

...this text is a ghost story: “this text is a ghost story”...

The boundaries which divide Life from Death are at best shadowy and vague. Who shall say where the one ends, and where the other begins?

E. A. Poe – *The Premature Burial*

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This text is a ghost story. This phrase appears in one of the two texts of Jacques Derrida I will focus on, namely *Specters of Marx: The State of the Debt, the Work of Mourning, and the New International*, and “Force of Law: The ‘Mystical Foundation of Authority’.” The formulation, however, makes its *appearance* not in *Specters of Marx*, as one might be led to assume, but in “Force of Law.” Where and who is the ghost in this text apparently on force, law, foundation and authority, deconstruction and justice?¹ Or, rather, where and who are the ghosts? Derrida keeps insisting on the plural in *Specters of Marx*. And, indeed, turning to this other ghost story we might find an indication of where to look for the ghost(s): “If I am getting ready to speak at length about ghosts, inheritance, and generations, generations of ghosts, which is to say about certain *others* who are not present, nor presently living, either to us, in us, or outside us, it is in the name of *justice*” (Derrida 1994, xix). In the name of justice: ghosts, generations of ghosts – *this* ghost story is (apparently) as much a text on justice as the *other* text on justice is a ghost story.

¹ “Force of Law” was originally presented at the symposium “Deconstruction and the Possibility of Justice” at the Benjamin N. Cardozo School of Law on October 1-2, 1989.

Enter ghostly justice: “[O]ne cannot speak directly about justice, thematize or objectivize justice, say ‘this is just’ and even less ‘I am just,’ without immediately betraying justice” (Derrida 1992, 10). Why does one betray justice when one speaks about it, makes it one’s field of interest, engages in a discourse on it? One betrays it because justice entails a very specific experience, the experience of aporia. It is thus “an experience of the impossible” (Derrida 1992, 16) and “an experience of absolute alterity” (Derrida 1992, 27), the wholly other. Justice is a fundamentally aporetic experience because it is implicated with law.² More profoundly, it is implicated with the inherently violent foundation of law. The founding of law is necessarily violent since it is not and cannot be justified by any preexisting law. Such a foundation is a violent, ‘unjustified,’ performative, self-legitimizing act: this is what Derrida with Montaigne and Pascal calls the “mystical foundation of authority.” However, even though justice is thus implicated with law it cannot be reduced to it. Justice always also ‘transcends’ law. This aporetic structure in the relation between law and justice ensures that one cannot speak directly about justice without betraying it at the same time. Whenever one claims to be just, one necessarily claims to be ‘unjust’, too. Thus one betrays justice: one cannot speak about justice without being unjust to justice. Justice is excess. It exceeds law and presence.

Let us speak *indirectly* about justice, then. Let us speak about ghosts. This is what Derrida has to say about the uncanniness of ghosts in *Specters of Marx*:

There is no *Dasein* of the specter, but there is no *Dasein* without the uncanniness, without the strange familiarity (*Unheimlichkeit*) of some specter. What is a specter? What is its history and what is its time?

² “[I]t turns out that droit [law] claims to exercise itself in the name of justice and that justice is required to establish itself in the name of a law that must be ‘enforced’” (Derrida 1992, 22).

The specter, as its name indicates, is the frequency of a certain visibility. But the visibility of the invisible. And visibility, by its essence, is not seen, which is why it remains *epekeina tes ousias*, beyond the phenomenon or beyond being. (Derrida 1994, 100)

Specters, ghosts are uncanny, *unheimlich*, because they are beyond being. They have no *Dasein* and they are not present. These “certain others who are not present,” however, are not absent either. They are beyond being, but they are *there*. They *appear*, visible-invisible, and they *haunt*. Moreover, they haunt *Dasein*: it is being-there and presence itself which is haunted. Thus, Derrida introduces the ‘concept’ of “hauntology” (Derrida 1994, 10), supplementing ontology (the primacy of being and presence) for the ghost (the *epokhē* of life and death, presence and absence).³ The answer to the question “what is its time?” consequently has to be: the ghost has no time, it is untimely. It is not by chance that the ghost is a *Wiedergänger*, a *revenant*⁴, one who comes back. And, as Derrida points out, the ghost by definition “*begins* by coming back” (Derrida 1994, 11, emphasis mine). Thus it indicates a disjuncture in time, a “sort of non-contemporaneity of present time with itself” (Derrida 1994, 25). Hauntology denotes a fundamental aporia within the concepts of being and time.

