

Levinas, Derrida, and A Deconstructive Vision of Nation

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Introduction

Despite the rumors of philosophical vacuity and empty rhetoric, in this paper I will suggest that Levinas and Derrida offer a sustained vision of nation. This vision is guided by a constitutive responsibility to the other person (and all the other persons) who is not only our neighbor, but also our fellow citizen. I will proceed as follows: First, I will suggest that Levinas is most properly understood as an advocate of democracy. Second, I will turn to Derrida and argue that the notion of the “democracy to-come” is the best model for how to give a shape to Levinas’s position that distinguishes it from the democratic liberalism of John Rawls. Finally, in an attempt at resisting the charge of negativity, I will briefly sketch several “duties” that Derrida claims would characterize the nation according to such a deconstructive vision.

Levinas the Democrat

In a 1986 interview Levinas expresses worry about the apparent lack of political traction in his thought:

If everything terminates in justice, why tell this long story about the face, which is the opposite of justice? The first reason is that it is ethics which is the foundation of justice. Because justice is not the last word; within justice, we seek a better justice. That is the liberal state. The second reason is that there is a violence in justice. When the verdict of justice is pronounced, there remains for the unique I that I am the possibility of finding something more to soften the verdict. There is

a place for charity after justice. The truly democratic state finds that it is never democratic enough. It always wants to improve its institutions. The third reason is that there is a moment when I, the unique I, along with other unique I's, can find something else which improves universality itself. I think for example, that the abolition of the death penalty certainly results from that.¹

Levinas gives three reasons why the “long story about the face” is relevant to political discourse.

First, Levinas insists on the priority that must be given to ethics. It is the “foundation” of justice, he claims. This priority is never absolute in the sense of being unidirectional, however. Justice always serves to critique the isolationism that can emerge in the ethical relation. Yet, justice is never its own “last word.” This is Levinas’s way of saying that politics is not all-encompassing. There is a rupture within justice itself, viz., the face of the Other. Justice is always traumatized by ethics. This trauma results in the perpetual revolution of ever seeking to bring about “a better justice.” This better justice is a justice that is conscious of itself as always violent. The voice of singularity continues to be heard above the rumble of the generalized political crowd. Levinas calls this reality the “liberal state.” By this he does not mean the ontology of liberalism, but the values that it professes. When Levinas applauds liberalism he is really offering appellation to the incalculable value of each individual. “The liberal state,” he contends,

is a state which holds justice as the absolutely desirable end and hence as a perfection. . . . consequently, I believe that it is absolutely obvious that the liberal state is more moral than the fascist state, and closer to the morally ideal state.²

¹ Emmanuel Levinas, Tamara Wright, Peter Hughes, and Alison Ainley, “The Paradox of Morality,” 175.

² Emmanuel Levinas, Tamara Wright, Peter Hughes, and Alison Ainley, “The Paradox of Morality,” 177.

We might say that while Levinas is a critic of liberalism as such, he is, nonetheless, devoted to the principles in the name of which liberalism operates. Hence, Levinas will champion democracy as the political system that is best suited for the promulgation of justice. And this brings us to Levinas's second point.

For Levinas, *The necessary generalization of politics is not simply unfortunate, it is violent*. He moves beyond a simple pragmatic hope for a future in which suffering is lessened and, thereby, indicts politics as such rather than those forms of politics that do not suit his particular fancy. Democracy may indeed be more just than fascism, but it is never democratic enough to fulfill its ethical charge. For Levinas, democracy is the name we give to the recognition that politics can never be adequate to the ethical demand made upon it. No politics can ever relate to each and every individual as singular selves. Even democracies strive for "justice for all" instead of what we might call "justice for each."

