

Jacques in the Book (On Apophasis)

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Abstract: This article argues that an essay in comparative constitutional law by a leading U.S. comparatist must be read as formulating an objection to one of Jacques Derrida's preeminent claims on the irreconcilability of selfness and otherness even as it omits to mention Derrida's name.

Keywords: comparative constitutionalism / Derrida / community

This being the digital age, a fair assumption is that if a name is not listed in a book's index, it is indeed not to be found in the text. Should, in addition, the name fail to be mentioned in the bibliography, this supposition finds itself reinforced. In advance of further empirical investigation, I have concluded, then, that the late philosopher Jacques Derrida is indeed not inscribed in Michel Rosenfeld's monograph, *The Identity of the Constitutional Subject*,¹ that his name, quite simply, fails to register, that it makes not a single entry out of the 170,000 words or so which, by my rough count, constitute the work.

I had not expected this omission. As is well known, Rosenfeld is one of the coeditors of *Deconstruction and the Possibility of Justice*, which was published in 1992 and featured Derrida's famous October 1989 conference at Cardozo Law School on law and justice.² And he discusses Derrida at some length in his book, *Just Interpretations*, released in 1998.³ Also, he contributed papers to the *Cardozo Law Review* in 2005 and to *Constellations* in 2007, in which he contrasts Derrida's ethics of difference with Jürgen Habermas's ethics of identity, making specific reference to the threat of global terrorism.⁴ One could easily add that Rosenfeld was Derrida's colleague from the late 1980s until 2003, that is, over the more than fifteen years during which Derrida taught at Cardozo

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Law School. Anecdotal evidence shows that over time Rosenfeld came to be well-acquainted with Derrida personally to the point where they enjoyed a relationship of amity.

Why, then, the withholding? Why is Habermas's name, for example, conspicuous in *The Identity of the Constitutional Subject* and not Derrida's?⁵

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It is the German philosopher, Peter Sloterdijk, who writes that “nothing seems as obvious as the fact that the dead haunt the living.”⁶ This insight prompts me to suggest that despite the absence of Derrida on the graphical surface, so to speak, he remains present in the way in which he evidently haunts the book. Indeed, Derrida very much maintains a spectral presence from the beginning to the end of Michel Rosenfeld's argument. In French, one could say that although he makes no *apparition* since he is not indicated in the index or the bibliography, Derrida exists, through and through, as an *apparition* in the sense of a ghost. It may be that his name is not traced in letters, but his trace is unmistakably there. Yes. In fact, his thereness is so marked that what is arguably the main thesis of Rosenfeld's book, its axial proposition, can be regarded as a direct response to Derrida's thought, as the very outcome of Rosenfeld's silent negotiation with Derrida—or so I want to claim.

Rosenfeld's text, as any informed reader can appreciate, offers a sophisticated assemblage of law, political theory, and philosophy. To my mind, not only does it belong firmly within the first division of comparative scholarship, but it shows to excellent effect how comparative constitutionalism is rapidly establishing itself as an infinitely more rewarding discipline than what could be styled “traditional” comparative law, whose epistemic blockages keep its orthodoxy and its orthodoxy's followers dogmatically focused on the technicalities of the law of set-off or mistake (or is it punitive damages?). In my view, no summary can possibly do justice to Rosenfeld's detailed argument. In effect, any proposed synthesis would have to be almost as long as the monograph itself. Yet, as the usual editorial strictures compel me to attempt the impossible and account for the book's central message economically, I am moved to quote a sentence located toward the end of the eighth and final chapter. That is, I wish to allow Michel Rosenfeld to speak in his own words: “the constitutional subject must seek to reconcile self and other in accordance with the precepts of the pluralist ethos.”⁷ In my view, the topic of reconciliation is the golden thread, the recurring theme, the leitmotif—literally, the leading motive—that

animates the text, its liminary assertion of a Hegelian lineage setting the tone.⁸ Many passages thus emphasize reconciliation throughout the argument. For example, early in the book Rosenfeld expressly rejects the view that reconciliation would be impossible.⁹ And the title heralding the third part of his work refers to “[c]onstitutional identity as bridge between self and other.”¹⁰

It seems legitimate to suggest that one reason at least for Rosenfeld’s abiding preoccupation with reconciliation has to do with the fact that he is coming to comparative constitutionalism from a U.S. standpoint. In the United States, as is familiar, the motion toward legal cosmopolitanism has generated a heated ideological battle basically pitting, to speak economically once more, “conservatives” against “liberals”—although the matter is, in effect, more complicated than this since there are “liberals” who, on the grounds of U.S. exceptionalism, would not allow the U.S. Supreme Court to grant foreign law any normative purchase, not even as persuasive authority.¹¹ Although I would not want to reduce Rosenfeld’s erudite claim to these domestic considerations, I think it remains fair to say that the fractious ideological scene in the United States helps to explain why reconciliation assumes such a prominent dimension in his book. After all, one always already begins from one’s situation such that one’s writing is, ultimately, inherently autobiographical.

