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The Death Penalty

Volume I

Jacques Derrida

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When to die finally?

Is it enough to say "I have to die" or "I will have to die" to be authorized to translate these utterances by "I am condemned to death"? According to the common sense of the language, the answer is no, obviously not. Even if one keeps, more or less as a metaphoric figure, the word "condemned," well, "I am condemned to die" does not signify, sensu stricto, "I am condemned to death." That is just good sense, common sense. I am, we are all here condemned to die, but the chances are few that any of us here will ever be condemned to death—especially in France and in Europe.

From "being condemned to die" to "being condemned to death," it is a matter, then, of passing over to another death, perhaps. Perhaps. I keep the "perhaps" in reserve. And I keep in reserve the decision as to which may appear preferable: to be condemned to death or to be condemned to die. If, for example, I was given the choice between being condemned to death at age seventy-five (guillotined) or being condemned to die at age seventy-four (in my bed), admit that the choice would be difficult. In order to pose seriously the same question of what may be intolerable about the death penalty, one must put oneself in another situation, the real situation, namely that, at the moment of execution, the condemned one knows in all certitude that without the execution he or she would live longer, be it only a year, a month, a day, a second. The alternative is terrible and infinite: I may deem it intolerable, and this is the case of the death penalty, to know that the hour of my death is fixed, by others, by a third party, at a certain day, a certain hour, a certain second, whereas if I am not condemned to death but only to die, this calculable knowledge is impossible. But conversely, I may deem it intolerable not to know the date, the place, the mode of execution at my disposal, at least phantasmatic, all these doubts about death and thus by arriving in this future, quasi-suicidal mastery of my death, at one's death. Perhaps—story of how death will not take my life into its own disposal, like a quasi-suicidal auto-euthanasia, and this can always be inferred in the condemned ones who seem to do permit death [se donner cette mort], this phantasmatic time of death, and so forth.

When does one die? How do I determine what will be that intransitive verb, "to die," a matter of death, the other even as it is always understood, a perishing, and whose subject is the patient, even if it thinks it is called the death penalty?

In all these questions on the "how," the difficulty, and first of all the semantic opposition with the modality (the "how," the manner) with the fact of my death, and with "death." But since what is called the condemnation to death is something before even the technical modes of the date, the hour, in truth the instant, when I have to die? holds or is granted a meaning, it is by answering the question: a knife blade, two deaths or two condemnations or two deaths and the condemnation to death. That is the case of the death penalty, to know that the hour of my death is fixed, by others, by a third party, at a certain day, a certain hour, a certain second, whereas if I am not condemned to death but only to die, this calculable knowledge is impossible. But conversely, I may deem it intolerable not to know the date, the place, the mode of execution at my disposal, at least phantasmatic, all these doubts about death and thus by arriving in this future, quasi-suicidal mastery of my death, at one's death.
able not to know the date, the place, and the hour of my death and thus I may dream of appropriating this knowledge, of having this knowledge at my disposal, at least phantasmatically, by getting myself condemned to death and thus by arriving in this fashion at some calculable certitude, some quasi-suicidal mastery of my death (one can thus imagine—and there are such stories—that some person contrives, or even asks, to be guillotined so as to secure this knowledge and this phantasmatic mastery, which one can believe finally to be precisely meta-phantasmatic, real, of the moment of death). By knowing at what hour, on what day I will die, I can tell myself the story of how death will not take me by surprise and will thus remain at my disposal, like a quasi-suicidal auto-affection—hence, I repeat, sometimes, and this can always be inferred in every case, the behavior of criminals or condemned ones who seem to do everything so as to give themselves this death [se donner cette mort], this phantasm of omnipotence over their own death, and so forth.

When does one die? How to die? Given that I have to die, how do I know, how do I determine what will happen to me under that name, under that intransitive verb, "to die," a verb that is more intransitive than any other even as it is always understood as the passage of a transition, a transiting, a perishing, and whose subject, the I, as such, is neither the agent nor the patient, even if it thinks it is committing suicide?

In all these questions on the "how" or the "when" of my death, the difficulty, and first of all the semantic difficulty, has at least as much to do with the modality (the "how," the "where," and especially the "when") as with the fact of my death, and with the possessive "my" at least as much as with "death."

But since what is called the condemnation to death decides above all, before even the technical modes of execution, as to the term, the moment, the date, the hour, in truth the instant, well, the question, when? when will I have to die? holds or is granted a privilege that must be analyzed. Fundamentally, it is by answering the question, when? that one can divide, as with a knife blade, two deaths or two condemnations, the condemnation to die and the condemnation to death. The mortal that I am knows that he is condemned to die, but even if he is sick, incurable, or even in the throes of death, the mortal that I am does not know the moment, the date, the precise hour that he will die. He does not know, I do not know, and I will never know it in advance. And no one will know it in advance. This indetermination is an essential trait of my relation to death. It may be a little sooner, a little later, much sooner, much later, even if it cannot fail to happen. Whereas the one condemned to death—and this is the difference—can know, can think
he knows, and in any case others know for him, in principle, by right, on which day, at which hour, or even at which instant death will befall him. In any case—and it is to this acute and as yet poorly thought-out point that I wanted to redirect all these questions, questions that themselves remain basically rather banal—in any case, the concept of the death penalty supposes that the state, the judges, society, the bourreaux and executioners, that is, third parties, have mastery over the time of life of the condemned one and thus know how to calculate and produce, in so-called objective time, the deadline to within a second. This knowledge, this mastery over the time of life and death, this mastering and calculating knowledge of the time of life of the subject is presupposed—note that I say presupposed—alleged, presumed in the very concept of the death penalty. Society, the state, its legal system, its justice, its judges and executioners, all these third parties are presumed to know, calculate, operate the time of death. Their knowledge of death is a presumed knowledge on the subject of time and of the coincidence between objective time and the subjective time of the subject condemned to death and executed.

Let us keep these questions and suspicions waiting. What is certain, and trivial—and you will easily agree with me on this—is that if there is some torture, torturing, cruelty in the process of the condemnation to death, what is most cruel and the cruel itself, the crux [croix], is indeed, beyond everything, beyond the conditions of detention, for example, and so many other torments, the experience of time. One cannot think cruelty without time, the time given or the time taken, time that becomes the calculation of the other, time delivered up to the calculating decision of the other, sometimes another who is as anonymous as a state or a justice system, in truth and in the last instance, the calculating and exceptional decision of a great other in the figure of the prince, the president, the governor, that is, the sovereign holder of the right to pardon.

I do not need to underscore and describe here the dramaturgy that links the concept of time to that of the pardon. The pardon [la grâce] gives time, and the only “thing” that can be given graciously is time, that is to say, at once nothing and everything.

Even the so-called master of this calculation, that is, the prince, the governor, whoever holds the ultimate right of pardon, can suffer from it and here I think of the infinite indecency, the bottomless obscenity, of the governor and potential candidate for the presidency of the United States, Bush, Jr., who, with only one exception, I believe, has never pardoned anyone (more than 120 executions while he was governor of Texas, a woman whom we were speaking of anything but burning or ardent with to declare that the forty-five minutes condemned ones he had not pardoned him, if one may say that, perhaps holding this declaration, unless once again a few more voters, like, one must add, the great Christian country to take and the death penalty, and thus to promise. Things will change over there the day tomorrow—a candidate for president himself or herself to the voters as an outcome, I am convinced of it, but, likely that it will then be a matter of cancel.

The question remains, then: when? what moment? In which sense am I condemned? And why is it the coincidence between condemnation to death and the time given or the time taken, that is the time delivered up to the calculating decision of the other, sometimes another who is as anonymous as a state or a justice system. As it stands, it is a question of time, of the present indicative the presence of the verb "to be," the third person of the present; it describes in the present indicative the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of the verb "to be," the third person of the present, the presence of

2. [Translator’s note]: That is, George W. Bush.

