

# DERRIDA'S IMPOSSIBLE JUSTICE AND THE POLITICAL POSSIBILITIES OF DECONSTRUCTION\*

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## Thinking between Metaphysics and Politics

To think the relation between Metaphysics and Politics is to encounter the age-old problem that links the essence of the philosophical with the political. It is to think, following the tradition of Plato and Aristotle, the nature of the *polis* (or city-state) from the perspective of the truth as expounded by philosophy and as ideally ruled by philosophers. Within the ancient Greek schema, such reflection on the nature of the political is itself grounded on the metaphysical notion of the Platonic Good as it should be manifested in the *polis*. In Plato's *Republic*, the good of the *polis* can only be determined in terms of the demand for the good of each individual citizen. But these particular goods in themselves are participations in that ideal universal Good which serves as the source of everything. This gesture implies, for Plato, that ethics (which is about the self and its relation to the other) is essentially structured for politics and these two together, in turn, require Plato's metaphysical concept of the Good in order to determine their own proper objects, namely, the good of the self in relation to the other and the common good. That politics depends on metaphysics is ultimately, however, just another expression of the truth that inseparably links the nature of philosophy with the political. Philosophy has always been political through and through and it is this relation that we want to understand in this paper.

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Every discourse necessarily has its own political agenda. Even in a small philosophical conference like this, the attempt to understand political issues from the perspective of philosophical *episteme* and not only from ordinary political opinion [*doxa*] is the metaphysico-political gesture *par excellence*. “Every philosophical colloquium necessarily has a political signification”<sup>1</sup> and this is not only due to what has linked the essence of the philosophical with the essence of the political but because political implications give philosophical truths more weight, makes them appear more serious, and somehow endows them with a profound character or identity. Philosophically, then, to speak of political themes is a very difficult task for this entails that one be a real philosopher and an expert on political affairs. I must caution you then that I am neither both. Although this constitutes an effective disclaimer, I wish to emphasize though that the task of thinking about politics is incumbent not only upon us philosophers but on all of us citizen-dwellers in the state. It is from this responsibility that I get the audacity to speak before you today.

As a student of both philosophy and of law, I cannot but be incessantly concerned with what concretely happens in the social and political spheres. The many social and political pathologies of our time demand an ever-increasing commitment to the demands of both philosophic reflection and concrete involvement. This means that we must not only be content in contemplating the eternal truths of being but must also translate these truths into concrete social and political action. With these in mind, I wish to propose to you this afternoon Jacques Derrida’s deconstruction as an alternative way by which we can look at our present social and political experiences.

Having been dubbed as the likely heir to the masters of suspicion—Marx, Nietzsche and Freud—Derrida arguably stands as one of the most enigmatic and controversial philosopher of our present time. His deconstruction, incorrectly understood by “conservative know-nothings”<sup>2</sup> as *primarily* a method or a strategy for reading

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<sup>1</sup>Jacques Derrida, *Margins of Philosophy*, trans. Alan Bass (Chicago, University of Chicago Press, 1982), iii.

<sup>2</sup>This description is provided by Richard Rorty in his polemic both against

texts, has almost always been viewed with suspicion by traditional philosophers who see in him nothing but a despiser of common sense and the traditional democratic values of truth, reason, and objective knowledge. Such reduction of deconstruction into “some sort of entirely formalistic method based on an unproven philosophy of language” is what characterized the appropriation of deconstruction by generations of scholars in the humanities.<sup>3</sup> For this reason, this charge of semiotic reductionism tended to confine deconstruction into the realm of the philosophy of language that ultimately has nothing to do with the concrete conditions of human life. More specifically, this means that deconstruction as the “sort of thing Derrida does” has little or no practical value in the realm of politics. Might this not therefore confirm Richard Rorty’s initial impression about Derrida being good as a “private ironist” but insignificant as a “public liberal?”<sup>4</sup>

It is at this point that I wish to address the temptation to consider Jacques Derrida’s deconstructive project as a relapse back into political quietism and despairing resignation from the horrors of politics. Following Simon Critchley’s suggestion, I will also advance the idea that it is possible to conceive of deconstruction as important in articulating the source of a concrete moral obligation and political disposition to help alleviate the other’s suffering.<sup>5</sup> But in order to do this, it is necessary to

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Derrida’s critics and fans in the Anglo-American tradition that confines Derrida and what he does to that sort of “deconstruction” that seeks binaries in texts, overturns the hierarchical relation and pronounces that there is contradiction within the text which serves as its central message. Rorty claims that this thinking produced tens of thousands of readings which are formulaic and boring. (See Richard Rorty, “Some Remarks on Deconstruction and Pragmatism” in *Deconstruction and Pragmatism*, ed. Chantal Mouffe [London: Routledge, 1996], 13-18; 15).

