, but the research into therapy culture developed significantly only when it was noted that psychological knowledge gained great importance in the process of neoliberal restructuring of institutions and culture (Dineen 2001; Furedi 2004: 95).

The research dealing with the relationship between therapy culture and neoliberalism is infused with numerous theoretical perspectives[3]. Authors that subscribe to a Marxist perspective investigate how psychiatric institutions and therapy culture reproduce the ideology of the ruling class and contribute to the reproduction of the capitalist mode of production and class domination. From a Marxist perspective, therapy culture in neoliberalism serves the role of individualizing socio-economic issues and reducing their causes to individual psyches (Parker 2014; Cohen 2016; Ferguson 2017). On the other hand, researchers such as Eva Illouz and Suvi Salmenniemi rely on cultural sociology. They view therapy culture as a cultural matrix that functions like a script guiding individuals in the process of forming subjectivity and social interactions in the fluid culture of late modernity[4] (Illouz 2007; Illouz 2008; Salmenniemi 2019; Salmenniemi

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2   Lionel Trilling claimed as early as 1955. that psychoanalysis has become the "slang of our culture" Trilling (1955: 12).
3   For a comprehensive exposition of the main currents in the research of therapy culture see Wright (2008).
4   Illouz and Salmenniemi can also be classified under a feminist theoretical perspective in the study of therapy culture. Authors that subscribe to this perspective often point out how therapy culture has influenced the breakdown of the private-public dichotomy by providing a discourse through which women could publicly speak about

et. al. 2020). Lastly, Foucauldian-inspired studies of therapy culture from the perspective of governmentality theory should be mentioned, with sociologists Nikolas Rose and Peter Miller being the most notable representatives. These authors conceptualize therapy culture as one aspect of neoliberal governmental technologies through which individual subjectivity is incorporated into the apparatus of neoliberalism (Rose 1999; Miller and Rose 2008).

Each of these approaches suffers from a conceptual deficiency that Mladen Dolar identifies in Althusser's understanding of ideology. In his article "Beyond Interpellation" Dolar criticizes Althusser, claiming that his theoretical framework fails to explain how ideology, embodied in practices governing various institutions, incorporates and regulates subjectivity (Dolar 1993). Similarly, the aforementioned approaches to researching the relationship between therapy culture and neoliberalism fail to adequately conceptualize the role therapy culture has in incorporating subjectivity into the neoliberal mode of regulation[5]. This article precisely aims to construct a theoretical framework that conceptualizes the role therapy culture has as a mediator between subjectivity and institutions regulated by neoliberal norms. Our framework will be based on a conceptual apparatus that combines ideas developed in Lacanian psychoanalysis, post-operaist social theory and governmentality theory inspired by the work of Michel Foucault.

From The Therapeutic Ethos to Therapy Culture: On the History of Psychologization in the Twentieth Century

This segment of the article will be dedicated to theoretical and historical reflections on the role of knowledge about the human psyche in Western societies during the twentieth century. By elaborating the process of the growing importance of this knowledge, which we have termed "psychologization", we will trace the development of a therapeutic worldview and its establishment in Western culture. As Foster observes, the process of psychologization in the twentieth century begins with the development of the "therapeutic ethos" as one of many aspects of Western cultural life that gradually gains significance during the twentieth century, replacing the Protestant ethic as the primary form of legitimization of capitalist social relations (Foster 2015: 3–7). It is only with the radical cultural changes in the 1960s and the rise of neoliberalism that the therapeutic ethos articulates itself with the most significant institutions of the state and the economy, thus establishing itself as therapy culture and consequently becoming one of the primary forms of knowledge through which social relations are reproduced (Foster 2016).

the psychological troubles affecting them in the private sphere due to the influence of patriarchal norms Wright (2008: 331–333). However, within feminist theory, criticisms of therapy culture have also emerged, claiming that its discourses divert attention from political and economic structures to manifestations of patriarchy in women's personal lives Sommers and Satel (2005).
5   Warwick Tie noticed a similar deficiency in contemporary research of self-help literature Tie (2004).

As the Marxist researcher De Vos claims, psychological knowledge has had exceptional significance for the development of capitalism since its very beginning. He relies on Foucault's research of disciplinary forms of power and their relationship with the development of subjectivity in the early modern period, arguing that psychological knowledge was crucial for the development of institutions such as prisons and mental asylums (De Vos 2012: 94–96). These institutions, as Foucault observes, contribute to the reproduction of the capitalist mode of production by subjecting individuals to a specific model of subjectivity. This model entails subjectivity that internalizes institutional norms and manages its behavior in an efficient and predictable manner (Foucault 1995: 135–169; Foucault 2006). Therefore, psychological knowledge has played a role since capitalism's very beginning in creating reflexive and responsible subjects who can successfully participate in the reproduction of the capitalist mode of production.

However, researchers of therapy culture claim that psychological knowledge gained a decisive role in the reproduction of social relations only in the twentieth century[6]. Marxist theorist Lears argues that at the turn of the nineteenth and twentieth centuries, the marketing industry started increasingly relying on therapeutic discourses. Specifically, he points out that during this period, therapeutic discourses were increasingly used to stimulate consumption, heralding significant cultural changes (Lears 1983: 3–4). According to Lears, at this time, commodities were increasingly advertised as means to fulfill consumers' emotional needs. More precisely, he claims that the development of a mass society led to a subjective need among citizens to achieve authenticity. This resulted in the therapeutic ethos assuming the role of cultural hegemony, established through the sphere of marketing, where various products are advertised as means to satisfy this need (Lears 1983: 6–12). Psychologist Cushman observes something similar and calls this form of advertising "life-style marketing", claiming that the therapeutic ethos played a significant role in its creation. This type of marketing implies that products are presented as tools for personal identity transformation, aiming to achieve a state of psychological satisfaction and harmony[7] (Cushman 1990).

The next significant phase in the development of therapy culture can be observed in the mid-twentieth century. Sociologist Barbara Wootton already noted in 1959 that in many state institutions, such as those within the criminal justice system, there was an increasing reliance on expertise provided by

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6   Researchers often note that therapy culture in the USA has its roots in the "New Thought Movement". This movement was founded in the early 19th century and was dedicated to promoting the idea that the cure for various physical illnesses and personal problems can be found in changing people's beliefs and mindsets. These ideas were called "the mind cure" and were a combination of religious and psychological discourses Moskowitz (2001: 10–29; Rakow 2013).

7   Psychoanalytic knowledge has played a significant role in shaping the modern marketing industry since the interwar period, as evidenced by the fact that this industry has its origins in the work of Freud's son-in-law, Edward Bernays see Packard (2007).

psychologists and psychiatrists[8] (Wootton 1959: 17). Foucauldian theorist Jacques Donzelot claims that psychoanalytic knowledge was adopted in France during the 1930s by state institutions responsible for family welfare and crime prevention (Donzelot 1979: 188–198). During the 1960s, the first academic works dedicated to the influence of psychological knowledge on culture emerged. Here, we primarily refer to Berger's article on the influence of psychoanalysis on everyday life[9] but also to the famous monograph by Philip Rieff, *The Triumph of the Therapeutic*.

According to Rieff, the therapeutic ethos has replaced religion as the primary worldview during the first half of the twentieth century in the United States. Drawing on Durkheim, he claims that every culture contains a "sacred order", a set of moral obligations that harmonize individual aspirations with community needs (Rieff 1966: 11–13). Rieff argues that post-war American society is characterized by the decline of religion and the weakening of social bonds, leading to the growing importance of psychological expertise. This results in the emergence of the "psychological man" as a new modal personality, which Rieff describes as an individual solely focused on their own psyche and personal emotional needs (Rieff 1966: 24–38). According to Rieff, the development of this modal personality leads to the atomization of contemporary society due to the breakdown of the moral order that aligns personal aspirations with collective needs (Rieff 1966: 258–261).

Inspired by Rieff's work, the historian Christopher Lasch develops his thesis that the influence of the therapeutic ethos on culture results in the emergence of the narcissistic personality as a new cultural model of subjectivity. According to Lasch, the Fordist mode of regulation erodes local and familial social relations, leading to the development of state agencies that oversee the institution of the family. This, alongside frequent fluctuations in the economy that cause economic insecurity for many citizens, results in the establishment of the therapeutic ethos as the primary worldview, according to Lasch (Lasch 1991: 1–30). He claims that this worldview prescribes an explicit focus on the individual's psychological life, their mental well-being, health, and self-realization (Lasch 1991: 31–51). The therapeutic worldview gradually became intertwined with the countercultural movement during its peak in the 1960s.

We can say that during this period, the therapeutic ethos articulated with what Boltanski and Chiapello termed the "artistic critique of capitalism". They claim this form of critique was dominant during the countercultural rebellion

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8   Rose claims that after World War II, state institutions started increasingly relying on psychological and psychiatric expertise because these disciplines had proven useful for managing the military during the war Rose (1999: 1–39).

9   Berger's article primarily refers to the everyday lives of American citizens Berger (1965). Eva Illouz claims that therapy culture primarily originated in the USA, and she points to Freud's lectures at Clark University in 1909 as a moment of its inception. According to Illouz, these lectures mark the beginning of the articulation of psychoanalytic knowledge and individualism typical for American society, resulting in therapy culture Illouz (2008: 22–57).

of the sixties and was based on criticizing capitalism for stifling individuality, creativity, and self-expression (Boltanski and Chiapello 2007: 167–217). Lasch claims that due to the convergence of the therapeutic ethos with the counterculture, many prominent figures of the sixties radical movement later turned to various therapeutic and religious practices aimed at "discovering their authentic selves" (Lasch 1991: 6–9). The articulation of the therapeutic ethos with the counterculture leads us to the process of its establishment and development into therapy culture in neoliberalism.

Boltanski and Chiapello argue that the countercultural rebellion of the sixties fundamentally altered the mode of regulation as the artistic critique got incorporated into the new mode to legitimize capitalist social relations (Boltanski and Chiapello 2007: 217–342). This process converged with the emergence of neoliberalism, which restructured the organization of companies, transitioning them from pyramidally organized bureaucracies to adopting the model of a network and relying on flexible work arrangements, making employment more insecure as temporary and part-time forms of employment became normalized (Sennett 2006: 17–54).

Boltanski and Chiapello highlight that due to the development of neoliberalism, managers faced the problem of adequately motivating employees. This is precisely where the therapeutic ethos comes into play. It was established in companies as a governmental technology that articulates the motivations and actions of employees with the goals of the company by presenting work as an opportunity for self-realization, self-fulfillment, and the expression of personal identity (Boltanski and Chiapello 2007: 57–102).

Eva Illouz observes a similar role of the therapeutic ethos and argues that due to relying on the model of a network and the use of information technologies, companies in neoliberalism develop a "communicative spirit". In other words, interpersonal relationships, communication, and collaboration become crucial in newly established enterprises, thus developing communication skills and empathy among employees becomes extremely important. For this reason, Illouz claims that managers turn to psychological expertise to cultivate an empathetic and reflective subjectivity among employees, as work in these companies requires constant reflection on one's own and other's emotions (Illouz 2007: 20–25). Therefore, she claims that subjectivity in neoliberal companies gains special significance, and the therapeutic ethos becomes a "scenario" or a cultural matrix guiding individuals in the workplace and articulating subjectivity with the enterprise by promising self-realization through work (Illouz 2007: 46–65).

Nikolas Rose observes that, parallel to the development of neoliberalism, there is a growing importance of psychological knowledge for governing citizens. He sees psychological knowledge as a discourse that enables "governing at a distance", meaning that due to the reduced role of state institutions in neoliberalism, citizens are now governed indirectly through agents such as psychological experts (Miller and Rose 2008: 142–172). Rose emphasizes that the aim of this form of governance is to establish a specific form of subjectivity

among citizens, which he calls "reflexive hermeneutics". This form of subjectivity involves continuous reflection by individuals on the contents of their psyche and the forming of their self-relationships in accordance with neoliberal norms (Rose 1996: 74–79).

Marxist-oriented theorists like Dana Cloud and James Nolan also notice the adoption of the therapeutic ethos by state institutions, parallel to the development of neoliberalism. Drawing on Gramsci's idea of cultural hegemony, these authors emphasize that state institutions adopt the therapeutic ethos in order to influence citizens and transform them into self-responsible subjects who interpret personal failures and difficulties solely as caused by their own flawed psyche (Cloud 1998; Nolan 1998). Furedi observes the same and argues that since the 1980s, starting with the government of Margaret Thatcher, British state institutions dealing with unemployment have begun to rely on therapeutic discourses. However, according to him, the complete establishment of the therapeutic ethos occurred during the 1990s with the New Labour government in Britain and the presidency of Bill Clinton in the USA. Furedi sees this as a period when the therapeutic ethos becomes therapy culture, as it becomes the means of legitimizing state actions and institutions[10] (Furedi 2004: 94–100; 162–174).

While neoliberalism was being established the therapeutic ethos extended beyond companies and government institutions and infused itself into culture and the everyday lives of citizens. As Illouz and Rimke observe, in contemporary culture the therapeutic ethos manifests itself in numerous forms. This ethos can be found in various practices such as psychotherapy and group workshops, in cultural products like blogs, television and internet shows, but its most influential form, as many researchers note, is what is commonly referred to as "self-help literature" (Rimke 2017). Illouz conceptualizes this type of literature as an "emotional commodity" or "emodity", a cultural product through which the therapeutic ethos influences and modifies subjectivity (Illouz 2018: 1–30). Therefore, we can see self-help literature as a textual codification of the therapeutic ethos that influences subjectivity through the cultural sphere[11].

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10   During the 1990s and the early 2000s, international organizations such as the World Health Organization and the United Nations developed methods for assessing how various factors influence the level of happiness and mental health of the population. The assessment of the impact of mental health on economic development and GDP of different countries also started at this time Rose (2019: 134–149).

11   Sociologist Micki McGee claims that the self-help literature industry saw a tremendous surge during the development of neoliberalism, which she links to the economic insecurity caused by neoliberal reforms. For example, she highlights that the sales of self-help books doubled between 1972 and 2000, while in 1988 it was established that between 30% and 50% of US citizens had read at least one self-help book in their lifetime McGee (2005: 11–13). The research on the influence the therapeutic ethos has on culture extends beyond the examination of Western societies. Nehring et al. found that during the twenty-first century, there has been a rise in the popularity of self-help books in Third World countries, while numerous researchers like Thomas Matza point out the increasing significance of the therapeutic ethos in post-socialist societies. These

Sociologists Anthony Giddens and Jeffrey Alexander also observe the rising influence of the therapeutic ethos in the late twentieth and the early twenty-first century. According to these authors, the significance of therapeutic knowledge and practices in contemporary culture is on the rise due to the existence of a cultural imperative for continuous self-reflection. Therefore, therapeutic knowledge and practice become cultural resources that help individuals form their subjectivities but also influence the alleviation of the anxiety that accompanies this formation due to the decreasing significance of traditional models of subjectivity to which individuals use to aspire[12] (Giddens 1991: 32–34; Alexander 2009: 128–133).

Neoliberalism: Governmentality, Subjectivity, and Immaterial Production

Before we delve into constructing a theoretical framework to conceptualize the relationship between therapy culture and neoliberalism, we will present our interpretation of this mode of regulation. This interpretation will focus on the significance subjectivity has for neoliberalism and thus will serve as the starting point for developing the aforementioned theoretical framework.

While researching the emergence of neoliberalism, David Harvey largely relies on the theoretical perspective known as "the regulation school". This perspective focuses on the relationship between production, distribution, and consumption, claiming that these relationships must be stabilized for the economy to function adequately. The sets of factors that stabilize these relationships

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studies precisely indicate that the development of the therapeutic ethos and its dissemination through culture accompanies the establishment of the neoliberal mode of regulation in these parts of the world Nehring et al. (2016: 8); Matza (2018). It is important to note that even though self-help literature gained in popularity with the development of neoliberalism it has a long history, and its contemporary forms have their origin in the work of early twentieth century authors like Norman Vincent Peale, Dale Carnegie and Napoleon Hill who combined business advice with the ideas of the "New Thought" movement Effing (2009: 130–131).

12   Tana Dineen cites data showing that between 1976. and 1995. the number of US citizens who visited a psychotherapist at least once increased from 22% to 46% of the total population Dineen (2001: 9). Apart from the rise in the number of users of psychotherapeutic services the development of neoliberalism is accompanied by the emergence of what Ashley Frawley calls "therapeutic industries". She uses this term to refer to heterogeneous networks of actors such as academics, activists, organizations, advocacy groups, and policymakers who promote a specific type of problematization of various aspects of the psyche as solutions to certain social and personal problems Frawley (2024: 67–69). Examples of these industries include the "self-esteem movement", popular from the mid-1980s to the late 1990s Hewitt (1998), "the happiness movement", which arises under the influence of a psychological subdiscipline called "positive psychology" and is popular during the 2000s Frawley (2015); Cabanas and Illouz (2019), "the mindfulness movement" that reached the peak of its popularity during the 2010s Purser (2019); Frawley)2024: 77–116), and "the mental health movement" that became popular towards the end of 2010s Frawley (2024: 129–188).

are called "modes of regulation" and consist of various elements such as institutions, laws, norms, as well as processes of socialization for workers and other economic actors, which create the appropriate psychological motivation for participating in economic activities (Boyer 1990; Harvey 1992: 121–123).

In the period following the Great Depression and the emergence of the New Deal, Western economies adopted the so-called "Fordist" mode of regulation. This mode entails strong state regulation of the economy, policies aiming at full employment, as well as state-funded services like healthcare and education. Investments in Fordism are long-term and aimed at ensuring stable economic growth and long-term profits (Harvey 1992: 132–135). This resulted in the mass production of standardized products, while companies were organized, as Sennett argues, according to "military" principles. This means that companies were bureaucratically regulated with employees having clearly defined positions and tasks, while career advancement involved gradual promotion within the hierarchical structure of the company (Sennett 2006: 20–25). Due to such organization, managers during the Fordist period were advised to motivate employees by guaranteeing secure and stable advancement in the company's hierarchy (Boltanski and Chiapello 2007: 86–89).