3. See above, “Eighth Session, February”
than 120 executions while he was governor, and he did not pardon the woman whom we were speaking of the other evening), this Bush, who is anything but burning or ardent with any fire whatsoever, and who dared to declare that the forty-five minutes of the execution of one of the 120 condemned ones he had not pardoned had been the worst in his life. And this man, if one may say that, perhaps hoped to garner more sympathy by making this declaration, unless once again he was only thinking of winning over a few more voters, like, one must admit, every candidate for the presidency of the United States. It is impossible for a candidate for the presidency of that great Christian country to take a position, during his campaign, against the death penalty, and thus to promise anything other than its maintenance. Things will change over there the day when—and it is not going to happen tomorrow—a candidate for president or for governor can dare to present himself or herself to the voters as an abolitionist. This time will certainly come, I am convinced of it, but, like death (and not like the death penalty that it will then be a matter of canceling), I do not know when.

The question remains, then: when? When will death come upon me? At what moment? In which sense am I condemned? Is it to die or to death that I am condemned? And why is it the question, when? that makes the difference between condemnation to death and condemnation to die?

The mechanism falls like a bolt of lightning, the head flies off, blood spurts out, the man is no more. (Reread)

I had announced that I would reread this sentence. That we would attribute it and analyze its sense and its blood [le sens et le sang]. The redness. In truth, it is its time that one must analyze first. For it is, among other things, a sentence on time. Notice first the time or tense of its verbs. It is written in the present; it describes in the present, the present indicative, and all the verbs are intransitive ("The mechanism falls like a bolt of lightning, the head flies off, the blood spurts out, the man is no more"); it describes intransitively in the present indicative the presence of a present, of a present instant that does not last; but you notice right away that this present, notably the present of the verb "to be," the third person of the verb "to be" (for everything remains here in the third person: the subject of the utterance could not use any other person but the third person; he could not say, for example: I am no more, you singular are no more, you plural are no more; he must, in the third person, speak of what happens to one condemned to death, to a man as

third man, as third party ("he, the man, is no more"), you notice, then, right away that this present, notably the present of the verb "to be," in the third person of the verb "to be," describes by way of the negation affecting it (it is the only present indicative that forms a negative proposition) the instantaneous passage, without duration, from the presence to the non-presence of the subject, of the man: the man right away is no longer. It suffices that in an infinitesimal, inconsistent, nonexistent instant, an instant without time, it suffices that on the point (stigme: instant in Greek) or on the blade edge of an instant the "mechanism falls like a bolt of lightning" (and lightning here is what lasts no longer than a flash, but it is also what comes from on high and that, coming from on high — like the bolt of lightning that has always signified it — gathers in a flash without duration both God's verdict, the Last Judgment, and the act of punishment emanating, falling, striking down on the sinner, from the transcendence of the Most High — and the guillotine supplements here, replaces and represents the height of the Most High); it suffices that in an instant the mechanism, like a deus ex machina, falls like a bolt of lightning and the little "is," the presence of the "is," signifies no longer presence but the passage to nothingness, the transition without transition from being to nothingness: "the man is no longer."

It is truly the instant of death, but not the instant of my death, always the instant of the death of a third party, of the other who is not and will never be either me, or you, or us: "the man is no more."

It is very well described; it is very well written, this operation, the motor of this four-stroke verbal machine, four present indicatives that are not only intransitive but extenuate any transition between the four moments of which the fourth nevertheless (it too in the present) signifies, without transition, the passage from being to nonbeing, more precisely to no-longer-being: "The mechanism falls like a bolt of lightning, the head flies off, blood spurts out, the man is no more."

Who is it who writes so well? Or who speaks so well, for the striking density, the impeccable economy of this four-verb sentence in the intransitive present indicative is due first of all to the rhetoric of an orator who knows how to count out the tempo, who knows how to count with time, and who lets his sentence fall, like a blade or a bolt of lightning, with the same rhythm as that of which it is speaking. This orator is none other than Doctor Guillotin himself. He was then presenting his invention to the Constituent Assembly. And although, as I said, his speech has been lost even as the proposed law I read last week was preserved, it happens that the sentence in four strokes minus one, so to speak ("The mechanism falls like a bolt of lightning, the head flies off, blood spurts out, the man is no more").

Mr. Guillotin described the mechanism; depicting its effect, he forgot to give in to pomposity or pathetic boast, the law of the satiric, comic, ironic gesture, been deriding and denigrating Guillon's progressive, individualist, egalitarian, mechanical, and so forth. Before reading like at least to formulate the following an urge or a compulsion drives one (the guillotine and others, Old Spark, ridiculous figures, quasi persons appraising some joke, or witticism in bad taste, so as to name them derisively, to give the law of the satiric, comic, ironic gesture, than not feminine? Why, as we said, for man, for the human and more of a woman (virgin, mother, or she scares us, in whose face we sometimes laughter, you remember, upon seeing with or without teeth? I will not insist, you see very well, questions can orient their elaboration is that this direction is perhaps no drives and compulsions that gave birth to themselves, to their figuration, to the invention, and to their being put into États Généraux:

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minus one, so to speak ("The mechanism falls like a bolt of lightning, the head flies off, blood spurts out, the man is no more"), was quoted the next day in the *Journal des États Généraux*, which both praises and mocks the qualities of someone who speaks as an orator rather than a legislator. With the same stroke, if I may say that, this newspaper article, the very next day after the speech, institutes a law of the genre: by insinuating that a proposed law ought not to be a passage of poetico-rhetorical declamation, ought not to give in to pomposity or pathetic bombast, the *Journal* does indeed initiate the law of the satiric, comic, ironic genre that for the last two centuries has been deriding and denigrating Guillotin’s guillotine, the machine said to be progressive, individualist, egalitarian, painless, anesthetizing, euthanizing, mechanical, and so forth. Before reading a few lines of this article, I would like at least to formulate the following question: how does it happen that an urge or a compulsion drives one to turn these tragic death machines (the guillotine and others, Old Sparky, for example) into targets of laughter, ridiculous figures, quasi persons appealing to *Witz*, to the *mot d’esprit*, to some joke,4 or witticism in bad taste? And first of all, what is this compulsion to name them derisively, to give them a proper name, a name at once proper and common (Old Sparky, la Guillotine, The Widow, The Maiden, Mannaia, etc.?), the proper and common name of a figure that is more often than not feminine? Why, as we said, would this death machine resemble, for man, for the human and more often than not the masculine phantasm, a woman (virgin, mother, whore, or widow) who makes us laugh where she scares us, in whose face we sometimes laugh with nervous and anxious laughter, you remember, upon seeing in this woman a devourer, a swiller, with or without teeth?

I will not insist, you see very well, I suppose, in which direction these questions can orient their elaboration if not their answers. All I am suggesting is that this direction is perhaps not so foreign to the one that leads to the drives and compulsions that gave birth in the first place to these machines themselves, to their figuration, to the figuration of their figure, to their invention, and to their being put into operation. I read now the *Journal des États Généraux*:

Mr. Guillotin described the mechanism; I will not follow him in all his details; depicting its effect, he forgot for a moment he was a legislator when, speaking as an orator, he said: "The mechanism falls like a bolt of lightning, the

4. [Translator’s note]: "Joke" in English in the original.
head flies off, blood spurts out, the man is no more." It is not in the penal code
that such passages are permitted. (Qtd. in Arasse, 26).

"It is not in the penal code that such passages are permitted."

This latter remark goes so far as to issue a kind of prescription, with reference
to a law, to a "one must," "one must not," "it must not be done," it is
not permitted — and it is not permitted to speak in this fashion in a juridico-
penal code. "It is not in the penal code that such passages are permitted."