Levinas does not see democracy as itself ideal, but rather as the necessary condition for the ideal remaining in view. Democracy is the only political system that is defined by its openness to self-criticism. Hence, democracy is required for democracy to be contested as unethical.³ "There is a place for charity after justice," Levinas reminds

³ This is a fundamentally Platonic point. In the *Republic*, democracy is presupposed as the very condition for having the dialogue that makes up the *Republic* itself. Although this challenges the traditional view of Plato as being essentially undemocratic, this democratic reading of Plato is beginning to gain popularity in the literature. Gerald M. Mara writes that "Socrates' democratic conversations are conducted in such a way as to be neither vitiated by exclusions nor corrupted by empowerments. Through these conversations, Socrates articulates criticisms of and alternatives to, not only democratic politics, but also politics in general. Yet these critical and alternative views are also voiced within, and to a certain extent enabled by, a democratic culture. . . . Alternatives to democratic political institutions are thus articulated within a democratic political context" (*Socrates' Discursive Democracy: Logos and Ergon in Platonic Political Philosophy*, (Albany: State University of New York Press, 1997), 3). David Roochnik concurs with Mara's contention: "There is one type of community in which the sophistic teaching . . . even if it cannot be officially endorsed, can at least flourish – a democracy (*The Tragedy of Reason*, 47). Although not mentioning democracy directly, Deborah Nails nicely articulates what is at stake in the democratic foundations of Plato's thought: "Plato's greatest achievement, his breakthrough from pre-Socratic, sophistic, and rhetorical precedent, was the thoroughgoing application of a doubly open-ended philosophical method, leading Plato to criticize most effectively even the beliefs he may have cherished

us. We should read this as a defense of democracy. Only by living in a state that recognizes the singularity of each individual (even if only by covering over it) could there be such a possibility. What would this “charity after justice” look like? Levinas claims that in everyday practice it might look like the possibility of appealing a court decision. Although a guilty verdict demands punishment, there is always room for revisiting this decision to evaluate its legitimacy.

Consider the following situation that Levinas suggests in 1994:

Let us imagine . . . a matter of judging a man and rendering sentence. In order to determine this sentence, one finds oneself again face to face with the other, and one must look only at the face. But once the sentence is pronounced, once it is made public, one must be able to discuss, contest, approve, or combat it. Public opinion – other citizens and the press – can intervene and state, for example, that this sentence ought to be reviewed. Therein lies the very foundation of democracy. One can debate decisions; there is no human decree that cannot be revised.⁴

A politics that is guided by a concern for singularity will display the qualities of dialogical openness, perpetual criticism, and the constant possibility of revision. Any democracy worth its name operates with humility and invitation.

The third point is that occasionally there are political developments that actually further the cause of ethics. Levinas offers the example of abolishing the death penalty as a decision that continues to recognize the singularity of each person rather than merely working with a utilitarian conception of the whole. The practical consequence of

most deeply. Plato’s dialogues are and were in Plato’s lifetime occasions to philosophize further, not dogmatic treatises” (*Agora, Academy, and The Conduct of Philosophy*, (Dordrecht: Kluwer Academic Publishers, 1995), 3). For the classic anti-democratic reading of Plato see, Karl Popper, *The Open Society and Its Enemies*, vols. 1 and 2, 5th revised ed., (Princeton: Princeton University Press, 1971), and for a contemporary restatement of Popper’s basic interpretation see, Thanassis Samaras, *Plato on Democracy*, (New York: Peter Lang, 2002).

⁴ Emmanuel Levinas and Roger Pol-Droit, “The Awakening of the I,” in *Is It Righteous to Be?*, 183.

democracy's constant struggle for a better justice is the reality of perpetually questioning the functionality and quality of the state's laws. As Levinas notes:

Justice and the just State constitute the forum enabling the existence of charity within the human multiplicity. . . . Is this concern for reconsideration – for amelioration – not in effect the essence of democracy and of the liberal State, the sign of a mercy and charity that breathe there? An effort in view of an always better law. Is this not a striving to find an ever-improving law?⁵

Not only does Levinas offer an argument for democracy as the only structure that enables a singular justice, but he also couples this with a moral vision of the legal system.⁶ It is only within Western democracies that we find “an ideal for humanity which one would be wrong to consider contemptible.” “When one has known other regimes and other modes of life,” Levinas continues, “one can even consider this ideal a form of human perfection.”⁷ Wary of giving the indication that democracies are themselves perfect, Levinas quickly adds, “I believe in the force of liberalism in Europe. But I also have too many memories to be certain in my answer.”⁸ Because the face is never a foundation in the sense of an uncontested rational principle, political certainty is never a guarantee. Democracy is the best model we have for understanding politics as the interruption of the ethical relation, but it is also flawed.