The rigidity of the Fordist mode of regulation led to stagflation during the 1970s, causing this mode to fall into crisis, which in turn led to the restructuring of the economy and the emergence of neoliberalism. Harvey refers to neoliberalism as "flexible accumulation", while another popular term for it is "post-Fordism". During the emergence of neoliberalism in the 1980s, the labor market also underwent restructuring due to the decline in union power, which employers exploited to promote new forms of temporary and part-time employment. The popularization of such forms of employment is a result of the newly arisen high competition in the labor market (Harvey 1992: 150).

The organization of production also underwent drastic changes under neoliberalism, which involved a shift towards production for differentiated market niches and meeting rapidly changing market demands. This allowed companies to have faster turnovers, leading to a shift towards short-term investment. These changes were facilitated by the development of information technologies as well as the emergence of a new global financial system, which began in the seventies with the breakdown of the Bretton Woods agreement. In the new financial system, capital is no longer constrained by space and time in its search for new profits (Harvey 1992: 156–165; Harrison 1994).

The changes in the organization of production went hand in hand with changes in the organization of companies. As Sennett points out, in neoliberalism, companies transition from hierarchical to flexible networked organizations, which allows them to adapt relatively quickly to changing market demands (Sennett 2006: 37–54). Such changes are also accompanied by alterations in the forms of socialization of the workforce. Namely, the changes in the organization of companies have caused motivational issues among employees, as discussed by Boltanski and Chiapello. These issues led to the development of a new business culture that articulates employee motivation

with the needs of the company through ideas of self-realization, self-fulfill-ment, and self-expression (Boltanski and Chiapello 2007: 90). Managers be-gin to present work in the company as an opportunity to find meaning and happiness, leading to what Fleming calls "neo-normative control". He claims that neoliberal companies rely on worker self-discipline, meaning that work-ers internalize the appropriate motivation to align their subjectivity with the company's demands (Fleming 2009: 67). Fleming argues that this self-disci-pline is achieved through what he calls "just be yourself" discourse, implying that work in the company is presented as a means of achieving authenticity (Fleming and Sturdy 2009: 573–574).

Our understanding of neoliberalism is based on Foucault's theoretical ap-paratus and his analysis of neoliberalism in the course *The Birth of Biopoli-tics* (*Naissance de la biopolitique*). The main Foucauldian concept we will rely on is the "apparatus" (*dispositif*) which he defines as a heterogeneous set of discourses, practices, and norms whose role is to regulate various institutions and coordinate their functioning through a unified logic or rationality (Fou-cault 1980: 194). This rationality entails a unified system of norms that govern the actions of subjects by influencing their subjectivity. Specifically, Foucault uses the concept of "subjection" to denote how various practices within dif-ferent institutions of the apparatus align individual's actions with its rational-ity (Foucault 1995: 30). In governmentality theory these practices are termed "governmental technologies" and are described as operating through influenc-ing subjectivity, i.e. the way individuals govern their own behavior (Miller and Rose 2008: 32–34). The relationship between subjection and subjectivity is the point at which what Foucault calls technologies of domination and technolo-gies of the self intersect; here, the way subjects govern themselves is linked to how governmental technologies affect them[13].

The Fordist mode of regulation corresponds to what Foucault calls the "apparatus of discipline". He uses the metaphor of the "panopticon" to illus-trate the rationality of this apparatus. The panopticon can be seen as a virtual instance that serves to legitimize and enforce various governmental technol-ogies that enact subjection within this apparatus (Foucault 1995: 195–230). The role of this instance is to represent various social wholes, like a company, to which the individual adapts in the process of subjection by internalizing

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13   An important element of a Foucauldian theoretical framework is the notion of re-sistance, which Foucault defines as the autonomization of subjectivity. In other words, it is a process through which the way subjects govern their behavior becomes indepen-dent, and their practices turn against the rationality of the apparatus they were subject-ed to Foucault (2009: 191–227). Even though the phenomena of resistance won't be the focus of this article, it is important to mention that some authors see elements of ther-apy culture as potentially contributing to the possibilities of creating resistance prac-tices. For example, Gloria Steinem in her book *Revolution from Within* claims that self-help books could positively influence individuals to reclaim their self-esteem and consequently engage in social activism that is aimed at bringing about progressive social change Steinem (1993).

certain norms through which they regulate their subjectivity and behavior (Foucault 1980: 146–165).

In contrast to this, the neoliberal apparatus in Foucault's view doesn't contain a transcendent figure represented by the panopticon. He names the apparatus that governs the neoliberal mode of regulation "the apparatus of security", emphasizing its role in organizing institutions to ensure optimal conditions for subjects to act "freely" (Foucault 2008: 255–260). In other words, this means that the relationship subjects form with themselves becomes the direct correlate of governmental technologies and an instance from which the legitimation of the process of subjection is derived. In neoliberalism, according to Foucault, subjection and subjectivity merge into one[14].

The governmental technology that combines subjection and subjectivity in neoliberalism Foucault calls "the homo oeconomicus" and describes it as a model of subjectivity into which neoliberal governmental technologies try to fit individuals by regulating institutions. The goal of these technologies is thus to incentivize individuals to adopt this model so that they further reproduce neoliberal rationality within their own subjectivity (McNay 2009: 62–63). Drawing on Deleuze and Guattari's work in *Anti-Oedipus*, Foucault describes homo oeconomicus as a "machine" and claims that this model of subjectivity requires individuals to organize their lives in accordance with the "logic of an enterprise" (Foucault 2008: 226). He argues that this model is based on the theory of "human capital"[15] and claims that individuals who adopt it begin to perceive their various skills, as well as health, mental processes, social relationships and interactions, as units of capital that must be managed to ensure the maximization of certain forms of income[16] (Foucault 2006: 226–233). This means that homo oeconomicus functions as a "machine" that transforms elements of subjectivity and individuals' personal lives into economic value.

The significance that subjectivity gains in the neoliberal mode of regulation is explained by Hardt and Negri who claim that neoliberalism is primarily based on so-called "immaterial production". By immaterial production they mean various forms of knowledge creation, manipulation of symbols, different forms of communication and formation of social relations, as well as work based on affectivity and emotions (Hardt and Negri 2000: 289–300). Hardt and Negri point out that in neoliberalism these forms of work take precedence due to the incorporation of information technologies into the work process and the dominance of the service sector (Hardt and Negri 2000: 280–289). This

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14   As Anthony Elliott claims, in neoliberalism individuals are "subjects to themselves" Elliott (2004: 35–38). By trying to reformulate the notion of the panopticon, Zygmunt Bauman terms the fusion of subjection and subjectivity in neoliberalism "the synopticon" Bauman (2000: 85–86).
15   When analyzing the theory of human capital, Foucault mostly relies on the work of economists Gary Becker and Theodore Schultz.
16   Foucault claims that in the work of neoliberal-oriented economists, income is not understood solely as monetary profit but can also take other forms, such as psychological satisfaction Foucault (2008: 244).

means that in neoliberalism subjectivity and numerous psychological process-
es get incorporated into the production process, indicating that they are now
involved in the creation of surplus value (Lazzarato 1996).

For this reason, there arises a need in neoliberalism for governmental tech-
nologies that function akin to what Rose calls "ethopolitics", i.e., through the
construction of techniques for self-transformation and self-assessment aimed
at adapting subjectivity to its incorporation into the process of capital repro-
duction (Rose 2007: 27). Therapy culture comes into play here, and in the fol-
lowing segment we will focus on constructing a theoretical framework to con-
ceptualize its role in the process of subsuming subjectivity into the process of
surplus value creation in the neoliberal mode of regulation.

Therapy Culture as a Neoliberal Technology of the Self and a Regime of Desire

If we rely on Foucault's theoretical framework, therapy culture in neoliberal-
ism could be conceptualized as a phenomenon located at the intersection of
technologies of domination and technologies of the self. More precisely, ther-
apy culture could be understood as a technology of the self[17] that functions as a
governmental technology in the neoliberal apparatus. Thus, from a Foucauld-
ian perspective, therapy culture can be seen as a neoliberal technology of the
self that subjects use in the process of transforming their subjectivity in accor-
dance with the model of homo oeconomicus.

Therefore, in neoliberalism therapy culture plays the role of what Foucault
in his study of Ancient Greek thought calls "the culture of the self", that is,
a set of practices and discourses through which individuals transform them-
selves into subjects in a particular historical period (Foucault 2024: 89). This
understanding aligns with the claims of the sociologist Ashley Frawley, who
sees therapy culture as aiming to transform ethnopsychology, i.e., as a govern-
ing technology of neoliberalism that aims to alter how individuals delineate
between desirable and undesirable psychological processes such as motivation,
emotions, cognition, etc. (Frawley 2020: 143–144; Frawley 2024: 21–22). Thus,
therapy culture in neoliberalism plays the role of an "episteme of subjectivi-
ty", making aspects of an individual's psyche intelligible to them and shaping
their relationship with themselves and their behavior (Merquior 1985: 128).

However, this conceptualization suffers from the aforementioned problem
identified by Dolar in his article on Althusser, namely, it fails to explain how ther-
apy culture mobilizes subjects to utilize the knowledge it contains to transform
their subjectivity. Glynos and Howarth also acknowledge this problem and em-
phasize that Foucault's conceptualization of the apparatus must be supplemented

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17   Foucault defined technologies of the self as technologies "…which permit individ-
uals to effect by their own means or with the help of others a certain number of oper-
ations on their own bodies and souls, thoughts, conduct, and way of being, so as to
transform themselves in order to attain a certain state of happiness, purity, wisdom,
perfection, or immortality" Foucault (1988: 18).

with an appropriate "logic of fantasy" that would explain how subjects decide to align their actions with its rationality. By the logic of fantasy, they mean an intersubjective system of meaning that guides subjects towards a libidinal investment in a particular model of subjectivity (Glynos and Howart 2007: 145–152).

A similar assertion is made by the post-operaist theorist Frédéric Lordon when he claims that every apparatus must be complemented by an appropriate "regime of desire"[18] through which the apparatus inscribes itself into the psyches of individuals[19] (Lordon 2014: 43). Like Glyons and Howarth, Lordon bases his ideas on the work of Jacques Lacan and his concept of "fantasy". Fantasy is a concept in Lacan's work that represents the intersection of three psychic registers: the imaginary, the symbolic, and the real. According to Lacan, individuals acquire a certain "lack" during their psychic development, which is the result of developing self-awareness and separating from the figure of the mother (Lacan 2006: 75–82). This lack, according to Lacan, manifests itself in the form of desire, which seeks to satisfy that lack by forming a certain kind of subjectivity. This desire is what he calls the register of the real (Lacan 2006: 575–584; Chiesa 2007: 104–140). The symbolic, in Lacan's understanding, represents cultural codes within which the figure of the "Big Other" is formed as a virtual instance that presents individuals with certain demands whose fulfillment would lead to the formation of a specific identity (Chiesa 2007: 34–69). The imaginary is the register that contains ideas individuals have of themselves, that is, their conscious self-relationship (Chiesa 2007: 13–34).

According to Lacan, all three registers are interrelated, and at their intersection lies what he calls the "object petit a" or the object the subject experiences as what can fulfill the lack present in their psyche (Lacan 1999: 108–136). Here, the fantasy comes into play, which we can see as a set of discourses and representations whose role is to initiate the subject's striving for acquiring the "object petit a" (Žižek 2008: 7). It achieves this by articulating the subject and the Big Other through the ego-ideal, i.e., through a model of subjectivity presented to the subject as a way of organizing subjectivity that must be realized if the subject wants to meet the demands of the Big Other (Žižek 2006: 79–81).

Fantasy can therefore be seen as a scenario through which the subject is presented with an answer to the demands of the Big Other (Flisfeder 2023: 177–178). This answer takes the form of a certain identity whose acquisition fantasy presents as a path towards the realization of desire. Therefore, fantasy functions through the regulation of libidinal investments, directing subjects

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18   Lordon refers to this regime of desire as "epithumia" based on the ancient Greek term ἐπ⬚⬚⬚⬚⬚ which translates to desire or longing Lordon (2014: 78). With this term Lordon provides a reinterpretation of Foucault's concept of the episteme, which refers to a structure governing discursive practices within a particular historical context. In Lordon's framework, epithumia is understood as similarly regulating desires.

19   Lordon compares his understanding of the regime of desire with Bourdieu's concept of "illusio", which he uses to denote the way in which a particular social field mobilizes individuals to participate in struggles over those forms of capital considered valuable in that field Lordon (2014: 43).

towards internalizing the demands of the Big Other in the form of the ego-ideal that subsequently assumes the role of the superego within the individual's psyche (Lacan 2006: 645–670).

Building on this understanding of fantasy, we can adequately supplement our conceptualization of therapy culture as a technology of the self to explain how it mobilizes subjects to transform their subjectivity in accordance with the norms it contains. We can say that therapy culture constructs, within its discourses, the model of subjectivity of homo oeconomicus whose adoption and realization it presents as a means to achieve a state of happiness, success, self-fulfillment, self-realization, and the like (Cederström 2019). In contrast to the situation in the disciplinary apparatus where the Big Other, as the equivalent of the panoptic instance representing the social whole or the symbolic order, imposes demands on the subject to achieve a certain identity, in neoliberalism, the state of happiness, success, and self-fulfillment assumes the role of an ego-ideal (Miller 2005; Tutt 2022: 34–36). The model of subjectivity of homo oeconomicus and the knowledge contained in therapy culture therefore function as means to achieve the ego-ideal and thus attain the object of desire (Tie 2004: 162–163).

Lacan's theory of discourse can be interpreted as his attempt to map the logics of different fantasies. In his seminar number XVII titled *The Other Side of Psychoanalysis* he lists four such discourses[20], and later in his work he adds a fifth one named "the discourse of capitalism". The logic of fantasy established by the discourse of capitalism implies that various commodities are presented to subjects as means to achieve certain identities and thus to satisfy lack or fulfill desire (Bryant 2008: 16–17; Vanheule 2016: 6–9). We thus observe that the role of the therapeutic ethos in the early stages of consumer capitalism, as noted by Lears and Cushman, was precisely to contribute to the diffusion of this fantasy through the culture. However, in the case of neoliberalism, therapy culture assumes a role in establishing a different logic of fantasy. This fantasy presents various modifications of subjectivity and the psyche as a path to the object of desire (Dufour 2008: 71), and therapy culture emerges as a technology of the self through which these modifications can be achieved (Binkley 2014).

Therefore, therapy culture as a technology of the self with a phantasmatic dimension emerges in neoliberalism as a mediating instance between subjects and the process of capital accumulation. Its role lies precisely in directing individuals to modify their subjectivity in such a way that their libidinal investments and psychic processes could be incorporated into the production of surplus value. In other words, drawing on Søren Mau's understanding of economic power, we can say that therapy culture is a technology that transforms subjectivity and psychic processes through the logic of valorization, thereby making them variables in capital accumulation (Mau 2023: 134).

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20   The four discourses that Lacan mentions during this seminar are: the discourse of the master, the discourse of the university, the discourse of the hysteric, and the discourse of the analyst Lacan (2007).

Conclusion

By conceptualizing therapy culture as a combination of technologies of the self and a regime of desire, we aimed to address a deficiency noted in previous critical studies on the relationship between therapy culture and neoliberalism. This deficiency involves the inability of the theoretical frameworks previous research was based on to explain how therapy culture articulates subjectivity with norms governing institutions in neoliberalism. Therefore, by constructing our theoretical framework, we aimed to conceptualize the role therapy culture has in mobilizing subjects to adopt the norms of the neoliberal apparatus and participate in institutions governed by its rationality.

Our conceptualization of therapy culture also contributes to a better understanding of how neoliberalism regulates the articulation of subjectivity and the capitalist regime of accumulation. We have conceptualized therapy culture as a mediating instance that regulates how libido is invested in the economic sphere and thus how subjectivity and psychic processes become elements in the process of surplus value creation (Deleuze 2004: 263). In his famous article "Postscript on the Societies of Control" Deleuze claims how new generations must discover "what they're being made to serve" in a society that has abandoned the disciplinary apparatus (Deleuze 1992: 7). We can conclude that our conceptualization of therapy culture precisely contributes to shedding light on new forms of domination that are today often presented as forms of freedom and opportunities for achieving happiness.

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Milan Urošević

Terapijska kultura i proizvodnja subjektivnosti u neoliberalizmu

Apstrakt:

Ovaj članak istražuje odnos između neoliberalizma i fenomena "terapijske kulture". Terapijsku kulturu definišemo kao posledicu širenja ideja, diskursa i praksi iz psihologije i psihoterapije u različite sfere društva. Prethodna istraživanja, oslanjajući se na kulturalnu sociologiju, marksizam i teoriju upravljanja, nisu adekvatno adresirala kako terapijska kultura integriše subjektivnost sa institucijama neoliberalnog modusa regulacije. Počinjemo sa istorijskim pregledom evolucije terapijske kulture kroz dvadeseti vek i njenom ulogom u neoliberalnim ekonomskim reformama. Naša analiza zatim prelazi na konceptualizaciju neoliberalnog modusa regulacije, ističući ulogu koju subjektivnost ima u njemu. Konačno, predlažemo teorijski okvir koji integriše Fukoove "tehnologije sopstva" i Lakanov koncept "fantazma" kako bismo konceptualizovali odnos između neoliberalizma i terapijske kulture. Oslanjajući se na ovaj okvir, zaključićemo da terapijska kulture služi kao tehnologija upravljanja kroz koju neoliberalizam integriše subjektivnost u proces akumulacije kapitala.

