

LANCASTER UNIVERSITY

The Death of Me

Literature, Relational Death, and the Human Thing

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Submitted for the award of a PhD in Literature
September, 2019

This thesis is my own work and has not been submitted in any form for the award of a higher degree elsewhere.

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This thesis argues that literary fictions of the death penalty, which present us with the liminal status of those who are condemned to death, are a means of reading the political and philosophical subject otherwise.

To be sure, a certain strand of (post-)Heideggerian thought has always posited the idea of “my death”, where death is only and always mine, which makes any ontological dissolution of the “I” unthinkable. However, this thesis reads fictions of the death penalty by Sophocles, Dickens, Hugo, Greene, Sartre, Nabokov, and Blanchot, among others, to show how the death penalty also condemns to death Heideggerian “Being-towards-death”.

By being condemned to death, a state not solely bound to the cells of death row, the thesis argues that the self and death collide in a post-Heideggerian way. When the supposed futurity of death is brought into the here and now, or even the past, we encounter what this thesis will call “relational death”: that is, living on with the death one has already died, when the subject’s foremost relation to death puts under erasure all other relations—to itself, the Other, and to political sociality as a whole—and puts into question not the individual subject but subjectivity itself.

In a sustained engagement with Blanchot’s thought, which also encompasses the work of Hegel, Heidegger, Levinas, Derrida, and Agamben, this thesis concludes by re-evaluating the human, less as a named and recognisable “being” than as an anonymous living corpse or “thing”, residing beyond names and concepts.

ACKNOWLEDGEMENTS

My utmost gratitude is owed to Prof. Arthur Bradley, without whose invaluable advice, patience, and support this thesis would have been a much poorer work. His academic rigour, critical perspectives, and encouragement have inspired me from the beginning and will continue to do so in the years to come.

I am also extremely grateful to Prof. John Schad and Prof. Steven Connor, who read this project incredibly closely, productively tested its limits, and unreservedly put their faith in the ideas discussed here.

Special thanks to all members of staff at Lancaster University, especially Dr Michael Greaney and Prof. Alison Stone—who engaged my ideas with expertise, respect, and friendship—as well as to members of staff at the University of Malta, especially Dr Mario Aquilina, Prof. James Corby, and Prof. Ivan Callus, who guided me with their individual brands of brilliance.

Particular thanks, too, to Prof. Laurence Hemming, with whom Heidegger was discussed over many libations, and to Dr Omar N'Shea, who introduced me to the history of the ancient Near East over innumerable cups of coffee.

I owe the completion of this work to the support of my family, the dog who lives with us and the one who died with us, and my dearest friends Dr Kurt Borg, Dr Maria Christou, Bethany Dahlstrom, Dr Joel Evans, James Farrugia, Elsa Fiott, Steven Kosiak, Valentino Paccosi, Wayne Pye, and Joslyn Sammut.

I am happy to say that, either overtly or less obviously, all the above are directly engaged with in this study, whether in terms of their own publications or our private conversations (yes, even with the dogs). I am not a man of many beliefs, but I do believe in all of them.

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ABBREVIATIONS

The following texts are cited with these abbreviations in text and footnotes.

