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The Death Penalty

VOLUME I



Jacques Derrida

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ELEVENTH SESSION

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How to sur-vive? How to understand, in a sure enough way, the “sur” of survive? What is a sur-vival? And “The death penalty as theater of life,”¹ let us also say theater of sur-vival.

“To espouse,” “to espouse at the cost of his or her life.”

This is a quotation: “to espouse at the cost of his or her life.” I am dramatizing this quotation, I am theatricalizing it a little by ripping it from its page: “to espouse at the cost of his or her life.”

Later I will tell you where it comes from and from which body, from the body of which sentence I violently, or theatrically, extract it so as to let you see and hear it. “To espouse at the cost of his or her life.” When I summon to appear on stage the body of this entire sentence, and the paragraph to which it belongs, you will see that it is a matter of an oath, a “beautiful oath,” of sworn faith, therefore, that it is also a matter of religion, of circumcision and even of decircumcision. The text waiting to appear says in fact “decircumcise oneself.” “To cause someone to espouse it at the cost of his or her life.” I leave you to dream about this sentence fragment more or less painfully stolen from its integral body and I move on to a series of questions that you may, as you please, tie to it or untie from it.

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Furthermore—before coming to these questions, since this sentence also speaks of cost and of the cost of life, besides all the other questions that one could turn loose on a “cost of life” or on what a life is *worth*, on what is *worth the trouble* [peine] of living, on what costs or what it costs, on life that, as one sometimes says, “has no price,” but also on what is worth *more* than life, on the surplus value of life, on the “sur-viving” that would be ultra-life, more than life in life—I confirm that, here as everywhere, it is a matter

1. Derrida is referring to the title of a presentation on Burke and Schiller that a student was going to give at the end of this session.

once again, once and for all, *of interest*, of that interest that we have been speaking of since the opening of the seminar, and therefore of cost, of surplus value, and of the priceless, and I thus recall that Kant, precisely, when he opposes Beccaria and the abolitionist logic that was coming to light in his time, in that time of Enlightenment that was also his time, Kant always says that the categorical imperative, like human dignity (*Würde*), is without price and thus not negotiable by any calculation of interest; and he says precisely the same thing on the subject of the death penalty and of the justice that commands imperatively that one sentence to death without considering any benefit, without calculating any interest, without social or political goal, without any concern for setting an example or deterrence, without phenomenal calculation, without evaluation of price and cost. Thereby he means to disqualify in advance the two adversaries, the two parties in dispute, both those who are for the death penalty on the pretext that it is useful to society, to its security, its peace, and so forth, and the abolitionists who contest this calculation, who deny that the cruelty of the death penalty serves as an example and has any deterrent effect whatsoever. All this, says Kant, subjects the principle of justice, from both sides in short, to a calculation of interest and thus to the evaluation of a price. But justice must remain not pricey but priceless, transcendent in relation to any calculating operation, to any interest, or even to the price of life, at the cost of one’s life. Justice is above life, beyond life or the life drive, in a sur-viving of which the *sur*, the transcendence of the “sur”—if it is a transcendence—remains to be interpreted.

I am going to read and comment on in succession two passages from Kant that immediately precede his refutation of Beccaria, which we will read on its own only next year. The argumentation developed in these two passages will allow us, I hope, to shed light on the conclusion according to which, I quote, “justice ceases to be justice if it can be bought for any price whatsoever (*denn die Gerechtigkeit hört auf eine zu sein, wenn sie sich für irgend einen Preis weggiebt*).” (Read and comment on Kant)

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If, however, [the criminal] has committed murder he must *die*. Here there is no substitute [*Surrogat*] that will satisfy justice. There is no *similarity* between life, however wretched it may be, and death, hence no likeness between the crime and the retribution unless death is judicially carried out upon the wrongdoer, although it must still be freed from any mistreatment that could make the humanity in the person suffering it into something abominable.—Even if a civil society were to be dissolved by the consent of all its members (e.g., if a people inhabiting an island decided to separate and disperse throughout the world), the last murderer remaining in prison would first have to be executed, so that each has done to him what his deeds

deserve and blood guilt does not cling to the people for not having insisted upon this punishment; for otherwise the people can be regarded as collaborators in this public violation of justice.