<sup>3</sup>Simon Critchley, “A Dedication to Jacques Derrida-Memoirs” in *German Law Journal* Vol. 6. No. 1 (2005): 26.

<sup>4</sup>Rorty, “Some Remarks on Deconstruction and Pragmatism,” in *Deconstruction and Pragmatism*, 17.

<sup>5</sup>Simon Critchley, “Is Derrida a Private Ironist or a Public Liberal” in *Deconstruction and Pragmatism*, 19-40; 33.

clarify what deconstruction is all about, the *end* or goal at which Derrida aims, and the political possibilities arising from these considerations.

In what follows then, I will first provide Jacques Derrida's brief biographical sketch that insinuates his perennial political concerns. Second, I will provide a description of deconstruction as something that takes place within the text following Critchley's suggestion of deconstruction as a kind of "double reading." And third, I will relate this movement to the problem of justice and to its resulting political possibilities.

### Derrida's Political Concerns

Jacques Derrida was born in 1930 in El Biar, in French-occupied Algeria to Jewish parents. Being Jewish, Derrida realized at a very young age the problems connected with specific identities and racial discrimination. As a young kid, he was forced out of school on several instances because only a 7% limit on the school population was allocated for Jewish students and on another occasion, he had to withdraw from school because of anti-semitic practices. Moving from Algiers to France as a teenager, he was twice refused entrance into the prestigious *Ecole Normale Supérieure*, the school of France's elite.

Eventually however, he was admitted into the *Ecole* at the age of 19 and began working with the leftist journal *Tel Quel*, a group that espoused radical reforms from the government in favor of the marginalized. Although his early training was in phenomenology, Derrida acknowledges Nietzsche, Freud, Saussure, Heidegger and Levinas, as among those who largely influenced his thought. He credits the above mentioned thinkers in the development of his over-all approach to reading texts—what was to be later called "deconstruction."

It was in 1967 however when Derrida acquired his status as a philosopher of worldwide importance. He simultaneously published three books: *Of Grammatology*, *Writing and Difference*, and *Speech and Phenomena*, where he discusses what would be later termed as standard deconstructive vocabularies such as logocentrism, phonocentrism,

metaphysics of presence, trace, supplement, and the infamous “*différance*.”

In these works, he sought to question the traditional privileging of the authority of presence and Being [*Sein* or *esse*] and the values of truth, rationality and knowledge. Such gestures put him as one of the leading figures, together with Michel Foucault, of what was labeled as ‘French post-structuralism.’ As a prolific writer, Derrida wrote many important works which would range from topics of metaphysics and epistemology to question of aesthetics, culture, and politics. It was however in his discussion of Marx and his later works on friendship,<sup>6</sup> democracy,<sup>7</sup> law,<sup>8</sup> political decision,<sup>9</sup> apartheid,<sup>9</sup> sovereignty,<sup>10</sup> nationalism

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<sup>6</sup>See Jacques Derrida, *Politics of Friendship*, trans. George Collins (London and New York: Verso, 1997), 1-74.

<sup>7</sup>*Ibid.*, Chapter Four: “The Phantom Friend Returning (In the Name of Democracy),” 75-106. Also Jacques Derrida, “Remarks on Deconstruction and Pragmatism,” in *Deconstruction and Pragmatism*, 77-88.

<sup>8</sup>See Jacques Derrida, “Force of Law: The Mystical Foundation of Authority” in 11 *Cardozo Law Review* [1990], 920, 967. The above is a 1989 lecture during a conference on deconstruction and justice convened by the philosopher and legal theorist Drucilla Cornell that was subsequently published in *Deconstruction and the Possibility of Justice*, [edited by Drucilla Cornell, et al. (New York: Routledge, 1992), 3-67; also published in Jacques Derrida, *Acts of Religion*, edited with an introduction by Gil Anidjar (New York, Routledge, 2002), 228-298]. In this lecture, Cornell asked Derrida to address the question of “deconstruction and the possibility of justice” where he had to address a text by Walter Benjamin on violence.

<sup>9</sup>Derrida, *Politics of Friendship*, Chapter Five, “On Absolute Hostility: The Cause of Philosophy and the Specter of the Political,” 112-133; see also Derrida’s dialogue with Giovanna Borradori in *Philosophy in a Time of Terror* (Chicago: University of Chicago Press, 2003), 130ff. Henceforth PTT.