Right away there were other parodies of the same speech by Guillotin on
his daughter the guillotine. I will retain only two features for what matters
to me here. The two features intersect inasmuch as they associate the instant
of death, the death of the other, the claimed reduction to an utterly negli-
gible lapse of time, to the trenchant extenuation of duration in the passage
from the present to non-presence, from being to nonbeing; they associate
all this with the misleading motif of a certainty without appeal, of an al-
leged indubitability of death, as indubitable as the cogito for the executed
prisoner, of an efficacy such that the machine does not need to start over a
second time (we have seen and will see again how misleading this certainty
is). The first of these texts (mentioned by the Goncourt brothers in their His-
tory of French Society during the Revolution) plays on the theatrical metaphor
and represents Guillotin as a stage director praising his spectacle from the
angle of the head stagehand — inventor of the machine that is, you recall,
progressive, egalitarian, individualist, and mechanistic:

My dear brothers in the fatherland [!!! comment!], I have had so many
patients die in my hands [the stage director is a doctor out of Molière]
that I can boast of being one of the greatest experts on ways to depart this
world.... With my stagehand, I have managed to invent the ravishing ma-
chine you see here.... Beneath the stage is a bird-organ set up to play very
merry melodies, like this one [bird-organ (serinette) is the name of a small
mechanical organ meant to seriner, that is, to instruct a bird, to teach it a
melody]: My good woman when I dance, or this other one: Adieu then French
lady; or else this one, Good evening everyone, good evening everyone. Having
reached this point, the actor will place himself between the two columns, he
will be asked to press his ear to this stylobate [an architectural term: foun-
dation decorated with molding that supports a colonnade] on the pretext
that he will be able to hear much better the ravishing sounds played by the

5. During the session, Derrida ironically adds: "It's off to a good start. So, it is in the
name of republican and patriotic fraternity that he speaks. And it is brothers and not
sisters. And it's a doctor who is speaking, don't forget that."

What this derision, this parody, that is both the supposed sublime and the sub-
edge of time that, canceling both times, the head of the condemned one as to the inter-
have been so subtly detached from the
ness of this play by calling Descartes a
stand, and perhaps so as to evoke at least the guillotine: not only because of
and the egalitarian universalism (equity, common sense, a manner of attestin
sense, the most widely shared thing in
substance untouched by anything that is possible to any corporal accident, the con-
to undertake a serious lecture on De
with a Cartesian doxa or ideology) as it
happens to the pineal gland when the split instant? What happens to the
doubts, says the satirical text I have
... the instant of death is past until it is
It is the other who determines the insta
Later you will understand better what
of death. Before explaining it, I will in
the same satiric vein, allies the theme
on the one hand, and on the
euthanasia, anesthesia, the "it goes sc
feels or suffers." For these two them
almost intemporal instantaneousness and
even gentleness — are indissociable. Th
6. Edmond and Jules de Goncourt, His
tion, quoted in Arasse, La guillotine et l'im
bird-organ; and his head will be so subtly severed that, still long after it has been separated, it itself will be in doubt. In order to convince it, applause must necessarily resound in the public square.⁶

What this derision, this parody, this caricature, gives one to think about is both the supposed subtle and the sudden ("so subtly severed"), the sharp edge of time that, canceling both time and suffering, leaves a doubt in the head of the condemned one as to the instant of its death even as the head will have been so subtly detached from the body. One could extend the seriousness of this play by calling Descartes and the Cartesian cogito to the witness stand, and perhaps so as to evoke at least a certain Cartesianism of Guillotin and the guillotine: not only because of the mechanism and the individualism and the egalitarian universalism (equality before the penal law being, like common sense, a manner of attesting to the universal rationality of good sense, the most widely shared thing in the world), but also the philosophy of time that was Descartes's, namely, his instantaneousism (time is constituted of simple, discontinuous, discrete, and undecomposable instants), but also the dualism of the soul and the body that leaves the essence of the thinking substance untouched by anything that may happen to the body and inaccessible to any corporal accident, the complication arising (but I am not going to undertake a serious lecture on Descartes; I am contenting myself here with a Cartesian doxa or ideology) as to the place of the pineal gland: what happens to the pineal gland when the head is separated from the body in a splitting instant? What happens to the cogito? Well, the head all by itself has doubts, says the satirical text I have just quoted; it no longer knows if it has been separated, it will not know that the execution has taken place and that the instant of death is past until it hears the applause from the public square. It is the other who determines the instant of my death, never I.

Later you will understand better why I insist on this time and this instant of death. Before explaining it, I will evoke one more parodic echo that, in the same satiric vein, allies the theme of the Augenblick, the instant as blink of an eye, on the one hand, and on the other, that of absolute non-cruelty, euthanasia, anesthesia, the "it goes so fast one does not even have the time to feel or suffer." For these two themes—instantaneity and anesthesia, the almost intemporal instantaneity and insensibility, non-pain, non-cruelty, even gentleness—are indissociable. Time is sensibility or receptivity, affection (a major vein of philosophy from Kant to Heidegger, which I will not

get into here); time is suffering; the time of execution is endurance, passion, the pathetic, pathological *paskhein* — which sometimes means not only “to undergo” but “to undergo a punishment,” and the fact of passively undergoing can already be interpreted as the suffering of a punishment: sensibility is in itself a punishment. If you suppress time, you will suppress sensibility (*pathè* is sensibility, passivity but also suffering, pain), so that the guillotine, inasmuch as it is supposed to act instantaneously and suppress time, would be what relieves pain, what puts an end to pain: playing with it a little, one could say that it is a little like what is called in American English, speaking of analgesics, a “painkiller.” The guillotine is not just a killer, it’s a painkiller? And it kills pain because in a certain way, reducing time to the nothingness of an instant, to the nothingness of an instant, it kills time.

Here, then, is the article that gathers together, as they must be, the argument of the instant, the blink of an eye (*Augenblick*), and that of anesthesia, an anesthesia that becomes euthanasia a little the way one transforms an absence of pain into a mild sensation, or even a sensation of pleasure. As if to die guillotined became, for lack of time, thanks to the abolition of time (as in Hegel’s absolute knowledge where time is not merely sublated but suppressed — *Tilgen* and not *Aufheben*, at the end of *The Phenomenology of Spirit*, which comes after Christ’s passion in a philosophy and a logic of absolute knowledge that is the truth of revealed religion), as if to die guillotined became, for lack of time, thanks to the abolition of time not merely painless but almost a pleasure [*jouissance*] or in any case the beginning of some pleasure. Pay attention to the tenses and modes of the verbs in these two sentences from the *Moniteur*, two weeks after Guillotin’s speech:

Gentlemen [says Guillotin’s caricature], with my machine, I chop off your head in the blink of an eye and without your feeling the least pain from it. [And elsewhere]: The punishment I have invented is so gentle that one would not know what was happening if one were not expecting to die and that one would have imagined feeling nothing but a slight coolness on the neck. (Qtd. in Arasse, 26)

This expression, these words “slight coolness on the neck” were doubtless pronounced by Guillotin, since many traces of them can be found. One of these traces reappears in Camus’s “Reflections on the Guillotine” — which we will talk about again later from another point of view, notably as regards the system of historical or philosophical interpretation proposed by Camus, in this text published in 1954-55, reprinted in *Reflexions sur la guillotine* (Calmann-Lévy, 1957). Today I will what we are examining. I pause on an article, for several reasons, as you will a memory of Algeria, of the death of a murderer who had rushed there and were crowned.

Workers and sailors were coming loading crates at which all the eyes of the customs men were opening the crates, in the straw that was part of the canvases, one could make out strange ladder painted red, a basket painted blue which seemed to be encased on one canvas in the shape of a triangle.

A spectacle that was in fact other than the aloe, the fig tree, and the lentisk, that the sky: it was civilization arriving in Algeria with the sun, the narrative being signed *Maman* of an Arab followed by a trial and a murderer who does not even know the sun, the narrative being signed *Maman* of an Arab followed by a trial and a murderer who does not even know

7. [Translator’s note]: “Killer” and “painkiller” are in English in the original.

8. Thus in the typescript.
Camus, in this text published in 1957 in *La Nouvelle Revue Française* (no. 54–55), reprinted in *Réflexions sur la peine capitale* by Camus and Koestler (Calmann-Lévy, 1957). Today I will choose only two passages to support what we are examining. I pause on the *first passage*, at the opening of the article, for several reasons, as you will see, in particular because <it>it is about a memory of Algeria, of the death penalty in Algeria (where Hugo, you recall, had described the arrival of the first guillotine, in two pages [53–54] that you will read and from which I recall merely the conclusion). (Read Hugo’s *Écrits*, p. 54)

The whole scene was grand, charming, and pure, yet it is not what a large group was looking at, a group of men, women, Arabs, Jews, Europeans, who had rushed there and were crowded around the steamship.