This fitting of punishment to the crime, which can occur only by a judge imposing the death sentence in accordance with the strict law of retribution, is shown by the fact that only by this is a sentence of death pronounced on every criminal in proportion to his *inner wickedness* (even when the crime is not murder but another crime against the state that can be paid for only by death).—Suppose that some (such as Balmerino and others) who took part in the recent Scottish rebellion believed that by their uprising they were only performing a duty they owed the House of Stuart, while others on the contrary were out for their private interests; and suppose that the judgment pronounced by the highest court had been that each is free to make the choice between death and convict labor. I say that in this case the man of honor would choose death, and the scoundrel convict labor. This comes along with the nature of the human mind; for the man of honor is acquainted with something that he values even more highly than life, namely *honor*, while the scoundrel considers it better to live in shame than not at all (*animam praeferre pudori*. Juvenal). Since the man of honor is undeniably less deserving of punishment than the other, both would be punished quite proportionately if all alike were sentenced to death; the man of honor would be punished mildly in terms of his sensibilities and the scoundrel severely in terms of his. On the other hand, if both were sentenced to convict labor the man of honor would be punished too severely and the other too mildly for his vile action. And so here too, when sentence is pronounced on a number of criminals united in a plot, the best equalizer before public justice is *death*.²

Punishment by a court (poena forensis)—that is distinct from *natural punishment (poena naturalis)*, in which vice punishes itself and which the legislator does not take into account—can never be inflicted merely as a means to promote some other good for the criminal himself or for civil society. It must always be inflicted upon him only *because he has committed a crime*. For a human being can never be treated merely as a means to the purposes of another or be put among the objects of rights to things: his innate personality protects him from this, even though he can be condemned to lose his civil personality. He must previously have been found *punishable* before any thought can be given to drawing from his punishment something of use for himself or his fellow citizens. The law of punishment is a categorical imperative, and woe to him who crawls through the windings of eu-

2. Kant, "The Doctrine of Right," pp. 106–7.

daemonism in order to discover something that releases the criminal from punishment or even reduces its amount by the advantage it promises, in accordance with the pharisaical saying: "It is better for *one* man to die than for an entire people to perish." For if justice goes, there is no longer any value in human beings' living on earth.—What, therefore, should one think of the proposal to preserve the life of a criminal sentenced to death if he agrees to let dangerous experiments be made on him and is lucky enough to survive them, so that in this way physicians learn something new of benefit to the commonwealth? A court would reject with contempt such a proposal from a medical college, for justice ceases to be justice if it can be bought for any price whatsoever. (105)

Legal execution of the guilty, Kant is thus saying, death freed from any mistreatment (*von aller Misshandlung*) that could debase the humanity in the person of the sufferer (*die Menschheit in der leidenden Person zum Scheusal machen könnte*), from any mistreatment that could transform the condemned sufferer, the suffering person into an object of horror or a theatrical monstrosity.

(Notice that the conditions imposed or recalled, the norms prescribed by Kant for condemnation, for its motivations, and its execution, might well render in fact impossible, forever impracticable, both the condemnation to death and especially its execution. In this sense, the absolutely rigorous and inflexible supporter of the death penalty that Kant is would be *in fact* a de facto abolitionist. De jure, he is for the death penalty and de facto against it, relaunching thereby the whole question of this opposition of fact and right. This is a paradox that we will explore later. For how is one to prevent the calculation of interest from ever sliding into a condemnation to death? And especially, how is one to avoid the suffering and the spectacle of suffering in the execution, even the most discrete or the most anesthetic?)

Whence, once again, the question of anesthesia, which—after this first incursion into a certain theater of the "cost of life" and thus of "sur-viving"—we must approach once more, letting wait a little longer, in cold blood, the supplementary inquiry called up by what one should, then, "espouse at the cost of one's life."

Can one desire—what is really called desire—anesthesia? And desire to lose all sensation? This question might merge into that of suicide, but let us not go too quickly. It might also, in Kantian language, name the almost

370 sublime desire to escape from the realm of sensibility or imagination, from space and time, that is to say, from the realm of phenomenality, that is to say, of the pathological, of affect, of receptivity, that is to say, of the empirical. A certain insensitivity, a certain anesthesia would be the condition of access to a pure, intelligible, and transphenomenal justice, sur-viving beyond life. What is an anesthetic when seen from the promise of death? Of course, good sense and experience teach us that sometimes, and sometimes in an absolutely urgent, painful manner, we *need* an anesthetic, and we have recourse to it. But can one desire, what is really called *desire*, an anesthetic, and in this regard, is what people call death one kind of suffering among others, an example of pain that calls for an analgesic or else something altogether other, in terms of which the question of analgesics or anesthesia would have to be revised from top to bottom?