<sup>10</sup>See Jacques Derrida, “Racism’s Last Word” in *Psyche: Inventions of the Other*, Volume I, trans. Peggy Kamuf, 377-86; and “The Laws of Reflection: Nelson Mandela, in Admiration,” trans. Mary Ann Caws and Isabelle Lorenz, Volume II, 63-86.

and cosmopolitanism,<sup>11</sup> hospitality,<sup>12</sup> the university and the teaching of philosophy,<sup>13</sup> terrorism<sup>14</sup> and many other socio-political philosophemes, that strategically demonstrates the potent force that deconstruction acquires when it links “the essence of the philosophical to the essence of the political.”<sup>15</sup>

Here, it would be a mistake to trace or reduce Derrida’s political concerns to his biographical life. But it is obvious that his early experiences of discrimination in life were to play a large part in his promotion of the cause of the marginalized “other” in his later thought. If there is one positive thing that Derrida is telling us about deconstruction, it would be the claim that deconstruction is about the other, an opening to “an alterity which necessarily calls, summons, and motivates it.”<sup>16</sup> Deconstruction has always been about the other whom we must address as a matter of justice. Contrary then to the claim that deconstruction is an “enclosure in nothingness,” Derrida offers deconstruction as a way out of this enclosure within linguistic subjectivism and theoretical solidification.

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<sup>11</sup>See for instance Borradori, 130-134; also Jacques Derrida, *Schurken* [Rogues], (2003). Not yet translated into English at the time this article was written.

<sup>12</sup>See for instance Borradori, *Philosophy in a Time of Terror*, 125-130; also Jacques Derrida, *On Hospitality: Anne Dufourmantelle invites Jacques Derrida to Respond* (Stanford: Stanford University Press, 2000).

<sup>13</sup>See for instance Jacques Derrida, “The Principle of Reason: The University in the Eyes of its Pupils,” trans. Catherine Porter and Edward Morris, *Diacritics*, 13 (1983): 3-20.

<sup>14</sup>See Borradori, *Philosophy in a Time of Terror*, 113ff.

<sup>15</sup>Derrida, *Margins of Philosophy*, 111.

<sup>16</sup>Jacques Derrida, “Deconstruction and the Other” in *Dialogue with Contemporary Continental Thinkers*, ed. Richard Kearney (Manchester: Manchester University Press, 1984), 118.

## Deconstruction as Double-Reading

At this point, we can use Critchley's characterization of deconstruction in terms of double-reading as a heuristic device in presenting deconstruction as something that happens within texts. Accordingly, deconstruction is "something that takes place in a text" as in a text that *loses its own "construction"* so as to open itself to a multiplicity of meanings.<sup>17</sup> For Critchley, what is first involved in this process is to provide a "patient, rigorous, and *scholarly* reconstruction of a text" as a powerful, primary layer of reading that remains faithful to original context of the text and intention of the author in the form of the dominant commentary.<sup>18</sup> From this first layer of reading, a second moment of reading is opened up by interpretation where the text's intended meaning [its *vouloir-dire*] is purportedly contradicted by certain "blind spots" in the text.<sup>19</sup> This opens up the text into a multiplicity of meanings other than that sanctioned by authorial intent. But this "rupture" is something that is sanctioned from within the text itself rather than imposed from the outside. It is this opening up from within the text itself which characterizes deconstructive reading as parasitic: "the reader must both draw their sustenance from the host text and lay their critical eggs within its flesh."<sup>20</sup> Deconstruction then can be conceived as a subject-less process in the sense that "the text deconstructs itself rather than being deconstructed."<sup>21</sup> Within Derrida's intention, a deconstructive reading therefore is an ambiguous gesture since while it must necessarily carve itself out of a *structuralist problematic*, it nevertheless remains, more importantly, as an *antistructuralist* gesture.

Considering deconstruction as double-reading, one can see that what Derrida philosophically exemplifies is a patient, meticulous, scrupulous, open and questioning engagement with texts. This means

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<sup>17</sup>Jacques Derrida, "Letter to a Japanese Friend" in *Derrida and Difference* (Evanston, IL: Northwestern University Press, 1988), 1-5; 2.

<sup>18</sup>Critchley, "A Dedication to Jacques Derrida-Memoirs," 26.

<sup>19</sup>*Ibid.*, 26-7.

<sup>20</sup>*Ibid.*, 27.

<sup>21</sup>*Ibid.*

that the activity called deconstruction is not some form of nihilistic textual free play that threatens to undermine our traditional values of rationality, morality and other values of Western liberal democracy. Rather, it is a careful reading and thinking of texts considered as an ethical demand.<sup>22</sup> Deconstruction in fact, as Critchley insightfully claims, is pedagogy<sup>23</sup> inasmuch as it teaches us to deal with texts responsibly as a matter of justice.

In this context, we can see that deconstruction, as something that takes place within the text, is itself the ethical gesture that lets the text be structurally open to the other. Here, the other must be understood as that which has always been appropriated and therefore neglected by the whole philosophical tradition. By opening a text to its other, deconstruction opens up the space for the possibility of justice, that is, the possibility of addressing that which tradition has always thought to be “impossible” as the not-possible, beyond possible—beyond thought, language and presence. Here, I am taking broad strokes in delineating how Derrida’s deconstructive project can be related to the exercise of justice and hence, to political decision. Inasmuch as it opens up the space for the possibility of addressing the other, then, deconstruction is itself justice.

