

# Of *Dikē* and Death: The Role of Schelling in Adjudicating between Heidegger and Derrida on Justice

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With the death of Osama bin Laden recently in every newspaper and magazine, on every blog and Twitter feed, the question of death and its relation to justice has been a common and problematic theme. Now, in a kind of Blanchottian *au moment voulu*, would seem to be as good a moment as any to reengage yet again the interminable difference of opinion between Martin Heidegger and Jacques Derrida on this question of justice. As is commonly known, the work of the later Derrida often focused on the relation between deconstruction and justice—and he never failed to relate his remarks on this topic to Heidegger’s late essay, “Anaximander’s Saying,” where the latter imaginatively, or allegorically, read the question of justice and injustice (*dikē* and *adikia*) in the Greek fragment in light of jointure and disjointure (*Fugen* and *aus den Fugen*). Derrida himself was a rare thinker—a philosopher who seems to have never altered his mind or position on anything over the course of his long career. And his position on Heidegger is perhaps the most exemplary case in point. Both of these philosophers possessed a somewhat entangled with metaphysics; both stood somewhat outside the classical tradition of metaphysics. However, despite the fact that Derrida’s language about Heidegger’s “entangled relation” to metaphysics changed over time, the fundamental critical of Derrida’s criticism never took a shaking: that Heidegger always remained firmly tangled in a logocentric metaphysics (similar to the criticism Heidegger himself leveled at Nietzsche), always thought *Being* solely on the basis of presence, always gave priority to “the joint, adjustment, conjunction,” while he himself, Derrida, saw the necessity of disjunction, disorder, that which was, as Hamlet said, “out of joint.”<sup>1</sup> As my title and initial comments above suggest, it is this last Derridean disapproval—the focus on *Fugen* in “Anaximander’s Saying”—that I would like to evaluate one more time here. I would like wander casually about in an amalgam of texts so as to suggest a line of influence here that combines Derrida’s *Specters of Marx* and Heidegger’s “Anaximander’s Saying,” with Friedrich Schelling’s *Philosophical Investigations into the Essence of Human*

*Freedom* and Heidegger's 1936 Freiburg Lecture, *Schelling's Treatise on the Essence of Human Freedom*. Given the richness of all these works, I will try to do two things with these texts. First, it is necessary to determine how well Derrida reads Heidegger's "Anaximander's Saying" in the few pages devoted to it in *Specters of Marx*. Second, it will be essential to notice and also interrogate the two main prongs of Derrida's reading—namely, that Heidegger privileges joining and jointure in his discussion of "justice" (*dikē*) in the Fragment of Anaximander and that Heidegger's lack of any discussion of subjectivity or psychoanalytic thought causes some problems for anyone who would seek to talk about "justice." Although Heidegger's omission of such a discussion is not a fatal error, an argument can be made that Schelling's work can lend support to Heidegger's reading in a way that would be consistent with Derrida's own. Passing through the German Idealist's work will then allow one to argue that Heidegger's language may indeed manage to glimpse this issue of disjunction and its relationship with justice. Ultimately, by following such a path—tracing some of the resonances of Schelling's work within "Anaximander's Saying"—one can argue that Derrida's reading of Heidegger is at best uncharitable and misses the possibility that the latter was able as well, through the work of Schelling, to affirm the role of disjunction and death in the question of justice.

## I

We will begin slowly and carefully here with Derrida's *Specters of Marx*. A complete and exhaustive treatment of this text is not necessary. We will somewhat mundanely use it as exemplary of Derrida's position with regards, specifically, to Heidegger's essay on justice and jointure in the Anaximander essay. Given the very particular way in which Derrida reads texts, especially when they are by Heidegger, it can often be difficult to locate exactly where Heidegger ends and Derrida begins. Furthermore, it can often be difficult to determine whether or not Derrida is critiquing Heidegger or simply reiterating his positions. Granting this fact, on the issue of justice and *dikē*, Derrida's disparagement is clear; I will cite one moment—not a particularly unique one, since this is an instance of the unchanging and invariant criticism that

Derrida made often against Heidegger over the long course of his career—where the tone seems quite disapproving:

If one still translates *Dikē* with this word “justice,” and if, as Heidegger does, *Dikē* is thought on the basis of Being as presence, then it would turn out that “justice” is first of all, and finally, and especially *properly*, the jointure of the accord: the proper jointure to the other given by one who does not have it. Injustice would be the disjointure or disjoining ...