The last time, and in the final moment, we were preparing to ask ourselves what to think about a certain absolute anesthetic, if one may say that, death as the unfelt slipping into sleep or more precisely, as Camus said in 1957 in his proposal for a provisional “compromise” with the death penalty, an “anaesthetic that would let the condemned slip from sleep to death, which would be left within his reach for at least a day so he could take it freely”—Camus indeed says “freely,” as if the condemned had to choose the ultimate moment of death, as if he were left the freedom to imitate suicide, in some way, the freedom to give himself the illusion that he was the master of his death, master, as poet, to transfigure his execution into suicide; and Camus is the one who wrote, at the beginning of *The Myth of Sisyphus*, in 1942 (which is not just any date): “There is but one truly serious philosophical problem, and that is suicide,”³ suicide, thus the possibility of giving oneself death by rising above life, through a sur-viving that would no longer belong to life, by ceasing to make of life, of “my life,” of the⁴ “my life” the absolute price, the without-price, the exorbitantly priced above which
371 nothing has value, not even a sur-viving, a question that Montaigne—from which I am returning and toward whom I will return—already answered in a very resolute manner by saying that since death is still death, whether one gives it to oneself or receives it, it is still better to give it to oneself:

It comes to the same thing if a man puts an end to himself [*se donne sa fin*] or passively suffers it; whether he runs to meet his last day or awaits it; wherever it comes from [this day, then, the day of death], it is always his; wher-

3. Albert Camus, *Le mythe de Sisyphe*, in *Essais*, p. 99; *The Myth of Sisyphus* (New York: Vintage, 1991), p. 3.

4. As such in the typescript.

ever the thread [*filet*] may break, the whole thread is broken, the spindle is at an end. The fairest death is the one that is most willed.⁵

I confess that I am fascinated by this figure that I am not sure I understand, the figure of death as a thread or a net that breaks, “wherever the thread may break,” he says.⁶ I do not know what Montaigne means, of which thread [*fil*] of life, which trickle [*filet*] of blood, which fishing or circus net [*filet*] he is thinking, but since we are in the theater or at the cinema, I imagine a trapeze artist who spends his life throwing himself like a madman from one trapeze to another while relying on a net, whether real or not, on a phantasm of a net in which he has the strength or the weakness to believe; it’s his opinion. He believes in this net, and he dies on the day the net breaks, and then it’s a fall without a net, willed death, the beautiful death that Montaigne then speaks of. This death would thus be that of a trapeze artist who decides himself to put an end to the net or to the belief in this imaginary or phantasmatic net that was his life insurance, allowing him to live and survive as a tireless trapeze artist.⁷

We had promised ourselves that we would analyze more closely what is finally the rather complex and problematic structure of Camus’s argument concerning a death penalty that he claims is linked not only to religion, to Christianity, but to the Catholic church, and that ought not to survive in what he terms a “desacralized” society. The question that always necessarily returns, and it will return today, is how to understand the meaning of sacred, or holy, or unscathed, safe, intact, *heilig*, and so forth. *Der Gesetzgeber ist heilig*, the legislator is holy or sacred, says Kant when he pleads against Beccaria for the maintenance of the death penalty and the penal law in general as categorical imperative, that is, as the only means to treat man, here the criminal, in a worthy manner, as an end in himself and not as a means, a logic that is loaded with consequences since it dismisses a priori, as we have just seen, all debates on the subject of utility or nonutility of the death pen-

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5. Michel de Montaigne, “Coustume de l’isle de Cea,” in *Essais*, livre 2, ch. 3, ed. Albert Thibaudet (Paris: Gallimard, “Bibliothèque de la Pléiade, 1934), p. 386; “A Custom of the Isle of Cea,” *Essays*, book 2, chap. 3, trans. and ed. M. A. Screech (London and New York: Allen Lane, Penguin Press, 1991), p. 393.

6. [Translator’s note]: The word *filet* can mean trickle, thread, thin line, and in this sense may be interchangeable with *fil*. But a *filet* can also be a net, like a fisherman’s net or, as here, a safety net for a trapeze artist.

7. Added by hand on the typescript and read during the session: “Only a grace, a gracious grace granted, can save him then and let him survive. For we are speaking, here, in this seminar on pardon and perjury and death penalty, only of grace and passion. And of their Christian register or not.”

alty, of an exemplarity or an empirical finality, of any interest whatsoever in the death penalty. We will return to this, as I've said, but no doubt next year, if life is granted us, and if some net protects us.