### **Deconstruction is Justice**

What does it mean to say that “deconstruction is justice?” Derrida explains this assertion in the context of the tension between law (*droit*) and justice. In his essay “Force of Law: The Mystical Foundation of Authority,” a lecture delivered during a conference organized by the philosopher and legal theorist Drucilla Cornell in 1989, Derrida sets out to distinguish between law and justice. Accordingly, law refers to the history of right, of legal systems, and justice. As such, the law could be deconstructed.<sup>24</sup> There is a history of legal systems, of rights, of laws, of

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<sup>22</sup>Ibid., 28.

<sup>23</sup>Ibid., 27.

<sup>24</sup>Jacques Derrida, “The Villanova Roundtable: A Conversation with Jacques Derrida” in John Caputo, *Deconstruction in a Nutshell* (New York: Fordham University Press, 1997), 16.



positive laws, and this history is the history of the transmutation of laws. The law can be improved and replaced by another one. Every time you replace the law by another one, a system by another one, or you improve it, that is a kind of deconstruction and critique. As such, the law can be deconstructed and has to be deconstructed.<sup>25</sup> This is the condition of historicity, revolution, morals, ethics and progress. But Derrida says that “justice is not the law;” and he goes to explain:

Justice is what gives us the impulse, the drive or the movement to improve the law, that is, to deconstruct the law. Without the call for justice we would not have any interest in deconstructing the law. That is why I said that the condition for the possibility of deconstruction is a call for justice. Justice is not reducible to the law, to a given system of legal structures. That means that justice is always unequal to itself. It is non-coincident with itself.<sup>26</sup>

The unfolding of justice as the motivating force or impulse for the deconstruction of presence clarifies the question of “what is deconstruction all about?” If we are to make any theoretical or practical sense of “what is there to” or “the point about deconstruction,” it would be this sense of justice that serves as its goal or end. Deconstruction is all about justice and Derrida expresses this claim within the context of the law:

Justice in itself, if such a thing exists, outside or beyond law, is not deconstructible. No more than deconstruction itself, if such a thing exists. Deconstruction is justice.<sup>27</sup>

In order to understand this better, Derrida makes a distinction between justice as the relation to the other and the idea of justice as law or as right. Justice as law or right is justice as it is dispensed by the legal

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<sup>25</sup> Ibid.

<sup>26</sup> Ibid., 16ff.

<sup>27</sup> Derrida, “Force of Law,” 14-15.

system. It is limited to what the law, understood as the history of rights and legal systems, defines and calculates in terms of an economy of reciprocal duties and obligations. What can be calculated within the law is the existence of rights that grounds certain privileges such as the right to property, education, etc., and the determination of “justice as right” that results from the correct application of particular legal principles to specific situations. What is right can be calculated, as when we say that this deed deserves one month, two years, three decades, or four centuries of imprisonment based on a certain set of laws. In this way, one can determine within the law whether one is just, i.e., in terms of what is right or not when his actions conform to the norm or not. As such, right is reduced to a matter of calculation. However, the fact that a decision is rightly calculated does not mean that it is just. Derrida explains:

Law is an element of calculation, and it is just that there be law, but justice is incalculable; and aporetic experiences are the experiences, as impro-bable as they are necessary, of justice, that is to say of moments in which the decision between just and unjust is never insured by a rule.<sup>28</sup>

Justice is not a matter of theoretical determination and goes beyond the certainty of theoretical judgment or knowledge. To illustrate this, Derrida gives the example of a judge, who, in order to be just, must not be contented in the mere application of the law.

To be just, the decision of the judge, (...) must not only follow a rule of law or a general law but must also assume it, approve it, confirm its value, by a reinstating act of interpretation, as if ultimately nothing previously existed of the law, as if the judge himself invented the law in every case. No exercise of justice as law can be just unless there is a “fresh judgment.”<sup>29</sup>

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<sup>28</sup>Ibid., 14.

<sup>29</sup>Ibid., 23.