A	‘Antigone’, Sophocles
AP	<i>Aporias</i> , Jacques Derrida
BSI	<i>The Beast and the Sovereign, Volume 1</i> , Jacques Derrida
BSII	<i>The Beast and the Sovereign, Volume 2</i> , Jacques Derrida
BT	<i>Being and Time</i> , Martin Heidegger
D	<i>Demeure: Fiction and Testimony</i> , Jacques Derrida
DPI	<i>The Death Penalty, Volume 1</i> , Jacques Derrida
DPII	<i>The Death Penalty, Volume 2</i> , Jacques Derrida
EE	<i>Existence and Existents</i> , Emmanuel Levinas
GD	<i>The Gift of Death</i> , Jacques Derrida
HS	<i>Homo Sacer: Sovereign Power and Bare Life</i> , Giorgio Agamben
IB	<i>Invitation to a Beheading</i> , Vladimir Nabokov
ID	<i>The Instant of My Death</i> , Maurice Blanchot
LD	<i>The Last Day of a Condemned Man</i> , Victor Hugo
LPS	<i>Introduction to the Reading of Hegel: Lectures on the Phenomenology of Spirit</i> , Alexandre Kojève
LRD	‘Literature and the Right to Death’, Maurice Blanchot
PS	<i>Phenomenology of Spirit</i> , Georg Wilhelm Friedrich Hegel
TC	<i>A Tale of Two Cities</i> , Charles Dickens
TI	<i>The Idiot</i> , Fyodor Dostoevsky
TM	<i>The Tenth Man</i> , Graham Greene
TW	‘The Wall’, Jean-Paul Sartre

Introduction: Literature, Questions, Death

In the history of the ancient Near East, from as early as the Isin-Larsa period up until around the time of Alexander the Great, its influential cultures manifested an odd practice that has since come to be called the ritual of the substitute king.¹

An eclipse, likely in conjunction with other omens, heralds calamities that only the death of the king will appease. At this point, fearing for his life, the king and his counsellors call for the enthronement of an appointed substitute (*šar pūhi*) who is to die in his stead. The surrogate, often a commoner (*saklu*) or even a prisoner or criminal (*dābibu*), is now clad in robes and diadem, and, subsequently, there are enacted specific traditions in front of the god Šamaš—such as recitations, sign-making, ceremonial eating, burnt offerings, libations, and ablutions—which prepare this substitute king for his fated death (referred to as *ana šimtišu*). Once killed, psalms, litanies, and wailing wash over the surrogate's corpse and, after his honoured burial, there are performed exorcistic rites and the consequent burning of the original king's regalia, insignias, furniture, and other possessions.

Throughout the reign of this substitute, whose duration as monarch differed depending on the circumstances but never lasted more than a hundred days, the man who used to be king

¹ Our knowledge of this ritual in one such culture, that of the ancient Assyrians, is severely limited: the surviving fragments are few relative to the extent of the original writings, their legibility is considerably deteriorated, and one is hindered by the inadequate or general lack of decipherments of the cuneiform tablets. As such, there is no commentary on this ritual that is considered canonical or finalised beyond other interpretations, although Simo Parpola's translations and commentaries are currently considered the most authoritative and Jean Bottéro's work the most frequently cited. As such, several texts were consulted, although ones that look at specific variations depending on the region or period have been left out. See, in particular: Preston Kavanagh and Simo Parpola, *Ezekiel to Jesus: Son of Man to Suffering Servant* (Eugene: Wipf & Stock, 2017), specifically 'The Assyrian Substitute King Ritual' and 'Letters from Assyrian Scholars', pp. 59-103; Jean Bottéro, *Mesopotamia: Writing, Reasoning, and the Gods*, trans. by Zainab Bahrani and Marc Van De Mieroop (London and Chicago: University of Chicago Press, 1992), specifically 'The Substitute King and His Fate', pp. 138-55; M. Rahim Shayegan, *Aspects of History and Epic in Ancient Iran: From Gaumāta to Wahnām* (Washington: Center for Hellenic Studies, 2012), specifically 'The Concepts and Reality of the Substitute King in Mesopotamia and Iran', pp. 35-42; W.G. Lambert, 'A Part of the Ritual for the Substitute King', *Archiv für Orientforschung*, 18 (1957-1958), 109-12; John H. Walton, 'The Imagery of the Substitute King Ritual in Isaiah's Fourth Servant Song', *Journal of Biblical Literature*, 122(4) (2003), 734-43 (pp. 736-38); and Lorenzo Verderame, 'Means of Substitution. The use of figurines, animals, and human beings as substitutes in Assyrian rituals', *Rivista degli Studi Orientali, Supplemento no. 2*, 86 (2013), 300-23 (pp. 317-21).

completely withdraws from all royal engagements and hides in the palace. His abstention is, however, only public; the original king retains the power of governance, and, after the substitute king's death, he is quickly reinstated. Šamaš is appeased—a king has died, after all—and, as always, life will go on after death.