This is where our question would come in. Has not Heidegger, as he always does, skewed the asymmetry *in favor* of what he in effect interprets as the possibility of *favor* itself, of the accorded favor, namely, of the accord that gathers or collects while harmonizing (*Versammlung, Fug*), be it in the sameness of differents or disagreements, and before the synthesis of a sys-tem?<sup>2</sup>

This is what one could consider the “textbook” criticism of Heidegger that Derrida frequently made throughout most of his career—this complaint that Heidegger always or ultimately lapses back into an already-deconstructed metaphysics of presence. Given that Derrida put this criticism forward in both very pointed and many other not so pointed ways, we want to ask how accurate this claim is with regards to, very specifically, the matter of fitting and justice in “Anaximander’s Saying.”

In this text of Heidegger, after he has wondered if the “standing in the disjointure [as] the essence of everything that presences” belies a Greek nihilism or pessimism, which Derrida rehearses on page 24, Heidegger wants to hammer home precisely in what this disjointure consists. A page earlier, Heidegger had noted that sometimes in this process of things coming from absence into presence and back out again into absence—which is certainly a kind of law, we might say, for Heidegger (though one would need to clarify such a description immensely)—some things that stay awhile in this presence seek to insist on their “lingering awhile”:

What has arrived may even insist on its while, solely to remain more present, in the sense of enduring. That which stays persists in its presencing. In this way it takes itself out of its transitory while. It extends itself in a stubborn pose of persistence. It concerns itself no longer with the other things that are present. As though this were the way to stay, it becomes concerned with the permanence of its continued existence.<sup>3</sup>

After equating injustice with the thing's tendency, insistence, on "enduring" in its while, Heidegger continues:

The dis-jointure consists in the fact that what stays awhile tries to have its while understood only as continuation. Thought from out of the jointure of the while, staying as persistence is insurrection on behalf of sheer endurance. In presencing as such—the presencing which lets everything that presences stay in the region of unconcealment—continuance asserts itself. In this rebellious whiling, that which stays awhile insists on sheer continuation. It presences, therefore, without and against the jointure of the while. The saying does not say that everything that presences loses itself in the dis-jointure. It says, rather, that that which stays awhile with a view to dis-jointure, ..., gives jointure. (268)

Here is the point where Derrida latches on, as he did already in *Given Time*, to the words and the associated problematic of "gift" and "to give." In this particular instance, of the "how to give what one does not have" problematic—an issue that would need another different essay entirely—I will forgo any comment on this; rather, I want to continue on and take Heidegger's description of "giving as conceding" with all the associated Derridean caveats: "Giving of this kind lets belong to another what properly belongs to another" (269). Heidegger works negatively here, stating that what presences awhile gives jointure by not seeking to maintain itself in its presence above all others:

What belongs to what presences is the jointure of the while which it enjoins in its arrival and departure. In the jointure, that which stays awhile keeps to its while. It does not stain to get away into the dis-jointure of sheer persistence. The jointure belongs to what stays awhile which, in turn, belongs in the jointure. The jointure [*Fuge*] is order [*Fug*]. (269)

Thus, what is fitted is the thing that allows itself to come into presence and then into absence; it does not insist on staying in presence, in continuance, in permanence. Thus, when a thing seeks to be permanent, to maintain its continuance, this is to the detriment of all the other things around, associated, or related to it:

... the things that stay awhile in presence, stand in dis-order. As they while they tarry [*verweilen*]. They hang on. For in the transition from arrival to departure they pass, hesitantly, through their while. They hang on: they cling to themselves. When the things that stay awhile hang on [*verharren*], they stubbornly follow the inclination [*Neigung*] to persist in such hanging on, indeed to insist on it. They are concerned with permanent continuance and no longer look to the *δικη*, the order of the while. (270)

The thing that insists on permanent presence fails to give, as Heidegger says, “reck” (*Ruch*); it fails to give care (*Sorge*<sup>4</sup>) to the other things that linger awhile along with it; it fails to grant justice, *dikē*, to the other.

Although Heidegger is very careful to not invite any thoughts that would apply to a subject of any kind—“Anaximander’s Saying” deals here with “things” and it would be irresponsible to read any modern notions of the subject into it here—Derrida seems to feel that such an apophasis cannot be fully carried out. Another way to put this would be to say that it is difficult to “listen to what comes to language,” as Heidegger vaguely puts it, which requires that we divorce our thoughts about justice from any ethico-politico-legal concerns—all of which, if admitted, would certainly require some discussion of the subject in some form or another.<sup>5</sup> Nevertheless, this programmatic Derridean criticism of Heidegger on the presence issue in this essay is a misreading—or, at the very best, a merely very selective reading. The matter of presence—presence as permanence and continuance—is precisely what is at issue for Heidegger in this discussion of fitting and justice. It is “unjust” for a thing to insist on its own permanent presence; it is “just” for a thing to allow itself to be fitted as and in the between of the two absences. It must be admitted that there is something “tragic” about such a view of beings and fitting, as Heidegger admits: that the thing is finite, that despite all its efforts to maintain itself in permanent presence, it too will have to pass away into absence and death. I would venture to say that Derrida would surely have nothing to really argue with about this picture of “injustice.” We could even translate Heidegger’s language—or Heidegger’s attentive and responsible listening to Anaximander’s language—without too much loss, into Derrida’s by saying that injustice is this drive towards a deeply narcissistic sense of full life, full presence, while denying death, finitude, and loss.<sup>6</sup> There is perhaps nothing “fitting” at all about