Workers and sailors were coming and going from the ship to shore, unloading crates at which all the eyes of the crowd were staring. On the wharf, customs men were opening the crates and, through the planks of the gapping boxes, in the straw that was partly shoved aside, beneath the packing canvases, one could make out strange objects, two long joists painted red, a ladder painted red, a basket painted red, a heavy crosstie painted red in which seemed to be encased on one of its sides a thick and enormous blade in the shape of a triangle.

A spectacle that was in fact otherwise enticing than the palm tree, the aloe, the fig tree, and the lentisk, than the sun and the hills, than the sea and the sky: it was civilization arriving in Algiers in the form of a guillotine. (54)

I pause, then, on the *first passage*, at the opening of Camus’s article, for several reasons, as you will see, and they are all, directly or not, reasons that I would call “genealogical” or to do with “filiations,” once again, for you have already noticed, and again a moment ago, I insist on this, how difficult it was very often to separate familial dramaturgy, that is, also that of sexual differences (man/woman; father/son, mother/son; brother/brother, etc.) in this question of the death penalty, and here I choose, I was saying, this first passage of “Reflections on the Guillotine” in particular because, as a memory of Algeria, of the death penalty in Algeria, it reminds us that the author of *The Stranger* is the author of a narrative that begins on a beach in Algeria with “Maman died today” and recounts the murder of an Arab followed by a trial and a sentencing to death, the sentencing of a murderer who does not even know why he killed other than because of the sun, the narrative being signed in the first person by a narrator who is thus writing between the moment he was sentenced to death and the mo-

8. Thus in the typescript.
ment of execution. The time of the narrative corresponds in the law to the imminence of a decapitation by the guillotine, after the death sentence, the sentence, says the text of the verdict read by the judge and quoted by the narrator, to have his “head cut off in the public square in the name of the French people.”

I didn’t look in Marie’s direction [with the exception of the mother who dies at the beginning of the book, and whom one may suppose was loved by her son, the only other name of a loved woman is Marie]. I didn’t have time to because the presiding judge said to me in a bizarre formula that I was to have my head cut off in the public square in the name of the French people.

A little further on, the condemned man, the stranger, Meursault, comes back to this formula and after having several times called it “mechanical” or a “mechanism” (“implacable mechanism,” “I would be caught up in the machinery again,” two pages later it is once again a question of the “smooth functioning of the machine”), he describes the disproportion, which he deems “ridiculous,” between the verdict that had grounded this “arrogant certainty” of the mechanism and the “imperturbable march of events from the moment the verdict was announced” (103–5; Folio,165–69). And this absurd contingency, this cold and insignificant mechanism, this everyday banality, seems to him ultimately to deprive of any sense and seriousness what all the same is soon, “in the name of the French people,” to deprive him seriously of his life:

The fact that the sentence was read out at eight o’clock at night and not at five o’clock, the fact that it could have been an entirely different one, the fact that it was decided by men who change their underwear, the fact that it had been handed down in the name of some vague notion called the French (or German or Chinese) people—all of it seemed to me to deprive the decision of much of its seriousness. I was forced to admit, however, that from the moment it was made, its consequences became as real and as serious as the wall against which I pressed the length of my body. (104; Folio,167)

I will come back to the passage immediately following, you will understand why, but after having begun to read “Reflections on the Guillotine” (the two texts seeming to me, as I have just now noticed, profoundly con-


Opening a parenthesis here, I note the difference between murder or the crime and the death penalty, on the other. Here, at least so I hope, from the point precisely separates them irreducibly, by means of legal discourse or if, conversely, on the other side between the discourse of law and the text. Reread The Stranger, which I have just translated. You will see that Meursault, who gives no explanation, no justification, killed the Arab. He speaks, in sum, to say that there was the sun, that he remembers: (Read and comment on this.)

The interrogation began. He started as a taciturn and withdrawn person and I answered, “It’s just that I never had the chance to smile the way he had the first time. Of all, and added, “Besides, it’s not a question of the wrong key, because he lost his key. He pressed up to it, he asked if I loved Man and the clerk, who up to then had fixed him, said it was all pretty simple. He pressed back over what I had already told him, the quarrel, then back to the beach, the sun, the revolver. After each sentence he got to the body lying there, he nodded, repeating the same story over and over, so much in my life.

After a short silence, he stood up: “I meant by that, so I didn’t respond.” He quickly, “What interests me is you meant by that, so I didn’t respond.” I answered, “I don’t quite understand. I’m not quite sure of the house.” He said it was all pretty simple. He pressed back over what I had already told him, the story, the sun, the revolver. After each sentence he got to the body lying there, he nodded, repeating the same story over and over, so much in my life.

But first he wanted to ask me: “What interests me is you meant by that, so I didn’t respond.” I answered, “I don’t quite understand. I’m not quite sure of the house.” He said it was all pretty simple. He pressed back over what I had already told him, the story, the sun, the revolver. After each sentence he got to the body lying there, he nodded, repeating the same story over and over, so much in my life.

After a short silence, he stood up: “I meant by that, so I didn’t respond.” I answered, “I don’t quite understand. I’m not quite sure of the house.” He said it was all pretty simple. He pressed back over what I had already told him, the story, the sun, the revolver. After each sentence he got to the body lying there, he nodded, repeating the same story over and over, so much in my life.
nected through a link that I don't know if Camus criticism has ever noticed, still less analyzed).

Opening a parenthesis here, I note this on the subject of the supposed difference between murder or the criminal putting to death, on the one hand, and the death penalty, on the other. We have already said what is essential here, at least so I hope, from the point of view of the concept and what precisely separates them irreducibly, by right. But if one steps back on this side of legal discourse or if, conversely, one puts in question again the difference between the discourse of law and its other, then things get complicated. Reread *The Stranger*, which I have just done for the first time in some fifty years. You will see that Meursault, the stranger condemned to death, can give no explanation, no justification, when he is pressed to explain why he killed the Arab. He speaks, in sum, of light and color; he says he doesn't know, that there was the sun, that the beach was red. For example, you remember: (Read and comment on *L’Étranger*, 104–6)

The interrogation began. He started out by saying that people described me as a taciturn and withdrawn person and he wanted to know what I thought. I answered, “It’s just that I never have much to say. So I keep quiet.” He smiled the way he had the first time, agreed that that was the best reason of all, and added, “Besides, it’s not at all important.” Then he looked at me without saying anything, straightened up rather abruptly, and said very quickly, “What interests me is you.” I didn’t really understand what he meant by that, so I didn’t respond. “There are one or two things,” he added, “that I don’t quite understand. I’m sure you’ll help me clear them up.” I said it was all pretty simple. He pressed me to go back over that day. I went back over what I had already told him: Raymond, the beach, the swim, the quarrel, then back to the beach, the little spring, the sun, and the five shots from the revolver. After each sentence he would say, “Fine, fine.” When I got to the body lying there, he nodded and said, “Good.” But I was tired of repeating the same story over and over. It seemed as if I had never talked so much in my life.