Through this initiatory example of the substitute king, this study acknowledges a complex and longstanding interrelation of death and politics, one which finds itself reconfigured across times and cultures in a myriad of forms. Here, even religious beliefs, at least in their social performance, are subsumed under the exhaustive dynamics of power, for while the ritual is indeed indebted to religious reasons for its (surprisingly not so rare) enactment, it nonetheless remains undeniably political at core. As Jean Bottéro sees it, the substitute's office was to 'serve as a lightning rod [...] in order to *take upon himself* [...] the evil fate that threatened his master', and what emerges as being of utmost importance is not the appeasement of the gods but rather the facilitation of the sovereign's survival.² The ritual's spiritual aspects, therefore, find their mediation through the political control and regulation of death—one that extends, even, to its *exchange*. As a whole, in fact, what this study aims to consider in depth are the dynamics of this latter problematic: that is, of how and why one may die another's death, what this reveals of the borders of life, and how this reconfigures what one may understand by that perennially ambiguous syntagm "human being".

Such a discussion implicates vast questions and territories that are perhaps unexplorable, seeing as how death is often considered as what lies strictly at or beyond the limits of our knowledge. More so than cultural, historical, or even religious concerns, this idea of dying "in-stead" (instead of, in someone's stead) also raises wide and disconcerting philosophical questions. What is our *relation* to death—our own or someone else's—assuming there can be such a

² Bottéro, p. 150. Italics as in original. Henceforth, all quotations will reproduce the italicisation of the original unless otherwise stated. Italics added by the author will be acknowledged in the corresponding footnote.

thing? How does politics, or more specifically sovereignty, affect this relation? What are the significations of the death sentence, when one is *made to die* just like the substitute? Can death be given or taken, and what might that possibility even signify? Ultimately, could death be thus understood as a potential horizon that undoes not only the subject, but perhaps the category of subjectivity itself? After all, philosophical accounts of death often serve only to fortify or even concretise the subject rather than disperse it.³

There are still more questions since, in the possibilities of death's exchange, one inversely finds also the counter-intuitive complexities of the continuation of life when death is no longer in the future, but rather in the now or even in one's past. What happens—on phenomenological, existential, and ontological grounds—when one, like the king, survives “their own death”?

As such, in the first section of this introduction, what shall be addressed in the manner of scene-setting are some aspects of this relation between death and sovereign politics, and the positioning of death within, or without, the political sphere. Is death utilised in the grips of politics to control life, or is death always elsewhere, beyond our grasp? From this, the second introductory section shall turn to these dynamics as they might appear in literature, where, it shall be intimated, literary works both mirror and challenge the multifarious implications of this politically anomalous death.

Yet how does literature represent this dangerous game of finalities? And why even turn to literature at all? Is it too quick an assumption to state that literature and the politics of death have some unique and unshakeable communion? Is it too grandiloquent to claim that death places the very idea of literature into question, or, vice versa, that literature questions death?

³ Jacques Derrida would agree that thinkers such as Lacan, Althusser, Foucault, Freud, Marx, Nietzsche, and Heidegger ‘never [managed] to “liquidate” the subject’, and to be added to this list are others such as Hegel, Levinas, and Derrida himself. See Jacques Derrida and Jean-Luc Nancy, “Eating Well,” or the Calculation of the Subject: An Interview with Jacques Derrida’, trans. by Peter Connor and Avital Ronnell, in *Who Comes After The Subject?*, ed. by Eduardo Cadava, Peter Connor, and Jean-Luc Nancy (New York and London: Routledge, 1991), pp. 96-119 (p. 97).