this—and yet, it might fit the matter so well that the thing cannot help but want to extricate itself—to be free of the other, to be free of any and all constraints. And this, exactly, is where injustice lurks in Heidegger’s reading of Anaximander.

But one should think out the second, opposite side of this—namely, would Derrida accept such a slightly reformulated description of “justice” in “Anaximander’s Saying”? At a very basic level, one would have to say yes; the difference between Heidegger and Derrida seems to be a matter that is largely of degree and not kind. In Heidegger’s phrasing, when the thing gives “reck” (*Ruch*) to other things, allowing them to be, letting them belong to themselves and to each other, there is certainly an openness to the other, as Derrida’s idiom would have it. Admittedly, Heidegger gives no mention of just exactly how much reck one thing should give another; though we can imagine that he envisions a kind of “minimal reck” (*minimal Ruch*) that would not violently encroach upon another thing. What Derrida’s response adds to Heidegger seems to be an answer to this “how much?” question that Heidegger does not pose—namely, justice would be the gift of infinite reck and hospitality, friendship, to the other, infinite openness to the coming of the other. But here is where things really start to become productive. Is the Derridean position somehow more open to the *coming* of the other, the *avenir*? Is Derrida right to implicitly question if the other, in this case “justice,” has already come in Heidegger’s reading, so to speak? Is the latter’s reading really just a very clandestine closing off of the fundamental diachrony and excess that Derrida levels at Heidegger when speaking of the word “justice”? It is a little too hasty to say that Heidegger is “closing off” the coming of the other here. It would perhaps be more accurate, and attentive to Heidegger’s thought, to speak of differing degrees of openness, different diameters of aperture to the coming of the other. Derrida is rightly worried about any notion of justice that seems to privilege the present—it seems debatable, as I have been trying to show, that Heidegger is wholly guilty of this—since it would close itself off to the future and to the promise of that which is *to-come*. The consequences are clear: “Otherwise it rests on the good conscience of having done one’s duty, it loses the chance of the future, of the promise or the appeal ...” (*SM/SdM* 28). Derrida’s text seems to conflate what one can isolate as two types of “closing” in Heidegger’s essay. The first is what one would call the “insistence-on-permanence”; the thing insists on continuance and preservation and would be a radical movement toward closure—especially in terms of the closing off of

the future and the promise. (The word “radical” would therefore be a very carefully chosen one, since Heidegger also uses words like “insurrection” and “rebellious” to describe this type of closing.<sup>7</sup>) In contrast to this first type, the second is not so much a closing but a connecting and an opening. Even though the futural flow of presencing-absencing is somehow “fitted,” this “fitting,” when it does not seek the first type, this form of justice, would seem to present precisely the type of openness to the future and the promise that Derrida advocates.

## II

In the previous section I mentioned Heidegger’s omission of any discussion of the subject or the will—all we are speaking of here in this saying of Anaximander are “things” and never subjects specifically. This no doubt presents many problems—difficulties which Derrida’s reading utilizes but does not explicitly or thematically foreground—for example, on the issue of Heidegger’s avoidance of interrogating the “tragedy” of the fragment, either psychologically or aesthetically, which, as Derrida says, “means [for Heidegger] in a psychoanalytic fashion” (*SM* 25). It is at this point that I would like to switch registers here and bring in precisely this psychoanalytic angle that Heidegger stays away from—and, for the most part, in his specific reading of Heidegger, Derrida does too. Perhaps this angle is not so much psychoanalytic as carefully focused on the question of the will and the freedom of the human being. And for this we will obviously need to move to Schelling.