But I am mainly concerned with the phantom of Derrida. I suggest, then, that Derrida haunts Michel Rosenfeld’s book to the point where the text’s principal argument—the advocacy of a reconciliation between the (constitutional) self and the (constitutional) other—must be approached as a specific response to Derrida despite Derrida’s name obstinately remaining hidden from view. This opinion, however, raises the matter of Derrida’s thoughts. What is the position on the dynamics between self and other that Rosenfeld wishes to circumvent, the pressure of which he wants to resist, as he engages in a covert discussion with Derrida?

Although I cannot possibly do justice to the full range of the many publications that Derrida released between the mid-1960s and the mid-2000s—if only because “a concern with the other . . . permeates [his] work from first to last”¹²—the fact is that his ideas show remarkable consistency through their numerous iterations and reiterations. Without further ado, I propose to refer to Derrida’s last course of Paris lectures, the transcript of which was released posthumously. I discern an important advantage in beginning with the late Derrida, in quoting from a lecture he delivered in December 2002, less than two years before his death, which is that I can thereby readily address his

“mature” thought. As the expression of Derrida’s “final” reflections on the indissociable matters of otherness and community, the following words carry particular significance: “Neither animals of different species nor human beings of different cultures nor any animal or human individual live in the same world as another, no matter how close and how similar these living individuals are (whether human or animal), and the difference between one world and the other will always remain unsurpassable.”¹³ Two further sentences prove even more riveting: “[B]etween my world and every other world, there is initially the space and time of an infinite difference, of an interruption incommensurable with all the attempts at passage, of bridge, of isthmus, of communication, of translation, of trope, and of transfer, which the desire for world or world sickness . . . will attempt to pose, to impose, to propose, to stabilize. There is no world, there are only islands.”¹⁴ A friendly critic remarks on “a paragraph quite extraordinary for its resolute confrontation of the consequences of each human being’s isolation from all others.”¹⁵ This commentator notes Derrida’s “refusal of any of the copouts that almost everyone else from Husserl to [Jean-Luc] Nancy rushes to embrace.”¹⁶

Derrida’s “remorseless rigor,” his “intransigence,”¹⁷ is a signal characteristic of his incessant engagement with heterogeneity, heteronomy, the non-same, the different, the singular.¹⁸ Writing in 1998, for example, in what has come to be regarded as a particularly important paper of his, he makes himself pellucidly clear:

[M]y here-now is absolutely untranslatable and . . . the world in which I speak is absolutely heterogeneous. It has nothing in common with that of anyone, here. What I feel within me, what I live within me, the way in which words come to my mind, all of that is absolutely incommensurable. With the multiplicity of those who receive it, understand it each more or less in their own way and each from a here infinitely different from my here, there is no common space; this distance between his here and mine is infinite. . . . Between two “here,” there is a properly infinite irreducibility, an infinite heterogeneity.¹⁹

For Derrida, “at bottom there will never be a ‘same world.’”²⁰ Elsewhere, Derrida confirms his aversion to commonality: “The word ‘community’ (avowable or unavowable, unworked or not), never have I been able to write it, if one can say this, on my behalf, in my name.”²¹ In personal notes dated December 30, 1976, kept at the Critical Theory Archive in the University of California at Irvine, and quoted by his biographer, Derrida offers a scathing

reaction to the term “community”: “This very word sickens me.”²² Because Derrida contests the idea of “community” and also denies any desire for a materialization of the notion—“I do not much like the word community, I am not even sure I like the thing”²³—since for him the absence of community is not a lack (“[it] does not prevent something from happening, that we should be talking to each other, . . . and that compassion should overwhelm us”²⁴), his stance on point offers a striking illustration of the way in which he seeks to distinguish himself from Martin Heidegger whom, even as he emphatically acknowledges his indebtedness to the German philosopher,²⁵ he calls his “*contremaître*.”²⁶

Heidegger asserts that “[t]he world of Dasein is a *with-world*,”²⁷ such that “being human . . . means being with the other.”²⁸ Now, it is right, it seems to me, to assert that “you cannot get from *Dasein* to *Mitsein* unless you assume from the start that *Dasein* is *Mitsein*.”²⁹ This premise, exactly Heidegger’s claim, is what Derrida himself was never prepared to accept, a reluctance making him “unusual, if not unique, in explicitly denying that *Dasein* is *Mitsein*” or, at least, in opposing the view that the two can be chiasmatic.³⁰ According to Derrida, the only “relation” that is possible between self and other is one of interruption, that is, in effect, a nonrelation. And this is the only “relation” that is defensible.