One might, in good humour, point out that it is after all these same Sumerians of lower Mesopotamia, the practitioners of mortality's exchange, who also invented writing.⁴

Dead Politics

In an act of complete power, the Late-Assyrian king appoints a substitute to die in his place. Let us, for a moment, take a step back so as to try and ascertain what the role of sovereignty signifies in this context.

As made clear in Achille Mbembe's influential essay 'Necropolitics'—which builds upon the seminal thought of Carl Schmitt, Michel Foucault, and Giorgio Agamben—this act of choosing who is to live or die, 'who is *disposable* and who is not', translates to 'the ultimate expression of sovereignty'.⁵ While sovereignty as "absolute kingship" might at first seem an anachronistic concept, Mbembe turns to the present manifestations of power in (post-)colonial occupations and beyond to challenge the late-modern 'normative reading of the politics of sovereignty': that is, whereby diverse institutions paradoxically posit the subject as a fully-autonomous agent while at the same time demanding collective agreement throughout society.⁶ Effectively, what Mbembe underscores is the continuous reassertion of sovereign power, throughout history as well as in our own time, through its constant transgression of the prohibition against killing.

Through his argument, we are able to draw the first few lines between the ancient Near Eastern context and that of contemporary occupations and warfare—such as the insidious domination of Palestine, the militarisation of borders, or the "war on terror"—in recognising how sovereignty can to a great degree be trans-temporally and trans-culturally defined as that which

⁴ See Bottéro, specifically 'Writing and Dialectics, or the Progress of Knowledge' (pp. 87-102).

⁵ Achille Mbembe, 'Necropolitics', trans. by Libby Meintjes, *Public Culture*, 15(1) (2003), 11-40 (pp. 27, 11).

⁶ *Ibid.*, (p. 13).

decides the state of exception.⁷ Wherever there is the choice of who lives or dies, there is also the figure of the sovereign. Perhaps Bottéro's opinion that 'the procedure of substitution [...] betrays [...] a sensibility that [is] diametrically opposed to ours' is therefore not entirely accurate, and one can begin to understand that the absolute political power of the sovereign is not simply a thing of the past.⁸ As Mbembe makes clear, the intertwining history of death and politics recalls not only medieval heads on spikes or the French Revolution, but also gas chambers, the condition of slavery, and contemporary terrorism. The state of exception, therefore, still finds effect globally and contemporarily.

More specifically, Mbembe's essay is written in response to Foucault's idea that biopolitics—which can summarily be defined as the 'numerous and diverse techniques for achieving the subjugations of bodies and the control of population'—has long since emerged from and transformed the dynamics of sovereignty.⁹ On the nature of said sovereignty, at least, Mbembe and Foucault seem to be in accord. In his 1976 lectures 'Society Must Be Defended', Foucault describes how '[s]overeign power's effect on life is exercised only when the sovereign can kill',¹⁰ which he locates (in 'Right of Death and Power over Life', published that same year) as originating from the ancient Roman *patria potestas*—and, as we have seen already, this can be traced much further back, too.¹¹ Consequently, the 'very essence of the right of life and death is actually the right to kill: it is at the moment when the sovereign can kill that he exercises his right over life', and in the political sphere, therefore, 'there is no real symmetry

⁷ 'Sovereign is he who decides on the exception'. Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. by George Schwab (London and Chicago: University of Chicago Press, 1985), p. 5. Though it might seem so in the ancient Assyrian context, it is here argued that is never anachronistic to talk of the state of exception.

⁸ Bottéro, p. 155.

⁹ Michel Foucault, 'Right of Death and Power over Life', in *The History of Sexuality, Volume 1*, trans. by Robert Hurley (New York: Pantheon Books), pp. 135-59 (p. 140).

¹⁰ Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-1976*, trans. by David Macey, ed. by Mauro Bertani and Alessandro Fontana (London and New York: Allen Lane, The Penguin Press, 2003), p. 240.