Ključne reči: subjektivnost, terapijska kultura, neoliberalizam, dispozitiv, Fuko, Lakan, fantazam, tehnologije sopstva.

Nenad Filipović

NORMATIVE DECISION THEORY AND REINDIVIDUATION OF THE OUTCOMES

ABSTRACT
This article examines and critiques efforts to preserve the requirements of normative decision theory from counterexamples by reindividuating outcomes. Reindividuation is often employed in response to counterexamples that challenge even the most fundamental requirements of rationality, such as transitivity. These counterexamples demonstrate that even basic rationality requirements can appear to be violated in seemingly rational ways, thus casting doubt on their plausibility. Reindividuation seeks to preserve these requirements by refining the objects of preference in more detailed terms. However, John Broome has pointed out that this strategy can lead to the issue of making the requirements vacuous. We will explore counterexamples to transitivity and demonstrate how reindividuation can lead to this problem of emptiness. Following that, we will review significant attempts to address this problem, showing that they fall short and that any direction we take either makes the requirements too permissive or leaves them unjustified. In the final section, we suggest a less conventional solution: rejecting finer individuation and accepting that the requirements of rationality are not universal. Finally, we point out several established approaches to decision theory that allow for domain-specific requirements.

Introduction

Majority of the axioms of mainstream normative decision theories, such as expected utility theory (EUT), have some counterexamples, i.e., examples of preferences violating the axioms that do not seem irrational. The typical strategy to deal with counterexamples is to describe the decision problem differently. In this article, we focus on the simplest of the axioms, the transitivity of preferences. Namely, to deal with counterexamples to transitivity (e.g., Sen 1993), we reindividuate the outcomes more finely, in such a way that preferences are transitive. John Broome (1991; 1993) noticed that this strategy, if unconstrained, makes the requirements of rationality vacuous.

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There are numerous attempts to give plausible constraints for finer reindividuation, so that we avoid counterexamples to the requirements, but also avoid the possible problem of the emptiness of the requirements. I will argue that the search for plausible constraints is futile. Attempts to constrain finer reindividuation either lead to overly permissive or unjustified requirements. It should be noted that many of the issues with reindividuation, as well as counterexamples to all the requirements of rationality, are well-known. In that sense, I am not pointing out many new problems. Instead, I combine the issues and show that they are deeper in the sense that previous attempts to solve them do not work, and we have several good reasons to think that the majority of conventional approaches are bound to encounter major problems. Finally, I offer a possible but unconventional solution. Namely, we can reject finer reindividuation and adopt a view that claims the requirements of rationality are not universal but domain-dependent. While this is not an implication of the arguments presented in the article, we will see in Section 4 that this proposal offers the benefit of preserving both the strength and plausibility of the axioms, something the standard proposals for reindividuation cannot claim to do. We will also mention a few views on rationality that elaborate on domain-dependent norms of rationality. Since our focus is not on the overall costs and benefits of specific theories but only on the problem of reindividuation, we will not elaborate on these views in detail but will analyze them only insofar as they are viable options for a domain-dependent view on norms of rationality.

The article will be organized as follows. In section 1, I will briefly analyze what typical normative decision theory claims about the requirements of rationality, and the common counterexamples to transitivity and the problem of reindividuation. In section 2, I will analyze three attempts to solve the problem and show why all three of them fail. In section 3, I strengthen the critique by arguing against other possible solutions. In section 4, I argue that a possible way to deal with all of this is to avoid finer reindividuation altogether and accept that the requirements of rationality, such as transitivity, are not universal.

Normative Decision Theory and the Problem of Reindividuation

Normative axiomatic decision theory is an explication of the moderate Humean view of practical rationality that no preferences are irrational by themselves.[1] Rather, practical rationality only prohibits inconsistent sets of preferences. Axiomatic decision theories, like EUT (e.g., Savage's ([1954] 1972) theory), formally explicate this view. The theories present several axioms of consistency (e.g., ordering, independence, and continuity axioms), which function as requirements of rationality.[2] When interpreted as normative, the aim of the theories is

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1   Based on Hume's dictum that "reason is, and ought only to be the slave of the passions" (Hume [1739] 1975: 415).
2   Jointly with structural axioms, these axioms serve as a basis of representation theorem, i. e., to deduce the expected utility rule.

to offer an analysis of ideal rationality (e.g., Buchak 2013: 34).[3] This means that they not only state the conditions of consistency but also claim that practical rationality *consists of* the consistency conditions. Moreover, the term "ideal" is important in the theories' methodology and scope. Since we are concerned with how an *ideally* rational agent should make decisions, we typically abstract away from the cognitive limitations and imperfections of actual agents. The focus on an ideally rational agent also influences the domain of theory. Namely, since ideal rationality consists only of a few formal requirements of consistency, being rational is a matter of following these requirements, regardless of the context of the decision.[4] Thus, we usually take axiomatic decision theory as offering *universal* norms of ideal rationality.[5]

An additional question is how to justify that the axioms are the requirements of rationality. The justification is typically done in several ways: by appealing to the intuitive plausibility of the requirements (e.g., Gilboa et al. 2019); by saying that they have the same status as laws of logic (Broome 1991); or by pragmatic arguments like money-pump arguments that show that violating the requirements leads to subpar consequences like guaranteed exploitability (Gustafsson 2022).

The Requirement of Transitivity

Transitivity of preference says that if agents' preferences are A>B and B>C, then agents' preferences ought to be A>C, where ">" is a sign for strict preference.[6] We talk solely about transitivity, and not all of the requirements, as it is the simplest, most plausible, and basic requirement that the theory presents.

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3   The theories discussed in this paper have both descriptive and explanatory interpretations. Explanatory interpretations claim that standard decision theory is a good way to interpret and explain the actions of persons in the sense that we assume, charitably, that people maximize their expected utility, and then explain and interpret their actions according to that assumption. The problem of reindividuation is not considered as significant for descriptive interpretations. We mention some of the authors who discuss the problem in the context of explanatory interpretations in footnote 9, but otherwise we will not deal with the influence that the problem has on that interpretation.
4   For example, one of the founders of axiomatic decision theory Ramsey (1926) thought of the axioms as "laws of thought", similar to the laws of deductive logic.
5   Rich (2016) dedicates a section of the article to the topic of a domain, claiming that axiomatic theories are usually taken as universal in scope, but thinks that such approach is merely rhetoric, rather than a substantive assumption. In a way, I would agree with this view, since it is not necessary to take any axiom as a universal norm. But I argue for a stronger conclusion: that there are reasons to take the requirements as strictly domain-specific.
6   Transitivity is usually taken as the requirement of the relation of *weak* preference (cf. Fishburn 1981: 145): if A⩾B and B⩾C, then A⩾C. We use strict preference in the article, mainly for simplicity. Since the agents' strict preferences in the examples we use are of a form A>B>C>A, it is clear that they also violate transitivity of weak preference: A>B and B>C imply A⩾B and B⩾C, and C>A implies not A⩾C; where "⩾" is a sign of weak preference relation.

In other words, if anything is the norm of rationality, it is that a rational agent's preferences ought to be transitive. Transitivity is also the cornerstone of most normative axiomatic decision theories, such as all variants of EUT (cf. Fishburn 1981; 1991). The fact that transitivity is common to all these theories means that most candidates for normative decision theories are affected by the problems of reindividuation.

The Problem of Reindividuation

Consider an example, E1, due to Broome (1991: 100-102; 1993: 53-55). An agent, Maurice, prefers staying at home (H) over visiting Rome (R), and visiting Rome over going mountaineering (M). Maurice also prefers going mountaineering over staying home. So, his preferences are intransitive: H>R>M>H. However, Maurice offers a reasonable explanation for such preferences. He likes staying at home over Rome because visiting cities bores him, and Rome over mountaineering because mountaineering frightens him. However, he also does not like to be a coward, and he thinks that choosing home over mountaineering would be cowardly. (He thinks of going to Rome over mountaineering as cultured rather than cowardly, so cowardliness does not come into play.) Maurice's explanation kind of makes sense, so it is not easy to consider him irrational. But then we have a counterexample to transitivity – a seemingly rational, yet intransitive set of preferences. This trouble for transitivity is even bigger since this is not an isolated counterexample.[7] The pattern of preferences is easily repeatable. We only need to have two or more characteristics of interest in outcomes (i.e., cowardliness and boredom), and they need to clash only in some and not all of the pairs of preferences. In other words, we need some sort of *matchup*-based reasons for preferences. E1 thus shows a structural issue for transitivity, the type of counterexamples that can arise from certain types of preferences.

   A common strategy to deal with this issue is to *reindividuate* the objects of preferences, i.e., outcomes (Broome, 1991, 1993). In E1, that means that instead of taking H, R, and M as the outcomes, we consider that Maurice's options are more finely individuated outcomes. Specifically, the outcome H should be considered as two outcomes: "staying home and not being a coward" ($H_{\&nc}$) and "staying home and being a coward" ($H_{\&c}$). Maurice really likes $H_{\&nc}$ and really dislikes $H_{\&c}$. So, Maurice's preferences are $H_{\&nc} > R > M > H_{\&c}$. These preferences are not intransitive, so transitivity is saved from this sort of counterexamples by reindividuation. We should note that what the term 'reindividuation' means is an alternate description of the decision problem in such a way that

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7   If someone does not like the counterexample that Broome offers, it should be noted that there are numerous other examples. Sen (1993: 501) gives another widely used counterexample. Sugden (1985), Schumm (1987), and Anand (1993) offer other interesting examples. Fishburn (1991) gives good elaboration of why these kinds of preferences make sense.

the outcomes are individuated more finely than in the original description. Because of this, one can find terms like "description" (Mamou 2020), "fine individuation" (Dreier 1996), or simply "individuation" (Fumagalli 2020) used for the maneuver that Broome calls reindividuation. We will use these terms as synonyms.

Reindividuation Leading to the Vacuous Requirements

As Broome (1991: 102; 1993: 54-55) notices, there is a big problem with the strategy of using reindividuation to save transitivity. Namely, if there are no constraints on how outcomes can be reindividuated, we can rationalize any set of preferences as transitive. If everything can be transitive, then the requirement is vacuous. So, by saving transitivity, we fall into *the problem of reindividuation,* i.e., we make the requirement of transitivity empty.

To see why this problem is serious, consider example E2. An agent, Herb, is offered a choice between investing in Fiat (F), Renault (R), and Volkswagen (V) stocks. Herb's only objective is a higher return on his stock investment. However, he has a peculiar pattern of feelings and thoughts regarding these investments. He really hates the idea of investing in Fiat when offered alongside Volkswagen, and investing in Volkswagen when offered alongside Renault. But then, he really thinks it is good to invest in Fiat when offered alongside Renault. So, Herb's preferences are F≻R≻V≻F. Herb's preferences can hardly be considered rational. In fact, it seems that he just circularly considers his alternatives depending on what they are compared to. But whether they appear rational or not is not the only issue. A more important issue is that if these preferences are rational, the requirements of rationality will be vacuous. The reason why this is a more important issue is because the normative EUT, along with the entire Humean view of rationality, relies *solely* upon these requirements of consistency. There are no other requirements of rationality but those of consistency. If these requirements are vacuous, the whole view of rationality as consistency becomes vacuous. In other words, it is essential for that particular view of rationality that these requirements are not vacuous.

However, with unconstrained reindividuation, we can easily accommodate Herb's preferences as transitive. Let us consider the outcome "Fiat" as two different outcomes: "Fiat when the alternative is Volkswagen" (F_V) and "Fiat when the alternative is Renault" (F_R). Then, Herb's preferences are $F_R≻R≻V≻F_V$. This pattern of preferences is no longer intransitive, and is thus rational.

Now, the problem for the requirements of rationality is not solely whether we should consider these specific preferences rational. The problem is that we can rationalize any pattern of preferences in the same way. Consider an agent who prefers A≻B≻C≻A, without specifying the alternatives. This is a paradigmatic example of intransitive preferences. However, the agent can claim, like Herb, that A is not a single outcome but two: "A when the alternative is B" and "A when the alternative is C," making the preferences $A_B≻B≻C≻A_C$. Thus, we have a scheme that makes any preference pattern transitive if reindividuation

is unconstrained by some rules. And if we can make any preference pattern transitive, the requirement of transitivity becomes vacuous. Since this requirement is the cornerstone of the Humean view of rationality and decision theory, that makes the entire view of rationality vacuous.

Solutions to the Problem of Reindividuation

There were a few attempts to solve the problem of reindividuation in the context of normative decision theory. We will review three of the most prominent solutions proposed specifically in the context of normative decision theory: Broome's criteria by justifiers (Broome 1991; 1993); Dreier's criteria by non-practical preferences (Dreier 1996); and Mamou's explanation by the assumption of maximal relevance (Mamou 2020).[8] We will analyze and criticize these views one by one.

Broome's Reindividuation by Justifiers

Broome (1991) uses the problem of reindividuation to criticize a moderate Humean view of rationality. He claims that in order to avoid the problem of emptiness, one must adopt a non-Humean, i.e., external criteria for reindividuation.[9] Broome's reasoning is that what allows us to uphold transitivity and to count E1 as an example of rational preferences are two facts: a) Maurice considers $H_{\&nc}$ and $H_{\&c}$ as different outcomes; b) Maurice is not indifferent between these outcomes but prefers $H_{\&nc}$ to $H_{\&c}$. According to Broome's

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8   There are numerous important discussions on the topic of reindividuation that I do not analyze, since it is hard to see the offered solutions as plausible for normative theories. I will mention them briefly here. Bermúdez (2009: chap. 3) discusses the topic of framing of decision problems. He mentions several views that tackle the issue of correct framing. But, only Broome's view seems relevant for normative decision theory, while the others seem useful for explanatory or descriptive purposes. Buchak (2013) analyzes the topic of reindividuation in the context of global and local properties of gambles, as pertinent to her theory of risk-weighted expected utility, but that has no obvious connection to our topic. (Since our topic is not a concern of Buchak's book at all, this is not a criticism of her view.) Mamou (2020) analyzes Pettit's (1991) view of individuation by properties. However, since Pettit (1991: 159) considers that the consequences of his view are that decision theory is non-autonomous and non-practical, it is hard to see his solution as plausible for the normative theory of practical rationality. Finally, Fumagalli (2020) analyzes and answers common problems of individuation of outcomes, for both the normative and descriptive interpretation of decision theory. Section "Trivialization Challenge" (Fumagalli, 2020: 345-348) touches upon our topics. But, speaking of normative decision theory, I fail to see many differences between Fumagalli's answers and those of Broome's or Mamou's, so I do not include it here as a separate view.

9   It should be noted that Broome's points are a part of a larger project of introducing a form of rational utilitarianism, similar to Harsanyi's (1955) views. Since my knowledge of the field is quite limited, I will not go into more details on his ethical theory. I will assume that we can talk about the theory of practical rationality independently from the concerns of ethical theory.

opinion, if we want to constrain reindividuation, we need to say that Maurice is either not justified in considering the outcomes as different (i.e., deny a), or that he must be indifferent between the outcomes (i.e., deny b) (Broome 1991: 102-106; 1993: 56-57). Broome offers two ways to do this: *the principle of reindividuation* and *the requirement of indifference*. The principle states that "Outcomes should be distinguished as different if and only if they differ in a way that makes it rational to have a preference between them." (Broome 1991: 103) The requirement of indifference forbids the agent from preferring one outcome to the other by stating that agents should be indifferent between the two outcomes if and only if they do not differ in a way that makes it rational to have a preference between them (Broome 1991: 103-104). It should be emphasized that Broome says that the principle and requirement come about as essentially the same condition: "... a justifier is simply the opposite of a rational requirement of indifference. If rationality requires one to be indifferent between two alternatives, then the alternatives do not differ in a justifier: they do not differ in any way that justifies a preference between them." (Broome 1991: 104). The upshot is that we need to have a justifier, i.e., a fact that makes it rational for the agents to consider the outcomes as different and to have preferences among them. This is a non-Humean element that Broome introduces into the theory, since we must rely on substantive normative claims (i.e., saying that an agent cannot rationally have some preferences), rather than solely on formal rules of consistency.

Since Broome's theory is ultimately based on *goodness* rather than on utility, what counts as a justifier is tied to what can change the goodness of an outcome. Namely, if some fact about the outcome changes its goodness, it can be a justifier. According to Broome (1991: 106; 1993: 57), in E1, if it is true that staying home while rejecting mountaineering is cowardly, Maurice has a justifier. That fact affects the goodness of the outcome, since staying home is not equally good as staying home while rejecting going to Rome. Thus, it counts as a justifier for reindividuation and preferences between outcomes. We will focus on the main issue with Broome's proposal: how to specify the facts that can be justifiers. Let us see what the facts about the goodness of outcomes can be. In E1, it is the fact about cowardice, which somewhat clearly changes the value of the outcome. But, as Bermúdez (2009: 107-109) notes, things can get unclear really quickly. Let us change E1 a bit. Now, consider E1'. Maurice has the same preferences but a different explanation for preferring M to H. He considers how he would spend time if he stayed at home and thinks that he would watch a documentary about mountains. Considering that, he finds it silly to reject mountaineering and then to watch mountains on TV. Since he would not watch a documentary about Rome if he stayed home, nor would he watch anything if he went to Rome, this reason only comes into play when comparing H to M. We have possible reindividuation: the outcome H can be counted as two outcomes "Home & feeling silly" and "Home & not feeling silly"; preferences can be transitive once again. Maurice is certainly correct when stating that staying home would make *him feel* silly if it came by rejecting

mountaineering. But this is not an external factor like cowardice. Should it count as a justifier?[10] It is not easy to argue for either yes or no unless we already determine whether Maurice is correct in thinking that his feelings based on the rejected alternatives are sufficient to look at the outcomes as different. In other words, the only way to argue for the rationality of preference here is by determining whether the value of the outcome changes, but to see whether the value changes, we need to know whether Maurice can rationally differentiate between the outcomes.