The judge therefore

[Has] to reinvent the law each time. If he wants to be responsible, to make a decision, he has not simply to apply the law, as a coded program to a given case, but to reinvent in a singular situation a new just relationship; that means that justice cannot be reduced to a calculation of sanctions, punish-ments or rewards. That may be right or in agreement with the law but that is not justice.<sup>30</sup>

Justice, then, ultimately is not the law and “law (*droit*) is not justice.”<sup>31</sup> For this reason, as long as one remains on the level of legal application, one cannot be “sure” that he is just. One can never say that someone is just or a decision is just *in the present* as long as he does not leave the current system of the law in order to treat each case as an “other.” Since justice has to do with the absolutely other, every case requires a decision based on “an absolutely unique interpretation, which no existing rule can or ought to guarantee absolutely.” Thus, one can only say that he is “legal or legitimate” i.e., “in conformity with a state of law, with the rules and conventions that authorize calculation but whose founding origin only defers the problem of justice,”<sup>32</sup> but he can never claim to be “just.”

In short, for a decision to be just and responsible, it must, in its proper moment if there is one, be both regulated and without regulation: it must conserve the law and also destroy or suspend it enough to reinvent it in each case, rejustify it, at least reinvent it in the reaffirmation and the new and free confirmation of its principle.<sup>33</sup>

In this case, the kind of justice found in the present order or system of the law is always a limited justice that ought to be supplemented

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<sup>30</sup>Derrida, “Villanova Roundtable,” 24.

<sup>31</sup>Derrida, “Force of Law,” 15.

<sup>32</sup>Ibid., 23.

<sup>33</sup>Ibid.

by the idea of justice as relation to the other. This justice as relation to the other operates from the outside of the law in order to open its inside towards that which it is unable to say or capture within the system. The law is a closed system, “finite, relative and historically grounded,” and it is only opened up by an infinite and absolute justice that “transcends the sphere of social negotiation and political deliberation.”<sup>34</sup> As such, this [j]ustice if it has to do with the other, with the infinite distance of the other, is always unequal to the other, is always incalculable. You cannot calculate justice.<sup>35</sup>

### Justice as Gift

That justice is incalculable brings us to the conclusion that justice is not a matter of reciprocation. Justice demands that it not be reciprocated and for this reason must be seen outside the economy of exchange. Justice is therefore like the gift: both go beyond calculation and resist appropriation. For Derrida, the gift is something that can never be appropriated.<sup>36</sup> It never appears as such and is never equal to gratitude, to commerce, to compensation, or to reward. The gift is beyond the circle of gratitude and reappropriation and for this reason; no gratitude can be proportionate to a gift. One cannot even be thankful for a gift. As soon as one says “thank you” for a gift, the gift is erased, is cancelled, is destroyed. “A gift should not even be acknowledged as such.”<sup>37</sup> If something is given, it should not appear as such to the one who gives it or to the one who receives it. This is paradoxical, but that is the condition for the gift to be given. In *Given Time*, he explains:

For there to be a gift, *it is necessary [ilfaut]* that the donee not give back, amortize, reimburse, acquit himself, enter into a contract, and that he never have contracted

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<sup>34</sup>Borradori, *Philosophy in a Time of Terror*, 164.

<sup>35</sup>*Ibid.*, 24.

<sup>36</sup>Derrida’s most comprehensive account of the gift is contained in his book *Given Time: I. Counterfeit Money*, trans. Peggy Kamuf (Chicago: University of Chicago Press, 1992).

<sup>37</sup>Derrida, “Villanova Roundtable,” 18.

a debt. (...) The donee owes it to *himself* even not to give back, he *ought* not to *owe* [*il a le devoir de ne pas devoir*] and the donor ought not count on restitution...<sup>38</sup>

The gift calls upon us for expenditure without reserve, for a giving that wants no payback, for distribution with no expectation of retribution, reciprocity or reappropriation. "To give a gift requires that one then forgets and requires the other to forget, absolutely, that a gift has been given, so that the gift, if there is one, would vanish without a trace."<sup>39</sup>

It is thus necessary, at the limit, that he not *recognize* the gift as gift. If he recognizes it *as* gift, if the gift *appears to him as such*, if the present is present to him *as present*, this simple recognition suffices to annul the gift. Why? Because it gives back, in the place, let us say, of the thing itself, a symbolic equivalent. (...) The symbolic opens and constitutes the order of circulation in which the gift gets annulled.<sup>40</sup>

This is the same condition in which justice must share. A justice that appears as such, that could be calculated, a calculation of what is just and not just, that says what must be given in order to be just, is not justice at all. Rather, justice must partake of the idea of a gift without exchange, of a relation to the other that is utterly irreducible to the moral rules of circulation, gratitude, recognition as symmetry.<sup>41</sup> As beyond calculation, it partakes of the structure of that which is to come, going beyond the comprehension by ordinary theoretical knowledge and the

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<sup>38</sup>Derrida, *Given Time*, 13.

<sup>39</sup>Caputo, *Deconstruction in a Nutshell*, 144.

<sup>40</sup>Derrida, *Given Time*, 13.