This was another way, we were saying, of returning to the Holy Father's recent declaration and to the vertigo of eternal damnation. Since the Holy Father neither condemned the death penalty⁸ nor asked forgiveness for what is more than a sin of omission, if it is still a sin, we may wonder, we were saying, how long the death penalty will survive the Holy Father in the Catholic church and in Christianity in general, and how to measure the time of the Son's agony. Always the question of *survival*, then, and of the blood in filiation.

The time of the agony of the Son of God, then, and the absolute anesthetic. And what if religion, even before being defined <as> "the opium of the people," had been the anesthetic, the analgesic drug meant to make death pass, to appease, attenuate, deny, forget, distract from the pain linked to death, but also by the same token to make the death penalty pass for something less serious than it appears, a sleep or a transition, in short, to the beyond, to a survival in the beyond, the system of Christian justification of the death penalty playing the role of anesthetic, the priests and the confessors ritually assigned to the last scene confirming that they are there to alleviate a temporary suffering and to promise heaven, another survival, and so forth? You know that there are those condemned to death—we evoked some examples, I believe, along with Genet—who refuse the religious anesthetic and confession and the promise of survival. Well, Montaigne, whose tower I was lucky enough to visit last week, Montaigne, whose wily and enigmatic hand-to-hand combat with Christianity, or even with the Mar-rano Judaism that haunted his filiation on the side of his mother, would deserve more than one seminar, Montaigne, who died a Christian death in his bed in his fifties, rather old for the time, to be sure, but like a teenager for our time, and deprived of so many other lives to come beyond his fifties (I was deeply pained for him, who died so young, in short, I felt a great wave of inner compassion for him while meditating a few days ago next to what he no doubt loved the most—well, now I've a mind to read you a passage from "On Age," in chapter 57 of book 1).⁹

I cannot accept the way we determine the span of our lives. I note that wise men shorten it considerably compared to common opinion. "What!"

8. During the session, Derrida specifies: "last week."

9. One might expect this parenthesis to close after the quotation from Montaigne, since the sentence begun before it continues beyond the quotation.

said Cato the Younger to those who wanted to prevent him killing himself: "Am I still at the age when you can accuse me of abandoning life too soon?" Yet he was only forty-eight. He reckoned, considering how few men reach it, that his age was fully mature and well advanced. And those who keep themselves going with the thought that some span of life or other which they call "natural" promises them a few years more could only do so provided that there was some privilege exempting them from those innumerable accidents—which each one of us comes up against and is subject to by nature—that can interrupt the course of life they promise themselves. What madness it is to expect to die of that failing of our powers brought on by extreme old age and to make that the target for our life to reach when it is the least usual, the rarest kind of death. We call that death, alone, a natural death, as if it were unnatural to find a man breaking his neck in a fall, engulfed in a shipwreck, surprised by plague or pleurisy, and as though our normal condition did not expose us to all of those harms. Let us not beguile ourselves with such fine words: perhaps we ought, rather, to call natural anything which is generic, common to all and universal. Dying of old age is a rare death, unique and out of the normal order and therefore less natural than the others. It is the last, the uttermost way of dying; the farther it is from us, the less we can hope to reach it; it is indeed the limit beyond which we shall not go and which has been prescribed by Nature's law as never to be crossed; but it is a very rare privilege of hers to make us last until then. It is an exemption which she grants as an individual favor to one man in the space of two or three centuries, freeing him from the burden of those obstacles and difficulties which she strews along the course of that long progress. (366–67)

Montaigne, who kept a prayer stool in his bedroom, above a chapel to which he was connected by a staircase he had built into the stone and through which, when he was ill, he could hear the chanting of the mass rising up toward him (today the chant or the song, if not the song of songs, would reach him by way of telephone, or even a telephone that would keep a recording of the live voice—as on a cell phone), well, Montaigne recounts in book 1, chapter 14 ("That the taste of good and evil things depends in large part on the opinion we have of them"), that a certain condemned man refused confession as a fraud or a trap by which he did not want to let himself be taken in, numbed, distracted, desensitized, anesthetized, signaling thereby that he preferred to love life, to live while loving, and to die while loving, to die while loving life, to die alive, in short, to die in his lifetime (as Hélène Cixous says, in *Or*, about her father),¹⁰ to die in his lifetime, to die while

10. Hélène Cixous, *Or, les lettres de mon père* (Paris: Éditions Des femmes, 1997).

375 preferring life, or even to die from loving life rather than to let himself be diverted from it by the analgesic trap of confession. This man condemned to death, notes Montaigne, I quote, “answered his confessor, who promised him that he would sup that day at table with Our Lord [thus with the Son of God]: ‘You go instead; as for me, I’m fasting’” (54).