There are additional worries. We will either say that silliness is sufficient as a justifier or not. If we say that it is sufficient, why would the feeling of silliness be any different from hate in E2? Both are negative feelings caused by particular alternatives. Broome's theory would need to have a list of 'rationally allowed feelings' to sort out these differences. If we would say that it is not sufficient, why would Maurice care about these constraints? In other words, since it is obviously relevant for him, what would be the practical benefit for him to be rational and reject an alternative that he values more?[11]

Dreier's 'Non-practical Preferences' View

Dreier (1996) offers a criterion to determine whether preferences such as those in E1/E2 are genuinely transitive and rational. By determining whether the preferences are transitive, one can differentiate between cases of genuine transitivity and intransitivity. Since there can be cases of violation of transitivity *even with* reindividuation, transitivity is not an empty requirement, and we avoid the problem of reindividuation.

Let us take a deeper look at Dreier's view. He introduces another type of preferences: non-practical preferences. To explain what non-practical preferences are, first note that the objects of regular preferences are the outcomes that agents can, in principle, choose. In E1, Maurice has a preference for staying home over visiting Rome – which he can choose. Dreier considers non-practical preferences as preferences among outcomes that cannot be matters of actual choice. The actual choice between A and B is a situation in which A is chosen when the alternative is B. Dreier's idea is that if A is offered when the

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10   In another example, Broome (1991: 15; 105-107) rejects reindividuation on the basis that comparing the outcome in question to other alternatives might bring to mind different *considerations*, but it does not alter the outcome's actual goodness. Extrapolating from that example, I suspect that Broome would reject reindividuation in E1'. But I have little to no certainty about that claim, which is kind of my point here: it is hard to clearly see why and when something alters actual goodness unless we see whether the preferences between the outcomes make sense.

11   Broome adopts the view that the transitivity of goodness is a matter of logic (Broome 1991: 11-12), which would kind of explain why the agent ought to care about it. However, it is not clear why it would have normative force for practical as opposed to theoretical rationality, where laws of logic typically fall. Another matter is that the view is not that plausible: the transitivity of goodness, whatever it is, is certainly different from the law of non-contradiction.

alternative is B, then agents cannot have a practical choice between A and C by definition, since the alternative to A in that situation is B. In E1, consider the preference between "home when offered a trip to Rome" ($H_{\&R}$) and "mountaineering" (M). The agent considers the outcome "home when offered next to a trip to Rome" ($H_{\&R}$), which consists of only two alternatives H and R. By Dreier's definition of actual choice, if home is offered next to a trip to Rome, then the second alternative cannot be "mountaineering," since the second alternative to "home" is already "Rome." Dreier's view is that this can only be a matter of hypothetical choice, since the agent ought to consider the situation in which he is offered H next to R, consider *such* outcome H, coupled with the alternative R, and compare it with M. In other words, the agent should consider the situation *as if* H is offered next to R, but evaluate it against M. This, according to Dreier's view, cannot be a matter of actual choice, because if the agent chooses H or M, the second outcome is M rather than R. Thus, this can only be a matter of hypothetical choice, and because of that, a matter of non-practical preferences. However, Dreier claims that even though this cannot be a matter of practical choice, it can be a matter of non-practical preferences, which he considers to be similar to an exercise in abstraction, in which agents can put themselves in a hypothetical situation and decide what they would prefer (Dreier 1996: 264-265).

Although non-practical preferences cannot offer direct practical guidance for decisions, they can offer a criterion to see whether preferences are genuinely transitive in cases like E1. Maurice's reindividuated preferences are $H_{\&nc}>R>M>H_{\&c}$. Dreier claims that if these preferences are transitive, Maurice must also have certain non-practical preferences. For example, since his preferences are $H_{\&nc}>R$ and $R>M$, he must hold that $H_{\&nc}>M$. Since Maurice thinks that staying home is cowardly only when offered next to mountaineering, $H_{\&nc}>M$ cannot be a practical preference. But, *per* Dreier, Maurice can imagine what he would like more if he could remove the aspect of cowardice when considering between home and mountaineering. If he prefers staying home, it would/will mean that his preferences are transitive; if he does not, then they are intransitive. Thus, transitivity puts constraints on agents' preferences even with reindividuation, and it is not an empty requirement; the only thing is that constraints are on practical and non-practical preferences.

Dreier's view has two main claims: (a) agents can reliably access their non-practical preferences; (b) constraints over both practical and non-practical preferences are plausible normative requirements. Dreier offers detailed reasoning in support of (a), dedicating much of his paper to explaining why these preferences make sense and how, in a sense, agents can somewhat reliably know their preferences in non-practical matters. We can certainly grant that these preferences are legit.[12] However, granting (a) does not mean that (b) is plausible. The idea of constraints over hypothetical preferences can function

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12   Savage's theory ([1954] 1972: 25) has *constant* acts, defined in such a way that they lead to the same outcome regardless of the state of the world. Save for some artificial

as a foundation for a theory of personal consistency, but it is not clear how it would function for decision theory. Consider E2: Herb's preferences are generated by his feelings and reasoning about the returns of his stock investment, considered in specific match-ups of alternatives. One can quite reasonably add the appropriate non-practical preferences. Herb has the following preferences: $F_R{>}R{>}V{>}F_V$. Is it plausible to think that he also prefers F_R to V? He does not think that Fiat is a good option when offered next to Volkswagen, but F_R is Fiat offered next to Renault, so it seems plausible to say that he prefers it more than Volkswagen. The same is true for other non-practical preferences that Herb needs to have according to Dreier, e.g., preferring F_R to F_V.[13]Considering Dreier's rules, we need to accept E2 as an example of transitive preferences. The problem with this solution is not the conclusion itself. Rather, the issue is that Dreier's rules do not explain why these preferences should be considered rational. The rules certainly do not change how we perceive these preferences: adding some non-practical preferences does not make the practical preferences any less circular. Equally important, Dreier's rules can be applied to any pattern of circular practical preferences. As a result, the rules would make the theory too weak.[14]

Mamou's Solution by the Assumption of Maximal Relevance

Mamou (2020) recently argued that the problem of reindividuation is not a genuine problem for normative decision theory. Mamou's main point is that decision theory only works on *the assumption of maximal relevance* of the description of the outcomes, and that only on that assumption we can judge agents' preferences. According to Mamou, the assumption of maximal relevance means that the description of the outcomes comprises every single detail that is relevant to the agent (Mamou 2020: 287). Because every relevant detail is already included in the description of the outcomes, there is nothing to reindividuate, since the outcomes are already maximally finely individuated according to the agents' interests. Only when the outcomes are individuated

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examples, constant acts are rarely something that can be a matter of practical choice. So, there is a precedent for non-practical preferences in Savage's theory.

13   We can also stipulate that Herb has the necessary non-practical preferences. The example is supposed to be somewhat plausible in regard to the feelings Herb can have, but for normative decision theory, it would be bad even if *implausible* irrational preferences must be judged as rational.

14   Dreier claims that the theory still has "practical significance, in the only relevant sense I can think of, when it provides a criterion for the rationality of preferences and actions. Whether an action is rational depends on the rationality of the preferences that motivate it. Whether those preferences are rational depends, most surely, on which other preferences the agent has." (Dreier 1996: 261) It is not entirely clear how the theory can have practical significance if it can accept E2 as an example of rational preferences, and claim that rationality consists of the requirements of consistency. As we mentioned earlier in the article, the main problem is not E2 as such, but that the theory cannot convincingly rule anything out as irrational then, i.e., that the theory will be vacuous.

in such a way, we can apply the theory. If agents' preferences are transitive according to the individuation under the assumption of maximal relevance, then they are rational; otherwise, they are irrational.[15] The additional detail of Mamou's view is that he considers the question of what is an acceptable description not as a question for decision theory, but for a separate theory, thus viewing decision theory as an incomplete theory. His reasoning is that if decision theory simultaneously provides the rules for the validity of individuation and the requirements of rationality, then we would not be able to say whether any violation of rationality is a violation of the requirements or a violation of proper individuation (Mamou 2020: 288-290).

In a narrow sense, this approach saves the theory from the problem of reindividuation. Agents cannot just rationalize irrational preferences by cleverly changing the description of the outcomes. Instead, they start from the maximally detailed individuation, and the preferences are then either transitive or intransitive. Moreover, it is possible that this view is what most decision theorists had in mind when introducing axiomatic theories, since the rules for proper individuation are rarely discussed, unless precisely in the sense that individuation must contain everything of interest to agents (Savage [1954] 1972: 8-10).

However, in a different sense, this approach does little to alleviate the problem of reindividuation, since if we decide what is good individuation solely on the assumption of maximal relevance, arguably every pattern of preferences can be described as transitive. In E2, Herb is aware of his pattern of feelings and reasons, and for him, it is very relevant if the stocks of Fiat are offered next to stocks of Volkswagen or Renault. In other words, he would describe the outcomes as four outcomes when assuming maximal relevance of description. So, the assumption of maximal relevance on its own is not sufficient to remove E2.

What could alleviate this issue are some rules that state what makes a description good. One can grant that these rules cannot be a part of decision theory, but of some separate theory. However, the issue here is that there are no *prima facie* reasons to think that any separate theory can give plausible rules *and* hold to the spirit of the assumption of maximal relevance *and* deal with E1 and E2 acceptably. While this does not imply that we should believe the opposite—that there is no such theory—there are some reasons to suggest that such a theory would be difficult to find. First, the assumption of maximal relevance grants significant importance to agents' interests when reindividuating outcomes. A theory that adheres to this assumption has no principled reason to deem examples like E2 irrational. In fact, since for any seemingly intransitive pattern of preferences, one can find some characteristics relevant to the agents, such a theory would struggle to rule anything as irrational. In short, upholding the assumption of maximal relevance would make decision theory quite weak. On the other hand, if we constrain this assumption in some way, Mamou's view would become entirely dependent on an additional theory, as

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15   For simplicity, we assume that the agent does not violate some of the other requirements of rationality when judging her as rational.

the assumption of maximal relevance alone cannot address the problem of emptiness. In that sense, any additional theory would displace the assumption, rather than incorporating it into the solution.

Problems for Other Possible Solutions

In this section, we strengthen the argument against the strategies of reindividuation by showing that any solution will face problems similar to those of the views mentioned. We will first analyze and emphasize why we need reindividuation. In E1, the non-reindividuated outcomes have a characteristic or consideration of interest (i.e., cowardliness), which comes into play only in a specific matchup (i.e., comparing home to mountaineering). Maurice uses this characteristic to explain his preferences. As long as there are characteristics and considerations of interest only in specific matchups of preferences, there is a possibility of well-explained, seemingly rational, yet intransitive preferences. Reindividuation is an alternate description of outcomes. The problematic characteristics, previously serving as reasons for agents' rankings of outcomes, in the alternate description serve to individuate the outcomes, in such a way that there are no more characteristics that come into play only in specific matchups. For example, in reindividuated E1, cowardliness figures in every comparison of home with the other outcomes since it is explicitly written in the outcomes "$H_{\&c}$" and "$H_{\&nc}$". This structurally prohibits agents from valuing one outcome in its relation to another, i.e., it prohibits reasons to apply only in specific matchups.

Saying which characteristics of the outcomes can be used for this can be done either in an internal or an external way. Namely, agents' interests can ultimately decide which characteristics are relevant for individuation, i.e., we can have *internal constraints* of reindividuation (e.g., Mamou's view). Or, we can say that some characteristics of interest are not worthy as a basis of reduction, regardless of agents finding them relevant. In other words, we can have *external constraints* of reindividuation (e.g., Broome's view).

Internal Constraints Are Overly Permissive

Even if internal constraints avoid the problem of emptiness, they will be overly permissive. If any characteristic that agents find relevant can be a reason for reindividuation, then we can make a lot of preferences transitive by reindividuation. In E2, from Herb's point of view, the characteristic of the stocks of Fiat such as "being offered next to the stocks of Volkswagen" is clearly relevant, according to his evaluation. Internal constraints must allow such characteristics for reindividuation. More generally, in any instance of intransitive preferences, agents will value differently one outcome depending on what they compare it with since the preferences would not have been intransitive otherwise. From the agent's perspective, there will usually be some reasons for that valuation. If any characteristic that is cited in these reasons can be used for reindividuation, transitivity would constrain quite a few preference sets. E2 is

introduced as an artificially silly example, where every characteristic and consideration that the agent has is purely relational, i.e., of the form "X is offered next to Y". Can we alleviate the issue simply by prohibiting purely relational characteristics of outcomes? Not exactly, since one can only slightly change E2. Let us say that Herb finds some non-relational characteristics relevant, such that these characteristics figure in ranking only when compared with specific alternatives. For example, let us say that when the stocks are of Italian cars, Herb thinks that they will do worse than the stocks of German cars, because of Italian history of subordination to Germany in World War II. Thus, he prefers V to F_V, and the rest of his preferences stay the same. This means that F should be individuated as two different outcomes according to internal constraints. The example now does not rely on purely relational characteristics of outcomes, but it seems obviously too permissive as a reason for individuation.

The underlying problem that causes the excessive permissiveness is double evaluation. On the one hand, the agents must evaluate the outcomes, whatever they might be, simply because that is what typical decision theory demands. This evaluative step is necessarily internal, performed solely according to agents' interests. If the criteria for reindividuation are internal, then agents make a similar evaluation for *what counts* as an outcome, performed also according to their interests. Since these interests are the same in both evaluations – they look at what characteristics of the outcomes are relevant to them – there is little reason to think that this process will lead to irrational preferences. If an outcome A is at two places in the agent's ranking, the agent has some reason to evaluate the outcomes in such a way. That means the agent sees the outcome A as two outcomes A_{ranked_higher} and A_{ranked_lower} according to these reasons, which completes the evaluation of the outcomes as different.

External Constraints Require Additional Normative Theory

If we want to avoid this excessive permissiveness, we must say that at least some characteristics that agents find relevant cannot constitute grounds for reindividuation.[16] For example, Broome's criteria by justifiers fall into this type of solution, since he says that some characteristics (those that do not affect goodness) cannot be justifiers for reindividuation. I argue that Broome's solution is indicative of problems that any external constraints solution will have.

Let us assume that there are some external constraints that say that a characteristic of an outcome is not relevant for reindividuation, regardless of the agent seeing it as relevant. (The agent's interests and external constraints must diverge in at least some cases, like E2.) External constraints can easily remove a lot of reindividuations as unjustified. However, unlike the double evaluation of internal constraints, we now have two evaluations based on diverging interests. Since some of the characteristics that agents find relevant will be considered as

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16   Of course, this does not mean that everything relevant for reindividuation will be external, i.e., that agents' interests will be entirely irrelevant.

irrelevant for reindividuation, we must say that agents cannot rationally evaluate outcomes as different based on these characteristics. This is a normative claim, since it amounts to saying that agents have a preference that they cannot rationally have. How do we explain the source of this normative claim? It is not a consequence of the requirements of consistency. We need a different theory that says that some of the outcomes that agents see and evaluate as different should be evaluated as the same. There are no principal reasons why such a theory should not be possible. But, adding a different theory has consequences for how we think of normative decision theory, since rationality then cannot be analyzed solely as a matter of the requirements of consistency.

The addition of separate norms for reindividuation can have, as a possible consequence, the domain-dependence of at least some normative claims. The main reason is that norms for proper reindividuation cannot simply be rules of consistency. They must specify when certain outcomes should be considered distinct and when they should be considered as one outcome. In other words, they must make substantive claims about agents' reasons for evaluating the outcomes—namely, that they are or are not sufficient for reindividuation. These reasons, in turn, are at least sometimes highly domain-dependent. Take cowardice in E1. If we consider it a good basis for reindividuation, it is because of various contextual facts, e.g., what is considered cowardly, cowardice as a culturally negative characteristic, etc. The norms of reindividuation must make substantive claims, such as that the choice is indeed cowardly and that cowardice is a sufficient reason for evaluation. These substantive claims are rarely universal, but instead rely on various contextual factors. In other words, what constitutes a good basis for reindividuation will depend on numerous contextual claims.

One could argue that requirements of rationality, such as transitivity, would still be universal. That is, in every context, it would be true that violating transitivity is irrational. But this universality of the requirement comes at the cost of the domain-dependence of the norms of individuation. In two different contexts, an agent can have the same set of preferences on the same prospects with the same reasoning, yet be rational in one context and irrational in the other. This means that rationality cannot be solely a matter of internal consistency but must also account for how preferences and reasons fit within the context in which the decision takes place.

Reindividuation Leads to the Lack of Plausibility of Transitivity

Cases like E1 show that transitivity of preferences is not an unconditional requirement of rationality. Rather, the requirement is transitivity of preferences according to a correct description of the decision problem. Why would we want to uphold transitivity according to a correct description as the requirement of rationality?

One might argue that agents who uphold the transitivity of preferences according to a proper description benefit in some way because of such an axiom.

However, it is not entirely plausible to claim this. If a proper description does not consist of the exact agents' interests, it implies that agents ought to evaluate as neutral some characteristics that they consider non-neutral. Therefore, the agents do not benefit from such an axiom by their internal measures. Can they be better off by some external measures? Unless we assume that the proper level of description is the macro-level of exchangeable commodities, money-pump arguments cannot help us here, for the reasons discussed in section 3.4. On the other hand, it is difficult to construct an empirical argument for this. The reason is that agents are more likely to satisfy their interests if they follow descriptions aligned with their interests. Furthermore, employing empirical evidence in this type of normative consideration is quite rare. In fact, empirical evidence (Arkes, Gigerenzer, & Hertwig 2016) often shows that there is no evidence of the costs of violating the axioms of rationality.