In starting off on the way to connecting Schelling and Heidegger’s “Anaximander’s Saying” more rigorously, I first want to survey a couple of critical appraisals of this relationship—just to briefly get some background. David L. Clark is certainly the scholar who has done the yeoman’s work of articulating the Schelling-Heidegger relationship, and also the Schelling-Heidegger-Derrida genealogy. His series of essays on this line of descent, most notably “ ‘The Necessary Heritage of Darkness’: Tropics of Negativity in Schelling, Derrida, and de Man,” “Heidegger’s

Craving: Being-on-Schelling,” and “Schelling and Romanticism: Mourning Becomes Theory: Schelling and the Absent Body of Philosophy,” have extensively and carefully laid out the case for Schelling’s importance for Heidegger, especially in the period between the 1920s and the late 1930s. In a discussion of the concept of “addiction” in Heidegger, and Avital Ronell’s own reading of it in her *Crack Wars*, Clark boldly remarks: “It goes without saying that a great deal has happened to Heidegger, intellectually, since the mid-1920s, but in terms of his interpretation of the meaning of a general concept of addiction, that change can be summed up quickly here in one word: *Schelling*.”<sup>8</sup> Derrida’s mention of the Schelling-Heidegger connection, on the other hand, is not nearly as clearly put in *Of Spirit*, or anywhere else in this text. Derrida says, almost anecdotally as it were, that Heidegger’s references to Schelling are “both natural and troubling ... [b]ecause the ‘Schellingian’ formulas which sustain this interpretation of [Georg] Trakl seem to belong, following Heidegger’s own course, to that metaphysics of evil and the will which at the time he was trying to delimit rather than accept.”<sup>9</sup> Derrida’s stance is that the “traces” of Schelling left in Heidegger’s work are troublesome because the former was susceptible to a metaphysics of evil and the will that Derrida finds to be no longer tenable—or, the first adjective, “evil” may not fit this, but certainly the term “will” would appear to be a vestigial leftover of the metaphysics of the subject. Even still, given the importance of Schelling for Heidegger, it is curious that Derrida neither lingers awhile with the former nor fleshes out exactly what is so upsetting with Schelling and why he leaves us with the vague remark quoted above. Rather than guess at some rationale for this lacuna, all I really want to do is pose the following question. How much does Derrida’s omission of the continuance-permanence issue in Heidegger’s “Anaximander’s Saying” have to do with the Schellingian traces of a metaphysics of the will? An answer will need to do two things: show some of these Schellingian resonances in “Anaximander’s Saying”; demonstrate that these tones, rather than belonging to a defunct metaphysics of the will or the subject, actually might support Derrida’s positions on the questions of justice, the *avenir*, the coming of the other, etc. We already provisionally showed a rapprochement between Heidegger and Derrida above. Now we want to replay the record, but with the added track of Schelling on it.

So far we have said much about continuance and permanence, but we have not yet said exactly why, in this late Heidegger essay, there is a very Schellingian tone to this

matter. We will follow David Clark's lead here in attempting to tease out these Schellingian traces in the "Anaximander Saying," which Clark does not mention, with another short excerpt here that gives us a hint and then explicate it more closely—having recourse to Heidegger's lecture course on Schelling at the appropriate moments.

But in this way [the way of no longer looking to *Dikē*, the order of the while] everything that tarries pushes itself forward in opposition to everything else. None heeds the lingering essence of the others. The things that stay awhile are without consideration toward each other: each is dominated by the *craving* for persistence in the lingering presence itself, which gives rise to the *craving* (AS 271, emphasis mine).

Given Heidegger's deep engagement with Schelling, the two italicized instances of the word "craving" (*die Sucht*) here cannot but lead us back to the *Philosophical Investigations into the Essence of Human Freedom*. In Schelling's text the issue of craving is intimately connected with the ground of God's existence. Setting up the possibility of human freedom as arising from God's desire to be free of himself, Schelling writes:

To be separate from God they [existing entities, including the human and its freedom] would have to carry on this becoming on a basis different from him. But since there can be nothing outside God, this contradiction can only be solved by things having their basis in that which God is not *God himself*, i.e. in that which is the basis of his existence.<sup>10</sup>

This "dark ground," this lack or limit within God from which existing entities "carry on their becoming," cannot even be overcome by God himself; here is the "irreducible remainder which cannot be resolved into reason by the greatest exertion but always remains in the depths" (PI 34). In God as primal ground (*Urgrund*) there is a non-ground (*Ungrund*)<sup>11</sup>—a remainder, a trace, that cannot become present even to God himself. It is this very lack, this very inability to be a self-present entity without finitude which produces in God what Schelling calls an "attraction of the ground" (PI 52), an attempt that would produce a ground in perfect permanence and wholeness.

This attraction, felt and affected not only within God himself but within all of nature, results in “the sadness which adheres to all finite life, and inasmuch as there is even in God himself a condition at least relatively independent, there is in him, too, a source of sadness ... . Thence the veil of sadness which is spread over all nature, the deep, unappeasable melancholy of all life” (*Pl*, 79).