This passage (since I’m at Montaigne,¹¹ I’m going to stay a while) confirms the idea that abolitionism, the idea that the death penalty was a problem, had not emerged at the time (it will await the Enlightenment, and once again this gives us access to a problem if not a definition as to the essence of the Lumières, or the Aufklärung, or the Enlightenment or the Illuminismo: the essence of the light common to all these enlightenings, the essence of this *aube* [dawn],¹² would it not be the twilight of capital punishment, the doubly crepuscular moment in which one begins to think the death penalty, starting from its end, starting from the possibility of its end, starting from the possibility of an end that breaks like day, and already begins to condemn the condemnation to death? The age of Enlightenment would be like the rising, the sunrise, the east or the yeast [*le levant ou le levain*] of a form of speech diagnosing, prognosticating: the condemnation to death is condemned, in the long run [*à échéance*]), so this passage from Montaigne, at a moment when the idea of sentencing to death the death sentence had not really begun to surface, explains to us, through a series of examples and quotations à la Montaigne, all the reasons men and women and children have had to prefer something else to life and have signaled this by the way they have accepted death, or even, most often preferred the death sentence and execution, all of this signaling that there was something worth more than life, which was above life, like a sur-vival that would be something other and better than life, a sur-vival that would not necessarily be a life prolonged in another way or in another world, but a survival without life [*une survie sans vie*], which would thus respond, correspond to something else (but what? but who?), to something or to someone that would be worthy of “causing one to espouse it at the cost of his or her life.”

376 In the long fragments I am going to quote, which can very well dispense with any commentary since the thinking is, I think, very clear, I will nonetheless underscore two words or two concepts that might risk, on first hearing, not receiving all the emphasis I would like to give them. There is

11. [Translator’s note]: Derrida’s phrasing here recalls that the writer’s name is also the name of the family’s estate, the Château de Montaigne.

12. [Translator’s note]: “Dawn” is in English in the original.

first of all the word or concept of “force,” the word *forte* [strong, powerful]: what allows one to rise above life, sur-viving beyond the livingness [*vivance*] of life, and to “cause one to espouse it at the cost of his or her life,” is a rather strong force, and although it is the force of an opinion (“Any opinion is strong enough to cause someone to espouse it at the cost of his or her life”), let us not forget that the word and the concept of “opinion” have themselves a great force here: “to opine” means *to say yes*, to judge by *saying yes*, by affirming, by believing as well, by believing in it while believing, while believing in it, to opine, thus, as a believer. To opine means here *I believe, I believe you, I want to believe in you, I believe I believe in you*, wanting to believe and believing one believes coming down to the same thing here or pulling each other along in the same momentum or the same movement of a flying trapeze, here at the cost of life, the trapeze flying here on the force of what one would have to espouse at the cost of one’s life. Opinion here has the force of an act of faith that says *yes*, and it is the force of this force, when “opinion is strong enough [*assez forte*],” it is the force of this force that exceeds life, that causes one to espouse it at the cost of one’s life, that amounts to sacrificing life to its force, to the force or the intensity of its *yes*, to its act of faith or love, to its belief, its will, its desire to believe, its believing in believing.

Hence the second word and the second concept that I wanted to emphasize in the passage I am going to read, that of “religion.” The example par excellence, in truth the essence of this force of “opinion strong enough to cause someone to espouse it at the cost of his or her life,” of this sworn faith or this belief, is what is called religion, the religious, religiosity. And Montaigne is speaking thus of *all* religions, not only the Christian religion (“This is an example,” he says, “of which no religion is incapable”)¹³—every religion is capable, because it is the essence of religion; every religion is capable of preferring something else to life, at the cost of life. In other words, religion is or grants the surviving of survival. So that this discourse and this doxography of *doxai*, of opinions strong enough to rise above life, be it in the condemnation to death, this doxographic discourse on *doxa*, this collection of opinions on the essence of opinion, of opining, of saying yes, is a thesis, in short, or at least a hypothesis of Montaigne’s on the essence of the religious: the religious of religion is always the acceptance of sacrificial death and the death penalty, in the shadow of a sur-viving that supposedly is worth more than life.