The other way is to say that transitivity is intuitively plausible or, following Broome, a truth of logic, and that one or both of these reasons constitute justification for it. I find it hard to accept that intuitive plausibility on its own constitutes sufficient justification for accepting something as the universal requirement of rationality. But even if somehow it is, with reindividuation, we lose at least some of the intuitive plausibility, since now the norm is not "preferences should be transitive" but the less intuitive "preferences should be transitive when we have the correct description of the outcomes". It is similar for the idea that transitivity is a truth of logic. It certainly does not seem that 'preferences should be transitive' is on the same level as the law of non-contradiction. The difference between the two claims is more significant when the norm is "preferences should be transitive when we have the correct description of the outcomes".

We can perhaps say that transitivity is too technically elegant, and simply too neat of a requirement, so we should hold on to it because of these theoretical virtues. We can grant that most of the positive theoretical virtues that someone can think of transitivity are correctly ascribed to it. However, that is not a sufficient argument that it should be a universal requirement of rationality. These characteristics can lead to a more elegant theory (e.g., EUT), but why would that mean anything for normative requirements? If a requirement does not make sense in some cases, the fact that it functions as the foundation of an elegant theory should not give it a special normative status.[17]

Justification via Money-Pump Arguments?

We have mentioned that the justification for the axioms often consists of claims about their intuitive plausibility. However, this is not the only way to justify the axioms. In the literature, there are a couple of other ways, for example, claims

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17   Note that we do not claim that theoretical virtues and elegance of the theory cannot be important for any purpose. They can be quite important, for example, when using the theory for explanatory or even descriptive purposes.

about the analytic status of the axioms, akin to logical truths (e.g., Broome 1991). Especially in philosophical literature, a highly popular way to justify the axioms is the so-called money-pump argument (Davidson, McKinsey, & Suppes 1955; Gustafsson 2022). The idea, due to Davidson, McKinsey, and Suppes (1955), is quite simple. If we take exploitability to be a mark of irrationality, the argument shows that agents who violate the axioms of rationality, such as transitivity, are prone to be exploited, thus proving that they are irrational. Therefore, the axioms are necessary conditions for rationality. The argument shows exploitability by proving that preferences violating the axioms are susceptible to a scheme of exploitation. Let us say that an agent, like Herb, has intransitive preferences X>Y>Z>X and is in possession of X. A clever schemer, Don, sees this pattern of preferences as an opportunity to earn some easy cash.[18] He offers to exchange Z for X plus a small amount of money. Since Herb prefers Z to X, he accepts. Now Don offers to exchange Y for Z plus a small amount of money.[19] Once again, Herb accepts, since he prefers Y to Z. Don strikes again, offering X for Y and a small amount of money. Herb accepts again, for the same reasons, completing the circular exchange. Herb is now back where he started, in possession of X, only poorer by three small amounts of money, and Don can continue his offers until Herb is out of money. Since Don does not apply any special knowledge that Herb lacks but only exploits Herb's specific pattern of preferences, we are left with the conclusion that this pattern of preferences is at fault. In other words, intransitive preferences are responsible for exploitability and are therefore irrational.

The question now is, why do we not employ money-pump arguments to justify the axioms rather than relying on intuitive plausibility? The reason is that money-pump arguments only work on a specific level of individuation, thus presuming that the problem of individuation is solved in such a way that the axioms now certainly lack plausibility, i.e., they are prone to many counterexamples (cf. Broome 1991, 1993; Filipović 2023). To see this, consider Maurice with reindividuated preferences. He would pay a small amount of money to exchange going mountaineering for going to Rome, since M>R, and then a small amount of money to give up the trip to Rome and stay home, since $H_{\&nc}$>R. When he has the option of staying home and is then offered mountaineering, his thinking about cowardice kicks in – his preference is $H_{\&c}$>M, and he would pay money to go mountaineering, thus completing the circular

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18   Money does not play an essential role in the argument. The exploiter can be after anything that the agent finds valuable, but money is probably the most effective for illustration of the point of the argument.

19   An assumption here is that there exists a sufficiently small amount of money such that agents would prefer to pay it to move up in their preference ranking. This assumption is not innocuous, as it implies continuity of preferences (cf. Gustafsson 2022), which is not easily accepted unless we already desire preferences to form at least a partial weak order, i.e., for them to be transitive and complete. Since this is a minor point regarding the technical apparatus necessary for money-pump arguments, we will omit further inquiry into it.

exchange, which can then continue until he is money pumped (cf. Broome 1993: 57-59; cf. Filipović 2023).[20] The point is that the exploiters constructing money-pumps are not really interested in finer reindividuation since they operate on a coarse-grained level of description of exchangeable commodities. Transitivity on a finer levels does not protect us from this sort of exploitation, regardless of whether the description is deemed correct. This, of course, makes sense, since money-pump arguments are schemes that work by exchanging commodities, and if the outcomes are not exchangeable commodities — as they are not when finely-grained — then the arguments cannot work. So, we cannot justify the axioms by the money-pump arguments without presuming a solution to the individuation problem. However, we can ask why not just take the coarsely-grained outcomes? The fact is that the axioms, in that case, are prone to many, many counterexamples, as documented not only in Maurice's case, but throughout the literature (cf. Fishburn 1991; Veit 2024). Essentially, whenever we have match-up-based preferences, we can have perfectly reasonable preferences that are intransitive.

Why not take the side of money-pump arguments and ignore counterexamples? We have several reasons that indicate problems with using money-pump arguments in this context. Since our topic here is not primarily money-pump arguments but only their influence on the issue of individuation of outcomes, we will avoid an in-depth discussion of the general merits of such arguments (cf. Gustafsson 2022) and instead analyze a few reasons why the usage of money-pump arguments is problematic for our particular topic.[21]

First, the coarse-grained level is never meant to be sufficient for the outcomes, yet it is necessary for money-pump arguments. Savage (1954/1972), for example, mentions that descriptions of the outcomes (or "consequences" in his terms) are to contain everything of interest to the agent, suggesting a finely-grained level of description. The reason for this is that the axiom of independence cannot be convincing at all if we allow that outcomes are coarse-grained,

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20   Broome dismisses the possibility of money-pump arguments for reindividuated preferences as unfair since it changes the options that Maurice is offered from H&nc to H&c. According to Broome: "It is as though you stole his shirt and then sold it back to him. Rationality cannot protect Maurice from that sort of sharp practice. So, the fact that he is susceptible to it is no evidence of irrationality. The money-pump argument fails, therefore." (Broome 1993: 58) As Filipović (2023: sect. 4) argues, Broome's answer fails if we want to have money-pump arguments as *justification* for the requirements, since the exploiter does not possess any unfair advantage, like additional knowledge, that he uses to trick Maurice. If the money-pump is to show any practical significance, it must be in preventing precisely this sort of exploitable trading for the agents who respect the axioms. Filipović (2023) makes a point similar to the point we introduce in the present section, but on a smaller scale. He seems to claim that money-pump arguments become useless as justification coupled with reindividuation in the style that Mamou proposes. On the other hand, we claim a stronger conclusion, namely that money-pump arguments cannot serve as justification coupled with *any finer* reindividuation.
21   This list of reasons is not meant to be a complete list of criticism of the argument, but only a list of criticism that is somewhat connected to our topic.

since agents' evaluation of the outcomes can now depend on the alternatives offered (cf. Broome, 1991, 1993). Second, since the coarse-grained level of description allows agents to evaluate outcomes depending on the alternatives offered, there is no convincing reason to think that transitivity ought to hold, as evaluation can now explicitly be match-up dependent. Third, the arguments are sometimes referred to as "logical bogeymen" (Lopes 1996: 187) and as highly implausible (Schick 1986; Levi 2002), often for good reasons. For example, Arkes, Gigerenzer, and Hertwig (2016) conducted a cross-study, analyzing over 100 studies of violations of the axioms of rationality, finding no evidence of these agents being money-pumped. While these findings do not disprove the arguments, they indicate that their practical significance is limited at best. And since these arguments should concern practical rationality, the question of their practical significance is not irrelevant. In our examples, the possibility of agents being money-pumped does not seem high, making it unclear why they would care about potential exploitation. Fourth, the money-pump arguments work by presupposing specific choice methods. Namely, only if we assume that agents ought to always optimize their preferences can they be money-pumped when violating the axioms. If the agents, for example, satisfice (Simon 1947; 1955; 1956) by determining levels of acceptability of alternatives, they can have intransitive preferences and avoid money-pumps. Take E2, for example. If Herb finds all the alternatives acceptable and follows a satisficing model that tells him to choose the first acceptable alternative, he will not be susceptible to a money-pump. Of course, if he wishes to optimize his preferences rather than satisfice, then he will be open to a money-pump argument. However, this only means that the arguments work by assuming a specific choice procedure. If one wishes to prove the rationality of that choice procedure, one needs to find another argument—bringing us back to the intuitive plausibility of the requirements of rationality.

To recap, we can try to avoid the issue of the plausibility of the axioms by applying the money-pump arguments. However, this maneuver assumes one specific level of description of the outcomes as appropriate: the coarse-grained level of exchangeable commodities. This level, in turn, leaves any normative theory that applies the axioms prone to numerous counterexamples, as evidenced by the long list of counterexamples in the literature. For that reason, and due to several of their own problems, the money-pump arguments cannot convincingly be applied to avoid the issue of reindividuation.

Coarse-Grained Individuation and Non-transitive Rational Preferences

A somewhat simple solution to the problem of reindividuation is to reject finer reindividuation. Namely, we should individuate the outcomes on a coarse-grained level. This leads us to identify the outcomes by the commodities that can be chosen, exchanged, and realized regardless of other alternatives. For example, in E1, Maurice can have preferences between staying home, going to Rome, or mountaineering, i.e., the options that can be presented independently

of each other. If Maurice chooses to stay home, he is staying home regardless of how that came to be, i.e., what he rejected in order to stay home. In this sense, they would be the same options, even if it was the only option he could choose. Maurice can feel differently about the outcomes and find different characteristics of them as relevant depending on the rejected alternatives. These characteristics that outcomes display, considerations, and feelings that agents have when comparing the outcomes are something that falls into agents' reasoning for evaluation.

The coarse-grained level of individuation has clear benefits for decision theory. It preserves the practical impact that constraints on agents' preferences can have, since it ties objects of preferences to objects of possible choices that are not specific to agents' evaluation of outcomes. This can be best seen in the fact that only on a coarse-grained level of individuation can respecting the requirements have practically optimal consequences, like not being susceptible to money-pumps. If we want the theory to be not solely a theory of consistency but practical decision-making, this is the best way of individuation.[22] A drawback of this proposal is that we have numerous examples of well-reasoned and non-transitive preferences. One can say that all of these examples show irrational preferences. If this were an isolated example, that would be an easy claim to accept. But, as mentioned, the example shows a structural problem for the requirement. The only road to avoiding these issues is to reject transitivity as the universal requirement of rationality. The majority of normative decision theories – e.g., EUT (Savage [1954] 1972; Fishburn 1981; Jeffrey 1965) and derivatives, generalizations, and modifications of EUT (Buchak 2013; 2022; cf. Fishburn 1991) – have transitivity as the requirement. So, we can reject them as complete and universally applicable analyses of rationality.

Decision Theory Without the Universal Requirements

Losing transitivity as a universal requirement might be too high a price to pay. However, while this is not by any means a standard route in decision theory, there are numerous established views that consider the requirements of rationality to be domain-dependent. Gigerenzer and his collaborators (Gigerenzer 2021) offer a normative theory of ecological rationality, in which norms for rational decision-making are explicitly tied to the environment in which the decision takes place. Simon (1947; 1955; 1956) famously claims that standard theories of decision-making, such as EUT, are limited to situations where conditions for optimization are met and that, in other situations, agents should satisfice, i.e., use a method in which they can have intransitive preferences. Veit

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22 Notice that the proposed coarse-grained level of individuation does not prohibit historical details from being used in the individuation of outcomes. To use Dreier's (1996: 247) example: $100 stolen is different from $100 gifted. However, the historical difference of the outcome is relevant for individuation precisely at the coarse-grained level I propose – these are different commodities that an agent can choose, exchange with other agents, and end up with regardless of the alternatives offered.

(2024) offers a general pluralistic approach to normative rationality, in which there are multiple valid theories of rational decision-making, some without the requirement of transitivity. A reason-based view of normative rationality (e.g., Heinzelmann 2024) can allow for situations in which transitivity is not supported. Gilboa, Postlewaite, and Schmeidler's (2012) idea that rationality is tied to the ability to defend a decision-making process from criticism also leaves room to deny any specific requirement of rationality. This is not an attempt at an exhaustive list of options, but it does suggest that limiting the domain of some rationality requirements has precedent in the literature on normative rationality, even if it is not a standard approach.

Since our focus is not on claiming that any of these theories or views is correct but on showing that the problem of reindividuation can be solved by rejecting finer individuation and adopting one of these options, we will not analyze the pros and cons of these views in depth. (In other words, arguing for any specific view is a separate argument, quite deserving of its own dedicated article.) However, we will offer a brief overview of the first listed option, Gigerenzer's theory of ecological rationality. His theory claims that, depending on the environment in which the decision takes place, various rules can be considered rational. What makes a rule rational, briefly, is its superior performance over alternative rules in a given environment. The performance of a rule is graded based on criteria such as accuracy, frugality, and efficiency.[23] As an example of a rule favored in some environments, Gigerenzer offers the *take-the-best* heuristic.[24] The heuristic consists of three steps: a search step, a stopping step, and a decision step. The search step involves scanning through alternatives, the stop step indicates that agents should stop when they find an acceptable alternative, and the decision step suggests that agents ought to choose that acceptable alternative. Since this is a lexicographic choice model, it cannot be represented by a utility function and allows for intransitive preferences. As Gigerenzer shows, the model outperforms optimizing models in various environments (Gigerenzer, 2021).

We can apply this model to our situation. Maurice has intransitive preferences over various alternatives. Let us say they are all acceptable to him. He then stops at the first offered alternative and chooses it. There are no cycles in his decision-making, even though he has intransitive preferences; the choice procedure provides Maurice with a fast and efficient method for arriving at a decision. Our proposal here is thus modest. Namely, we propose that when agents have match-up-based preferences, ranking alternatives according to two or more distinct characteristics of interest, they can rationally have intransitive preferences and choose according to the take-the-best model, or another

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23   One can, of course, ask why these criteria specifically and how do we agree on a correct meaning of these terms that can be quite ambivalent (cf. Rich 2016). These are important methodological issues that ecological rationality clearly faces, which is something that should be a matter of future work.

24   In turn, this heuristic has obvious similarities to Simon's satisficing models (Simon 1955; 1956).

choice model that scores best on performance-related criteria in such situations. The proposal is modest because it is only a brief draft, and it does not claim which choice model is the best or even that a single best model exists. Rather, it outlines a way to decide, based on performance-related criteria, how to handle situations where intransitive preferences can be rational. We emphasize that further work is needed to identify the specific characteristics of environments in which specific choice models are adequate. The views mentioned in this section, especially Gigerenzer's and Veit's, have already begun some of this work, but it is far from complete.

Concluding Remarks

In the previous section, we mentioned several alternatives to the standard normative decision theories. I intentionally omitted the simplest way to deal with the issues presented, namely: to generalize a well-accepted theory such as EUT in such a way that it does not have the requirement of transitivity among the axioms but some weaker axiom instead. Standard EUT would thus be a special case of a more general theory. I did not mention this alternative since, as mentioned in section 1, the problem of reindividuation is not specific to transitivity. For example, Broome (1991) mentions it in the context of the axiom of independence, and Dreier (1996) in the context of the axiom of continuity. In other words, the plausibility of the rest of the axioms is dependent on the solution to the problem of reindividuation. So, if we want to weaken the problematic axioms, we would/will need to weaken all of them – which would lead us to the general theory that does not say much substantively. The general point here is that transitivity is not the main culprit but the idea that rationality can be analyzed as a matter of a few axioms of consistency that are valid regardless of the domain. To borrow Fishburn's (1991) expression, that makes normative theory a creed, a matter of faith, dependent on various traditions and schools. The problem of reindividuation points to the need for rethinking the foundations and methodology of normative decision theories, rather than merely fixing the existing core.

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Nenad Filipović

Normativna teorija odlučivanja i reindividuacija ishoda

Apstrakt

Ovaj članak ispituje i kritikuje pokušaje očuvanja zahteva normativne teorije odlučivanja od kontraprimerâ putem reindividuacije ishoda. Reindividuacija se često koristi kao odgovor na kontraprimere koji izazivaju čak i najosnovnije zahteve racionalnosti, poput tranzitivnosti. Ovi kontraprimeri pokazuju da čak i osnovni zahtevi racionalnosti mogu izgledati prekršeni na naizgled racionalan način, što dovodi u pitanje njihovu verodostojnost. Reindividuacija nastoji da očuva ove zahteve preciznijim definisanjem objekata preferencije. Međutim, Džon Brum je ukazao da ova strategija može dovesti do problema u kojem zahtevi postaju besmisleni. Istražićemo kontraprimere tranzitivnosti i pokazati kako reindividuacija može voditi ovom problemu besmisla. Nakon toga, osvrnućemo se na značajne pokušaje rešavanja ovog problema, pokazujući da oni nisu uspešni i da svaki pravac koji preduzmemo ili čini zahteve previše permisivnim ili ih ostavlja neosnovanim. U završnom delu predlažemo manje konvencionalno rešenje: odbacivanje preciznije individuacije i prihvatanje da zahtevi racionalnosti nisu univerzalni. Konačno, ističemo nekoliko utvrđenih pristupa teoriji odlučivanja koji dopuštaju zahteve specifične za određene domene.

Ključne reči: normativna teorija odlučivanja, zahtevi racionalnosti, tranzitivnost, problem reindividuacije, Džon Brum.