This craving, this longing for the primal ground, is directly related to the matter of evil and the will. The attempt to lay hold of the ground once and for all is the quintessential nature of evil.<sup>12</sup> As Heidegger puts it in the seminar on Schelling:

Because self-will here is a self-like spiritual will, in the unity of human willing it can put itself in the place of the universal will. Being spiritual, self-will can strive to be that which it is merely by remaining in the divine ground also as a creature. As separated selfhood it can will to be the ground of the whole. Self-will can elevate itself about everything and only will to determine the unity of the principles in terms of itself. This ability is the faculty of evil.<sup>13</sup>

Translating from the Schelling Seminar into the terms of “Anaximander’s Saying,” we should take ample and unambiguous notice of how the essence of the faculty of evil is an attempt to close off the self’s relation to other beings, to not allow the jointure of Being (*Seynsfuge* as Schelling and Heidegger will both write) to operate according to its law. As Heidegger points out on the very next page:

... evil proclaims itself as a position of will of its own, indeed as a way of being free in the sense of being a self in terms of its own essential law. By elevating itself above the universal will, the individual will wants precisely to be that will. ... In this reversal of the wills [the particular self will for the universal will—the transition of the particular will into the universal will] the becoming of a reversed god, of the counterspirit, takes place, and thus the upheaval against the primal being, the revolt of the adversary element against the essence of Being, the reversal of the jointure of Being into the disjointure in which the ground elevates itself to existence and puts itself in the place of existence. ... The consequence of this is the ruin of beings.<sup>14</sup>

Here in the treatise on Schelling, we are also faced with the issue of *Fuge*, fitting, and jointure. Of course, the other related issue of craving and longing is never far off

either. Speaking of this second issue now, Heidegger says that addiction (*Sucht*) has nothing to do with *suchen* (searching), but rather with striving and “spreading out.” In addiction or longing there is a “double contrary movement”: there is the self’s “striving away from itself to spread itself” and at the same time this striving spreads itself “precisely back to itself”.<sup>15</sup> Or, in other words, “longing is *stirring*, stretching away from itself and expanding”.<sup>16</sup> This idea of spreading or stirring outwardly is dialectically connected back to the topic of jointure in that longing can present itself as prioritizing this very spreading out, becoming a movement that would not require it to be articulated in the jointure. Even worse, this “spreading” that refuses articulation reverses this very process and becomes self-subsistent, self-contained, in full presence with only itself—thus to become its own ground. As Clark puts this second possibility, this modality of longing becomes “the urge for absolute domination over *all* particulars and *all* individuals”.<sup>17</sup> Thus, again, we can map the question of unfitting and disjointure onto the modality of *Sucht* that longs to be the universal will crushing all particularities; likewise, jointure and fitting signify the denial of this kind of longing. Again, Clark puts the situation quite well:

Shall I preserve primal craving as the always absential ground against which the light of understanding clarifies itself? Or shall I attempt to break the addiction to the ground ..., and transfigure dependent, the inclination toward selfhood and particularity, into a selfish dominating will that is its own ground? Shall I correspond [note the implicit importance of jointure and fitting here] with the “mysterious voice” that calls me into creatureliness, or shall I appropriate that voice as my own?<sup>18</sup>

So far all that we have achieved here is a mere extension of the spadework already carried out by Clark; additional elaboration that is already thus doubly derivative. At the same time, all this can be seen as a somewhat elaborate, drawn-out ploy to catch Derrida at his own game, so to speak. And, in fact, there are many more instances, just in the few pages of *Specters of Marx* we have already canvassed, which will need to be mentioned, if not directly addressed. Especially worthy of note is the moment when Derrida essentially accuses Heidegger of denying the otherness of justice through his constant privileging of presence:

Otherwise [*Faute de quoi*] justice risks being reduced once again to juridical-moral rules, norms, or representations, within an inevitable totalizing horizon (movement of adequate restitution, expiation, or reappropriation). Heidegger runs this risk, despite so many necessary precautions, when he gives priority, as he always does, to gathering and to the same ... over the disjunction implied by my address to the other, over the interruption commanded by respect which commands it in turn, over a difference whose uniqueness, disseminated in the innumerable charred fragments of the absolute mixed in with the cinders, will never be assured in the One. (*SM* 28; *SdM* 56-7)

There are two words here that deserve notice: the first is the issue of “the One.” To say here that Heidegger equates “the same” with the One is to read Heidegger as another instance of a metaphysical attempt to place the otherness of *diké*, justice, and jointure in a relation of equality with substance, God, or whichever ontological or theological concept one might insert here. It is true, however, that Derrida does say, very carefully, that it is a “risk” Heidegger runs—perhaps suggesting that Derrida is not actually asserting that Heidegger engages in this, but merely that the latter runs the risk of being construed that way. Certainly, but simply to risk it is not the same as actually carrying out or actualizing it. If anything, as we have tried to show, Heidegger would undoubtedly risk such a thing, but would not wish to be seen as trying to produce the One of/in constant presence—since this is precisely what we have shown to be Heidegger’s target in our reading here.