<sup>41</sup>Derrida explains that economic calculation has to do with priority of absolute subjectivity. Thus to speak of a justice as gift is to go beyond the authority of subjectivity, beyond any egoism, and also of any reciprocity, much like in the manner of Christ's sacrifice. (See Jacques Derrida, *The Gift of Death*, trans. David Wills [Chicago: University of Chicago Press, 1995], 102.

language of presence. A justice that does not become a gift, in the end, becomes mere social security and economics.

To speak, then, of justice as the relation to the other is to emphasize that element of incalculability which is not found in the experience of justice as law or justice as right. This “incalculable justice” is what we refer to as the “point” to deconstruction. It is that on account of which we embark on the endless and difficult task of examining, clarifying, and criticizing texts in order to open it up and articulate what has always been repressed, displaced, or marginalized by the tradition. This enunciation of the plight of what is continuously marginalized within the structures of *present* history, politics, economics, law, and so forth, follows Levinas’ definition of justice as the relation to the other.<sup>42</sup> This relation to the other, Derrida claims, is all that there is to justice and he explains this thus:

Once you relate to the other as other, then something incalculable comes on the scene, something which cannot be reduced to the law or history of legal structures. This is what gives deconstruction its movement, i.e., to constantly suspect, to criticize the given determinations of culture, of institutions, of legal systems, not in order to destroy them or simply to cancel them, but to be just with justice, to respect this relation to the other as justice.<sup>43</sup>

### **An (Im)possible Justice to Come**

Justice calls us to respond to the call of the other, which, as radical alterity, is that which exceeds the totality of presence. But to respond to the other as other, in terms of the language of the other, is to open up to the experience of justice as an impossibility. Justice moves us to respond towards something which is not present, is not *in* the present, and can never be fully realized in the present. The call of

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<sup>42</sup>See Emmanuel Levinas, *Totality and Infinity: An Essay on Exteriority*, trans. Alphonso Lingis (Pittsburgh: Duquesne University Press, 1969), 89.

<sup>43</sup>Derrida, “Villanova Roundtable,” 18.

justice moves us to respond towards an other that is never present but can only be hoped for in a future to come. Justice is impossible because it is to come; it is a hope and a waiting directed to an other to come in the future. This impossibility is what makes deconstruction as a passion for the impossible, a desire which we desire beyond side, what we love like mad.

And deconstruction is mad about this kind of justice. Mad about this desire for justice. This kind of justice which isn't law, is the very moment of deconstruction at work in law and the history of law, in political history and history itself...<sup>44</sup>

"Justice is an experience of the impossible,"<sup>45</sup> Derrida claims, and it requires the experience of the aporia as a "non-road," as "something that does not allow passage," outside the scope of any calculation. Without this experience of the aporia, "[a] will, a desire, a demand for justice (...) would have no chance to be what it is, namely, a call for justice."<sup>46</sup> Justice as an impossible experience of the aporia is situated outside the element of calculation within the legal system. It is this justice beyond calculation, and even one that resists calculation, which gives the law its impetus to be always on the way for a greater appropriation of justice. Justice comes to the law as its impossible condition, i.e., a condition which the law cannot capture and can never justify before itself. Thus, justice is something that cannot be determined by the performance of obligations or duties that one is bound to do under the law. Justice is the condition without which there would be no law, or the possibility of the law. Here, we can say that the essence of justice is to have no essence, to be in disequilibrium, to be disproportionate with itself, never to be adequate to itself, never identical with itself. Having no essence, justice therefore never exists and the fact that it does not exist is essential to justice. Since it has no essence and does not exist, justice can never be calculated and demands that it not be calculated. And since it cannot be calculated, justice is therefore undeconstructible.

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<sup>44</sup>Derrida, "Force of Law," 25.

<sup>45</sup>Ibid., 16.

<sup>46</sup>Ibid.

Justice is not deconstructible and this goes hand in hand with the deconstructibility of the law. In this “*interval* that separates the undeconstructibility of justice from the deconstructibility of the law,”<sup>47</sup> deconstruction takes place to punctuate the law in order to safeguard the possibility of justice. This point is what answers the question about the connection between deconstruction and the possibility of justice: deconstruction is what opens up the possibility for justice and this possibility is that which prevents the law from being legalistic, from being a closed system concerned only with legitimation and with rectitude. Such undeconstructibility clarifies an important point about the *nature* of justice: justice is not a thing, among others, that we subject to unending deconstruction. While it is true that there is no end to deconstruction and everything is deconstructible, justice

(...) if such a ‘thing’ ‘exists,’ is not a *thing*. Justice is not a present entity or order, not an existing reality or regime; nor it is even an ideal *eidōs* toward which we earthlings down below heave and sigh while contemplating its heavenly form. Justice is the absolutely unforeseeable prospect (a paralyzing paradox) in virtue of which the things that are deconstructed are deconstructed.<sup>48</sup>

The fact that justice exceeds law and calculation however does not mean that we could not or should not calculate. Left to itself, this incalculability of justice might be reappropriated for the worst cases of calculation within institution, states, and others. Instead, Derrida insists, “incalculable justice *requires* us to calculate” not only within the law but also in those other fields that cannot be separated from it.<sup>49</sup> In fact, we “have to calculate as rigorously as possible.” However, “there is a point or limit beyond which calculation must fail, and we must recognize that.”<sup>50</sup> He continues:

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<sup>47</sup>Derrida, “Force of Law,” 15.