Ivan Mladenović and Miljan Vasić

A NEW SOLUTION TO THE RATIONAL VOTER PARADOX

ABSTRACT
The rational voter paradox suggests that there is no incentive for a rational individual to vote if the expected benefits are outweighed by the costs. However, the probability of an individual vote deciding the outcome of an election is typically small, making the expected benefits negligible. In response to the paradox, this paper proposes a novel solution based on Goldman's causal responsibility approach, which asserts that voters make a partial causal contribution to the electoral outcome even if their vote is not decisive. The paper integrates the logic of Condorcet's jury theorem into the causal responsibility approach, arguing that this leads to solving the rational voter paradox.

Introduction

The rational voter paradox suggests that there is no incentive for a rational individual to vote if the expected benefits are outweighed by the costs. However, the probability of an individual vote deciding the outcome of an election is typically small, making the expected benefits negligible. In response to the paradox, this paper proposes a novel solution based on Goldman's causal responsibility approach, which asserts that voters make a partial causal contribution to the electoral outcome even if their vote is not decisive. The paper integrates the logic of Condorcet's jury theorem into the causal responsibility approach, arguing that this leads to solving the rational voter paradox.

The introduction is followed by four parts. In the first part of the paper, we examine the rational voter paradox and some traditional solutions to it. Despite their differences, those solutions share the common feature of adding some morally relevant factors as a reason to vote. In contrast to this superficial inclusion of moral reasons, we turn to Goldman's theory, which distinguishes

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between moral and prudential reasons to vote. The second part of the paper focuses on Condorcet's jury theorem and its relationship to democratic theory. We present the original conditions and results of the theorem and then relax those conditions to better reflect democratic decision-making. In the third part of the paper, we demonstrate the compatibility of Condorcet's jury theorem with the causal responsibility approach. We explain why the theorem is the most suitable logical foundation for the causal responsibility approach and, finally, provide a solution to the rational voter paradox by combining the two. In the final part, we explore several objections to both the causal responsibility approach and the jury theorem that could challenge our findings and we conclude that they do not undermine our main results.

The Rational Voter Paradox and Some Escape Routes

The origin of the rational voter paradox can be traced back to Downs's economic theory of democracy (Downs 1957). The basic assumptions of the economic theory of democracy are that all voters are rational, and that they are rational in the sense of advancing their self-interest. Actually, Downs presupposes the conception of instrumental rationality in which persons will use the least of scarce resources as a means to further their aims. So, on this view, an integral part of instrumental rationality is cost/benefit analysis. To avoid further discussion on the nature of aims, it is simply presupposed within the economic theory of democracy that persons will further their self-interest. On Downs's view, the benefits of voting (B) can be given numerical value by calculating the utility that someone derives if the preferred party wins the election (i.e., by calculating the party differential, which assigns some measure of utility to each party or option). However, instrumentally rational voters will also have to take into account the costs of voting (C), which are mainly seen as opportunity costs (related to time spent on voting and becoming informed about the elections). Finally, in conditions of uncertainty, voters will also have to take into account the probability (p) that their vote will be decisive, that is, they will have to calculate the expected utility of voting. According to the economic theory of democracy, a rational voter will vote if and only if:

(1) $pB > C$

Downs also assumes that "any citizen is rational in regard to elections if his actions enable him to play his part in selecting a government efficiently" (Downs 1957: 24). But, according to Downs, when numerical values are added to the expected utility calculus, the prospect of a citizen playing this role becomes quite bleak. If it is expected that the number of voters will be large (as in most elections), this greatly diminishes the probability p that someone's vote will be pivotal, which in turn diminishes the benefit side of the calculus of voting. Since the benefits of voting in that case are very small, the costs of voting that are not that minuscule might outweigh the benefits. If voters are

instrumentally rational and base their voting decisions on the calculus of voting that maximizes expected utility, they will decide not to vote at all. As we have seen, it is presupposed that citizens ought to vote due to playing a part "in selecting a government efficiently". But the expected utility calculus tells the very same citizens that they ought not to vote because voting will contribute nothing to furthering their self-interest. Hence, we arrive at the rational voter paradox.

From the same line of reasoning, Downs derived the further conclusion that it will not be instrumentally rational for citizens to be well-informed about how to vote correctly. If a single vote doesn't add much to the result of the election, why bother to gather information on how to vote? A very small probability that someone's vote will be decisive thus influences the motivation not to be well-informed. On the basis of the previous analysis, Downs concluded that "rational ignorance" will prevail in a society of rational voters (Downs 1957: 244–245).

Some of the main routes to solve the rational voter paradox are to realize that the informational basis of the calculus of voting is not rich enough and, consequently, to add further assumptions. Riker and Ordeshook were the first to propose that adding the assumption of citizens' duty to vote (D) might dissolve the rational voter paradox since the satisfaction of fulfilling this duty might outweigh the costs of voting (Riker and Ordeshook 1968). On their proposal, the expected utility calculus should be modified in the following way:

(2) $pB + D > C$

Another way to solve the paradox is to take into account benefits that might accrue to all other citizens. In the spirit of this proposal, Edlin, Gelman, and Kaplan refined the calculus of voting to include benefit to other people or society as a whole (Edlin, Gelman, and Kaplan 2007: 296):

(3) $p(B_{ind} + \alpha NB_{soc}) > C$

In this version of the calculus of voting, αNB_{soc} includes the utility of all other citizens (represented by N), reduced by the factor α which indicates the relative importance of B_{ind} for each voter.

On yet another rendering of the calculus of voting, expressive returns are added rather than duty or altruistic motivation. On this view, a difference is drawn between instrumental rationality that is relevant in the context of the market and expressive rationality that is relevant in the context of democracy (Brennan and Lomasky 1993). In contrast to the market context, where each consumer is decisive, no voter is decisive in the context of democracy. However, for precisely that reason, voters can derive utility simply from enjoying supporting candidates or parties they prefer. In other words, while the value of the B term remains very small, the benefit side of the voting calculus can increase dramatically with expressive returns (satisfaction that someone derives from supporting their preferred political option), which in turn contributes to

solving the rational voter paradox. When expressive returns (E) are added, the calculus of voting has the following form:

(4) $pB + E > C$

Obviously, there are differences between proposals (2), (3), and (4) in solving the rational voter paradox. Nevertheless, each of the proposals can be criticized for assuming that some morally relevant considerations should be included in the calculus of voting that maximizes expected utility. For that reason, a generalized objection to (2), (3), and (4) can be made, namely, if morally relevant features are doing most of the work in solving the rational voter paradox, why not divorce them from the calculus of voting that maximizes expected utility? It looks like they are exogenously added to the economic theory of democracy simply to solve the paradox. But once their importance is realized, it seems reasonable to presuppose that the logic of voting need not be necessarily based on the calculus of voting that maximizes expected utility and its related logic of decisiveness. On this view, another logic might be more appropriate for solving the rational voter paradox.

For that reason, we now turn to Goldman's account of the duty to vote, which is based on moral considerations that are independent of the calculus of voting and its logic of decisiveness (Goldman 2002). The view that he calls "the causal responsibility approach" is mainly focused on *moral reasons* why someone should vote. Goldman draws a difference between the *prudential sense* and the *moral (or quasi-moral) sense* of why one should vote (Goldman 2002: 267). One of the main characteristics of the moral (or quasi-moral) reasons for voting is that, unlike prudential reasons, they are not based on self-interest. Although, on Goldman's view, moral and prudential considerations are not mutually exclusive, it is obvious that these two considerations are independent of each other. Since moral considerations are divorced from prudential considerations from the outset, this also means that they need not be necessarily included in the calculus of voting that is tied to the logic of decisiveness.[1]

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1   Goldman introduces two main characteristics of the causal responsibility approach in the following way: "The first claim of the causal responsibility approach is that a voter can make a partial causal contribution toward the election of a given candidate even if he is not a swing or decisive voter. Even a non-swing voter can *help* elect a winner. Second, voting in favor of the actual winner counts as a greater causal contribution to her election than merely abstaining. Thus, if the election of a given candidate would be a (socially) *good* outcome, a person can earn more "credit" by helping to produce that outcome than by sitting on the sidelines. Conversely, if an election might result in a *bad* candidate being chosen, potential voters who sit on the sidelines may not escape partial blame for that possible outcome, should it occur. They could contribute (more) toward the defeat of that candidate by voting for a rival; and their failure to do so may carry with it some culpability or blameworthiness. They do not avert such blameworthiness or culpability simply because their vote would not have been a decisive, or swing, vote. So potential voters should vote either to help produce a good outcome or to avoid a bad one." (Goldman 2002: 269)

In the rest of this section, we will explain the *causal* and *moral* (or *quasi-moral*) components of the causal responsibility approach. But first we need an explanation of the difference between moral and quasi-moral credit or blame. Goldman explains this difference in the following way. If one of the candidates is morally better, those who voted for the candidate can earn moral credit (or alternatively moral blame if they abstained, and a bad candidate wins). If neither candidate is morally better, but one of them is more competent, then credit or blame can be ascribed to voters in a quasi-moral sense. In the third section, we will turn to epistemic considerations that are relevant to the logic of voting that is, on our view, most appropriate for the causal responsibility approach.

In the prudential sense of why a person should vote, causal influence is exerted only if someone's vote is decisive. However, this need not be the case with the causal responsibility approach. When some candidate or party wins the election, it can be said that each of those who voted for the winning party or candidate had at least some causal influence (however small that influence might be). So, Goldman is mainly interested in causality that he calls "*partial* causation, or *contributory* causation, or causal *influence*", which need not be full causality (Goldman 2002: 271). He gives the following example in order to illustrate the main point. Imagine that ten friends help someone to free a car out of a snowbank. Let's suppose also that three are sufficient to push it out of the snowbank. On the logic of decisiveness, no more than three pushes that are both necessary and sufficient can count as causal influences on the outcome. Quite the contrary, on the causal responsibility approach, each of the pushes "exerts *some* causal influence, and each deserves some degree of credit and thanks, which are presumably predicated on […] partial causal responsibility" (Goldman 2002: 271). And the same goes for voting because voters can exert causal influence even when they are not pivotal.

However, not just any kind of voting that contributes to the winning party or option gives moral reasons for voting on the causal responsibility approach. Voters can earn some moral credit not just due to their causal influence, but also because they voted for the morally better option or candidate. For the same reason, they can be blamed for staying at home rather than voting when a bad candidate is elected. In a nutshell, the duty to vote is based on the possibility of both causal influence and moral credit if the better candidate wins and moral blame if someone abstains, and the bad candidate wins. According to the causal responsibility approach, this creates a moral reason for why someone should vote.[2]

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2   One important question is where this moral credit or blame comes from. As we understand his position, Goldman thinks that such moral credit or blame can be both *non-relational* and *relational*. It can be non-relational in the sense that "the voter attains a certain (quasi-) moral status, whether or not anybody else knows about this status or does anything about it" (Goldman 2002: 278–279). However, it can also be relational if moral credit or blame comes from other people. Of course, in that case, other people must be aware of someone's voting (or non-voting) behavior. Although on Goldman's view relational moral credit or blame is not necessary for the moral duty to vote, it can

Goldman maintains that the causal responsibility approach has both a *normative* and an *explanatory* dimension. To be sure, the causal responsibility approach mostly addresses the normative dimension of the duty to vote. Goldman emphasizes that he wants to "offer normatively sound reasons for voting, however successful or unsuccessful these reasons might be in motivational terms" (Goldman 2002: 279). Nevertheless, he also says that he is "tempted to speculate that the reason so many people *do* vote, as a matter of fact, is precisely because of their grasp of the rationale offered here, including their grasp of the 'contributing cause' role that their voting occupies within the system" (Goldman 2002: 281). So, according to Goldman, the causal responsibility approach can explain why people both *should* and *do* vote. For that reason, it can be considered a better alternative to the economic theory of democracy, which leads to the rational voter paradox and subsequently runs into the problem of explaining why people do in fact vote.

To summarize our analysis so far. We proposed that divorcing moral considerations from the voting calculus that maximizes expected utility and looking for a more appropriate logical foundation might be a better strategy to solve the rational voter paradox. In the light of this proposal, we examined Goldman's causal responsibility approach, which focuses on moral reasons for the duty to vote that are independent of the calculus of voting and prudential reasons. However, since the main purpose of the causal responsibility approach is to explain why someone should vote, it doesn't by itself offer a solution to the rational voter paradox and the related problem of rational ignorance. In the rest of the paper, we argue that it is possible to offer an adequate solution to the rational voter paradox (and the rational ignorance problem) by building on the foundations of the causal responsibility approach.

While we accept the causal responsibility approach as the conceptual framework for our solution, we identify here one shortcoming of this approach that our proposal will try to remedy. On our view, it does not suffice for a solution to the rational voter paradox to argue that the calculus of voting that maximizes expected utility is inadequate; a more adequate logic of voting must also be offered. Although Goldman offers a formal analysis that illustrates how various views on causation are related to the causal responsibility approach, he doesn't formulate its logic. He even claims that the causal responsibility approach, which initially works as divorced from the calculus of voting, might be compatible with it. We think that the better route to solve the rational voter paradox is to search for a logic that supports the causal responsibility approach that is independent of the calculus of voting tied to maximizing expected utility.

Our main argument in this paper is that the logic of Condorcet's Jury Theorem (CJT) is the most promising candidate for both formally grounding the causal responsibility approach and offering a solution to the rational voter

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figure in explaining why someone votes. So, by understanding what causal responsibility implies, someone might not only have a moral reason for voting, but also acquire motivation to vote.

paradox on the premises of said approach.[3] Since there is widespread skepticism concerning the application of the CJT to democratic decision-making, our main aim in the next section will be to show why the CJT might be a useful formal tool in the context of democracy.

Condorcet's Jury Theorem and Democratic Decision-Making

In this part of the paper, we introduce Condorcet's Jury Theorem and its connections to democratic theory. However, the original form of the CJT rests on some quite restrictive assumptions, and it is uncertain whether they are ever satisfied in reality. Even though many authors claim that the CJT can be applied to model democratic decision-making, some reject the theorem precisely for its strong initial assumptions. This is why much of the literature on the CJT focuses on various means of weakening the conditions present in its original form.

Formally, the theorem may be stated in the following way (Miller 1986; Owen et al. 1989; Goodin and Spiekermann 2018). There are n voters,[4] each with a probability p of voting correctly on a given matter, where p is a number between 0 and 1. This probability is called *individual competence*. Let m be a majority of n voters (defined as $(n+1)/2$). Then the *group competence* (i.e., the probability that a group of n voters who make their decision by majority rule would choose the correct outcome) can be calculated in this way:

$$(5) \quad P_n = \sum_{i=m}^{n} \binom{n}{i} p^i (1-p)^{n-i}$$

From here, two results follow.[5] A non-asymptotic result of the CJT states that a majority of a larger group of voters is more likely to be correct than a majority of a smaller group of voters, provided that individual voters are more likely to vote for the correct option rather than the incorrect one (Goodin and Spiekermann 2018: 19):

$$(6) \quad \text{For every } n \text{ and } p \text{ such that}: 0.5 < p < 1 : P_{n+2} > P_n$$

The asymptotic result is that the probability that a majority of voters is correct converges to 1 when the number of voters tends to infinity (Goodin and Spiekermann 2018: 20):

$$(7) \quad \text{For every } n \text{ and } p \text{ such that}: 0.5 < p < 1 : \lim_{n \to \infty} P_n \to 1$$

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3   It is noteworthy that Goldman considers the role of the CJT in social epistemology in some of his works. While in Goldman (1999) he is more skeptical about its role, in Goldman (2014) he sees it as the major support for social process reliabilism. However, he doesn't consider the CJT in the context of the causal responsibility approach to voting.
4   For simplicity, n is usually taken to be an odd number.
5   A straightforward proof of the CJT can be found in Estlund (1994: 134–137).

Even if individual competence is *barely* larger than 0.5, a large enough number of voters will make a group competence (almost) completely infallible.[6] Thus, the "law of large numbers" lies at the core of the CJT. Many authors have suggested that the CJT can be applied to political decision-making and that it provides an epistemic argument for democracy (e.g., Cohen 1986; Landemore 2013; Goodin and Spiekermann 2018). Nevertheless, the promising result of the CJT rests on some fairly demanding assumptions. We opt to present them in the following way:

1) *Competence condition: the probability that a single voter would choose the correct option is larger than 0.5.* This condition ensures the optimistic result of the CJT. If it fails to be satisfied, group competence decreases when more voters are added. This is because the theorem works in reverse, too. In cases where individual competence is lower than 0.5, group competence rapidly converges to 0 as the number of voters increases (Owen et al. 1989: 2).

2) *Homogeneity condition: the competence of all voters is identical to one another.* The classic form of the CJT assumes homogeneous groups of voters. Interestingly enough, Condorcet may not have introduced this condition solely for reasons of simplicity. He held the view that when a country has progressed through enlightenment, there appears "a great equality between minds" in terms of their ability to judge the truth (Condorcet 1976: 51). Thus, according to some interpretations (see: Goodin and Spiekermann 2018: 24), he believed this condition could be met in reality, but most later commenters doubted it.

3) *Binary choice condition: the decision is made between the two options.* In Condorcet's original example, there were only two options: the correct one and the false one. Since Condorcet was primarily interested in the jury problem (i.e., what is the ideal size of the jury and does its decision require unanimity; Condorcet 1976: 36), he went with the view that the jury usually has to reach one of two verdicts. However, his subsequent theory of elections was, at least ostensibly, an attempt to apply the same findings to multiple-choice situations (Black 1998: 196).

4) *Independence condition: voters make their choice independently of one another.* The theorem assumes that the chance that two voters are both correct is calculated as the probability that the first voter is correct *times* the probability that the second voter is correct. This presupposes that these two events are mutually independent. If, however, some voters choose the same option as one particular voter (an "opinion leader"), their votes are no longer independent (Estlund 1994). For example, if we conceive a group composed entirely of voters who follow a single opinion leader, then the competence of such a group will be *equal* to that of an opinion leader, regardless of its size.