¹¹ For an explanation of *patria potestas*, see Foucault, 'Right of Death and Power over Life', (p. 135).

in the right over life and death'.¹² In effect, while there is a death penalty, there can be no such thing as a life penalty. Death is the power of the sovereign, and it is in this way that Mbembe describes necropolitics to be the 'subjugation of life to the power of death'.¹³ Dead politics, as the above subheading suggests, is not where politics is dead, but rather where politics lives on and works through death and the dead.

But is it not a distortion of emphasis to talk of the politics of death as if it overshadows the politics of life? After all, Foucault would suggest that death is what is negated through biopolitics, which rests not on classical sovereignty but biopower, a life-power and power-over-life which he somewhat ambiguously demarcates as emerging around the time of the French Revolution and then more overtly through the agricultural revolution. If the symbol of sovereignty's power 'was the sword', as Foucault asserts, it has contemporarily been transformed into 'a power that exerts a positive influence on life, that endeavors to administer, optimize, and multiply it, subjecting it to precise controls and comprehensive regulations'.¹⁴ From the advent of biohistory, the *droit de glaive* is blunted; or, rather, the sword is no longer wielded as a threat but exhibited as an implement of defence. Life is its own ultimate value, life above all, even above death; the sovereign's right to 'take life or let live' is not exactly undone, but rather supplemented by the biopolitical right to 'make live and to let die'.¹⁵ Biopolitics, then, takes over from sovereignty and treats subjects not as individuals that may be killed but as a population to be managed, regulated, and normalised ('a sort of homeostasis', Foucault explains), where death—that which should be avoided at all cost—recedes either into

¹² Foucault, *Society Must Be Defended*, p. 240.

¹³ Mbembe, 'Necropolitics', (p. 39).

¹⁴ Foucault, 'Right of Death and Power over Life', (pp. 136-37). "Positive" here is not to be equated with "beneficial"; rather, it is used in opposition to the negation of life through death and killing.

¹⁵ Foucault, *Society Must Be Defended*, p. 241.

taboo or simply into what the enemy must face if the state is to survive.¹⁶ The sword no longer calls for the blood of its subjects but for that of the other.

We emerged into biohistory, Foucault contends, to escape the tyranny of death manifested as war or epidemics. We desired the management of our lives for the sake of our protection and at the cost of the enemy's lives; ultimately, '[i]t is in order to live that [we subjects] constitute a sovereign'.¹⁷ As we have seen, however, Mbembe questions whether the notion of biopower is 'sufficient to account for the contemporary [and sovereign] ways in which the political, under the guise of war, of resistance, or of the fight against terror, makes the murder of the enemy its primary and absolute objective'.¹⁸ Here is a clear echo of Agamben's thoughts on the persistence of sovereignty, as when he underscores how '*the production of a biopolitical body is the original activity of sovereign power*', and thus biopolitics marks neither the disappearance nor transformative nullification of sovereignty (*HS*, 6).

Mbembe's point on the construction of alterity as enmity consciously recalls, too, Schmitt's understanding of sovereignty. According to Schmitt, classical sovereignty has, in modern times, receded into secularised institutionalisation and a liberal pluralism apparently devoid of the figure of the sovereign, where its 'technological progress has no need for individual persons'.¹⁹ However, even this neutral and technological ground of liberal democracy, Schmitt admits, quickly and continually re-becomes 'an arena of struggle', one where 'friend-enemy groupings' are decided through the power of the political;²⁰ as such, as Tracy B. Strong explains, the sovereign can be summed up as 'the action of "us" against "them"—friends versus

¹⁶ Foucault, *Society Must Be Defended*, p. 246.

¹⁷ *Ibid.*, p. 241.

¹⁸ Mbembe, 'Necropolitics', (p. 12).