### III

I would like to try, at this point, to put forward something a little more constructive on the range of issues we have canvassed here so far—and I will attempt this by looking at the very enigmatic issue of the “coming of the other” (or the late Derrida’s “messianism without messianism”). My goal will be to suggest a way to relate the “risk” that Derrida says Heidegger runs, and which we have already mentioned. The key passage occurs just after the remark on justice becoming equivalent to the “good conscience.” Quoted in full it reads:

Otherwise [*Faute de quoi*] it [justice] rests on the good conscience of having done one's duty, it loses the chance of the future, of the promise or the appeal, of the desire also (that is its "own" possibility), of this desert-like messianism (without content and without identifiable messiah), of this also *abyssal* desert, "desert in the desert" ..., one desert signaling toward the other, *abyssal* and *chaotic* desert, if chaos describes first of all the immensity, excessiveness, disproportion in the gaping hole of the open mouth—in the waiting or calling for what we have nicknamed [*surnommons*] here without knowing the messianic: the coming of the other, the absolute and unpredictable singularity of the *arrivant as justice*. ... Otherwise [*Faute de quoi*], one would reduce the event-ness of the event, the singularity and the alterity of the other.

I would suggest—this would not be anything Derrida would deny—that this coming of the other is a terrifying<sup>19</sup> prospect for us. I say this because the way Derrida describes this "messianic" force—as entirely unpredictable, radically heterogeneous to any calculation or predication, or systematicity (it is *chaotic*), absent of any rule or law—is a very standard definition of the word "random." Thus, this "desert within the desert" of a "messianism without messianism" is not a mere epistemic blockage experienced by the human and its temporality (just like the specter in Derrida's *Specters of Marx*, this coming of the other is not an epistemic problem, but is instead a deeply ontological one,<sup>20</sup> due to its inherent unpredictable randomness). Of course, this begs the question: how much of a "risk" is run here by Derrida in thinking the question of justice here as the coming of the other as the utter randomness of the other? Does this not run a very analogous risk to the one Derrida attributes to Heidegger? If Derrida is correct to say that Heidegger always privileges the jointure and thus always reinstates a metaphysics that can do away with disjunction and disjuncture, then is not Derrida's alternative here, to privilege the side of death, disjuncture, and negativity, etc. just a simple reversal of Heidegger's own position? Heidegger and Derrida here would thus run very similar risks, risks that are, admittedly, on opposite sides of one another.

Such a question may need to remain speculatively rhetorical, so I will instead try only to situate it more carefully between these two positions: justice as a mere matter of "right" and justice as the random, chaotic, unpredictability of the other. Neither position seems adequate or satisfactory to us. And would not this fact—not

only the fact of the “right”/“random” distinction, but also the fact of its *not* satisfying us) be precisely the place of the undecidability of words like *diké* and death, precisely the place of the human in the between wherein this openness to otherness and undecidability can be traced out? In this seeming aporia between right and randomness, we would see this undecidability, we would see ourselves caught, entangled, right here with the other. And here, caught between the monstrosity of the good conscience and the radical heteronomy of the other, the other’s relation to our freedom, the question of our will, the issue of our responsibility to the other, the dilemma of justice, would become clearer. Such would then be the task for politics, thinking, and philosophy: the tracing out of this undecidability of the other that is justice.

#### IV

The use of Schelling to adjudicate between the positions of Heideggerian philosophizing and Derridean reading possesses an irony, to be sure. If Schelling is a deeply metaphysical thinker, then we are using a part of the traditional metaphysical theory to help solve a dispute between two philosophers that can hardly be called “metaphysicians,” or, at least, not metaphysics of the traditional or orthodox sort. However, this irony is part and parcel of any engagement with thinkers that attempt to think against the grain of traditional metaphysics and philosophy. In any deconstruction, the language of metaphysics is unavoidable—we possess no language absolutely free and clear of metaphysical baggage. Derridean deconstruction was by no means unique in making such a claim. Heidegger’s own concept of *Destruktion* (*Abbau*)—itself a model for Derrida’s own “deconstruction”—admitted this irreducibility of metaphysics when he claimed that this process