⁵ Emmanuel Levinas and Augusto Ponzio, “Responsibility and Substitution,” in *Is it Righteous to Be?*, 230.

⁶ Consider the following claim as well: “Charity can accomplish a lot, even after a rigorous justice has been passed. Since justice constantly has a bad conscience, the demand of charity which precedes it remains and beckons it. And justice, the justice that deserves its name, does not forget that the law is perfectible. It leaves open the possibility of a revision of a judgment once pronounced. And this is very important. . . . This is why democracy is the necessary prolongation of the State. It is not one regime possible among others, but the only suitable one. This is because it safeguards the capacity to improve or to change the law by changing – unfortunate logic! – tyrants, these personalities necessary to the State despite everything. Once we choose another tyrant, we imagine, of course, that he will be better than his predecessor” (Emmanuel Levinas, Luc Ferry, Raphaël Hadas-Lebel, and Sylvaine Pasquier, “In the Name of the Other,” in *Is It Righteous to Be?*, 194).

⁷ Emmanuel Levinas and Roger Pol-Droit, “The Awakening of the I,” in *Is It Righteous to Be?*, 185.

⁸ Emmanuel Levinas and Roger Pol-Droit, “The Awakening of the I,” in *Is It Righteous to Be?*, 186.

Yet, we would be wrong to conclude that Levinas offers anything like a detailed analysis of political life. When he is asked, “How do you tie your moral philosophy to the consideration of political questions?” Levinas responds: “Listen, I am a democrat. What more would you like me to say?” The interviewer then comes back with, “Nevertheless, when you posit democracy as the necessary prolongation of the State, this warrants further examination.” Levinas replies by saying, “Necessary but not natural. It is its ethical prolongation. . . . But how do you expect me to move from the absolute splendors of *hesed*, of charity, to an analysis of the state procedures at work in our democracies?”⁹ Here we see that Levinas’s philosophy cannot be confused with that of John Rawls or Michael Sandel, but crucially, it serves as an account of precisely what such political philosophies require if they are to be instructive on how we *ought* to live and not simply how we *do*. In an interview with Richard Kearney, Levinas comments that “If the moral-political order totally relinquishes its ethical foundation, it must accept all forms of society; including the fascist or totalitarian, for it can no longer evaluate or discriminate between them.”¹⁰ In order to understand the weight of Levinas’s defense of democracy, we must constantly recognize the status that he gives to the ethical relation as both guiding and yet constantly questioned by the reality of political life.

Democracy for Levinas is never really an existing social structure, but the promise of an ever increasing justice. Democracy is always the promise of democracy rather than the actualization of it. Democracy is, thus, to-come (*à-venir*). As was

⁹ Emmanuel Levinas, Luc Ferry, Raphaël Hadas-Lebel, and Sylvaine Pasquier, “In the Name of the Other,” in *Is It Righteous to Be?*, 195.

¹⁰ Emmanuel Levinas and Richard Kearney, “Dialogue with Emmanuel Levinas,” in *Face to Face*, 30.

demonstrated above, perpetual revolution occurs at the level of legal reconsideration, charity after justice, and working to eliminate the hunger of the homeless child.

Derrida and Deconstructive Political Theory

Over the past twelve to fifteen years, there has been much discussion about the “ethico-political” or depending on your inclination, “ethico-religious,” turn in deconstruction. In contrast, I would argue that Derrida’s early critiques of logocentrism and presence are already political.¹¹ *Différance* affects much more than simply how we read texts. In this section, I will look to three specific Derridean works: “The Force of Law: The ‘Mystical Foundation of Authority,’” (1989/1992) *The Other Heading* (1991/1992), and *Rogues* (2002/2005).¹² In an effort at describing a deconstructive vision of the nation, I will demonstrate the resonance between Levinas’s view of democracy and that which is found in Derrida’s writings from the late 1980s onward.