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6   For example, a group whose members have an individual competence of 0.6 needs only 250 voters to reach correct decisions with near certainty. And if we conceive a group where every voter has a competence of only 0.505, a million of such voters would still tend to make correct decisions at an almost certain rate (see Miller 1986: 176 and Grofman 1978: 50 for tables of selected values of *n* and *p*).

These assumptions are either quite demanding or fairly unrealistic. Some of them are rarely (if ever) met in real-world political decision-making, let alone all of them simultaneously. For this reason, each of these assumptions is used to express general skepticism about the prospects of applying the CJT to democratic decisions. David Estlund argues that citizens can easily be "dumber than a coin flip" due to many systematically wrong views they hold (Estlund 2008: 16). Interestingly enough, Condorcet himself believed that large assemblies of citizens fail to satisfy the competence condition, as they tend to combine ignorance with prejudices (Condorcet 1976: 50). Elizabeth Anderson, in turn, rejects the CJT for its assumptions of homogeneity and independence. She claims that, due to these conditions, the CJT fails to capture two constituent features of democracy: diversity and discussion. Anderson argues that the epistemic argument for democracy rests on the epistemic diversity of voters and that Condorcet's original assumption of homogeneity goes directly against such an argument. Democracy is expected to solve complex problems, and thus democratic decisions can variously affect persons who differ in their age, gender, education, occupation, economic status, etc. Since voters are most likely to recognize the effects that democratic decisions would have on those groups to which they belong, the idea of homogenous voters is not only unrealistic but potentially harmful to democracy. The same goes for the assumption of independence which, according to Anderson, puts the two democratic ways of information pooling, voting and talking, against one another (Anderson 2006: 11).

Lastly, the binary choice condition is the obvious drawback in applying the CJT to democratic decisions. Even though sometimes, like in the cases of run-off rounds of elections or in referenda, citizens are indeed facing only two options, it is much more common for real-world political decisions to involve more than two options (Goodin and Spiekermann 2018: 26). And even when the political choice is actually presented as binary, it is usually preceded by some political mechanism which narrowed the possible options/solutions/candidates to a single pair. A binary choice is thus only a final stage of a much more complex process (Estlund 2008: 226–227), which makes the applicability of the CJT to real-world democracy exceedingly limited (Farrelly 2012: 14–15).

Although the prospects of applying the CJT to democratic decision-making may seem bleak, there are various extensions and adjustments of the theorem that manage to modify or relax these conditions, while still keeping the theorem's rationale intact. Three of them are particularly important for the democratic interpretation of the CJT.

1. *Average competence*. Even though the original form of the CJT presupposes the homogenous groups of voters, the general results hold if we abandon the assumption of identical voters' competence and instead introduce their average competence as a substitute in a formula.[7] This modification affects two conditions present in the classical form of the CJT. The modified theorem permits the heterogeneous group of voters, but it also allows that some voters may

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7   This result is proven by Grofman et al. (1982).

individually fail to satisfy the competence condition – as long as the average competence is above the threshold line. The interesting result of this modification is that two of Condorcet's original three statements are no longer necessarily true (Nitzan and Paroush 2017: 496–497). In his *Essay on the Application of Mathematics to the Theory of Decision-Making* (1976 [1785]), Condorcet made the following tripartite statement (Nitzan and Paroush 2017: 495): 1) The probability that a group of voters would collectively make the correct decision is higher than the probability that any single voter makes that decision, 2) The advantage of the group over the single voter's performance increases with the number of voters in the group, and 3) The probability that a group makes a correct decision tends to one when the number of voters tends to infinity; i.e., with an infinite number of voters, there is a complete certainty that the group decision is correct. In certain cases, when the number of voters is relatively small, the group competence may be lower than the competence of its most capable members. It is also possible that the addition of some less competent members can lower the group competence, despite the average competence still being larger than 0.5. (Nitzan and Paroush 2017: 497). Nevertheless, it is Condorcet's third statement that remains intact. Even though certain small heterogeneous groups can yield some peculiar results, if we keep adding new voters to the group, the group competence would start converging to 1, provided that the average competence is kept above the threshold of 0.5. As the group grows, even the most competent members would be eventually surpassed by the judgment of a group as a whole. Thus, under this modification of the theorem, both non-asymptotic and asymptotic results still hold with *large enough numbers* (Goodin and Spiekermann 2018: 24–25). However, this is all that is needed for a democratic interpretation of the CJT, since such an interpretation usually assumes large groups of voters anyway. Therefore, an extension of the CJT which allows heterogeneous voters, who on average satisfy the competence condition, can simultaneously bring the CJT assumptions closer to real-world conditions *and* make it more apt for modeling democratic decision-making.

2. *Multiple options extension.* To successfully link the CJT to democracy, it is crucial to relax the binary choice condition as well. There are two relatively well-known ways of doing so. The first one is proposed by Condorcet himself, as he was aware that choosing between only two options is not always feasible. He suggested that, whenever it is possible, a more complex choice should be broken down into simple propositions, such that it is possible to judge them two by two. For situations in which this is not an option, Condorcet proposed his method of pairwise comparison (Condorcet 1976: 52–53). However, in cases with a large number of options, this method can be rather cumbersome and impractical for real-world decision-making (not to mention that it led Condorcet to discover the paradox named after him). In more modest settings, however, it can be a viable way of extending the CJT to three or more options. Another solution is famously advanced by Christian List and Robert Goodin (2001).[8]

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8   The general idea is introduced by Grofman (1978: 51).

They claim that nothing in the theorem itself actually presupposes a binary choice. The CJT result can be naturally extended to a number of k options if the majority rule is replaced by the plurality rule. Moreover, the average competence of above 0.5 is also no longer a necessity, since it is the competence of above $1/k$ which is required for the optimistic result of the CJT. An advantageous feature of the plurality rule is that it avoids voting cycles that plague Condorcet's method of pairwise comparison (Goodin and Spiekermann 2018: 27). The apparent drawback of this extension is that when there is a large number of options, the group competence does not rise *as quickly as* in cases with two options. But it nevertheless reaches near certainty when the group becomes sufficiently large. We do not wish to claim that one way of extending the CJT to more than two options is superior to the other, as both have distinct advantages and disadvantages;[9] our aim was to point out that *there are* ways of applying the CJT to multiple-options situations, which makes the theorem applicable to various forms of democratic decision-making.

3. *Reexamining independence.* If we accept the proposed revisions of the CJT, an important question remains: how can we be sure that the average competence of citizens is large enough? Condorcet's answer was that we cannot be sure, and must therefore severely limit the questions that are put before a popular vote. On the other hand, some authors believe that a healthy dose of discussion among citizens prior to voting can enhance their individual capabilities and make them sufficiently competent (Goodin and Spiekermann 2018). Although such a proposal seems to directly clash with the CJT's independence condition, this is not necessarily the case.

It is wrong to assume that independence simply means a lack of interaction. Such an interpretation is wrong for two reasons (Goodin and Spiekermann 2018: 68). First, it would treat any group of voters who do not interact directly as statistically independent, even if all those voters follow the same opinion leader who does not participate in the voting process. Second, it would treat beneficial forms of interaction as a violation of an independence condition. However, discussion among citizens can enhance voters' competence without undermining the said condition (Estlund 2008). If the average competence in a group is lower than the required threshold, the group will likely include some individuals whose competence is significantly higher. Those individuals may be positioned to persuade those who are less competent to see the error of their ways and abandon their prejudices. The only sort of interaction that violates the independence condition is the one where citizen A votes for a certain option *just because* citizen B does so. But interactions that go along the lines of "Don't just vote the way I do, make up your own mind" (Goodin and Spiekermann 2018: 68) do not make the votes dependent on one another. Therefore, nothing in the CJT presupposes the lack of discussion; on the contrary, discussion can be understood as an inherently beneficial process in the CJT framework.

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9   See Estlund (2008: 227–230) for a critique of List and Goodin's proposal.

How to Solve the Rational Voter Paradox

After establishing the relevance of the CJT to democratic decision-making, in this section, we demonstrate how integrating the logic of the CJT into the causal responsibility approach leads to solving the rational voter paradox. Our argument is in three steps. First, we show how the CJT can be integrated into the causal responsibility approach. Second, we argue that the CJT can be understood as the most appropriate logical foundation of the causal responsibility approach. We show that the compatibility of the CJT with the causal responsibility approach applies to both its basic version and its various extensions. This also includes compatibility with asymptotic and non-asymptotic results of the CJT. Finally, we offer a solution to the rational voter paradox based on the synergy between the causal responsibility approach and the CJT. In the next section, we will also examine several objections to the causal responsibility approach and the CJT that might affect our solutions. We conclude that none of them undermines our basic results.

Recall that one of the main characteristics of the causal responsibility approach is that the rationale for the duty to vote lies in the prospects of choosing a good candidate or policy. In the first section, we analyzed how this might create moral reasons for voting. However, we think that it would be more appropriate to say that this characteristic of the causal responsibility approach relies on the *interdependence* of moral and epistemic reasons. Although it is true that someone might earn moral credit due to voting for the better candidate or policy, it is necessary to first realize which of the candidates or policies is the better one. And this epistemic dimension is crucially important for the causal responsibility approach. When taking this dimension into account, it becomes obvious that not just any kind of voting is recommended by the causal responsibility approach. In other words, the duty to vote is conditional on epistemic reasons as well.

To show this, Goldman asks whether it follows from the causal responsibility approach that someone should vote even without being informed or knowing anything about the candidates or policies. He gives the following answer:

> On the approach I favor, citizens should not be encouraged to *vote, full stop.* Instead they should be encouraged first to gather enough information and then to vote. The point of becoming informed, of course, is to increase the probability of making a good choice, that is, of choosing the objectively best candidate. The upshot is that voting is not necessarily and without qualification a desirable or dutiful act… I am unconvinced that a person ought to vote, or has a duty to vote, even when he is both uninformed and no longer has time to become informed. (Goldman 2002: 274)

We think that this epistemic feature of the causal responsibility approach points in the direction of the CJT. Since the duty to vote is conditional on "the probability of making a good choice", it seems appropriate to understand this in terms of the competence condition (or some of its revisions, as we will later

argue). So, one natural way to understand epistemic reasons for voting is that the causal responsibility approach says that someone should vote if the competence condition is satisfied. On our construal, this is how the point about being well informed before voting is best understood. But is the causal responsibility approach also compatible with relaxed conditions of competence and homogeneity? It seems quite obvious that relaxed conditions in the form of heterogeneous voters and average competence are also compatible with the causal responsibility approach, which allows that someone might be wrong so long as their voting decision is based on as much evidence as is needed to form a justified belief (Goldman 2002: 275).

So far, we have presented reasons why we think that the CJT might be integrated into the causal responsibility approach. Now we will show that the CJT is indeed the most appropriate logic for said approach. We start by showing that the causal responsibility approach fits nicely with both the asymptotic and non-asymptotic results of the CJT. Then we will show that its properties are also compatible with extensions discussed in the previous section. According to the causal responsibility approach, each contribution (however small) might have a partial causal influence in choosing the correct option. It is important to notice that a *small* contribution doesn't imply *low* competence. Quite the contrary, we already saw that the competence condition and its relaxed version of average competence are among the main characteristics of this approach. On our view, partial causal influence for which someone can earn moral credit implies that one aspect of the rationale for voting is that the more voters there are, the greater the chance that the correct option will be chosen by the majority. In that regard, the asymptotic result of the CJT provides formal support for this claim, since it shows that, as a group grows larger, the probability that the majority will vote for the correct option approaches 1, as the group tends to infinity.

But the non-asymptotic result of the CJT is even more important for the causal responsibility approach. This result can be understood to confirm what Dietrich and Spiekerman call *the growing-reliability thesis*, which says that larger groups are "more likely to select the correct alternative (by majority) than smaller groups or single individuals" (Dietrich and Spiekermann 2020: 386). However, they show that, when relaxing the independence condition to conditionalize on the common causes (CI condition), this might conflict with the conditionalization of the competence condition (CC), since required competence cannot be sustained across all domains over which conditionalization works. Their proposal is to revise conditional competence to be understood as the *tendency to competence* (TC), which may vary across domains, while tending to exceed 0.5. Under this revision, *the growing-reliability thesis*, which is characteristic of the non-asymptotic result, is bolstered (while the asymptotic result no longer holds). Here is their revision of the jury theorem, which gives further support to *the growing-reliability thesis* (Dietrich and Spiekermann 2020: 390):

(8) Assume CI and TC. As the group size increases, the probability of a correct majority (i) increases (growing reliability), and (ii) tends to a value which is below 1 (no infallibility) unless CC holds.

Just as in the previous cases with the competence condition and average competence, the causal responsibility approach is flexible enough to include various interpretations of competence so long as the level of competence is sufficient for the results of the CJT to obtain, i.e., that it increases the probability that the majority will choose the correct option. Because of this flexibility, the causal responsibility approach is compatible with both the asymptotic and non-asymptotic results of the CJT. For the very same reason, it is compatible with revision to the tendency to competence so long as it contributes to the growing reliability that the majority will select the correct option. Although the partial causal contribution is less obvious in the non-asymptotic than in the asymptotic result of the CJT, it is still of great importance since larger groups increase the probability that the majority will select the correct option, making them more reliable in that way.

Now we turn to the compatibility of the causal responsibility approach with extensions and revisions of the CJT discussed in the previous section. We already established this compatibility regarding relaxing conditions of competence and homogeneity to include average competence and heterogeneous voters (and further revising the competence condition to be understood as the tendency to competence). We first examine whether the causal responsibility approach is compatible with relaxing the binary choice condition. As we noticed in the previous section, List and Goodin generalized the CJT to include plurality voting over k options. They proved that both asymptotic and non-asymptotic results of the CJT hold with extension to more than two options. Interestingly enough, they show that, in k-options cases, the probability that the majority will choose the correct option might sometimes increase more quickly than in two-options cases. To use their example, if there are 51 voters and 0.51 probability in the two-options case that each voter will choose the right option, the probability that the correct option is the plurality winner is 0.557, while in the three-options case ($k = 3$), with slightly lower individual probability (0.5), the probability of the correct option being the plurality winner increases to 0.937 (List and Goodin 2001: 287).[10] The implications

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10   As an anonymous reviewer points out, it may be unrealistic to expect that individual competence would stay roughly the same in $k > 2$ cases, since in multiple-option situations there are more ways to be wrong. However, it is unclear that epistemic demands necessarily increase with more options. Suppose we conceive that in a two-option case the incorrect option takes the form of a disjunction between two incorrect sub-options; presenting these sub-options as separate choices alongside the correct option might not reduce individual competence. A similar matter is pointed out by Estlund (2008: 229). However, even if we assume individual competence decreases slightly with more options, this does not undermine the CJT's results. As long as voters still have a better-than-random chance of identifying the correct option, even with up to 20

for the causal responsibility approach of extending the CJT to more than two options are the following. First, since the moral credit that someone can earn for voting (their partial causal contribution) is conditional on increasing the probability that the correct option will be selected, when extending the CJT to more than two options (and plurality voting), each partial causal contribution increases the probability more quickly in some cases that the correct option will be chosen than in the standard two-option case. Second, when individual probabilities are below 0.5 in k-options cases, every partial causal contribution becomes even more important since the probability that the majority will choose the correct option obtains only if there is a large number of voters. So, each of the partial causal contributions might be important for the k options in some cases to either ensure or (sharply) increase the probability that the majority will select the correct option. And someone might earn moral credit for voting in each of those cases.

We pointed out in the previous section that discussion need not be excluded by the independence condition, that is, communication may have positive effects on satisfying the competence condition (and its various relaxed versions). In a similar vein, Dietrich and Spiekermann emphasize that one of the main advantages of their revised version of the jury theorem is that it is sensitive to inputs from discussion and communication in order for the tendency to competence condition to be satisfied (Dietrich and Spiekermann 2020: 390). However, while including discussion is also significant for the causal responsibility approach, the implication of extending the CJT to include discussion cannot be demonstrated in a direct way. We think that this connection is indirect in the sense that it doesn't relate directly to the duty to vote but indirectly via epistemic reasons. The causal responsibility approach is compatible with including communication so long as it affects epistemic reasons for voting (by increasing competence), which in turn contributes to the duty to vote by being interrelated with moral reasons.[11]

We are now in a position to offer our solution to the rational voter paradox, which is based on integrating the logic of the CJT into the causal responsibility approach:

(9) Assume that the CJT conditions are satisfied. Then, on the causal responsibility approach and the CJT, it is rational to vote due to epistemic reasons, *and* someone has the duty to vote due to the interdependence of moral and epistemic reasons (i.e., someone can earn moral credit due to voting for the good option or candidate).

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choices, a group the size of a small town would likely select the correct option using the plurality rule (Goodin and Spiekermann 2018: 31).

11   It is noteworthy in this context that even Downs believed that, when acquiring information is costly, one of the main routes to becoming informed is via communication with other people (Downs 1957).

To explain. First, notice that our solution to the rational voter paradox depends in large part on the implicit prior solution to the rational ignorance problem given by the CJT, namely, since normative justification of the duty to vote is conditional on being well informed, satisfaction of the competence condition leads to the solution to the rational ignorance problem.[12] What drives the solution to the rational voter paradox is that voters have epistemic reasons for being well informed given by the competence condition and the logic of the CJT. So, the solution to the rational voter paradox works in reverse from Downs's economic theory of democracy.[13] Solving the rational ignorance problem first leads to the solution to the rational voter paradox. The solution to the rational ignorance problem is provided by integrating the logic of the CJT into the causal responsibility approach.