... has nothing to do with a vicious relativizing of ontological standpoints. But this destruction is just as far from having the negative sense of shaking off the ontological tradition. We must, on the contrary, stake out the positive possibilities of that tradition, and this means keeping it within its limits; and these in turn are given factually in the way the question is formulated at the time, and in the way

the possible field for investigation is thus bounded off. On its negative side, this destruction does not relate itself toward the past; its criticism is aimed at 'today' and at the prevalent way of treating the history of ontology. .. But to bury the past in nullity (*Nichtigkeit*) is not the purpose of this destruction; its aim is positive; its negative function remains unexpressed and indirect.<sup>21</sup>

Derrida's lifelong criticism of the Heideggerian *Destruktion* was not that it thought it could violently do away with metaphysics *tout court*, but that Heidegger thought he could use this method to capture the "primordial experiences on which we achieved our first ways of determining the nature of Being" and all the other traditional ontological concepts.<sup>22</sup> If Derrida's work always seemed so close to simply reiterating the progress already made by Heideggerian philosophy, the insertion of the work of Schelling into the confrontation between Heidegger and Derrida on the questions of disjunction, death, and *diké* proposes a kind of middle ground. This middle ground—seen through the unorthodox position both Heidegger and Derrida have vis-à-vis Western metaphysics—is obviously an option that we need—and the fact that Schelling's work is itself part of a metaphysical tradition need not keep us from utilizing it in order to see how the work of these two revolutionary 20<sup>th</sup> Century philosophers might actually be able to be joined together. Both Heidegger and Derrida knew the necessity and irreducibility of metaphysical language and concepts and Schelling's work is very well-suited not only to dealing with the dilemma of death, justice, and jointure, but also these philosophers' intertwined and interwoven relation with traditional metaphysics itself. The two options that seem to be presented to us by Heidegger and Derrida—either a privileging of jointure (which allegedly leads back, in Derrida's view, to a defunct metaphysics of presence) or an equal privileging of disjointure—are not completely satisfying. The third option is one that would allow us to read the jointure-disjointure a bit more dialectically, as a relation that is an interplay rather than having to slide towards one side or the other of the jointure-disjointure issue. Schelling's remarks in his *Philosophical Investigations into the Essence of Human Freedom* allow one to see the necessity of a reading that allows us to avoid a terrifying narcissism that seeks to crush all particulars, thus putting an end to all jointure and disjointure. The craving self, the self dominated by *Sucht*, in Schelling would be a self that would equally erase both of the "risks" that Heidegger and Derrida are willing to

take in understanding the impact that life and death, jointure and disjointure, can have on a finite being that feels a call to justice. Adding Schelling to the confrontation here allows one to view then Heidegger's discussion of jointure and justice as much closer to Derrida's own remarks. Both of their readings, each in their own unique ways and methods, can be seen to keep open this "undecidability of the other." At the very least, Schelling's work suggests a possible rapprochement that would allow us to see that one of the best possibilities for our discussion of justice, death, jointure, and disjointure, is itself a joining and disjoining of the work of Schelling, Heidegger, and Derrida.