After a short silence, he stood up and told me that he wanted to help me, that I interested him, and that, with God’s help, he would do something for me. But first he wanted to ask me a few more questions. Without working up to it, he asked if I loved Maman. I said, “Yes, the same as anyone,” and the clerk, who up to then had been typing steadily, must have hit the wrong key, because he lost his place and had to go back. Again, without any apparent logic, the magistrate then asked if I had fired all five shots at once. I thought for a minute and explained that at first I had fired a single
shot and then, a few seconds later, the other four. “Why did you pause between the first and second shot?” Once again I could see the red sand and feel the burning of the sun on my forehead. But this time I didn’t answer. In the silence that followed, the magistrate seemed to be getting fidgety. He sat down, ran his fingers through his hair, put his elbows on his desk, and leaned toward me slightly with a strange look on his face. “Why, why did you shoot at a body that was on the ground?” Once again I didn’t know how to answer. The magistrate ran his hands across his forehead and repeated his question with a slightly different tone in his voice. “Why? You must tell me. Why?” Still I didn’t say anything. (64-65; Folio, 104-6)

The fact that the stranger has neither an explanation nor a justification to give for his act, paradoxically, clears him of guilt in a certain way. He did not mean, he did not intend, to kill or to harm. He does not know, he does not understand, why he killed. “Because the beach was red,” declares the one of whom the prosecutor will nevertheless say that he is responsible and “knows the meaning of words” (96; Folio, 154). This phrase “because the beach was red,” in its apparent nonchalance and its massive, opaque certainty, might remind me—if we were to pursue the spectrography of lethal red that we initiated the last time—this “because the beach was red” might remind me of the extraordinary thing Matisse once said: “Fauvism is when there is a lot of red.” And fauvism, as you know, got its name because of the violence of the pure colors that painters like Matisse, Braque, Dufy used in the work of their so-called fauve period. Red is a violent color; it calls up murder or recalls murder; blood and the corrida are both examples and paradigms of it.

The stranger’s murderous gesture was thus absurd or insignificant, indifferent, on the near or the far side of signifying language. Which leads one to think, a contrario, that whoever kills deliberately and while giving himself some reason or other, while giving meaning to his act, has already entered into a system of symbolic justification that, virtually, appeals to a code of law, to a universal law. If I know why I kill, I think I am right to kill and this reason that I give myself is a reason that one must be able to argue for rationally with the help of universalizable principles. I kill someone, and I know why, because I think that it is necessary, that it is just, that whoever found himself in my place would have to do the same, that the other is guilty toward me, has wronged me or will wrong me, and so forth. So, even if a court as such has not heard the case, I kill by condemning to death as regards universal law, at least potentially. And therefore, given that the crime is meaningful, deliberate, calculated, premeditated, goal-oriented, it belongs to the order of penal justice and is no longer dissociable from a condemnation to death.

from a properly penal act. At that point and justice becomes precarious. There are merely two powers of condemnation, militarial or tribal power, on the one hand. Among the numerous and decisive analyses, there is this one: on one side, justice is still a form of vengeance, and wild vengeance and self-defense and abolitionist discourse that holds the other is guilt toward me. I close this parenthesis.

The author of The Stranger, his first like The Myth of Sisyphus and later like The First Man, posthumous novel The First Man, which is a philosophical motif and whose first part is the second “The Son or the First Man,” and thus before coming back to “Ref, Stranger, in the first part of The First Man, urging me to point out to you and to your names from my childhood and conquest word), bourreaux of animals (for at that time there is the question of man’s putting one can speak of a death penalty inflict the death penalty is something proper man by man and not of one living being. Camus recounts how, as a child, he shot lotine cats (he calls these children “bo) a mythical character, the name of a chimerian childhood; he was nicknamed doubt because the first person who It And this Galoufa was a municipal employee; he would chase stray dogs and take them away. Camus’s description, which runs for some detail, all the operations of the said Galoufa once in my childhood. (What’s more, diant children, one threatened to call Camus’s description, which runs for some me (pages 140–43 in The First Man in
from a properly penal act. At that point, the distinction between vengeance and justice becomes precarious. The only remaining difference separates merely two powers of condemnation and execution, an individual or familial or tribal power, on the one hand, and a state power, on the other. Among the numerous and decisive consequences to be drawn from this analysis, there is this one: on one side, vengeance is already a form of justice; justice is still a form of vengeance, and this allows both for the excesses of wild vengeance and self-defense and, conversely, on the other side, for the abolitionist discourse that holds the condemnation to death to be a barbaric murder. I close this parenthesis.

The author of The Stranger, his first great book, no doubt also motivated, like The Myth of Sisyphus and later like The Rebel, by a refusal of the death penalty, the author of The Stranger is also the author of the unfinished and posthumous novel The First Man, which is entirely governed by the genealogical motif and whose first part is titled “Search for the Father” and the second “The Son or the First Man.” Working retrospectively as it were, and thus before coming back to “Reflections on the Guillotine” and to The Stranger, in the first part of The First Man, then, I cannot resist the desire urging me to point out to you and to read a page that both reminds me of names from my childhood and concerns some “bourreaux” (that is Camus’s word), bourreaux of animals (for at the horizon of our seminar, obviously, there is the question of man’s putting to death of animals and of whether one can speak of a death penalty inflicted by man on animals, or whether the death penalty is something proper to man, a putting to death only of man by man and not of one living being by another living being in general). Camus recounts how, as a child, he saw other children try literally to guillotine cats (he calls these children “bourreaux”) and above all he remembers a mythical character, the name of a character that I myself knew in my Algerian childhood; he was nicknamed with the mythical name Galoufa (no doubt because the first person who fulfilled this function was so named). And this Galoufa was a municipal employee whose job it was to capture stray dogs and take them away. Camus describes very well, with faultless detail, all the operations of the said Galoufa, which I witnessed more than once in my childhood. (What’s more, when one wanted to frighten disobedient children, one threatened to call Galoufa.) And what is remarkable in Camus’s description, which runs for several pages that you can read without me (pages 140–43 in The First Man in the chapter “Search for the Father”), is that he borrows from the rhetorical code of the Terror (Camus speaks of
the “death tumbrel”) and the code of executions or the eve of executions, strangling being one stage on the way to certain death. It is indeed a matter of arrest with torture and putting to death by a bourreau, but this time the victims are neither men nor cats but undomesticated dogs, stray dogs in the streets of Algiers. I excerpt a passage and I can assure you, my childhood memory can attest, that Camus’s description is soberly and impeccably exact. (Read Camus’s Le premier homme, 133–35)

And suddenly, at a word from the dogcatcher, the old Arab would pull back on the reins and the cart would stop. The dogcatcher had spotted one of his wretched victims digging feverishly in a garbage can, glancing back frantically at regular intervals, or else trotting rapidly along a wall with the hurried and anxious look of a malnourished dog. Galoufa then seized from the top of the cart a leather rod with a chain that ran through a ring down the handle. He moved toward the animal at the supple, rapid, and silent pace of a trapper, and when he had caught up with the beast, if it was not wearing the collar that proves membership in a good family, he would run at it, in a sudden burst of astonishing speed, and put his weapon around the dog’s neck, so that it served as an iron and leather lasso. Suddenly strangled, the animal struggled wildly while making inarticulate groans. But the man quickly dragged it to the cart, opened one of the cage doors, lifted the dog, strangling it more and more, and shoved it into the cage, making sure to put the handle of his lasso through the bars. Once the dog was captured, he loosened the iron chain and freed the neck of the now imprisoned animal. At least that is how things happened when the dog was not under the protection of the neighborhood children. For they were all in league against Galoufa. They knew the captured dogs were taken to the municipal pound, kept for three days, after which, if no one claimed them, the animals were put to death. And if they had not known it, the pitiful spectacle of that death tumbrel returning after a fruitful journey, loaded with wretched animals of all colors and sizes, terrified behind their bars and leaving behind the vehicle a trail of cries and mortal howls, would have been enough to rouse the children’s indignation. So, as soon as the prison van appeared in the area, the children would alert each other. They would scatter throughout the streets of the neighborhood, they too hunting down the dogs, but in order to chase them off to other parts of the city, far from the terrible lasso. If despite these precautions the dogcatcher found a stray dog in their presence, as happened several times to Pierre and Jacques, their tactics were always the same. Before the dogcatcher could get close enough to his quarry, Jacques and Pierre would start screaming “Galoufa! Galoufa!” in voices so piercing and so terrifying that the dog would flee as fast as he could and soon be out of reach. Now it was the children’s turn to prove their skill as sprinters, for the unfortunate Galoufa, who was paid a bounty for each dog he caught, was wild with anger, and his leather rod.10

But this was only a preamble, if you will, to two passages from Camus’s “Reflections on Violence.” Let us connect the first evocation to, let us say, the other to the “slight coolness on the throat to the supposed instantaneousness of the guillotine.

