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Review article by Mariana Valverde

The personal is the political: justice and gender in deconstruction

Text reviewed

Jacques Derrida (1997) *Politics of Friendship*, London: Verso.

> 'Fraternity is the law above the law'
>
> (Michelet, quoted by Derrida)

> 'Woman is not yet capable of friendship: women are still cats and birds. Or at best, cows.'
>
> (Nietzsche, quoted by Derrida)

Derrida's texts do not present or defend systematic theories in linear fashion. They evoke as much as they argue, pausing repeatedly for lengthy commentaries articulated not with the steel links of formal logic but through the 'weak' logics of citation and overlap. The book under review is typical in being largely composed of loosely related commentaries – on Aristotle and Cicero, on Montaigne, Nietzsche, and Carl Schmitt, as well as on Heidegger and on the French revolution. While all of these except the initial one on Aristotle's and Cicero's praise for the political virtues of gentlemen's friendships appear as digressions, they nevertheless constitute the substance of the work. Indeed, like many of its predecessors, this book effects in even the most plodding of readers a complete deconstruction of the binary opposition between 'the main argument' and 'digressions'. The technique of digressionary writing displeases those of us who still prefer DOS to Windows. Like other readers, I have often felt frustrated by the fact that Derrida's brilliant commentaries resemble websites: they avoid drawing conclusions, refusing to explain just where the original author's ideas end and Derrida's own begin. But I recognize (with some sadness) that impeccable Aristotelian logic, however comforting to those with an old-fashioned

Mariana Valverde, Centre of Criminology, University of Toronto, Toronto M5S 3H1, Canada (email: m.valverde@utoronto.ca).

 0308-5147

education, is not suited to the projects of post-universalist ethics and non-foundationalist politics.

Thus, to the extent that I have given up the quest for formal as well as substantive truths, I feel that I am addressed by Derrida's reflections on the responsibilities not of intellectuals in general but, more specifically, of Nietzsche's 'new species of philosopher', the 'philosophers of the dangerous "perhaps"' (cited by Derrida 1997: 34). The philosophers of the dangerous 'perhaps', having given up the mental security blanket that is the concept of 'necessity' (logical as well as natural), seek to think about what one might call in a suitably Derridean paradoxical vein 'the necessity of contingency'.

Thinking about ethics and politics under the sign of contingency appears to most people as a contradiction in terms. Activists as well as politicians are always producing site-specific analyses of what ought to be done: but these tend to be undertaken in terms of *interests* and tactics. The challenge inherited by Nietzsche's children – thinkers like Derrida, who philosophize about 'perhaps' rather than 'must', but who (unlike Foucault) are still philosophers – is thus more or less impossible. To think about justice in general, rather than about this or that interplay of interests, and to do so without recourse to universals but still within earshot if not on the actual ground of philosophy, is what Derrida has been trying to do for some years, at least since the 'Force of law' essay first published in English in 1990.[1] And that is one of the main lines of thought developed in the book under review. The term 'ethics' rarely appears in it, no doubt in order to create a distance from traditional ethical philosophy; but its reflections upon the ways in which practices of friendship and discourses on friendship (and on enmity) have constituted much of the substance of both the 'personal' and 'political' dimensions of justice can be read as an attempt simultaneously to deconstruct and to continue major continental traditions of ethical philosophy.

In the current book as in others, Derrida's text re-uses and recycles his own earlier work as much as his deep knowledge of the history of European philosophy. Since the dimension of self-reference tends to be more implicit than explicit, it is worthwhile taking a few minutes to discuss the texts on 'justice' that appeared in English in the early 1990s and that form the background (or one of the backgrounds, at any rate) for the reflections on fraternity, friendship and democracy outlined in *Politics of Friendship* – texts that have not circulated widely outside legal theory circles.

Justice and the 'force of law'

In the political-theoretical text *Specters of Marx*, as well as in the more philosophical essay 'Force of law', Derrida tackles the question that haunts legal and social thought in these postmodern days, the question of justice. Addressing justice is for Derrida not a matter of definitions or concepts, in the manner of natural law, but a matter of praxis. The question of justice that Derrida asks is

therefore not 'what is justice?' but rather: 'how can *we*, in our particular time and place, work in the direction of justice?'