For Derrida, it is crucial to avoid any conciliation, whether after a Hegelian fashion or on the basis of a Heideggerian gathering, say, through appeasement or mediation. The reason is as simple as it is primordial: any consensus involves a totalization, which must entail an assimilation of the other in the whole and, therefore, his or her effacement. Derrida unreservedly maintains that any such elimination of the other must be infinitely deferred. No doubt paradoxically, only interruption or nonrelation allows otherness to be sustained and permits the ultimate avoidance of an appropriation of it through one’s language or epistemology. In this sense, interruption, far from effectively preventing the dynamics between self and other, permits it to take place as it ensures that an other remains.³¹ Needless to say, Derrida is aware that to promote “a relation without relation”—which is, for all intents and purposes, to contradict the principle of noncontradiction—is to uphold “a crazy relation.”³² However, as he insists, “it is not [a matter of] ignorance nor obscurantism nor a failure of responsibility before any desire for intelligibility; but it must be that at some point the other remains as other.”³³ He adds that “if there is to be interlocution, it assumes this interruption.”³⁴ In terms of

the Husserlian distinction that he is fond of using, Derrida maintains that the nonrelation he has in mind is not *sinnlos* (or senseless) but rather *widersinnig* (or countersensical).³⁵ When Roland Barthes, introducing his strategy of the “*not-to-want-to-grasp*,” exclaims, “I throw myself on my bed, I ponder, and I decide: from now on, of the other, not to want to grasp anything anymore,”³⁶ he is thinking along Derrida’s lines in as much as he also urges a nonrelation that is nonprehensible, a nonrelation that “comprehends the other within a certain relation of incomprehension.”³⁷

In sum, for Derrida, the intercourse between self and other features—as it must—no relation but interruption, no mediation but separation, no sameness but difference, no community but singularity. In the light of this radical and subversive view, according to Derrida, “[a]ny community is an artificial, deconstructible construct fabricated out of words or other signs,” because nothing “can ever connect my enisled self to other selves.”³⁸ Again, French is useful here. In Derrida’s terms, the *commun* is more accurately to be envisaged as the *comme-un* (both pronunciations being indistinguishable), which means that “the common,” or what is said to be “common,” is at best “like the one.” But it is not “the one” given that there can be no compossibility between self and other. Denying community as it purports to vindicate oneness, Derrida holds that there is always more than one because there is—and there must be—the other. In a crucial way, Derrida’s stance partakes in an antifoundational realism as it acknowledges the implacability of space, and of time as well, or if you will, the ubiquity of facticity and of finitude. Everyone, then, can only be—and must remain—wholly specific and discontinuous, which entails, in Derrida’s words, that “tout autre est tout autre” (“every other is every bit an other” being but a pale English rendition of this arresting formulation).³⁹ Samuel Beckett—to whom Derrida always felt very close—put the matter in customarily crisp fashion as he referred to “the simple and necessary and yet so unattainable proposition that their way of being we, [is] not our way and that our way of being they, [is] not their way.”⁴⁰

Again, it is important to observe that for Derrida, the insurmountability of the gap between self and other is not to be lamented. It is not only, then, that the other *cannot* be appropriated or absorbed into, say, a community, but that, since he or she deserves recognition and respect as such, any appropriation or absorption is, from Derrida’s standpoint, unacceptable in any event—which is why even an “imagined” community *à la* Benedict Anderson must be regarded as problematic.⁴¹ Referring to “deconstruction,” a

term that has come to define Derrida's strategy, a commentator observes that "[t]he self-protective closure of 'community' . . . would be just about the opposite of what deconstruction is, since deconstruction is the preparation for the incoming of the other, 'open' and 'porous' to the other."⁴² To put the matter in slightly different terms—and in Derrida's own words—to deconstruct is to discern "*plus d'une langue*, that is, both more than a language and no more of a language."⁴³ And this basic motion of heteronomic confidence is to be enacted productively: "Deconstruction always presupposes affirmation. . . . I mean that deconstruction is, in itself, a positive response to an alterity which necessarily calls, summons or motivates it. Deconstruction is therefore vocation—a response to a call."⁴⁴ For Derrida, it is indeed crucial that the self, far from seeking to assimilate the other, ought to "watch over the other's otherness."⁴⁵ To be sure, "[d]econstruction as an activity cannot make the other come, but can unsettle existing structures that inhibit its coming."⁴⁶ One of these structures, according to Derrida, is the community, the "fulfillment and plenitude" of which is to be barred by the "intrusion of otherness" so that strangeness and singularity are not allowed to disappear beneath a concept.⁴⁷