13. The closing parenthesis has been added.

Let me now read and comment on a few of these passages. (Read and comment on Montaigne, pp. 103, 104, 105)

How many of the common people do we see who, when led toward their death, and not merely death, but one mixed with disgrace and sometimes grievous torments, show such assurance (some out of stubbornness, others out of natural simplicity) that we may perceive no change in their ordinary behavior: they settle their family affairs and commend themselves to their friends, singing, preaching, and addressing the crowd—indeed even including a few jests and drinking the health of their acquaintances every bit as well as Socrates did. One fellow as he was led to the gallows asked that they avoid a certain street, for he risked being arrested there by a tradesman for an old debt. Another asked the hangman not to touch his throat for fear that he would break out laughing since he was so ticklish. Another, whose confessor was promising him he would sup that day at the table of Our Lord, answered: “You go instead; as for me, I’m fasting.” Another, who asked for a drink and the hangman having drunk of it first, said he didn’t want to drink after him for fear of catching the pox. Everyone has heard tell the tale of the man from Picardy who was on the stairs when they showed him a young woman; if he agreed to marry her, his life would be saved (as our laws sometimes allows); he studied her a moment, and having noticed she limped, said: “Run up the noose: she’s lame.” And a similar story is told of a man in Denmark, who was condemned to be beheaded: he was on the scaffold when he was presented with similar terms, which he refused because the girl they offered him had sagging jowls and her nose was too pointed. A man-servant in Toulouse was accused of heresy and for sole justification of his belief he referred to that of his master, a young student in jail with him: he preferred to die rather than let himself be persuaded that his master could be mistaken. We read that when Louis XI took the city of Arras, there were many of its citizens who let themselves be hanged rather than cry “Long live the King.”

Even today in the kingdom of Narsinga, the wives of their priests are buried alive with their dead husbands. All other wives are burned alive at their husbands’ funerals not merely with constancy but with gaiety. And when they cremate the body of their dead king, all his wives and concubines, his favorites and a multitude of dignitaries and servants of every kind trip so lightly towards the pyre to cast themselves into it that they apparently deem it an honor to be his companions in death. . . . (53–54)

Any opinion is strong enough to cause someone to espouse it at the cost of his or her life. The first article in that fair oath that Greece swore and kept in the war against the Medes was that every man would rather exchange life for death than Persian laws for their own. In the wars of the Turks and the Greeks, how many men can be seen accepting the cruelest of deaths rather

than decircumcise themselves in order to be baptized? This is an example that no religion is incapable of. (54–55)

Since last week, I have been meditating, if one may call it meditating, on this strange hypothesis of a compromise with the death penalty: an anesthetic meant to act imperceptibly, to desensitize imperceptibly, and that would be for one day, one single day, at the disposal of the condemned man, free (Camus does indeed say “freely”), free to use it as he wished at the moment he wished. Interrogating all the terms of this hypothetical compromise, one wonders about this time calculation: one day (why one day, only one day or one whole day that can look like an eternity, an eternity of bliss or suffering or painful bliss? Or why only a day: for whoever loves life, as one says, and remains attached to that right to life about which Camus, we will come back to this, says, like Hugo, that it is a “natural right,”¹⁴ for whoever loves life, or loves living or lives to love, for whoever loves what life gives one to love, a day can be an incalculable eternity of suffering or bliss, or suffering in bliss, too much or too little, too much and too little, infinitely too much in the separation, infinitely too little in the bliss),¹⁵ and before looking to this or that anesthetic or tranquilizer, sleeping pill or “painkiller,” to some all-powerful Lexomil¹⁶ that would dispense death like sleep, that would let death surprise us, as they say, in our sleep, it would first be necessary to find an anesthetic that would desensitize one not only to pain but to time itself, that is to say, to sensibility itself, or even to the form of sensibility, as Kant says of time (“form of the sensibility of internal objects and of objects in general”), there where suffering has to do with the time that must be calculated, the time that separates, that separates one instant from another or that separates one from another in general, the time that spaces, the spacing of time that must be endured in the calculation of the incalculable, a minute, a day, weeks, and so forth. I must say that the “compromise” proposed in conclusion by Camus, so as to make, he says, the death penalty or its application more decent, this compromise seems to me both serious and quite flimsy. It is serious because it points indeed to an empirical path for alleviating or humanizing things (and let us not forget that Camus had in mind the guillotine, that his text is titled “Reflections on the Guillotine”), but it finally anticipates a certain way in which the death-dealing American states could reinstate the death penalty after the 1972 Supreme Court decision, “lethal injection” with an initial anesthetic meant to remove the act