While converging in many respects with Stanley Fish and other pragmatist legal and political thinkers, Derrida's approach refuses to abandon the high ground of European moral philosophy completely.[2] Although justice cannot be defined positively and precisely, it does exist in its own peculiar way. Justice does not have a particular essence, but it is not purely situational or pragmatic. As inspiration, as 'force', as desire and/or as hope, it does exist for all of us. In Derrida's work, the word 'justice' does not have to carry quotation marks around it, as it would in more thoroughly postmodern work.

In the 'Force of law' essay, the effective meaning of justice is elucidated through a contrast with law. An initial statement that begins to describe Derrida's project is that justice is what law claims to enact but always necessarily negates. Law is the opposite of justice insofar as law is (for Derrida as for Marx) hopelessly caught up in the violent logic of calculation through which all human experience is reduced to an abstract quantity: the value of someone's work is reduced to a number of dollars, the 'injustice' caused by a certain crime is said to be equivalent to a certain number of days in prison, and so forth. Insofar as formal abstraction and calculation more generally are constitutive features of modern law, then law is the opposite of justice, since Derrida, following Emmanuel Levinas, argues that justice 'must always concern singularity' (Derrida 1992: 17). Justice, which always involves 'an unlimited responsiveness to and responsibility for the other' (Fitzpatrick 1995: 9), cannot be fixed even if it can be thought about: it is not a state of affairs but rather a *movement* towards the particularity of the Other. The desire for justice is thus destined never to be fulfilled. And yet, despite this peculiar ontological status, justice nevertheless has real effects and to that extent 'really' exists. Justice impels us constantly to critique our own tendency to think that we know what is due to others, that we know the other. One of the links between the earlier texts on justice and the volume under review is therefore that, because justice exceeds all calculation – a logic which Derrida regards as ultimately promoting vengeance – then friendship, which always exceeds the exchange of equivalents, can usefully be regarded as a practice of justice.

And yet, the relation between law and justice is not purely negative. Although justice is precisely the movement that surpasses law and undermines or critiques all specific legal and political decisions, nevertheless Derrida eschews the idealist philosophical tradition that regards the justice of ethics as somehow hovering above the real world of political and legal decision making. Deconstructing the opposition of justice vs. law, ideal vs. real, philosophy vs. politics, he points out that if one neglects the everyday political and legal struggles going on at the level of law and rights in favour of a philosophical quest for pure ethics, one may find oneself in a dubious if not downright unjust political position – as happened most memorably to Heidegger. Walter Benjamin's comments on the real-world nefarious effects of certain ethical and aesthetic philosophies, repeatedly evoked in *Specters of Marx*, are deployed to differentiate Derrida's work from that of

traditional philosophy. 'Left to itself, the incalculable and giving idea of justice is always very close to the bad, even to the worst, for it can always be reappropriated by the most perverse calculations. It's always possible. And so incalculable justice requires us to calculate' (Derrida 1992: 28).[3]

In doing the intellectual and ethical work that consists of calculating in the present while remaining attentive to the infinite, incalculable demands of justice, the philosophers of the 'perhaps' are obliged to perform the filial and fraternal rites that enact that impossible juxtaposition of law and justice. The rhetorical genre of the public funeral oration is exemplary here: it links personal friendship to political and civic virtues, the infinite demands of an endlessly deferred justice to the tactical calculations about how to respond to a particular individual's death. The debt that that death creates in those who are left to bury the dead is the point at which 'debt' calculations that are always personal meet the infinite and (for Derrida) non-historical, quasi-transcendental, unachievable demands of friendship and justice.