Here one should remember the literal meaning of aporia: im-passe; with no pathway. It is exactly this impasse, this impossibility of a passage, which indicates the possibility of justice. Early on in *Specters of Marx*, in a minute engagement with passages from *Der Spruch des Anaximander* dealing with justice and injustice (Dikē, Adikia), Derrida lets Heidegger speak to us:

³ In a passage towards the end of *Specters of Marx* Derrida writes: “To haunt does not mean to be present, and it is necessary to introduce haunting into the very construction of a concept. Of every concept, beginning with the concepts of being and time. That is what we would be calling here a hauntology. Ontology opposes it only in a movement of exorcism. Ontology is a conjuration” (Derrida 1994, 161). It remains to be asked in how far this Derridean hauntology is itself an *invocation*, Derrida’s invocation of the event.

⁴ Derrida uses this term repeatedly throughout *Specters of Marx*.

If one still translates *Dikē* with this word “justice,” and if, as Heidegger does, *Dikē* is thought on the basis of Being as presence, then it would turn out that “justice” is first of all, and finally, and especially *properly*, the jointure of the accord: the proper jointure to the other given by one who does not have it. Injustice would be the disjointure or disjoining (let us quote again: “*Dikē, aus dem Sein als Anwesen gedacht, ist der fugend-fügende Fug. Adikia, die Un-Fuge, ist der Un-Fug*”). (Derrida 1994, 27)

Contrary to Heidegger, Derrida insists on an essential disjointure, a fundamental *Un-Fuge*, an impasse – aporia – as the very condition of justice. In light of the aforementioned statements regarding justice from “Force of Law” and considering his hauntology and the spectrality of his concepts of being and time, this is not at all surprising. It is in this ghostly sense that justice is an “experience of absolute alterity.”⁵ Instead of exorcising the ghosts, instead of a harmonizing “*fugend-fügende[r] Fug*”, Derrida insists on “the irreducible excess of a disjointure or an anachrony, some *Un-Fuge*” (Derrida 1994, 27), and an openness towards it, towards a radical otherness, to “the coming of the other, the absolute and unpredictable singularity of the *arrivant as justice*” (Derrida 1994, 28).

But how can there be any coming, any arriving if there is no pathway (if there is aporia)? The arrivant will always be essentially that: an arrivant, remaining to come. But exactly this is the ethical injunction of hauntology: *being open* to the radical otherness of the *arrivant as arrivant* and thus rendering the impossible possible in its very impossibility. This is what Derrida calls the event-to-come, or justice-to-come – the “*arrivant as justice*,” an arrivant which/who remains à-venir.

⁵ The ghost as utterly *other* and the notion of alterity in connection with justice are of course indebted to Emmanuel Lévinas’s dictum – “The relation to others - that is to say, justice” – and Derrida quotes it both in “Force of Law” and *Specters of Marx* (Derrida 1992, 22; Derrida 1994, 23).

Spectral justice, spectral event: they remain *epekeina tes ousias*, beyond being, but they are *there*, and they beckon. And indeed Derrida writes: “one can never distinguish between the future-to-come [à-venir] and the coming-back of a specter” (Derrida 1994, 38). The *arrivant* as revenant as *arrivant*: “a ghost never dies, it remains always to come and to come back” (Derrida 1994, 99).

The beckoning of the ghost, which remains to come, and to come back, has to be answered. This is the responsibility of the haunted, and this is Derrida’s ethical thrust. And here, too, lies the urgency of justice. The very fact that justice remains unrepresentable, that it always remains à-venir demands action: “Justice, however unrepresentable it may be, doesn’t wait. [...] a just decision is always required *immediately*, ‘right away’” (Derrida 1992, 26). It is in this sense that Derrida claims to purport an “emancipatory promise” (Derrida 1994, 59) and quite frankly pronounces: “Nothing seems to me less outdated than the classical emancipatory ideal” (Derrida 1992, 28). Unsurprisingly, this ideal in the Derridean version is neither an absolute non-presence nor a regulating idea in the Kantian sense. This ideal and this promise spring from the very aporia, the *Un-Fuge* or what Derrida names yet with another name *diastema* [interval, space] (Derrida 1994, 64), the “very place of spectrality” (Derrida 1994, 65). This, then, is the ethico-political injunction of Derrida: affirm the *diastema*, the *Un-Fuge*, the aporia as such: welcome the ghost! “[L]earn to live with ghosts, in the upkeep, the conversation, the company, or the companionship, in the commerce without commerce of ghosts. To live otherwise, and better. No, not better, but more justly” (Derrida 1994, xviii). This text is a ghost story after all.

Works Cited

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