14. Camus, “Reflections on the Guillotine,” p. 221.

15. The closing parenthesis has been added.

16. [Translator’s note]: The brand name of a tranquilizer in wide use in France.

of putting to death from the constitutional concept of “cruel and unusual punishment”—which means that this anesthesial compromise can just as well confirm and legitimize and authorize the survival of the death penalty at the very moment this compromise attenuates the suffering it causes or even promises survival tout court.

Anesthesia and religion, then, there is the program.

380 Without knowing where this seminar is going, one can presume it will always be vain to conclude that the universal abolition of the death penalty, if it comes about one day, means the effective end of any death penalty, as vain as it is to believe that the vegetarian effectively abstains from eating, in reality or symbolically, living flesh, or even from participating in any cannibalism. How can one love a living being without being tempted to take it within oneself? Love and Eucharist. Transubstantiation. Eat me, this is my body, *hoc est corpus meum, touto estin to sōma mou*. Keep it in memory of me. Which also means, in the mouth of the Son, eat me, keep me, I am leaving (or I am dying provisionally), I sur-vive, that is to say, I am going to come back; I am coming back right away; time does not count, but on the condition that, as living beings, you eat while waiting, that you have the cold-blooded composure [*le sang froid*] to eat well, to eat me, that is, to eat for me, since one very well has to eat well, as the other says, while waiting for me, you must assimilate my blood or the blood for me, but without me, like a slow sugar.¹⁷ Sense me—sans me [*Sens moi—sans moi*]. Cannibalism and the food of carnivores will always survive the literal end of human sacrifices or vegetarianism, just as crime and the death penalty will always survive the suppression of the death penalty. Even when the death penalty will have been abolished, when it will have been purely and simply, absolutely and unconditionally, abolished on earth, it will survive; there will still be some death penalty. Other figures will be found for it; other figures will be invented for it, other turns in the condemnation to death, and it is this rhetoric beyond rhetoric that we are taking seriously here. We are taking seriously here all that is condemned, whether it be a life or a door or a window¹⁸—or whatever or whoever it may be whose end would be promised, announced, prognosticated, decreed, signed like a verdict.

Let us harbor no illusion on this subject: even when it will have been

abolished, the death penalty will survive; it will have other lives in front of it, and other lives to sink its teeth into.

But nursing no illusion on this subject must not prevent us—on the contrary, this is courage and composure [*le sang-froid*]³⁸¹—from being militant, from organizing with cool heads [*de sang-froid*], to militate, while waiting, for what is called the abolition of the death penalty, and thus for life, for survival, in the priceless interest of life, to save what is left of life. Whether or not the corpus here is that of Jesus Christ, whether or not the blood, wine, or slow sugar of life comes to us from the Gospels, the Song of Songs, and from what they teach us about love as love of life, of my life, of the “my life,” is at bottom, perhaps, somewhat secondary in my view. Let us say with a cool head [*de sang-froid*] that the Passion of the Son of God is but an example. An example of passion. Now, that the forceful *opinion* of some holds it to be the best example given, the exemplary example of the gift or forgiveness of love, of passion and of grace in general, which must put an end to the death penalty, thus put an end to the church, at least to that church which has supported it and has not yet asked forgiveness for that fact, this is no doubt an interesting problem, and we pose it, we envision it in fact, but let us be content to say here that the Son of God is but an *example*, or else a copy [*un exemplaire*] for us—and before this abyss of what is meant by *exemplarity* or “imitation of J. C.,” before this abyss as before every other abyss, let us keep our composure [*sang froid*]. Love itself has need of it, of this granted grace, in order to save itself, to attempt forever to come through safe and sound. It must keep watch [*veiller*], it must mount sur-veillance over survival; it must keep watch to organize, work, and militate with a cool head, but it must never cease appealing to the chance of a pardon issued, of grace granted.

17. [Translator's note]: That is, *sucre lent*, which is more commonly called a complex carbohydrate in English.

18. [Translator's note]: In French, a door or window that is boarded up or filled in is said to have been condemned.