A. The first passage is in fact the open part. Camus begins by recounting what he insisted on witnessing a decapitation, he says, was an unthinking suicide. He wanted to witness a decapitation, it is possible only to reject, to vomit, he had made even having to explain it, without even measure up to it, only a convulsive reaction.

Shortly before the war of 1914, a man repulsive (he had slaughtered a family was condemned to death in Algiers. He was in a bloodthirsty frenzy, but he had a family. The affair created a great stir. I have been told, of my father, who was one of the children. One of the few things that he wanted to witness the execution got up in the dark to go to the place amid a great crowd of people. What anyone. My mother relates merely the tortures, refused to talk, lay down for anyone. He had just discovered phrases with which it was masked. He could think of nothing for children, he could think of nothing for being dropped onto a plank to have it come the indignation of a simple, unconsidered richly deserved had no outlet in stomach. When the extreme penalty

10. Albert Camus, Le premier homme (Penguin Man, trans. David Hapgood (New York: A
he caught, was wild with anger, and he would chase them brandishing his leather rod.\(^\text{19}\)

But this was only a preamble, if you still remember, to the evocation of two passages from Camus’s “Reflections on the Guillotine.” I directly connect the first evocation to, let us say, the guillotine and the father in Algiers, the other to the “slight coolness on the neck” that Guillotin speaks of and to the supposed instantaneity of death beneath the cutting edge of the guillotine.

A. The first passage is in fact the opening of “Reflections on the Guillotine.” Camus begins by recounting what happened to his father, in Algiers, when he insisted on witnessing a decapitation. His father, “a simple, upright man,” he says, was an unthinking supporter of the death penalty; one day he wanted to witness a decapitation, but once back home, unable to speak, able only to reject, to vomit, he had manifestly changed his opinion without even having to explain it, without even being able to find words that would measure up to it, only a convulsive rejection by his whole body:

Shortly before the war of 1914, a murderer whose crime was particularly repulsive (he had slaughtered a family of farmers, including the children) was condemned to death in Algiers. He was a farm worker who had killed in a bloodthirsty frenzy, but he had aggravated his case by robbing his victims. The affair created a great stir. It was generally thought that decapitation was too mild a punishment for such a monster. This was the opinion, I have been told, of my father, who was especially outraged by the murder of the children. One of the few things I know about him, in any case, is that he wanted to witness the execution, for the first time in his life. He got up in the dark to go to the place of execution, at the other end of town amid a great crowd of people. What he saw that morning he never told anyone. My mother relates merely that he came rushing home, his face distorted, refused to talk, lay down for a moment on the bed, and suddenly began to vomit. He had just discovered the reality hidden under the noble phrases with which it was masked. Instead of thinking of the slaughtered children, he could think of nothing but that quivering body that had just been dropped onto a plank to have its head cut off.

One has to think this ritual act is horrible indeed if it manages to overcome the indignation of a simple, upright man and if a punishment he considered richly deserved had no other effect in the end than to turn his stomach. When the extreme penalty causes merely vomiting on the part of

the respectable citizen it is supposed to protect, it is difficult to maintain that it has the function, as it should, to bring more peace and order to the com-

munity. On the contrary, it is obviously no less repulsive than the crime, and this new murder, far from making amends for the harm done to the social

body, adds a new stain to the first one. This is so obvious that no one dares speak directly of the ceremony.11

If we now read side by side these two texts that have such a different sta-
tus and that were written and published fifteen years apart, The Stranger, a

novelistic fiction, a literary work published during the Occupation, in 1942, and "Reflections on the Guillotine," a nonfictional philosophical essay or ethico-political manifesto published in 1957, well, between these two texts of heterogeneous status one finds odd intersections, and odd intersections with The First Man, whose status is somewhere between the other two, and one of whose chapters is titled "The Son" and the preceding one "Search for the Father." Thus, after the passage I read a moment ago in which the Stranger having been condemned to death ironizes in his way, in his neutral tone that is precisely a stranger to everything, unbelieving, atheistic, skeptical, nominalist, seeking in vain a meaning behind words and remarking the nonseri-

ous seriousness of "some vague notion called the French people" in the name of which he was going to die, right after this passage, in the following

paragraph, it is now the son in him who speaks, the son whose mother is dead, which is what will have governed this whole story, and the son who

recalls what his mother told him about a father he never knew. And here you will see, in the same testimony, the knotting of the threads of fiction and real autobiography, between Meursault and Camus. The son of the fiction and the son of the testimony are the same and say the same thing. They have the same father, whom they never knew and who had the same experience of a capital execution. (Read and comment on L'Etranger, 167-68)

The fact that the sentence was read out at eight o'clock at night and not at five o'clock, the fact that it could have been an entirely different one, the fact that it was decided by men who change their underwear, the fact that it had been handed down in the name of some vague notion called the French (or German or Chinese) people—all of it seemed to me to deprive the decision of much of its seriousness. I was forced to admit, however, that from the

moment it was made, its consequen-

B. But this is not the principal pa-

make our way toward the questio-

both the invention of the virtuous (egalitarian, and mechanistic, thus ge-
euthanistic) and the "slight coolness on

tAccording to its inventor. Essentially examinations, in 1956, intends to show that guillotine does not happen in a secon-
dated, slow process, the duration of which is accompanied by the most unspeak-

All I can do, since I do not wish this length. Camus himself says: "I doubt read this dreadful report without black-

You will read for yourselves the re-

Instead of boasting, with the preten-

12. Derrida reads here Camus's footnote one, according to the optimistic Doctor Guilmard, "slight coolness on the neck."

moment it was made, its consequences became as real and as serious as the

wall against which I pressed the length of my body.

At times like this I remembered a story Maman used to tell me about my

father. I never knew him. Maybe the only thing I did know about the man

was the story Maman would tell me back then: he'd gone to see a murderer

be executed. The idea of going made him ill. But he went anyway, and

when he came back, he spent half the morning throwing up. I felt disgusted

by him at the time. But now I understood, it was perfectly natural. How

had I not seen that nothing was more important than an execution and that,

ultimately, it was the only thing that really interests a man! If I ever got out

of this prison, I would go to see every execution. It was a mistake. I think,

even to consider the possibility. Because at the thought that one fine morn­

ing I would find myself a free man, standing behind a cordon of police — on

the outside, as it were, at the thought of being the spectator who comes to

watch and then can go and throw up afterward, a wave of poisoned joy rose

up toward my heart. But it was not reasonable. It was a mistake to let myself

speculate like this because the next minute I would get so frightfully cold

that I would curl up under my blanket and I couldn't stop my teeth from

chattering. (104–5)

B. But this is not the principal passage I wanted to highlight. So as to

make our way toward the question of the time of death and to link it to

both the invention of the virtuous guillotine (progressive, individualist,

egalitarian, and mechanistic, thus gentle and free of cruelty, anesthetic or

euthanistic) and the “slight coolness on the neck” it is supposed to procure,

according to its inventor. Essentially Camus’s text, basing itself on medical

examinations, in 1956, intends to show that death by decapitation on the

guillotine does not happen in a second or an instant, that it is a differenti­

ated, slow process, the duration of which is difficult to measure and that it

is accompanied by the most unspeakable and cruel suffering.

All I can do, since I do not wish to silence these pages, is to limit their

length. Camus himself says: “I doubt that there are many readers who can

read this dreadful report without blanching.”