Readers familiar with Derrida’s famous claim, “*il n’y a pas de hors-texte*,” might assume that what Derrida is asserting is the limitlessness of deconstruction.¹³ If there is no way to get outside of a text, if everything is textual, then interpretation knows no bounds. Hermeneutics would be the very condition for lived experience. Although this passage has received an enormous amount of attention in the literature, both positively

¹¹ As Derrida himself will write: “. . . there never was in the 1980s or 1990s, as has sometimes been claimed, a *political turn* or *ethical turn* in ‘deconstruction,’ at least not as I experience it. The thinking of the political has always been a thinking of *différance* and the thinking of *différance* always a thinking of the political, of the contour and limits of the political, especially around the enigma or the autoimmune *double bind* of the democratic” (*Rogues: Two Essays on Reason*, trans. Pascale-Anne Brault and Michael Naas, (Stanford: Stanford University Press, 2005), 39).

¹² The first date is when the French original was first produced and the second is the date of the English translation. Jacques Derrida, “Force of Law: The ‘Mystical Foundation of Authority,’” in *Deconstruction and the Possibility of Justice*, eds., Drucilla Cornell, Michel Rosenfeld, and David Gray Carlson, (New York: Routledge, 1992), 3-67; *The Other Heading: Reflections on Today’s Europe*, trans. Pascale-Anne Brault and Michael B. Naas, (Bloomington: Indiana University Press, 1992).

¹³ Jacques Derrida, *Of Grammatology*, reprint edition, trans. Gayatri Chakravorty Spivak, (Baltimore: The Johns Hopkins University Press, 1998), 158.

and negatively, I find that the best way to understand it is in tension with another famous Derridean passage – this time from “The Force of Law.” Therein Derrida shockingly claims:

The structure I am describing here is a structure in which law (*droit*) is essentially deconstructible. . . . The fact that law is deconstructible is not bad news. WE may even see in this a stroke of luck for politics, for all historical progress. But the paradox that I’d like to submit for discussion is the following: it is this deconstructible structure of law (*droit*), or if you prefer of justice as *droit*, that also insures the possibility of deconstruction. 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.¹⁴

What is so amazing about this passage is that Derrida appears to be offering limits to the deconstructive enterprise. He seems to suggest that there are boundaries beyond which hermeneutics does not extend. If we read textuality as the space in which deconstruction is possible, then Derrida can be read as insinuating that justice resides *hors-texte*. Notice, however, that deconstruction does not have its foundation in justice, but *is* justice. The practice of deconstruction is the task of justice.

The distinction between law (*droit*) and justice is the key for understanding Derrida’s argument. *Law* is the term Derrida gives to the necessity of calculation. This would include both law as normative codes according to which society is structured, and also such operations as reading, speaking, and writing. Repeatedly in his authorship, Derrida recognizes that his speaking in French, writing about certain figures rather than others, and whom he chooses to read are all decisions that are guilty of exclusion and marginalization. To do philosophy can be seen as a failure to feed the poor. For Derrida, however, even feeding the poor can be failing to care for the widows and the orphans. What matters is not which activity one chooses to engage in, but the constitutive violence

¹⁴ Jacques Derrida, “The Force of Law,” 14-15.

of all activity. To act is to fail to act in another way. Decision is always required and yet always frustratingly inadequate to the tasks at hand. *Justice* is the name for the obligation that underlies all activity. It is what continues to press even when we feel like we have done enough. Justice perpetually challenges the idea that “enough” could ever be done. It is, thus, *incalculable* because it is the constant reminder of calculative violence.