Second, it is important to notice that our solution is based on epistemic reasons and epistemic rationality, not prudential reasons and rationality understood as advancing self-interest. This follows from divorcing moral reasons for voting from prudential reasons, which is characteristic of the causal responsibility approach. But it also follows from the interdependence of moral and epistemic reasons, as well as integrating the logic of the CJT into the causal responsibility approach. In this way, we showed not only that there is no longer any need for relying on prudential reasons to solve the rational voter paradox but also that another logic and another view of rationality may be more appropriate to that endeavor, that is, we showed that relying on epistemic rationality and the CJT might be a much better way to solve the rational voter paradox than a calculus of voting that is based on rationality understood in terms of advancing self-interest.

Third, the interdependence of moral and epistemic reasons that is characteristic of the causal responsibility approach is of the utmost importance for our solution. Without it, the costs of voting might outweigh epistemic reasons. That is why divorcing moral reasons from prudential reasons is so important to solve the rational voter paradox. But, to solve the problem, it is also necessary that epistemic reasons are tied to moral reasons. Finally, it follows from our analysis that, even if the conditions of the CJT are substituted by relaxed conditions in (9), this might still provide a solution to the rational voter paradox and the problem of rational ignorance.

Objections and Replies

Since our new solution to the rational voter paradox depends on the causal responsibility approach and the CJT, in this section we will consider whether criticism of each of these components may affect our main conclusions. We

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12   On this point, see also: Miller (1986: 191).
13   This also means that it works in the order that is characteristic of the CJT (from individual competence to the reliability of the majority). On the idea that the CJT might also work the other way around, see: Goodin and Estlund (2004).

will first consider some criticisms of the causal responsibility approach and then focus on the critique of the CJT. However, our analysis is limited to those aspects of criticizing the causal responsibility approach and the CJT that are relevant to our solution.

Recall that, in Goldman's view, the causal responsibility approach to voting has both an explanatory and a normative dimension. Brennan and Sayre-Mc-Cord argue that both dimensions of the causal responsibility approach have their own shortcomings (Brennan and Sayre-McCord 2015). We start with their objection to the explanatory dimension of the causal responsibility approach. Brennan and Sayre-McCord notice that, in the context of real-world democratic decision-making, there is often uncertainty concerning which of the candidates or options is better, especially in moral terms (Brennan and Sayre-McCord 2015: 56). Quite contrary to Goldman, they argue that, when taking this uncertainty into account, the causal responsibility approach may offer reasons to abstain rather than to vote to avoid making the mistake of choosing the bad candidate. So, in explaining turnout, this approach might be no better than Downs's economic theory of democracy. Although we think that, even in the context of real-world democratic decision-making, it is sometimes possible to have a clear view of which of the candidates is morally better or more competent, we concede Brennan and Sayre-McCord's point concerning the explanatory dimension of the causal responsibility approach. This gives us the opportunity to point out that, even if their criticism is accepted, this doesn't undermine our results because the solution we offer is purely normative. So, our solution to the rational voter paradox is to be understood as offering normative reasons why someone ought to vote and why it might be rational to vote, not an explanation of why people do vote.

Although Brennan and Sayre-McCord's criticism of the explanatory dimension of the causal responsibility approach to voting doesn't affect our conclusion, we also have to take into account their criticism of the normative dimension, to which we now turn. Since in order to offer a solution to the rational voter paradox we rely on the normative dimension of the causal responsibility approach, it is necessary to see whether their criticism undermines our main results. Brennan and Sayre-McCord use the following example to illustrate how the causal responsibility approach gives the wrong normative advice in the case of voting (Brennan and Sayre-McCord 2015: 49–50). Suppose that pre-election polls estimate that 60% of voters will vote for J. Imagine that A has to decide whether to vote for J or to do something else that will bring some, not especially large, benefit to society as a whole but that will also prevent A from voting as it requires her to be out of town. Brennan and Sayre-McCord point out that the causal responsibility approach will give the wrong advice, namely, to stay and vote, because someone can earn more moral credit by voting than by going out of town and doing something else that will not benefit society to that large an extent. They think that much better advice is to do something else, since it is certain that a single vote will not be pivotal, that is, it will not bring

much to the outcome of the election. Obviously, their advice hinges on the logic of decisiveness that is characteristic of the economic theory of democracy.

But then Brennan and Sayre-McCord change the example slightly so that uncertainty as to how many people will vote makes every vote important. In that case, both accounts give the same advice, i.e., that A should stay and vote. The reason for this is "the likelihood that J will lose *because* A doesn't vote" (Brennan and Sayre-McCord 2015: 50). But then, just as in the previous case, it is the logic of decisiveness characteristic of the economic theory of democracy that provides the reason for the correct advice, not the causal responsibility approach. If Brennan and Sayre-McCord's criticism is well taken, this might affect our solution to the rational voter paradox to the extent that the calculus of voting that maximizes expected utility might give better advice regarding when people ought to vote. Note, however, that both in the original example and in the changed version everything hinges on prior acceptance of probability *p* and the related logic of decisiveness. However, although this logic tells voter A that she ought to vote in the second case, in the first case, it tells not only voter A, but all other voters too, that they are not required to vote since their vote will bring close to nothing to the outcome. But, if that is the case, then it is obvious that the causal responsibility approach offers the correct normative advice. And, because of that, the logic behind the causal responsibility approach might be more appropriate normative justification for voting than the logic of decisiveness that is characteristic of the economic theory of democracy. For that reason, our solution to the rational voter paradox is immune to Brennan and Sayre-McCord's criticism of the normative dimension of the causal responsibility approach.

Jason Brennan has developed an argument against the CJT based on the idea of an optimum number of voters, which challenges CJT's general result that increasing the size of the electorate always increases the accuracy of collective decision-making (Brennan 2011). For the sake of argument, Brennan accepts all the original assumptions of the CJT but claims that the theorem is nevertheless a poor model of democracy. The core of Brennan's argument is the claim that there is an optimal size for the electorate beyond which increasing the number of voters does not lead to better collective decision-making. Instead, once a specific threshold is reached, each additional vote contributes little or nothing to the final result while still having a substantial cost for the voter.

Brennan's argument is supported by the mathematics behind the theorem. The CJT's result is that increasing the number of voters increases group competence. However, the group competence grows so rapidly with new voters, that it reaches the level of near certainty (0.99999...) with a relatively modest number of voters – much smaller than the number of voters in many contemporary real-world democracies. This is the case even if we presuppose that each voter has a fairly low individual competence of 0.51. If we assume that individual competence is higher, the threshold behind which correct decisions are reached with near certainty is hit even sooner. With this effect in mind, Brennan suggests calculating the *N*th voter's marginal contribution towards

group competence as follows (Brennan 2011: 56): $\Delta P_N = P_N - P_{N-1}$. Thus, the marginal contribution is a difference between the probability that a group of N voters makes the correct decision and the probability that the same group makes the correct decision without its Nth member. According to the CJT, and provided that the competence assumption is satisfied, ΔP_N always has a positive value. However, Brennan is right to conclude that its value rapidly decreases with each additional voter. Therefore, as N approaches infinity, ΔP_N approaches zero (Brennan 2011: 57). From here, Brennan derives the *expected marginal value* of the Nth voter's vote by the following equation (Brennan 2011: 58): $E_v = \Delta P_N (V_c - V_w)$.

In this equation, V_c and V_w are the expected values of the correct and wrong choice, respectively, while C_o is the opportunity cost of voting. Brennan infers that, even if we make the most generous assumption on behalf of the democratic interpretation of the CJT, the expected marginal value quickly becomes insignificant and later wasteful. Thus, Brennan concludes that even on those generous assumptions, having more than 100.000 voters is a waste of time and resources.[14] We will provide three remarks by which we aim to answer Brennan's criticism of the CJT application to democratic decision-making.

First, Brennan's argument concerns *mass* democracy only. In cases involving juries, citizens' assemblies, or small electoral bodies, the expected marginal value of each vote remains relatively high. Even if, as Brennan suggests, the CJT favors a group of 100,000 randomly selected citizens over mass participation, it may also compel residents of a small town to vote in a mayoral election. Thus, whenever the electorate is sufficiently small, the CJT becomes an argument *for* participation. We should note that in some small elections, however, even the classic expected utility approach may support voting, since the probability of a vote being decisive can be significantly higher when compared to large elections. In such cases, there is an instrumentally rational incentive to vote in addition to the higher epistemic contribution of a single vote.[15]

Second, Brennan's argument presupposes the original form of the CJT. However, if we apply some of the previously suggested extensions, the optimum number of voters may be well over 100,000. One possibility, suggested by Brennan himself, is to abandon the premise that all voters are sufficiently competent and instead focus on *average* competence (Brennan 2011: 61). This

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14 Brennan intentionally uses quite unrealistic assumptions where the opportunity cost of voting is as low as $1, while the net value of selecting the correct option is $10 trillion. Even under these assumptions, ΔPN of 100.003rd voter is so low that her expected marginal value is negative (Brennan 2011: 59).

15 We thank the anonymous reviewer for highlighting the connection between expected utility calculus and the CJT framework in the context of small elections. The reviewer suggested, however, that this defense of the CJT model may be redundant, as small elections already represent a non-paradoxical case for voting. We would like to clarify that our response to Brennan's criticism addresses the applicability of the CJT model to democratic decision-making broadly, regardless of its link to the expected utility approach.

is a possible defense of mass participation because, in such cases, many more voters may be needed to ensure a good outcome is reached.[16] Another extension of the CJT may increase the required minimum number of voters, even if all citizens are sufficiently competent. Under List and Goodin's application of the CJT to k options, group competence grows at a slower rate when there are many more options than just two. Thus, if there are many more options than just two, which is not uncommon in many contemporary democracies, the optimum number of voters is much higher as well.

Third, and most importantly, despite its focus on collective epistemic benefits rather than individual self-interest, Brennan's argument remains relevantly similar to concerns raised by Downs. Both approaches conclude that once a certain number of voters is reached, it is no longer beneficial for an individual voter to participate. As such, Brennan's objection is already answered by our interconnection of the CJT and causal responsibility approach. Even if the epistemic contribution of each additional voter becomes less significant over time, the moral credit can still be attributed to each additional voter. Thus, we believe that integrating the CJT and the causal responsibility approach provides an incentive for voting, even when the optimum number of voters has already been met.

Conclusion

In this paper, we offered a new solution to the rational voter paradox. Our solution is based on integrating the logic of the CJT into the causal responsibility approach. We have seen that because of the synergy between the causal responsibility approach and the CJT not only the rational voter paradox but the problem of rational ignorance as well can be solved. It is crucially important for our solution that rationality is understood in epistemic terms and that there is an interdependence of moral and epistemic reasons as per the causal responsibility approach. We showed that, when epistemic reasons that are characteristic of the causal responsibility approach are interpreted as satisfying the competence condition, the solution to the rational voter paradox follows from the assumptions and logic of the CJT. We also showed that our solution

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16   If there are many voters whose competence is below the required threshold, or lots of ignorant citizens who vote randomly (thereby canceling one another's votes), mass participation is desirable if there are reasons to believe that, at least on average, citizens' competence is high enough. Anonymous reviewer pointed out that this response to Brennan's argument may be incompatible with the previous one, since we claimed that the CJT functions in smaller elections, but also claimed that large groups are sometimes necessary for sufficient average competence. To clarify, we distinguish between different applications of the CJT framework that respond to Brennan's concerns in complementary ways. In smaller elections, the CJT can support voting due to the high expected marginal value of each vote, while in large-scale elections the extensions of the CJT could accommodate mass participation by considering the average competence. The two responses therefore address different contexts in which the CJT can support voting.

is robust under various forms of relaxed assumptions and related jury theorems. We examined several objections to the causal responsibility approach and the CJT and concluded that they do not undermine our solution to the rational voter paradox.

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Ivan Mladenović, Miljan Vasić

Nova rešenja za paradoks racionalnog glasača

Apstrakt

Paradoks racionalnog glasača ukazuje na to da racionalna osoba nema podsticaj da glasa ukoliko očekivane koristi premašuju troškove. Međutim, verovatnoća da pojedinačan glas odluči ishod izbora obično je mala, što očekivane koristi čini zanemarljivim. Kao odgovor na ovaj paradoks, ovaj rad predlaže novo rešenje zasnovano na Goldmanovom pristupu kauzalne odgovornosti, koji tvrdi da glasači daju delimični kauzalni doprinos izbornom ishodu čak i kada njihov glas nije presudan. Rad integriše logiku Kondorseovog teorema porote u pristup kauzalne odgovornosti, tvrdeći da to dovodi do rešavanja paradoksa racionalnog glasača.

Ključne reči: racionalnost, kauzalna odgovornost, demokratsko odlučivanje, Kondorseov teorem porote, normativni razlozi za glasanje

III

REVIEWS
PRIKAZI

PATRICK GAMSBY, *HENRI LEFEBVRE, BOREDOM, AND EVERYDAY LIFE*, LONDON: LEXINGTON BOOKS, 2022

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Why are we bored? Numerous artists, philosophers, and psychologists have attempted to answer this complex question and propose solutions to it, but few sociologists have addressed it. In *Henri Lefebvre, Boredom, and Everyday Life*, Patrick Gamsby seeks to systematize and expand upon Henri Lefebvre's outline for a sociology of boredom. It is referred to as an "outline" since Lefebvre never fully developed this sociological field. Nevertheless, his central thesis on the internal dialectic of mass culture is clear—Lefebvre argued that there is a link between modern mass culture and the historical uniqueness of boredom as an experience. Gamsby picks up where Lefebvre left off, constructing a triad in the spirit of Lefebvre's dialectics: boredom, modernity, and everyday life.

Gamsby observes that, much like boredom has been neglected by social scientists as a complex social problem and a legitimate subject of sociological inquiry, Lefebvre himself has also been largely ignored—especially as a theorist of everyday life and boredom, despite studying these topics throughout his career. In this sense, the book also represents a contribution to the literature on Lefebvre's forgotten and overlooked sociological legacy and serves as a kind of homage to Lefebvre as a theorist of everyday life. The book is organized into six chapters, following Lefebvre's approach of "thematic reading of an assemblage of texts". These chapters elaborate on six key elements of Lefebvre's proposed study of boredom, constructing an intertwined constellation from scattered fragments.

In the first chapter, *The Birth of Boredom in Modernity*, Gamsby highlights Lefebvre's dialectical view of the relationship between boredom and interest, which he sees as united in opposition. Unlike the common belief that boredom arises solely from a lack of stimulation, the dialectic of mass culture generates boredom through hyperstimulation and the bombardment of information and content, thus creating a monotonous "noise". This overabundance makes it difficult to distinguish the important from the irrelevant. In addition to examining underflow and overflow, Gamsby addresses the phenomenon of "what was once interesting and is now boring", arguing that the short lifespan of interest further blurs the boundaries between these phenomena.

The second and third chapters address the absence of style in modernity, which Lefebvre identifies as another key factor in the experience of boredom. In *The Absence of Style in Everyday Life*, Gamsby explores the paradox of modernity, where the abundance of available variations and the proliferation of styles ultimately lead to dullness. He examines seemingly interesting leisure activities, such as dinner parties and traveling, revealing how dominant lifestyles are devoid of any true style. This absence of style pervades modern life, but in *The Incredible Dullness of Urbanism*, Gamsby focuses on architecture and urbanism. Drawing on Lefebvre's theoretical framework of the production of space, he examines how dominant functionalist tendencies in urbanism—such as Haussmann and Le Corbusier's planning projects or the wave of "new town" developments—contribute to the monotony of modern everyday life. These spaces, created to combat boredom, ironically become archetypes of it, shaped by mundane aesthetics and the rationalization of urban space.

In the fourth chapter, *The Endless Yawn of the Suburbs*, Gamsby shifts focus from urban cores to suburban peripheries. He examines suburban sprawl, spaces of consumption such as shopping centers, and everyday suburban practices like commuting and long car rides, highlighting the emptiness of suburban routines. Gamsby contrasts this dullness with the vibrant yet monotonous architecture of European urban centers, showing how both spaces contribute to boredom in different ways.

The fifth and sixth chapters address production and consumption, tackling the "industry of culture" and the "culture industry" in reverse order. In *The Emptiness of Consumption*, Gamsby explores how the dialectic of boredom and interest is linked to consumption. He vividly illustrates how the standardization of popular music and its use as background noise in consumption spaces transforms amusement into boredom. Speaking of the "consumption of emptiness", Gamsby draws on Lefebvre's notions of the absence of style and art, emphasizing the need for everyday life to transform into a work of art through an authentic style of living. The final chapter, *The Numbness of Work*, addresses the boredom of bureaucratic labor and the repetitive routines of white-collar work, as well as workers' subtle strategies to reclaim moments of leisure during worktime, such as extended breaks or pretending to work, thereby reasserting their autonomy.

While Gamsby's attempt to build upon Lefebvre's outline for a sociology of boredom is ambitious, the book reveals notable shortcomings. A substantial portion is devoted to reviewing literature and analyzing other theorists, such as Heidegger and Adorno, rather than focusing on Lefebvre himself. Lefebvre's perspectives appear sporadically, through brief quotes and passing remarks, serving more as supplementary insights than central elements of the discussion. Additionally, Gamsby's sharp critique of Laurie Langbauer's *Novels of Everyday Life*—though valuable—interrupts the flow of the second chapter, making it difficult to distinguish his original contributions from his analysis of existing literature.

Despite these limitations, the book's most significant contribution lies in Gamsby's development of a triad of boredom-interest-utopia, introduced in the concluding chapter. Rooted in Lefebvre's Marxist perspective, this triad views boredom not merely as a social problem but as a quest for meaningful content and a potential driver of revolutionary change in everyday life. Although underdeveloped, this Lefebvrian utopian optimism offers a promising foundation for further conceptualization.

Another strength of the book is its organization, which systematically

assembles scattered fragments of Lefebvre's studies on boredom, modernity, and everyday life into a cohesive structure. Written in accessible language, the book appeals not only to students and researchers in fields like critical social theory, urban studies, and sociology but also to general readers curious about the phenomenon of boredom.

IV

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