Practising friendship as well as analysing it, *Specters of Marx* contains a number of powerfully moving eulogies to men who have been for Derrida (and for many of us) teachers, older brothers, comrades or friends. The preface is a movingly written dedication to the South African communist leader Chris Hani, murdered as the book went to press; while the book as a whole effects a complex chain of ascent, influence, debt, citation and friendship that both performs and argues for the continuing, living force of spectres that haunt the Euro-American present. For example, Marx is shown to be haunting today's neoliberals even as they disavow not only socialism but history as such (cf. Fukuyama). But, in turn, Marx is shown to have fatally disavowed the spectres that haunted him – most notably, Stirner and the other Hegelian brothers lampooned as 'the Holy Family'. The disavowal both of personal ghosts and of death in general led Marx to develop an economic theory that undialectically focuses on 'life' and shuns and disavows mortality, thus repressing what Peter Goodrich (1993) has called the fatality of justice. The effects of this skewing are traced through a close reading of Marx's own references to Hamlet as haunted by the spectre of his dead father.

Specters of Marx is linked to *Politics of Friendship* in a number of complex and non-unilinear ways. Substantively, the main link is the continuing concern for thinking and acting justly and about justice after having kicked away all universal foundations for 'ideas' of justice. At the level of rhetorical forms – which of course in Derrida's work are never merely formal – the texts are linked by repeated evocations of paired male thinkers. Marx is linked to Hamlet in the first work as Montaigne is linked to Aristotle in the second, and so forth, in a dazzling proliferation of male-male pairs.

The evocation and analysis of these homosexual pairs, however, only occasionally mentions the simultaneous repression and eroticization of femininity that provides the possibility of such pairings. Derrida would undoubtedly respond that he is not making a 'choice' to elevate the exclusively masculine funeral oration for dead brothers and fellow warriors into *the* genre that enacts and

produces both friendship and ethics, but rather, that it is simply the case, historically, that the network of texts he is discussing and using is constituted through homosocial masculine practices of friendship, struggle and speech. And he would have a point: the practices of friendship and rivalry that both underlie and operationalize justice and political forms of fraternity are masculine, and not just because it is mainly men who practise them. Nevertheless, one wonders why the brilliant exploration of the love letter undertaken in *La carte postale* (Derrida 1987) is not drawn upon in these more recent texts.[4] Derrida would likely respond that anyone who knows his work can easily deduce that he regards the separation of the private love letter from the public funeral oration – a literary typology that mirrors the split between women's love and men's friendship, the family household and the public realm of the polis – as a binary in dire need of deconstruction. And yet, the fact that Derrida does not follow through on his own suggestions is bound to make even the most sympathetic of feminist readers (Elizabeth Grosz, for instance) uncomfortable (Grosz 1997). As Grosz admits, Derrida's self-defined task is precisely to make readers uncomfortable, not to provide political solutions; but it is possible to wonder whether such a stance requires or presupposes a certain privilege, the privilege of a male intellectual who can afford to make a choice between including or excluding women from the horizon of particular bits of writing. Given Derrida's insistence on the intertwining of personal stance and philosophical work, it is not inappropriate – as it might be in the case of abstract philosophers of disembodiment such as Kant – to raise questions about the ways in which Derrida's descriptions of masculinist ethical forms are more admiring than interpretative justice requires, and this is what will be done in the concluding section of this review.

Friendship as a practice of justice

Politics of Friendship is more concerned with the lateral relations among brothers and friends than with filiality, ascent and influence, but otherwise the basic logic of 'friendship' in the book under review is very similar to the 'spectral' logic of justice elaborated in *Specters of Marx*. The first 'link' in the friendship website is 'Aristotle', and – to continue what is a misleading but useful analogy – the icon clicked there is a statement attributed to Aristotle in the Graeco-Roman tradition and repeatedly cited in the Renaissance. Aristotle was supposed to have declaimed: 'O my friends, there is no friend.' This statement, which like many of Derrida's own sentences has many connotations but only a paradoxical denotation, is obviously connected to the ancient Greek ethos of horizontal relations of justice among friends who are equal with one another but very much 'above' the bulk of the population – above women and slaves as such, and also above all those of their own sex and rank passing their time in frivolous pursuits.