Justice operates according to an *aporetic logic* – i.e., a logic of the *aporia*. The space between law and justice is the space in which certainty evaporates. To move according to the strictures of law is to be guided by a norm, which is itself firmly rooted in universal rationality. Justice, alternatively, repeatedly puts into question this firm foundation. “The questioning of foundations,” Derrida reminds us, “is neither foundationalist nor anti-foundationalist.”¹⁵ What would lie between these two options? Or, perhaps beyond them? Not some deeper logos that would simply serve to expand the initial horizon of onto-theological speculation. Rather, the *experience of aporia* – *aporetic experience* – understood as the very possibility of the impossible as occurring at every minute in every experience. The conditions of possibility of experience are, thus, im-possible.

This does not mean, however, that there are *no* such conditions, but instead that the conditions are not available as a guarantor of experience. As Derrida says in *The Other Heading*, “These conditions can only take a negative form (without X there would not be Y). One can be certain only of this negative form. As soon as it is converted into positive certainty . . . one can be sure that one is beginning to be deceived, indeed beginning to deceive the other.”¹⁶ As was the case with Levinas, the crucial aspect is that

¹⁵ Jacques Derrida, “The Force of Law,” 8.

¹⁶ Jacques Derrida, *The Other Heading*, 80-81.

justice, or the “undeconstructible,” always contains a priority to the legal manifestations it takes in the political arena. If there were not such a thing as justice, then there could be no deconstruction. But, we cannot ever “know” that there is such a thing as justice. Rather, it is that which we put our trust or faith in. In this way, it is a foundation without recourse to the certainty of foundationalism.

We experience the impossible by realizing the ineliminable singularity of the other person in the face of the generalizing tendencies towards which all politics directs us. Political life is more than political. To live as a member of society is to be constituted by the tension between the demand for singular recognition and the necessity of generalization:

How are we to reconcile the act of justice that must always concern singularity, individuals, irreplaceable groups and lives, the other or myself *as* other, in a unique situation, with rule, norm, value or the imperative of justice which necessarily have a general form, even if this generality prescribes a singular application in each case?¹⁷

This question is the central question for not only deconstructive political theory, but liberalism as well. The difference is that due to the underlying ontology of liberal thought, it is unable to actually leave room for any responsibility for such singularity. The liberal self is always already isolated. As isolated and separate, there is no way for liberalism to conceive of the move from oneself to the other as anything other than an act of original freedom. Hence, the very concern for singularity is really motivated by a concern for oneself. As was the case with Levinas, Derrida also reverses this priority. The self is not prior to its relationships, but its relationships constitute the self.

Perhaps this is simply a complicated version of civic republicanism, then? Certainly Sandel claims that the unencumbered self is nothing but a fiction. Yet, such a

¹⁷ Jacques Derrida, “The Force of Law,” 17.

communitarian¹⁸ alternative does not extend to the level at which deconstruction attempts to begin. That we are always enmeshed in social relationships is true, that these relationships actually lay some sort of ethical claim upon us is not a necessary requirement, however. I would suggest that debate between liberalism and communitarianism is itself too late for the ethical/ontological articulations of deconstruction.¹⁹ Both are merely alternatives of how to understand human interaction. That they both presuppose the possibility of justice is what is problematic. Derrida and Levinas both attempt to give an account of how such a presupposition would itself be warranted, *if* it ever could be. This “if” cannot be erased, for within it we find the fear and trembling that are intrinsic to political life.

Justice must be conceived otherwise than merely legally. Rules, norms, values, and imperatives are all attempts to give presence to that which lies beyond being. We cannot do without law, as Derrida clearly insists, but this does not mean that we must be content with it. That the law is “essentially deconstructible” is cause for a reserved optimism. *Optimistic* because there is always hope for making tomorrow better than today; *reserved* because such hope is essentially contingent upon my action here and now – action that is not guaranteed by the law, but a challenge to it. Derrida is in essential agreement with Climacus’s assertion that existence is the moment of decision. The decision to which both Climacus (and here we might say Kierkegaard) and Derrida is not

¹⁸ I realize that there is a debate over the relation between civic republicanism and communitarianism. For my purposes here, however, this debate is unimportant. Both are responses to the liberal notion of a neutral self.