No doubt Derrida's counter-intuitive view regarding the commendable persistence of disintegrating forces, of disputatious antagonisms, of vehement discords, and of sheer disjointure, can strike one as disconcerting. In the face of the theologization of reconciliation—which, as I read it, Michel Rosenfeld's scholarly argument exemplifies—Derrida's "radical atheism" cannot but strike a dissonant chord amongst the advocates of utopian (or no-place) universalism.⁴⁸ Predictably, those for whom "[t]he One holds thought under its rigor" do not adhere to the law of the other and refuse to see the world as consisting—beneficially—of an immense concatenation of relations without relation, such that the world's wholeness would then depend on the copresence of a vast multitude of *tout autres*, or unique others, whereby the self would also continue as the other's other.⁴⁹ (It bears mentioning that for Derrida, no claim in favor of universalism is innocent, that there is no universality which is not marked, which is not marshaled in the service of a given agenda. Indeed, "universality is always appropriated, as empirical force, by a determinate empirical force."⁵⁰ When Rosenfeld purports to identify instances of universalism, for example,⁵¹ he cannot be said to be operating heuristically.)

As he defends what he himself styles a "Leibnizianism without God"—which is to say, since for Leibniz the monads' harmony is guaranteed by the deity, a monadic world without ultimate harmony⁵²—Derrida reveals himself

never to have been modern in the sense that he shows himself not to have endorsed the view that the individual can overcome his finitude or, to return to Leibniz *sans* transcendence, that human beings can ever surpass their monadological experience. According to Derrida, the absolute peace that would allegedly emerge through the manifestation of a community would mean, in the end, absolute violence, for it would have required the effacement of otherness—or, at least, of any significant expression of otherness.⁵³ But in the name of the justice that is necessarily owed to the other (the other enjoins the self to deflect his or her course and assigns a responsibility to the self that overthrows the self and that he or she cannot avoid), Derrida decides *for* the other and chooses to vindicate otherness. This is not to suggest that, having made such an election, Derrida somehow finds himself escaping every trace of violence. The fact is that otherness, even when approached with Derrida's sensitivity, is inextricable from the notion of constitutive violence—which entails that the very possibility of doing justice to the other is also entwined with violence. Indeed, the other can only exist for the self through the perspective of the self, which, on account of the fact that a perspective is at stake, always already stands as a violation of otherness. The other “in itself” or “as such”, if you will, is inaccessible to the self, who always comes to otherness via his or her experience. (Note that the very idea of “otherness” is, in fact, delineated by the self—with the notable exception of the unconscious, which would always already speak the discourse of the other to the self, within the self, without the self being aware of this specific interlocution).

For Derrida, then, otherness is inseparable from the violence that attaches to the facts of space and time between self and other.⁵⁴ Since I cannot overcome this gap, given that I am beholden to the “indefinite unaccomplishment of my originary perceptions,”⁵⁵ I am bound to an account of the other whereby the merest recognition on my part will effectively mean a suspension of otherness.⁵⁶ And whatever report I inscribe will prove inadequate because something more or something different could always be said about the other (properly speaking, otherness never comes fully to presence as such: it is insaturable). “*Tout autre est tout autre*” in this sense also, then: because for the self every other is inevitably “relayed” through the self, every other can ever only exist as “other than” what it is. Importantly, though, this inescapable economy of violence visits on the other a lesser violence than what its dissolution into concordance—“the worst violence”—would imply.⁵⁷

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Why Michel Rosenfeld's response to Derrida's contrarian challenge fails to mention the name of his interlocutor remains to be probed. Is his omission accidental, or is he committed to his silence? Has he become repelled by Derrida's other?⁵⁸ Or is Derrida now an unspeakable name within the U.S. legal academy, and would this opprobrium be the reason for the abstinence at hand? Whether Rosenfeld's rejoinder to Derrida's irreducible irreverence, as *The Identity of the Constitutional Subject* aims for a contemporary *Aufhebung*, a muffling of difference making for some form of constitutional tranquility and unanimity, of composition and unity—whether Rosenfeld's counter-signature, then, goes beyond gesturing toward a wishful image of community, whether it succeeds in achieving what Derrida deems at once impossible and unappealing, what Derrida would regard as a “theoretical excess,”⁵⁹ remains to be addressed. In effect, such discussion to come would be asking if Michel Rosenfeld can persuasively refute Antonio Machado, the famed Spanish poet, who, in what I regard as a scintillating passage, offers a perspicacious non-resolution to the interplay between the resistance of otherness and the resistance to otherness. For Machado, multiple singularities—a prodigal display of contiguity rather than continuity—is all there is, every self consisting in a difference from other selves, a difference between differences:

From the one to the other. . . . All the efforts of human reason tend to the elimination of the second term. The other does not exist: such is rational faith, the incurable belief of human reason. Identity = reality, as if, when all is said and done, everything had to be absolutely and necessarily one and the same. But the other does not allow itself to be eliminated: it subsists, it persists; it is the hard bone on which reason breaks its teeth. [There is] what might be called the incurable otherness from which oneness must always suffer.⁶⁰

* I delivered aspects of this argument at the Benjamin N. Cardozo School of Law on the occasion of a symposium sponsored by the Floersheimer Centre for Constitutional Democracy on October 25, 2010. I am indebted to Professors Julie Suk and Peter Goodrich for their generous invitation to join their panel.

1. Michel Rosenfeld, *The Identity of the Constitutional Subject* (London: Routledge, 2010).
 2. Drucilla Cornell et al., eds., *Deconstruction and the Possibility of Justice* (London: Routledge, 1992) (hereinafter *Deconstruction*). Mary Quaintance's English translation of Derrida's keynote address is included as “Force of Law: The ‘Mystical Foundation of Authority,’” 3–67.

3. Michel Rosenfeld, *Just Interpretations* (Berkeley: University of California Press, 1998).
4. Michel Rosenfeld, "Derrida's Ethical Turn and America: Looking Back from the Crossroads of Global Terrorism and the Enlightenment," 27 *Cardozo Law Review* 815 (2005); "Habermas's Call for Cosmopolitan Constitutionalism in an Age of Global Terror: A Pluralist Appraisal," 14 *Constellations* 159 (2007).
5. As I look inside the book via the Amazon web site, the entry "Habermas" generates twenty-two hits. I conducted this search at http://www.amazon.com/Identity-Constitutional-Subject-Citizenship-Discourses/dp/0415949734/ref=sr_1_1?ie=UTF8&s=books&qid=1291040810&sr=1-1 on April 24, 2011.
6. Peter Sloterdijk, *Derrida, an Egyptian*, trans. Wieland Hoban (Cambridge: Polity, 2009 [2007]), viii ("nichts (scheint) so selbstverständlich, wie daß die Toten die Lebenden heimsuchen").
7. Rosenfeld, *supra* note 1, at 279.
8. See *id.* at 36–37, 47.
9. See *id.* at 14.
10. *Id.* at 147.
11. See, e.g., Cass R. Sunstein, *A Constitution of Many Minds* (Princeton, NJ: Princeton University Press, 2009), 209 (referring to the "developed" and "distinctive" character of U.S. constitutionalism in order to disqualify judicial references to foreign law).
12. Derek Attridge, "Book Review," 2 *Derrida Today* 271 (2009), 273.
13. Jacques Derrida, *La bête et le souverain*, eds. Michel Lisse et al., vol. II (Paris: Galilée, 2010 [2002]), 31 ("ni les animaux d'espèce différente, ni les hommes de culture différente, ni aucun individu animal ou humain n'habitent le même monde qu'un autre, si proches et si semblables ces individus vivants soient-ils (humains ou animaux), et la différence d'un monde à l'autre restera toujours infranchissable").
14. *Id.* ("entre mon monde et tout autre monde, il y a d'abord l'espace et le temps d'une différence infinie, d'une interruption incommensurable à toutes les tentatives de passage, de pont, d'isthme, de communication, de traduction, de trope et de transfert que le désir de monde ou le mal de monde . . . tentera de poser, d'imposer, de proposer, de stabiliser. Il n'y a pas de monde, il n'y a que des îles").
15. J. Hillis Miller, *For Derrida* (New York: Fordham University Press, 2009), 121.
16. *Id.*
17. *Id.* at 121 and 120, respectively.
18. For a connection with personal childhood experience, see Jacques Derrida & Elisabeth Roudinesco, *De quoi demain . . .* (Paris: Fayard, 2001), 182–85. Throughout this passage, the words are Derrida's.
19. Jacques Derrida, "Fidélité à plus d'un," 13 *Cahiers Intersignes* 221 (1998), 247 ("mon ici-maintenant est absolument intraduisible et . . . le monde dans lequel je parle est absolument hétérogène. Il n'a rien de commun avec celui de chacun, ici. Ce que je sens en moi, ce que je vis en moi, la manière dont les mots me viennent à l'esprit, tout cela est absolument incommensurable. Avec la multiplicité de ceux qui le reçoivent, le comprennent plus ou moins chacun à sa manière et chacun depuis un ici infiniment différent de mon ici, il n'y a pas d'espace commun; cette distance entre son ici et le mien est infinie. . . . Entre deux 'ici', il y a une irréductibilité proprement infinie, une infinie hétérogénéité") (hereinafter "Fidélité").
20. Jacques Derrida, *Le toucher, Jean-Luc Nancy* (Paris: Galilée, 1998), 220 ("au fond il n'y aura jamais de 'même monde'") (hereinafter *Le toucher*).
21. Jacques Derrida, *Politiques de l'amitié* (Paris: Galilée, 1994), 338 ("le mot de 'communauté' (avouable ou inavouable, désœuvrée ou non), jamais je n'ai pu l'écrire, si on peut dire, à mon compte, en mon nom") (hereinafter *Politiques de l'amitié*). The not-so-veiled references are to two writers who exercised a strong influence on Derrida. Both were willing to retain the word "community" even as they sought to problematize it. See Maurice Blanchot, *La communauté inavouable* (Paris: Editions de Minuit, 1983); Jean-Luc Nancy, *La communauté désœuvrée*, 2d ed. (Paris: Christian Bourgois, 2004). Nancy addressed the topic in 1986 and, despite what the chronology appears to suggest, Blanchot responded