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- <sup>1</sup> Jacques Derrida and Maurizio Ferraris, *A Taste for the Secret* (Cambridge: Polity Press, 2001), 57-59.
- <sup>2</sup> Jacques Derrida *Specters of Marx: The State of the Debt, the Work of Mourning, and the New International*, trans. Peggy Kamuf, (New York: Routledge, 1994), p. 27, and will be cited parenthetically in text by *SM*. The original French page number will be given along with the abbreviation *SdM*.
- <sup>3</sup> Martin Heidegger, "Anaximander's Saying," in *Off the Beaten Track*, ed. Julian Young and Kenneth Haynes, (Cambridge: Cambridge UP, 2002), pp. 242-281; 267-68. Hereafter cited parenthetically in the text.
- <sup>4</sup> In *Being and Time*, Heidegger describes *Da-sein* (the being for whom its being is a question) as care (*Sorge*). *Da-sein* is the being that takes care of things, of things that are present around it as well as those that are not. Care is a fundamental mood by which *Da-sein* shows itself to take a concern for not only being-in-the-world but being-with-others as well.
- <sup>5</sup> Later on we will see that this is not so much a reading of Derrida's criticism of Heidegger, since he does not make this criticism only in order to insert a discussion of the subject, freedom, will, etc. that Heidegger's reading lacks. Instead, we will need to see if Derrida shies away from these topics just as Heidegger does.
- <sup>6</sup> Here is where we could offer a psychoanalytic analogy to the Freudian *Bemächtigungstrieb* in *Beyond the Pleasure Principle*. But this would need to be a tenuous analogy for Heidegger and a very necessary or fecund one for Derrida. More conservatively, leaving out the psychoanalytic connotations, our intervention falls in line quite nicely with Martin Hägglund's conception of Derrida's "radical atheism." See his *Radical Atheism: Derrida and the Time of Life*. Stanford: Stanford UP, 2008.
- <sup>7</sup> *Ibid.*, p. 276.
- <sup>8</sup> David L Clark, "Being on Schelling," *diacritics* 27:3 (1997), p. 11.
- <sup>9</sup> Jacques Derrida, *Of Spirit: Heidegger and the Question*, trans. Geoffrey Bennington and Rachel Bowlby, (Chicago: U of Chicago P), p. 102.
- <sup>10</sup> Friedrich Schelling, *Philosophical Inquiries into the Nature of Human Freedom*, trans. James Gutman, (La Salle, Illinois: Open Court Classics, 1992), p. 33.
- <sup>11</sup> On the *Urgrund/Ungrund* play, see David Krell's "The Crisis of Reason in the Nineteenth Century: Schelling's Treatise on Human Freedom," in *The Collegium Phaenomenologicum: The First Ten Years*, ed. John C. Sallis, Giuseppina Moneta, and Jacques Taminiaux, (Dordrecht: Kluwer Academic P, 1988), pp. 13-32.
- <sup>12</sup> Clark says similarly: "... the attempt to totally incorporate the ground is for Schelling the paradigmatic structure of the 'evil' act" (p. 18).
- <sup>13</sup> Martin Heidegger, *Schelling's Treatise on the Essence of Human Freedom*, trans. Joan Stambaugh, (Athens, Ohio: Ohio UP, 1985), p. 142.
- <sup>14</sup> *Ibid.*, p. 143.
- <sup>15</sup> *Ibid.*, p. 125.
- <sup>16</sup> *Ibid.*
- <sup>17</sup> Clark, p. 18.
- <sup>18</sup> *Ibid.*, p. 21, italics mine.
- <sup>19</sup> It is important to state a difference—not a wholly rigid one, of course—between this carefully chosen word, "terrifying," and the rhetoric of "haunting." If "to be haunted" connotes a more past oriented, general feeling of being, quite literally, creeped-out, the terrifying would be the obverse: a more future-looking attunement (*Bestimmung*), which would thus fit the futural *à venir*-nature of *Specters of Marx*, and specifically this justice *to-come*, a little better. Occasionally haunted by the past and terrified of the future, this would be the *zwischen* in which we always are.
- <sup>20</sup> As a wholly tangential side note, much attention and exegesis should be paid to the word "surnommons"—"nicknaming" the other—in the previous excerpt. This would lead us too far astray, though we might set down a couple of comments here. We obviously latch on to this word, given two specific definitions of "to nickname" in English: 1.) We often give a nickname to someone we know very well, a close friend often receives this additional name that is added to the one we already know; 2.) according to the OED, to nickname can mean to give another name that is an incorrect appellation, as in the old sense of the *quid pro quo*, which Derrida himself notes in a footnote on p. 155. These definitions are quite an elucidatory way to think about the coming of the other, the messianic without messianism, justice to come, etc. Certainly there is something that comes to us from the other, enough for us to name it ("think" it, perhaps and not "know" it—Derrida says "*surnommons ici sans savoir*")—but it does not present itself in such a way for us to really know it—thus we are forced to always give it an incorrect appellation (thus satisfying definition 2 because the state of affairs in 1 does not hold). All we have here is the *trace* of the other—the trace understood here as an always incorrect attribution, a nicknaming that nicknames what it will never know like a friend. Thus, the other is not to be seen as an epistemological construct of any kind, instead it is an ontological one; it is not an issue of *not knowing enough* about the other—since, to repeat the great difference between Levinas and Derrida, it is not a trace that belongs to (an)other, it is not the other's trace—so as to name it better. Instead we have a fundamental ontological errancy, a fundamental site wherein we might be supposed to notice the specter—and, of course, the secret.

This is, of course, all still preliminary in its form, we would still need to dig a little deeper here and show exactly *why* and *how* the specter is to be seen as an ontological rather than epistemological issue. This would entail showing the specter's logic to be incommensurable with a "classical," Aristotelian logic; in other words, we would need to carefully tease out the way in which the specter can be described by a non-classical logic—a logic that no longer operates according to the "either/or" but to the "both" and "neither"—and thus irreducible to "ontology."

<sup>21</sup> Martin Heidegger, *Being and Time*, trans. John Macquarrie and Edward Robinson (New York: Harper & Row, 1962), p. 44.

<sup>22</sup> *Ibid.*: "If the question of Being is to have its own history made transparent, then this hardened tradition must be loosened up, and the concealments which it has brought about dissolved. We understand this task as one in which by taking the question of Being as our clue we are to destroy the traditional content of ancient ontology until we arrive at those primordial experiences in which we achieved our first ways of determining the nature of Being—the ways which have guided us ever since."