As Derrida points out, the equality and fraternity of these famous Greek friendships among the virtuous – among warriors or among philosophers – is built on a prior unequal system which, among other things, begins by excluding

all women from the very possibility of both ethical friendships and political relations of justice, even if the Greek texts are not as blunt as the Nietzsche text cited at the outset.[5] What Derrida does not explicitly state, however, is that the exclusion of women is not unrelated to the suspicion cast upon pleasures. The Greek suspicion of pleasure did not amount to outright hostility, as it would under Christianity (Hadot 1995). But, contrary to Nietzsche's dichotomous opposition of Dionysus vs. Christ, there is in Greek culture a persistent if unobsessive suspicion of 'frivolous pleasures' and 'hedonism', and this marks post-Christian, Greek-influenced European philosophical ethics, most notably Heidegger's work.

The classical male friendships among the chosen few that are simultaneously invoked and re-enacted by people like Montaigne – whose own discursive and non-discursive practices of friendship figure prominently in the book under review – are regarded by Derrida as the practices of self that make real the otherwise elusive demands of 'justice'. That justice is personal as well as political (as 1970s feminism never tired of repeating, in a phrase that Derrida never mentions but that is integral to the logic of this book) means that much philosophizing about justice will have been developed through such apparently 'minor' genres as the funeral oration for one's dead friend – a genre that, in Derrida's view, is the fundamental rhetorical form of friendship and thus one of the main rhetorical forms of justice.

Death – not only the actual death of people like Chris Hani, but the constant possibility of death that hangs over our own heads – has been traditionally regarded as constitutive of ethical subjectivity. Derrida inherits this tradition, noting its masculinist bias – e.g. criticizing Carl Schmitt's deliberate omission of sisters and female comrades from his reflections on partisans and politics – but failing to think through the implications of this gendering.[6] There is no discussion of the implications of the repeated effacement of sexual pleasure, pregnancy, birth and other 'vital processes' from philosophical discourse. (It is perhaps significant that the philosopher who did the most to undo the somatophobia of philosophy, Nietzsche, thinks of 'life' always in terms of either hunger or laughter and play, never in terms of feminized bodily processes.) Eroticism has to some extent been considered as ethically significant or at least as crucially subversive of philosophy, for instance in Derrida's own musings on love letters of and about philosophers (Derrida 1987); but pregnancy, childbearing and other non-erotic female or feminized activities have simply been ignored.[7]

The longstanding preference for death as an ethically significant fact is connected to the traditional ethical over-valuation of war and struggle. War is for the Greeks and for contemporary military ideologues the formative struggle that constitutes both city states and male friendships. Derrida, however, follows the darker and more dialectical analysis of the war at the heart of friendship developed in Nietzsche's works and later by Carl Schmitt. Friends support one another in the struggle against common enemies and in respect to the anxieties of mortality; but the friends/enemies opposition that was so dear to the Greeks can easily be deconstructed, as pointed out by that great reader of Greek texts,

Nietzsche, for there is a certain hostility at the very heart of friendship. Derrida cites at tedious length Carl Schmitt's theories about the fundamental place of personal hostility at the centre of all politics, in what could be read not only as a continuation of Nietzsche's remarks but also as a reiteration of the Hegelian theme of the struggle to the death as the source of intersubjective recognition and hence of personal ethical identity:

> One can infer . . . that there is no friend without this possibility of killing which establishes a non-natural community. Not only could I enter into a relationship of friendship only with a *mortal*, but I could love in friendship only a mortal at least exposed to so-called violent death that is, exposed to being killed, possibly by myself.
>
> (Derrida 1997: 122)

Nietzsche's work, although not receiving as much space as the dreary texts of Carl Schmitt, is the crucial pivot of *Politics of Friendship*. First of all, in keeping with the line of thought about justice that began with the 'Force of law' essay, Derrida takes from Nietzsche the radical transvaluation of the strict formal, quantitative equivalence required by European systems of law as well as by old moral codes.