- to him. Although it has been shown that Derrida mentions “communauté” on four occasions in a single paragraph in one of his early books (Jacques Derrida, *L'écriture et la différence* (Paris: Le Seuil, 1967), 118 (hereinafter *Écriture et différence*)), it is felt that these isolated instances pertain to a specific usage and do not detract from his general recalcitrance. See Geoffrey Bennington, *Interrupting Derrida* (London: Routledge, 2000), 113–27.
22. Benoît Peeters, *Derrida* (Paris: Flammarion, 2010), 361 (“Ce mot même m'écoeure”).
 23. Jacques Derrida, *Points de suspension*, ed. Elisabeth Weber (Paris: Galilée, 1992 [1991]), 366 (“Je n'aime pas beaucoup le mot de communauté, je ne suis même pas sûr d'aimer la chose”) (hereinafter *Points*).
 24. Derrida, “Fidélité”, *supra* note 19, at 247 (“n'empêch[e] pas que quelque chose arrive, que l'on se parle . . . et que la compassion nous submerge”).
 25. See, e.g., Jacques Derrida, *Positions* (Paris: Editions de Minuit, 1972), 18 (“Nothing of what I am attempting would have been possible without the opening of Heideggerian questions” (“Rien de ce que je tente n'aurait été possible sans l'ouverture des questions heideggeriennes”)).
 26. Jacques Derrida, *La contre-allée*, ed. Catherine Malabou (Paris: La Quinzaine littéraire, 1999), 57. The French word connotes the idea of a “master” (as in *maître*) but also, and more wittily, the notion of a master against whom (*contre*) one is thinking and writing. Needless to add, these allusions are lost as the word is translated as “foreman.”
 27. Martin Heidegger, *Being and Time*, trans. John Macquarrie & Edward Robinson (Oxford: Blackwell, 1962 [1927]), 155 (“Die Welt des Daseins ist *Mitwelt*”) (emphasis original). Interestingly, Joan Stambaugh offers precisely the same translation of this sentence: Martin Heidegger, *Being and Time*, rev'd trans. Joan Stambaugh (Albany: State University of New York Press, 2010), 116.
 28. Martin Heidegger, *The Fundamental Concepts of Metaphysics*, trans. William McNeill & Nicholas Walker (Bloomington: Indiana University Press, 1995), 207 (“sofern Menschsein heißt: . . . Mitsein mit dem Anderen”). This text is the translated transcript of a course of lectures delivered in 1929–30.
 29. Miller, *supra* note 15, at 132 (emphasis original).
 30. *Id.* at 102 (emphasis original).
 31. See generally Jacques Derrida & Pierre-Jean Labarrière, *Altérités* (Paris: Osiris, 1986), 81–82 (hereinafter *Altérités*). The words in this passage are Derrida's.
 32. *Id.* at 82 (“un rapport sans rapport / un rapport fou”).
 33. *Id.* (“Ce n'est pas l'ignorance, ni l'obscurantisme, ni la démission devant aucun désir d'intelligibilité; mais il faut qu'à un moment donné l'autre reste comme autre”).
 34. *Id.* (“S'il y a de l'interlocution, elle suppose cette interruption”).
 35. For two illustrations, see Jacques Derrida, *La voix et le phénomène* (Paris: Presses Universitaires de France, 1967), 61; and Jacques Derrida, *Marges* (Paris: Editions de Minuit, 1972), 379. In a study of Husserl's *Logical Investigations*, one is reminded that “Husserl was adamant about the differences between *Sinn* . . . and *Widersinn*. What is *widersinnig*, he complained, is too often wrongly spoken of as being *sinnlos*. However, what is *sinnlos*, . . . he insisted, has no meaning whatsoever and cannot have any. In contrast, what is *widersinnig* genuinely has a coherent meaning. . . . What is *widersinnig* rightly belongs in the realm of the meaningful, constitutes a partial domain of what is *sinnvoll*. . . . Into the category of *Widersinn*, Husserl placed expressions like ‘wooden iron,’ ‘round square,’ ‘all squares have five corners.’ These are as respectable names and sentences as any, he maintained. They have meaning, but no object, no thing or fact such as is described by such expressions exists or can exist”: Claire O. Hill, “Incomplete Symbols, Dependent Meanings, and Paradox”, in *Logical Investigations*, ed. Daniel O. Dahlstrom (Dordrecht: Kluwer, 2003), 76–77. For Husserl's text, see Edmund Husserl, *Logical Investigations*, ed. Dermot Moran, trans. J. N. Findlay, vol. II (London: Routledge, 2001 [1921]), IV, §12, 67–68.
 36. Roland Barthes, “Fragments d'un discours amoureux,” in *Oeuvres complètes*, ed. Eric Marty, vol. V (Paris: Le Seuil, 2002 [1977]), 285 (“non-vouloir-saisir / Je me jette sur mon lit, je rumine et je décide: dorénavant, de l'autre, ne plus rien vouloir saisir”) (emphasis original).