You will read for yourselves the rest of this page that I insist all the same

on reading here. (Read and comment, 1027–28)

Instead of boasting, with the pretentious thoughtlessness characteristic of

us, of having invented this swift and humane\textsuperscript{12} method of killing those con­

\textsuperscript{12}. Derrida reads here Camus's footnote that occurs at this point: "The condemned

one, according to the optimistic Doctor Guillotin, ought to feel nothing. At most a 'slight

coldness on the neck.'"
demned to death, we should print in thousands of copies, and read out in schools and universities, the eyewitness accounts and medical reports that describe the state of the body after execution. We recommend particularly the printing and distribution of a recent paper delivered to the Academy of Medicine by Doctors Piedelievre and Fournier. These courageous physicians, invited in the interest of science to examine the bodies of the guillotined after execution, considered it their duty to sum up their dreadful observations: "If we may be permitted to give our opinion on this subject, such spectacles are frightfully painful. The blood gushes from the blood vessels at the rhythm of the severed carotid arteries, then it coagulates. The muscles contract and their fibrillation is stupefying: the intestines ripple and the heart produces irregular, incomplete, and fascinating movements. The mouth clenches at certain moments in a dreadful grimace. It is true that in the severed head the eyes are motionless with dilated pupils; fortunately they look at nothing, and although they have none of the cloudiness and opalescence of a cadaver, they have no motion: their clarity is a sign of life, but their fixed stare is deathly. All this can last several minutes, even hours in healthy subjects: death is not immediate. ... Thus every vital element survives decapitation. The physician is left with the impression of a horrible experiment, a murderous vivisection, followed by a premature burial."

I doubt that there are many readers who can read this dreadful report without blanching. One may thus count on its exemplary power and its capacity to intimidate. Nothing prevents us from adding to it the reports of witnesses who confirm the doctors' observations. The tortured face of Charlotte Corday blushed, it is said, when it was slapped by the executioner. So no one will be shocked while listening to more recent observers. Here is how an executioner's assistant, who can hardly be suspected of sentimentalism or squeamishness, describes what he was obliged to witness: "It was a mad man in the throes of a true fit of delirium tremens that we threw under the blade. The head died right away. But the body literally leaped into the basket, straining against the cords. Twenty minutes later, at the cemetery, it was still quivering." The current chaplain of La Santé prison, Father Devoyod, who does not seem opposed to the death penalty, tells a far-reaching story in his book Les DélinQuants, one which repeats the story of Languille, the condemned man whose decapitated head answered to the call of his name. (183-84)

We have asked ourselves, or we have pretended to ask directly in a classical philosophical form, the form of What is ... ? a certain number of questions, such as: What is an exception? What is cruelty? What is blood? What is man? What is it that is proper to man or to the humanitarian? and so forth.
This was not just playing with what are called “rhetorical questions” in English, that is, simulacra of questions whose answer is known in advance, and inscribed in the very form of the question. But neither were they questions to which we expected an immediately satisfying or reassuring response. They were above all questions meant to show, with their own inadequation, the vertigo or the abyss of their own impossibility, the vertigo above or around their own impossibility, what makes them turn on themselves until they make the head turn, namely, that to articulate themselves, to take shape, they would have to pretend to know at least what they are talking about at the very moment they seem to be asking about it. And this vertigo is not only, I believe, the one that can be induced by the dizziness of a simple hermeneutic circle, even though there is indeed a sort of hermeneutic circle here that lets us suppose a pre-comprehension of that about which we are asking.

I believe on the subject of death, the question, what is death?—which is perhaps not preliminary to the question of death given or life taken by suicide: to take one's own life; by murder, to take someone else's life, or by capital punishment, a singular form of putting to death)—I believe on the subject of death, the question, what is death? cannot let its vertigo make the head spin in a simple hermeneutic circle that would give us some pre-comprehension of the meaning of the word “death,” a supposed pre-comprehension on the basis of which the question and its elucidation would develop. At bottom, it is this pre-comprehension that is supposed, more or less explicitly, by all great thinking or philosophies of death (up to Heidegger or Lévinas, whatever may be the differences between them, and since I have explained myself on the subject elsewhere, in The Gift of Death and in Aporias notably, I am not going to approach the question of death again today along those wide angles: I would like to attempt another gesture today starting from the question of the death penalty about which, strangely, these great thinkers of death never seriously spoke and which they no doubt held to be a circumscribable and relatively dependent, secondary question). Fundamentally, a blunt form of my question would be: is it necessary to think death first and then the death penalty as a question?

13. [Translator's note]: The idiom *donner la mort* is used frequently in the rest of this session. Where possible or necessary, it has been rendered literally as “to give death” rather than the more idiomatic “to take a life” or “to kill.”

derived from the first one, despite its importance? Is it necessary to think
death before the death penalty? Or else, paradoxically, must one start out
from the question of the death penalty, the apparently and falsely circum-
scribed question of the death penalty, in order to pose the question of death
in general?

My hypothesis, today, is that all the alleged pre-comprehensions of the
meaning of the word “death,” like all the refined semantic or ontological
analyses that purport to distinguish, for example, the dying (Sterben) of man
or of Dasein (only Dasein dies, says Heidegger) from the objective forms
of animal perishing or ending, of objective, social decease, and so forth (see
Heidegger and Aporias), these refined semantico-ontological analyses must
rely, even as they deny it, on so-called common sense; on the alleged objec-
tive and familiar knowledge, judged to be indubitable, of what separates
a state of death from a state of life—a separation that is determined or
registered or calculated by the other, by a third party—that is, of the sup-
posed existence of an objectifiable instant that separates the living from the
dying, be it of an ungraspable instant that is reduced to the blade of a knife
or to the stigmē of a point. Without the supposed or supposedly possible
knowledge of this clear-cut, sharp limit, there would be no philosophy or
thinking of death that could claim to know what it is talking about and
proceed “methodically,” as once again Heidegger wishes to do (see Apo-
rias). The simple idea of this limit between life and death organizes all these
meditations, whether classic or less classic, even revolutionary, even those
of a deconstruction, of a “destructio” in Luther’s or in Heidegger’s sense at
least. Now the alleged access to this knowledge that is everywhere presup-
posed, at the very point where one claims to deconstruct every presuppos-
tion, organizes every calculation (I will call this calculation), everything that
is calculable, in language, in the organization of the society of the living
and the dead, and especially in the possibility of murder and the death penalty,
of some taking of life or “giving death” that is distributed among crime,
suicide, and execution, at that point of originarity where it is still difficult
to discern them, to distinguish among them (for if, conceptually, there are
those who indeed mean to distinguish the death penalty from vengeance
and murder, this distinction will always remain problematic—that is our
very subject here—and as problematic as the rigorous possibility of a sui-
cide that is not a self-murder or a self-inflicted death penalty). This is to
suggest that every imagined mastery of the sense of the word “death” in lan-
guage, every calculation on this subject (and we are calculating all the time
in order to speak and to count on some meaning-to-say, some intelligibility,
some translatability, some communication), every calculation on the subject, around or as a function of the word “death,” every calculation of this type supposes the possibility of calculating and mastering the instant of death, and this calculating mastery can only be that of a subject presumed capable of giving death: in murder, suicide, or capital punishment, all three arising here from the same possibility. This is another way of saying—and ultimately it is rather simple—that the calculable credit we grant to the word “death” is indexed to a set of presuppositions, a network of presuppositions in which “capital punishment,” the calculation of capital punishment, finds its place of inscription where it is indissociable from both murder and suicide.

Wherever at least the presumption of knowledge is lacking on the subject of this so-called objective limit, this end of life (which Heidegger would make us believe is not the dying proper to Dasein), wherever this mastering calculation would no longer be presumed accessible, possible, in our power, well then, one could no longer either speak of murder, suicide, and death penalty, or organize anything of the sort whatsoever in the law, in the legal code, in the social order, in its procedures and its techniques, and so forth.

Now, if there have been doubts for a long time about the objective determination of the state of death, if it has been known for a long time (these are the ABC’s of anthropology) that the criteria of death differ from one society to another, sometimes from one state to another within the same confederation (for example, I believe this is the case in the United States), and especially from one moment to another in human history, which means that one does not die at the same moment, if I may say that, in different places (moreover, there would not be religions or differences of funeral rites or cultural difference in general without this trembling and this indetermination in the determination of the instant of death, in the delimitation of death, between the near side and the far side), well, if this has always been known and sensed, never more so than today has objective knowledge as to the delimitation of death, never has this supposedly objective knowledge, but always presupposed even by the most radical, the most critical, the most deconstructive phenomenologies or ontologies, never has this knowledge been as problematic, debatable, fragile, and deconstructible down to the minimal semantic kernel of the word “death.” I already evoked (but I could have taken so many other examples and indications) a certain recent article from an American newspaper (whose reference I’ve lost and which was sent to me by my friend Richard Rand), an
article titled “What Is Death? Experts Wrestle with Legal Definitions and Ethics,” which reports the comments of a professor of psychiatry and biomedical ethics at Case Western Reserve University, who says: “I think we’re in a phase in which death is being deconstructed. The more we talk, the more we write, the more we find the consensus defining death superficial and fragile.”