> We would be tempted to match Nietzsche's gesture . . . to the call he seems to be making for another justice: the one soon to be within reach of the new philosophers – the arrivants – the one already within their reach, since these arrivants [the philosophers of the 'perhaps' – MV], who are still to come, are already coming. 'But what is needful is a new justice ("Sondern eine neue Gerechtigkeit tut not!"), just as we lack – it is the same sentence, the same need, the same exigency – 'new philosophers'. The anchor must be raised with you, philosophers of a new world . . . in a search for a justice that would at last break with sheer equivalence, with the equivalence of right and of vengeance . . . that Nietzschean genealogy has relentlessly recalled as the profound motivation of morality and of right, of which we are the heirs.
>
> (Derrida 1997: 64)

Nietzsche's devastating critique of metaphysics' quest for a disembodied, purely rational subject with an unconditioned free will is indeed a very powerful tool for critical reflections on justice and the failures of law, and no doubt legal and political theorists will take Derrida's suggestion and reflect more deeply than we have done thus far upon Nietzsche's potential contribution to post-liberal theories of law and justice.

But at the same time, Nietzsche's work is also used to deconstruct the placid certainties of both Greek and classical notions of the virtues of friendship. This line of Derrida's argument can be briefly indicated by citing Nietzsche's inversion of the 'original' apocryphal Aristotelian text: 'Perhaps to each of us will come the more joyful hour when we exclaim: "Friends, there are no friends", thus said the dying sage; "Foes, there are no foes!" say I, the living fool' (Nietzsche cited by Derrida 1997: 28). In classic deconstructive fashion, Derrida

uses Nietzsche to demonstrate that exalted declarations about the virtuous effects of classical male friendships made by male thinkers since Aristotle tend to conceal and repress the key role played by foes or enemies in the constitution of both the ethical and the political. As is apparent in department meetings where the same fight is constantly re-staged, enemies are friends of sorts, even essential friends – we count on them, we recognize ourselves with and against them, they give us a reason for going on . . . in a word, we need them.

Derrida's analysis of the ways in which friendship and enmity complement and reinforce rather than oppose one another has a strong political dimension, although one that is perhaps most clear in *Specters of Marx* rather than in the volume under review. Derrida argues – converging here with Slavoj Zizek's analysis of 'ethnic' hostility in the former Yugoslavia (Zizek 1993: ch. 6) – that the death of Western Europe's main enemy, the Soviet Union, has not furthered the cause of human harmony and friendship among nations, but has, on the contrary, destabilized the world system of enmities that had grounded national identities throughout the Cold War. New enemies have of course been quickly found – in Europe as well as North America, the racially other have been pressed into service as the major political and social peril. Like the Soviets, the racially other 'don't understand democracy', 'don't believe in human rights', etc. – and that is regarded as a legitimate reason for depriving them of rights and excluding them from both friendship and its political offshoot, democracy. But these old/new enmities are not easily reconciled with the abstract equalities of liberal political thought: they have destabilizing tendencies insofar as the new enemies – unlike old communists – are simultaneously the subjects of human rights codes.

Politics of Friendship does not, however, develop the postcolonial implications of the ethical-psychic-political destabilizations caused in both East and West by the break-up of the Soviet Union. It focuses instead on another exclusionary dynamic of European philosophical practice, namely the masculinization of politics and ethics *as such* that is effected by the 'homosexual' character of both classical friendship and Nietzschean struggle.[8]

Fraternity and its discontents

As Derrida points out, citing a learned essay on Indo-European languages by Emile Benveniste, Christianity effected a major change in the theory and the experience of kinship – and hence of the political forms based more or less loosely on brotherhood – in that it actively de-naturalized brotherhood and sisterhood. 'Frater', like 'soror', was appropriated by Christianity in the same way that today's trade unions use 'brothers and sisters': using kinship's terms radically to undermine family and clan in favour of extra-familial practices of bonding. Christianity broke with the old logic of consanguinity, as Jesus Christ exhorted his disciples to leave their parents and siblings and join the new social-mystical brotherhood.

The Christian brotherhood had, and still has, a certain place for women – sisters do exist even if they rule only within convents. One could of course critique the subordination of women under Christianity; but in Derrida's analysis Christianity's version of fraternity comes out rather well, since it replaces an older, far more exclusionary logic: the logic of the all-male clan tracing their descent exclusively from a father (Derrida 1997: 97).