<sup>48</sup>Caputo, *Deconstruction in a Nutshell*, 133.

<sup>49</sup>Derrida, “Force of Law,” 28.

<sup>50</sup>Derrida, “Villanova Roundtable,” 19.



Not only *must* we calculate, negotiate the relation between the calculable and the incalculable, and negotiate without the sort of rule that wouldn't have to be reinvented there where we are cast, there where we find ourselves; but we *must* take it as far as possible, beyond the place we find ourselves and beyond the already identifiable zones of morality or politics or law, beyond the distinction between national and international, public and private, and so on.<sup>51</sup>

By setting the calculability of the law and its institutions against the incalculability of justice, an important point is clarified in this relation between law and justice. Incalculable justice is beyond the law but it strategically remains as law and politics' inexhaustible demand. Justice is always *à venir*, to come, and its structural possibility as an imminent future is what continually moves both law and politics always toward a fuller precipitation of justice. Law and politics must therefore always look upon justice as that which is to come, *à venir*. This is because the legitimacy of the legal order cannot be offered except in retrospect, i.e., force and violence are what is present at the founding moment of the law and justice only comes afterwards as its justification.<sup>52</sup>

Thus, we see that Derrida's passion for impossible justice is what makes deconstruction as a movement towards, as a kind of waiting for, an (im)possible future.<sup>53</sup> Deconstruction itself is "a movement towards the future,"<sup>54</sup> which can only operate on the basis of this idea of impossible justice, i.e., an "infinite 'idea of justice'." Derrida explains:

[T]he deconstruction of all presumption of a determinant certitude of a present justice itself operates

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<sup>51</sup>Derrida, "Force of Law," 28.

<sup>52</sup>Borradori, *Philosophy in a Time of Terror*, 164.

<sup>53</sup>See John Caputo, "Introduction" in *The Prayers and Tears of Jacques Derrida: Religion without Religion* (Indianapolis: Indiana University Press, 1997), xvi-xxvi; 1-6.

<sup>54</sup>*Ibid.*, 131.

on the basis of an infinite “idea of justice,” infinite because it is irreducible, irreducible because owed to the other, before any contract, because it has come, the other’s coming as a singularity that is always other.<sup>55</sup>

This impossible justice, identified here with the infinite “idea of justice,” is what characterizes deconstruction as a deeply affirmative enterprise. It is therefore a vocation, a response to a call and for this reason, can never be merely negative. Deconstruction is therefore an enterprise whose affirmative character is beyond being positive, beyond the distinction between positive and negative. And it owes its affirmative character to this undeconstructible, infinite “idea of justice” that is owed to the other and hence

[Irreducible] in its affirmative character, in its demand of gift without exchange, without circulation, without recognition or gratitude, without economic circularity, without calculation and without rules, without reason and without rationality.<sup>56</sup>

Such impossible and infinite justice is, Derrida continues, what we can recognize, indeed accuse, or identify as “madness,” and “perhaps another sort of mystique.”<sup>57</sup> Mad and unrepresentable though it may be, however, this justice which impassions us to deconstruct towards the future doesn’t wait. “It [justice] is that which must not wait.”<sup>58</sup> Justice is therefore imminent and this imminence is what agitates the coherence of the present in order to show its structural inconsistency. For this reason, justice plays a part in a future which must be distinguished from a future that can only “always reproduce the present.”<sup>59</sup> In fact, it is this futural dimension that is inseparable from the very idea of a deconstructive justice.

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<sup>55</sup>Derrida, “Force of Law,” 25.

<sup>56</sup>Ibid.

<sup>57</sup>Ibid.

<sup>58</sup>Ibid., 26.

<sup>59</sup>Ibid., 27.