Read here or later, if there’s time, “What Is Death?,” etc.

To deconstruct death, then, that is the subject, while recalling that we do not know what it is, if and when it happens, and to whom. Here is what is both relatively incontestable and a task for every kind of vigilance in the world: to be vigilant in deconstructing death, to keep one’s eyes open to what this word of death, this word “death” means, to what one wants to make it say or make us say with it in more than one language. This is in fact a task of vigilance for the vigilant, for those who keep watch [veillent], who keep watch over life, and yet here is a task of vigilance that sets one to dreaming. When one loves keeping watch [la veille] and vigilance, when one loves period, one may sleep perhaps, but one dreams.

Having stumbled on this American, and legitimate, use of the word “deconstruction,” where I had not expected it but where I had not expected it even while always knowing that if there was one thing, one word to deconstruct, it is indeed what is called death, I nonetheless saw pass before me, very quickly, a kind of angel, not an angel of death, not an announcer or a messenger of death (an angel is a mailman, you know, a messenger, the bearer of news, and the Gospel bears the good news, as its name indicates, but it is also the news of a death of God), nor, then, my angel of death but an angel who whispered to me while smiling or challenging me: hey, at bottom that’s the dream of deconstruction, a convulsive movement to have done with death, to deconstruct death itself. Not to put into question again the question, what is death? when and where does it take place? etc.


16. [Translator’s note]: Derrida reads both the title of this article and the quote first in English before translating them into French.

17. See below, p. 242, n. 19.

What comes afterward? and so forth: No less than that. Death to nothing clearly identifiable and located more than one, if one can suffer a thrice illness, love, or the illness of love, the latter exists. Why be anxious still? Stop of death—in the singular. Stop thinking death or the victim of a sentence of a death row. That is perhaps what no one, who is also my temptation. My angel course to deconstruct death and perhaps of what is called deconstruction, or another guardian angel is that it has more than one angle and its necessity) this knowledge of the other angel of deconstruction just as it says to me: you will not get off so easy death,” on the pretext of dissolving this of death, must not serve to banalize or a whole Christian tradition has done, as to deny the irreversible gravity of death, and thus demobilize abolitionism; it as it is necessary to do, and even if it to deconstruct death, my other angel of one’s salvation. It is not enough to deconstruct, does life come out unscathed by this unscathed by this deconstruction. What [indemne] mean?

The question of the death penalty is the indemnity of the unscathed? It articulate or elaborate this question of indemnity of the unscathed, of the safe, with that of the immunity of the immune, also, of course, the question of the death
What comes afterward? and so forth. But to deconstruct death. Final period. And with the same blow, to come to blows with death and put it out of action. No less than that. Death to death. If death is not one, if there is nothing clearly identifiable and locatable beneath this word, if there is even more than one, if one can suffer a thousand deaths, for example through illness, love, or the illness of love, then death, death in the singular no longer exists. Why be anxious still? Stop taking seriously anxiety in the face of death — in the singular. Stop thinking of yourself as one condemned to death or the victim of a sentence of capital punishment. Your life is not a death row. That is perhaps what my angel might say to me. My angel, who is also my temptation. My angel is right, as always; it is necessary of course to deconstruct death and perhaps this is even the depth of the desire of what is called deconstruction. But the same guardian angel of deconstruction, or another guardian angel — for the problem of deconstruction is that it has more than one angel and that it is (this is its vigilance and its necessity) this knowledge of the multiplicity of angels — the same other angel of deconstruction just as implacably calls me back to order and says to me: you will not get off so easily. First of all, this “deconstruction of death,” on the pretext of dissolving the unity or the identity or the gravity of death, must not serve to banalize or relativize the death penalty (as finally a whole Christian tradition has done, which uses an alibi of the beyond so as to deny the irreversible gravity of death and legitimize the death penalty, and thus demobilize abolitionism); it is not enough to deconstruct death, as it is necessary to do, and even if it is indeed necessary, it is not enough to deconstruct death, my other angel would continue, in order to assure one’s salvation. It is not enough to deconstruct death even, as it is necessary to do, in order to survive or take out a life insurance policy. For neither does life come out unscathed by this deconstruction. Nothing comes out unscathed by this deconstruction. What, then, does “to come out” unscathed [indemne] mean?

The question of the death penalty is perhaps that of indemnity. What is the indemnity of the unscathed? In “Faith and Knowledge,” I tried to articulate or elaborate this question of the unscathed [l’indemne], of the indemnity of the unscathed, of the safe and of salvation, of the saving-oneself, with that of the immunity of the immune, as the question of religion. It is also, of course, the question of the death penalty.

Read, if time permits, "What Is Death?," etc. 19

19. At the end of the session, Derrida concludes with the following improvised reading, translation, and commentary: "That's it, I've finished but there are five minutes left and I still want to read you some passages of the article from which I excerpted the sentence 'I think we are in a phase when death is being deconstructed ... ' I translate quickly. 'Consider three cases: Teresa Hamilton falls into a severe diabetic coma and is diagnosed as brain-dead. Her family refuses to accept this and insists on taking her body home, on a ventilator. Despite a Florida law that states that people with dead brains are legally dead, and over the protests of doctors, the family gets its wish. Two students from Japan (second case) are shot in California and declared brain-dead. Hospital staff members take both off respirators without consulting their families in Japan where brain death is not recognized. The families are horrified. ' There followed a debate: when? what are the criteria? 'Finally, a Hasidic boy (third case), Aaron Halberstam, is shot on the Brooklyn Bridge. He is diagnosed as brain-dead but his family, relying on rabbinical advice, doesn't accept their fifteen-year old as dead as long as a respirator can keep his body breathing. They turn to Genesis 2:22: 'In whose nostrils was the breath of the spirit of life.' 'There is no brain death so long as he is there and can breathe. This is the criterion of respiration. 'A sympathetic doctor refuses to declare Aaron legally dead until his heart stops.' Third criterion, the heart. 'All these young people died in the spring of 1994, but the arguments framing their final hours show how hard the application of legal brain death can be. The diagnosis requires painstaking, repeated tests for the lack of spontaneous breathing and electrical activity in the brain. Nevertheless, some reject brain death for deeply held cultural or religious reasons. ... Others, such as the Hamiltons, just can't believe that a loved one on mechanical machinery whose chest is rising and falling ... can really be dead. ' So the fiction makes it that they see he is breathing. For them, brain death is nothing at all. 'Among medical experts, the definition of death is so contentious that two international conferences have failed to resolve it. A third, scheduled for Cuba in February, has attracted a contingent from the Vatican and a presentation from controversial Yale ethicist Peter Singer.' So, in Cuba there will be people from the Vatican and then a very controversial professor of ethics at Yale, Peter Singer. 'He is the utilitarian philosopher who argues that human life is not sacred.' And then comes the quotation from another doctor, Stuart Youngner, "I think we are in a phase in which death is being deconstructed," says Stuart Youngner, a professor of psychiatry and biomedical ethics at Case Western Reserve University. 'Next, the whole article examines—I am not going to read it to you in entirety—all of the disputes, all of the reasons to dispute all the criteria of death. All the new <operations>, transplanted organs of course, grafts, all the techno-medical novelties make it that one knows less and less (1) when death has taken place; and (2) when it is, so to speak, irreversible. One can then say, according to which criteria, if the convention or the conventional fiction admits a certain criterion, for example brain death, then even according to this criterion, if one agrees on this criterion, it is not certain that one cannot recover from brain death. So, all of this naturally makes the concept of death, but not just the concept, the social, juridical application, etc., of the concept of death more than problematic, thus undergoing deconstruction. There it is."