37. Derrida & Labarrière, *Altérités*, *supra* note 31, at 82 (“comprend l’autre comme autre dans un certain rapport d’incompréhension”).
38. Miller, *supra* note 15, at 276.
39. This sentence recurs frequently in Derrida’s work. For example, see Jacques Derrida, *Papier machine* (Paris: Galilée, 2001), 102; Jacques Derrida, *Donner la mort* (Paris: Galilée, 1999), 98; Jacques Derrida, *Apories* (Paris: Galilée, 1996), 49; Jacques Derrida, *Le monolinguisme de l’autre* (Paris: Galilée 1996), 128; Jacques Derrida, “Foi et savoir: les deux sources de la ‘religion’ aux limites de la simple raison”, in *La religion*, eds. Jacques Derrida & Gianni Vattimo (Paris: Le Seuil, 1996), 46; Jacques Derrida, *Mal d’archive* (Paris: Galilée, 1995), 123; Derrida, *Politiques de l’amitié*, *supra* note 21, at 259; and Jacques Derrida, *Sauf le nom* (Paris: Galilée, 1993), 95–96. Derrida ascribes a range of meanings to the word *autre* (“other”), and the sense in which I am deploying it here—to refer to other human beings—is only one of those. For an exploration of some of Derrida’s multiple uses, see J. Hillis Miller, “Derrida’s Others,” in *Applying: To Derrida*, eds. John Brannigan et al. (London: Macmillan, 1996), 153–70.
40. Samuel Beckett, “The Capital of the Ruins,” in *As the Story Was Told: Uncollected and Late Prose* (London: John Calder, 1990 [1946]), 25. For Derrida on Beckett, see Jacques Derrida, *Acts of Literature*, ed. Derek Attridge (London: Routledge, 1992), 60–61. This passage has generated a learned study that brings together Derrida’s understanding of literature and Beckett’s work: Asja Szafraniec, *Beckett, Derrida, and the Event of Literature* (Stanford, CA: Stanford University Press, 2007).
41. I refer, of course, to Benedict Anderson, *Imagined Communities*, 2nd ed. (London: Verso, 2006).
42. Jacques Derrida, *Deconstruction in a Nutshell*, ed. John D. Caputo (New York: Fordham University Press, 1997), 108. The words are Caputo’s.
43. I draw on Jacques Derrida, *Memoires*, trans. Cecile Lindsay, 2nd ed. (Minneapolis: University of Minnesota Press, 1989), 15 (emphasis original). The words “*plus d’une langue*” appear in French in the English text. For its part, the periphrasis is added to the English version. In this sense, the English translation, which was in fact released before the French book, is more specific than the French original.
44. Jacques Derrida, “Deconstruction and the Other,” in *States of Mind*, ed. Richard Kearney (New York: New York University Press, 1995), 167–68. This text is the transcript of an interview, and the words are Derrida’s.
45. Derrida, *Le toucher*, *supra* note 20, at 218 (“veiller à l’altérité de l’autre”).
46. Attridge, *supra* note 12, at 280.
47. *Id.* at 273.
48. I borrow the expression from Martin Hägglund, *Radical Atheism* (Stanford, CA: Stanford University Press, 2008). For a painstaking genealogy of twentieth-century French atheist thought featuring inter alia Derrida and two of his important sources of intellectual inspiration, Georges Canguilhem and Jean Hyppolite, see Stefanos Geroulanos, *An Atheism that Is Not Humanist Emerges in French Thought* (Stanford, CA: Stanford University Press, 2010). For the significance of Canguilhem and Hyppolite on Derrida’s intellectual itinerary, see Peeters, *supra* note 22, *passim*.
49. For an excellent examination of Derrida’s thought on point, see Hägglund, *supra* note 48, at 76–106 and *passim*. The quotation is from Maurice Blanchot, *L’entretien infini* (Paris: Gallimard, 1969), 95 (“L’Un . . . tient la pensée sous sa rigueur”). The chapter from which this passage is drawn has clearly helped Derrida develop his understanding of otherness. See *id.* at 94–105.
50. Jacques Derrida, *De la grammatologie* (Paris: Editions de Minuit, 1967), 192 (“l’universalité est toujours accaparée, comme force empirique, par une force empirique déterminée”).
51. For illustrations, see Rosenfeld, *supra* note 1, at 252.
52. Jacques Derrida & Maurizio Ferraris, *A Taste for the Secret*, eds. Giacomo Donis & David Webb, trans. Giacomo Donis (Cambridge: Polity 2001 [1997]), 71. The words are Derrida’s.
53. See Hägglund, *supra* note 48, at 84.
54. See *id.* at 95.