The primal horde – evoked to such powerful effects by Darwin, and after him by Freud – is 'primal' insofar as it is regarded by Freud and by the anthropologists he read as a 'natural' predecessor of the social group. Derrida does not pursue the primal horde in its various re-appearances in political and legal myths of origin:[9] he is concerned only to critique the ways in which the myth of consanguinity, the myth of 'natural' brotherhood, haunts political thought down to our own day, most powerfully during the French Revolution. 'The brother is never a fact', Derrida states (1997: 159), in a powerful argument that lends philosophical support to postcolonial work on racialization. The authority of brothers as a group is always already invented, always already fictional – the myth of Rome being founded by the two motherless brothers comes to mind. More generally, 'blood' is always already a fiction – as Foucault showed in the discussion of the blood of aristocratic lineage vs. the sex of the bourgeois self (though this connection is, not surprisingly, not made by Derrida).

While it is relatively easy to see how political inventions from the primal horde to the aristocratic lineage to the revolutionary or trade-union fraternity effect the very masculinity that they take as naturally pre-existing them, it is perhaps less easy to see how the less naturalized, more abstract political forms of today, such as 'democracy', are rooted in and haunted by the spectre of the pre-legal horde of brothers. In a reflection of great significance to political theory, Derrida convincingly argues that legal and political formalisms – the citizen, the person – never free themselves from a historical baggage that includes the variegated descendants of the 'primal' 'horde': the Greek warrior friends, the Renaissance men of virile virtue and letters, and the all-male armies of the First and Second World Wars. Today's legal discourse recognizes only abstract persons, in explicit rejection of 'primitive' legal forms based on family, 'horde' and clan. And yet, even the most sophisticated and de-naturalized discourses of modern democracy ruled by impersonal law are deeply rooted in 'the masculine model of friendship, of the virility of virtue' (Derrida 1997: 255).

The question that most readers will ask themselves in the wake of this book is: what would it be like to think about ethics, virtue, struggle and politics beyond the 'virile' tradition sketched in the book? Derrida does not do this himself; his chosen task is more to recall and to comment on the canon than to speculate or to recover buried feminine traditions of female friendship. And yet, without going beyond the scope of 'the canon', Derrida could easily have chosen to cite some female authors – Hannah Arendt would be particularly apposite – and to evoke female personages. The failure to cite either 'classic' female authors or feminist postmodern ethical thinkers (Luce Irigaray, most notably) ends up effecting an awkward tension between the wishes and hopes expressed in the text

– wishes for a post-masculinist democracy – and the techniques used to produce the text.

No doubt Derrida would reply that he already said everything there is to say about Antigone, sisterhood and citizenship, and gender in his early work *Glas*: but self-referential claims have the effect of textually effacing feminist movements and thinkers; and, in any case, Derrida does not take the time to draw the links between earlier texts directly on gender and the more recent texts on justice and friendship. The pyrotechnics of citationality that Derrida is justly famous for look less impressive once we note a certain pattern of absences that re-enacts the exclusion of women both from 'significant' friendships and from the polis. But it is not a matter of liberally including women. The key current issue regarding the gendering of ethical and political practices, it seems to me, is that we need to move beyond denouncing exclusion and documenting silences, and begin to reflect on the fact that women's absence is (given the institution of heterosexuality) never final or total. The not-quite-absent feminine structures masculine interactions, and hence the polity, in complex ways, as theorists such as Elizabeth Grosz and Eve Sedgwick have demonstrated. First, as object of exchange, the feminine continues to be appraised and circulated by men in interactions that effect (1) familial bonds (kinship as the exchange of women among men); (2) political obligations (the sexual contract underlying the social contract); and (3) expert knowledges (think of male psychoanalysts arguing with one another about hysteria). Second, as object of desire, Helen of Troy was not the last feminized excuse for masculine rivalry and heroic friendship.

Leaving the exploration of the simultaneous exclusion and inclusion of the feminine for another occasion, I wish here simply to register the hope that future theoretical work on ethics and justice will take into account not only the 'fact' of women's historic exclusion, but also the more ambiguous and complex processes that continue to produce a sort of systemic need for the feminine as the indispensable if often implicit symbolic object. Exclusion is an unjust fate: but so is being sentenced to perpetual semiotic duties in both the sphere of exchange and the sphere of signification. Psychoanalytic legal theory, for instance, does not wholly avoid the systemic psychoanalytic tendency to 'specularize' women and scrutinize female figures much more closely than masculine figures.