Justice remains, is yet, to come *à venir*, it has an, it is *à-venir*, the very dimension of events irreducibly to come. It will always have it, this *à-venir*, and always has. Perhaps it is for this reason that justice, insofar as it is not only a juridical or political concept, opens up for *l'avenir* the transformation, the recasting or refounding of law and politics. (...) There is an *avenir* for justice and there is no justice except to the degree that some event is possible which, as event, exceeds calculation, rules, prog-rams, anticipations and so forth...<sup>60</sup>

This “to come” of justice is the structural orientation that moves it along towards the future, making it unrepresentable, uncalculable, undeconstructible, and impossible. As such, the future is what disturbs the present beyond itself so as to open itself to the call of justice. Here, to say that justice is present is to do the most unjust thing since this amounts to a closing off of the future, and consequently, to the ultimate impossibility of justice.<sup>61</sup>

### **The Gift of Messianic Justice**

In this vein, we can see that the irreducible structural futurity of justice is what ultimately constitutes the enigma of finite human responsibility. If justice is to come and deconstruction is a waiting for an impossible future, does this not condemn us to a useless, passive, and non-committal quietism that merely awaits the fatalistic coming of the inevitable ‘unthinkable, unnameable, undeconstructible, unrepresentable, impossible?’ On the contrary! The deconstructive waiting for the coming of impossible justice is precisely what opens us to the experience of singular responsibility. This impossible justice is what calls us and provides that interruption of the present so that we can move with responsibility towards the future. Because of this responsibility, it is possible to move towards the experience of justice, which as *à venir*, is what keeps us ready to receive that which is to come. For Derrida, deconstruction as a kind of waiting for the impossible is precisely possible

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<sup>60</sup>Ibid.

<sup>61</sup>Caputo, *Prayers and Tears*, 81.

because of this openness to receive the coming of the other in a future justice to come. This openness paves the way for a responsible answer to an “unforeseeable future” which, as called forth by justice, partakes of that “universal structure” in our *present* experience that readies the human person for the reception of that which is to come.

As soon as you address the other, as soon as you are open to the future, as soon as you have a temporal experience of waiting for the future, of waiting for someone to come: that is the opening of experience. Someone is to come, is *now* to come. Justice and peace will have to do something with this coming of the other, with the promise. Each time I open my mouth, I am promising something. When I speak to you, I am telling you that I promise to tell you something, to tell you the truth. Even if I lie, the condition of my lie is that I promise to tell you the truth. So the promise is not just one speech act among others; every speech act is fundamentally a promise. This universal structure of the promise of the expectation for the future, for the coming, for the fact that this expectation of the coming has to do with justice...<sup>62</sup>

This universal structure is what Derrida calls as the “messianic structure” since it is *that which is in our present experience* that readies us for the reception of that salvation that comes from a justice to come, an other to come, and ultimately, a Messiah or a God who is to come. The “messianic” has to do with the “absolute structure of the promise, of an absolutely indeterminate, (...) a structural future, a future always to-come, *à venir*.”

The messianic future is an absolute future, the very structure of the to-come that cannot in principle come about, the very open-endedness of the present that makes it impossible for the present to draw itself into a circle, to close in and gather around itself. The

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<sup>62</sup>Caputo, *Deconstruction in a Nutshell*, 22-3.

messianic is the structure of the to come that exposes the contingency and deconstructibility of the present, exposing the alterability of (...) the “powers that be,” the powers that are present, the prestigious power of the present.<sup>63</sup>

The messianic is a structure of experience which *prevents* our present experience from being self-contained in its present. The messianic is what allows us to encounter the other, as “something that we could not anticipate, expect, fore-have, or fore-see, something that knocks our socks off, that brings us up short and takes our breath away.”<sup>64</sup> By virtue of the messianic structure, it is possible for us to address “god” and the “other” with the word: “Come” [*Viens*]. It is what enables us to always pray, plead, and desire the coming of the Messiah.

## E P I L O G U E : I N L I E U O F A C O N C L U S I O N

To speak of the political possibilities of deconstruction is to speak in general terms of how deconstruction, as such, can become relevant for our actions in the political sphere. As what I have tried to show, deconstruction as an openness to the other is a positive response to the ethical demand occasioned by the “that-which-is-to-come.” That which is to come is the other to whom we must respond in justice and infinite responsibility. To address the other requires the experience of justice which is not limited to what the law dictates or provides but to that experience of justice as relation to the other—beyond law, conventions, and institutions. This notion of justice beyond the law, beyond the rules of reciprocity is what Derrida aptly characterizes as impossible. Such impossibility is what ultimately characterizes deconstruction as an impossible enterprise but nevertheless gives it an internal dynamism as a movement towards the future. This movement towards the future is what makes the deconstruction of the political sphere a search for that non-violent and non-appropriative relation that finds its model in Derrida’s

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<sup>63</sup>Ibid., 162.

<sup>64</sup>Ibid.

understanding of friendship. Such ethical relation can be construed as the basis for a political decision that aims at an ever fuller experience of justice. To speak then of the political possibilities of deconstruction is to recognize that deconstruction, like philosophy, is essentially political through and through. And this deconstruction of our being political is one of the responsible ways to exercise our wonder in being human and the fact of our being-with-others.

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