55. Derrida, *Écriture et différence*, *supra* note 21, at 183 (“inachèvement indéfini de mes perceptions originaires”).
56. See generally Derrida, “Fidélité,” *supra* note 19, at 226. A pithy formulation of the aporia is in Derrida, *Points*, *supra* note 23 [1990], at 331: “I must and I must not take the other into me” (“je dois et je ne dois pas prendre l’autre en moi”).
57. Jacques Derrida, *Force de loi* (Paris: Galilée, 1994), 117: “It is always a matter of limiting the worst violence with another violence” (“Il s’agit toujours de limiter la pire violence par une autre violence”). This text offers the French transcript, in book form, of Derrida’s Cardozo Law School conference from October 1989, the English translation of which is in Cornell et al., *Deconstruction*, *supra* note 2. The relevant passage can be found at 49.
58. Cf. Kas Saghafi, *Apparitions—Of Derrida’s Other* (New York: Fordham University Press, 2010), 3: “Any allergy to Derrida’s work . . . is precisely an allergy and resistance to this other.” A clear illustration of hypersensitivity is in Slavoj Žižek, *The Puppet and the Dwarf* (Cambridge, MA: MIT Press, 2003), 139–43. Žižek claims to identify a pathological compulsion in Derrida to hold the other as other and castigates what he envisages as a fetishistic obsession with locating the other in a “beyondness” that would be invested with exuberant ethical standing. For Žižek, there would be a desire at work in Derrida to keep the other withdrawn in his or her otherness, that is, a wish to safeguard the distance between self and other, which would, in effect, keep the other in a place where he or she must be recognized and respected, such that, for example, no intervention purporting to emancipate him or her from his or her political circumstances would prove justifiable. But the fact that Žižek begins his critique with an objection to “the deconstructive purifying of th[e] [o]ther” (*id.* at 139) suggests a problematic reading of Derrida, whose work consists primordially in an indictment of purity, for whom “nothing can be unscathed”: Hägglund, *supra* note 48, at 9. For a more extensive critique of Žižek, see Patrick O’Connor, *Derrida: Profanations* (New York: Continuum, 2010), 112–16.
59. Nancy, *supra* note 21, at 66 (“excès théorique”).
60. Antonio Machado, “Juan de Mairena—Sentencias, donaires, apuntes y recuerdos de un profesor apócrifo,” in *Poesía y prosa*, ed. Oreste Macrì, vol. IV (Madrid: Espasa-Calpe, 1989 [1936], 1917 (“*De lo uno a lo otro. . . .* Todo el trabajo de la razón humana tiende a la eliminación del segundo término. *Lo otro no existe*: tal es la fe racional, la incurable creencia de la razón humana. Identidad = realidad, como si, a fin de cuentas, todo hubiera de ser, absoluta y necesariamente, *uno y lo mismo*. Pero *lo otro* no se deja eliminar: subsiste, persiste; es el hueso duro de roer en que la razón se deja los dientes. . . . como si dijéramos en la incurable *otredad* que padece lo *uno*”) (emphasis original).