¹⁹ Consider the following passage from *Rogues*: “In political philosophy the dominant discourse about democracy presupposes . . . freedom as power, faculty, or the ability to act, the force or strength, in short, to do as one pleases, the energy of an intentional and deciding will. It is thus difficult to see, and this is what remains to be thought, how another experience of freedom might found in an immediate, continuous, and effective way what would still be called a *democratic* politics or a *democratic* political philosophy” (44).

a mere decision between two otherwise legitimate actions. Rather, “A decision that didn’t go through the ordeal of the undecidable would not be a free decision, it would only be the programmable application or unfolding of a calculable process. It might be legal; it would not be just.”²⁰ Derrida’s point here is that as long as our decision is made under the horizon of universality and objective certainty (i.e., within the realm of knowledge), then there is no real decision. Decision is only possible as groundless and yet obligatory. Derrida’s point is that there can be no justice without undecidability haunting every decision. Anticipating the spirit of *Specters of Marx*,²¹ Derrida writes that, “The undecidable remains caught, lodged, at least as a ghost –but an essential ghost – in every decision, in every event of decision.”²²

Because justice is always at stake in every decision, as its condition and its contestation, justice is never something that can operate as a past occurrence. The “event” of decision is always a moment that anticipates the future by attempting to enact it here and now. Justice is always yet to come because it can never be reduced to a mere happening. It is the very condition of historicity as defined by the task of ethics. Deconstruction is, thus, always about critiquing the present in the name of the to-come. Democracy is always a challenge to be undertaken instead of a system to be implemented. “The expression ‘democracy to come,’” he writes, “does indeed translate or call for a militant and interminable political critique.”²³ But why democracy? Because, “democracy is the only system, the only constitutional paradigm, in which, in

²⁰ Jacques Derrida, “The Force of Law,” 24.

²¹ Jacques Derrida, *Specters of Marx: The State of the Debt, The Work of Mourning, and The New International*, trans. Peggy Kamuf, (New York and London: Routledge, 1994).

²² Jacques Derrida, “The Force of Law,” 24.

²³ Jacques Derrida, *Rogues*, 86.

principle, one has or assumes the right to criticize everything publicly, including the idea of democracy, its concept, its history, and its name.”²⁴ Echoing the Levinasian defense of democracy, here we find Derrida affirming democracy because of its constitutive openness to critique.

As a means of concluding, I would like to address the possible charge that this deconstructive democracy would simply be a negative notion rather than a positive vision for the nation. In *The Other Heading*, Derrida suggests that why the memory of Europe is worth preserving is that this memory is a memory that demands a Europe that is critical of itself. This self-contestation translates into eight specific duties that must define Europe’s continued presence in the world:

- 1) Europe must be opened to critique from within and without.
- 2) It must welcome foreigners within its borders.
- 3) It must criticize totalitarian dogmatism.
- 4) It must “cultivat[e] the virtue of such critique, of the critical idea, the critical tradition, but also submi[t] it, beyond critique and questioning, to a ceconstructive genealogy that thinks and exceeds it without yet compromising it.”²⁵
- 5) Europe must embrace its heritage of democracy as not only a historical given, but as something that “remains to be thought and *to come*.”²⁶
- 6) Europe must respect the universality of formal law.
- 7) It must be tolerant and respectful of everything that does not fall under the authority of reason.
- 8) It must call for continual diligence and infinite responsibility.

In all eight of these European duties, Derrida offers a positive vision of how to strive for an ethical politics. If the undeconstructibility of justice forms the framework of a deconstructive political theory, these eight duties articulate its content.

What these duties announce is the way in which the deconstructive democratic nation must be conceived of as an ethico-political task that calls for our diligence, rather

²⁴ Jacques Derrida, *Rogues*, 87-88.

²⁵ Jacques Derrida, *Rogues*, 77.

²⁶ Jacques Derrida, *Rogues*, 78.

than a prior accomplishment that calls for our celebration. This does not yield political quietism or indifference, but should actually spurn us on towards the democracy that is yet-to-come in its justice, but here and now in its contestation of our having already arrived.