A final word, about the translation. It is never an easy task to translate Derrida's texts, given his penchant for intricate puns and usually infelicitous neologisms. Nevertheless, one would expect Ernesto Laclau and Chantal Mouffe, who edit the 'Phronesis' Verso series, to have exercised greater care in the choice of translators. The English text, by George Collins, is awkward at the best of times. It also fails to include Derrida's original phrasings in certain key passages while giving the original French in many unnecessary instances; and it contains some complete howlers ('parenté', for instance, is strangely translated as 'parenthood' rather than 'kinship', a choice which among other things obliterates a whole train of implicit references to anthropology). If Verso is going to acquire English translation rights for more of Derrida's texts one can only hope that they exercise greater vigilance over the translation process.

Notes

I would like to thank Peter Fitzpatrick, who as well as providing detailed comments on a draft of this review has shared his own work and his insights on Derrida's work with wonderful generosity.

1 The essay first appeared in the *Cardozo Law School Law Journal* in 1990, and was republished with slight changes in 1992 (Derrida 1992). I am using the latter version.
2 Richard Rorty has read Derrida's later work as a complete break not only with continental philosophy but even with Derrida's earlier, more 'professorial' work (Rorty 1989). This reading, however, is not compatible with the quasi-transcendental ethical reflections of *Specters of Marx* and *Politics of Friendship*.
3 The passage from Benjamin's 'Theses on the philosophy of history' that is powerfully deployed by Derrida to distance himself not only from Heidegger but from all projects to articulate the history of European philosophy with right-wing politics (as many of Derrida's younger Parisian contemporaries are doing) is as follows: 'To articulate the past historically does not mean to recognize it as "the way it really was". It means to seize hold of memory as it flashes up at a moment of danger. . . . The danger affects both the content of the tradition and its receivers. The same threat hangs over both: that of becoming the tool of the ruling classes. Only that historian will have the gift of fanning the spark of hope in the past who is firmly convinced that *even the dead will not be safe from the enemy if he wins*. And this enemy has not ceased to be victorious' (Benjamin 1968: 255).
4 For an exploration of the suppressed eroticism of law that draws on Lacan and on Derrida's 'love letters', see Goodrich (1995).
5 Needless to say, Nietzsche is not uniformly misogynist, or at least not traditionally so. He spends some time – e.g. in *Human, All Too Human*, precisely in the section containing the 'friends, there are no friends' citation – reflecting upon the virtues of intellectual women who can and should be men's friends. But even there he speaks only to male readers, and is exclusively concerned with how some unique women might indeed be men's friends, but only if they are not sexually attractive to the man in question (Nietzsche 1986: 151, epigram 390).
6 A similar move is made in Derrida's famous (among feminists) interview with Christie MacDonald, in which Derrida pointed out that Levinas' explicit choice of masculine pronouns to refer to the Other of ethical relations means that, despite Levinas' great insistence on the alterity of the Other, nevertheless the 'I' and the supposedly unknowable 'he' are linked by virtue of their (same) gender. On this see Grosz (1997: 91–2).
7 I hasten to add that I do not mean to reject masculinist ethics of death only to fall into the sort of essentialist reflections on the ethical and political significance of pregnancy and birth put forward by radical feminist thinkers such as Mary O'Brien (1978). I would support instead a thorough deconstruction of the binary opposition of (masculine) civic virtue and heroic death to (feminine) nurturing of life, perhaps along the lines beginning to be elaborated by Judith Butler in her deconstructive reading of various versions of *Antigone* (Butler 1998).
8 Luce Irigaray has written at some length about the 'homosexual' character of Western philosophy, but her very relevant work on this issue is not cited or used by Derrida. See among other works, *Ethique de la différence sexuelle* (1984).
9 This is currently being done by Peter Fitzpatrick in a book in progress provisionally entitled *Terminal Legality: Modernity and the Descent of Law*.

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