¹⁹ Tracy B. Strong, 'Foreword', in Schmitt, *Political Theology*, pp. vii-xxxvi (p. xxiv).

²⁰ Carl Schmitt, 'The Age of Neutralizations and Depoliticizations', trans. by Matthias Konzen and John P. McCormick, in *The Concept of the Political—Expanded Edition*, trans. by George Schwab (London and Chicago: The University of Chicago Press, 2007), pp. 80-96 (pp. 90, 95).

enemies'.²¹ This Hobbesian (and to a degree Hegelian) distinction is what, for Schmitt, defines politics (as opposed, for instance, to economics, where one does not have enemies but only competitors), and is what leads George Schwab to explain how, for Schmitt, the state is always 'governed by the ever-present possibility of conflict'.²²

Thus, while monarchical rule has indeed been dissipated in the modern age by 'the [democratic] division of power', that is, 'the notion that power must be checked by power'—an idea quite at home in Foucault's sketch of the biopolitical episteme—one can nonetheless read through Schmitt 'the personal element in sovereignty', the 'indivisible' power of the sword that persists through the historical development of the political, for the exception never ceases to come.²³ If 'the state's *raison d'être* [is] to maintain its integrity in order to ensure order and stability' (the homeostasis of biopower), there still remains today the constant creation and deployment of us/them dichotomies, breaking through liberalist procedures and calling for the 'resolute action [...] necessary to combat threats'.²⁴

Such decisive action (that of deciding what the exception is in times of crisis or siege, and what to do about it) is constituted by and in turn itself constitutes the element of sovereignty still present in the contemporary "life-affirming" political state. Quite simply, then, sovereignty emerges as the exercise of 'the monopoly to decide'.²⁵ The biopolitical "legal order", as the writings of Schmitt, Agamben, and Mbembe evidence, can only be defined against the ever-present anarchical or chaotic threat of enmity and emergency (the state of siege), and death is thus the irreplaceable currency that allows the state to afford life.

²¹ Strong, (p. xxvii).

²² George Schwab, 'Introduction', in Schmitt, *Political Theology*, pp. xxxvii-lii (p. xxxviii).

²³ *Ibid.*, (pp. xlii-xliii).

²⁴ *Ibid.*

²⁵ Schmitt, *Political Theology*, p. 13.

As Mbembe goes on to argue, when sovereignty is read as ‘*the generalized instrumentalization of human existence and the material destruction of human bodies and populations*’, then ‘[s]uch figures of sovereignty [...] are what constitute the *nomos* of the political space in which we still live’.²⁶ In short, while Foucault observes the gradual appearance of life in the political limelight, displacing death, Mbembe sees the latter still at its centre. For Foucault, death ‘is outside the power relationship’, and the contemporary state ‘has no control over death, [even if] it can control mortality’; biopolitics, therefore, ‘literally ignores’ and ‘no longer recognizes death’.²⁷

For Mbembe, on the other hand, ‘[p]olitics is death that lives a human life’, where death does not recede into the background but, rather, is that through which ‘power [...] continually refers and appeals to exception, emergency, and a fictionalized notion of the enemy’ in order to function; this function is ‘the work of death’.²⁸ As he states, this is perhaps most evident in war, as understood on the basis of Schmitt’s state of siege. War is not where the state’s biopower is exercised in order to prolong the life of its citizens, but is ‘as much a means of achieving sovereignty as a way of exercising the right to kill’, a clear echo and reversal of Carl von Clausewitz’s famous aphorism.²⁹ We now have, then, the formulation that politics is the continuation of war, where political order can exist only through sovereignty’s power to decide the state of exception, where ‘the entirety of one’s life’ is always at risk. Thus, rather than subjects being controlled, regulated, and managed by life (biopolitics), they are controlled by death (necropolitics), which Mbembe claims comes to mean, ultimately, ‘conferring upon them

²⁶ Mbembe, ‘Necropolitics’, (p. 14). It should here be noted that this is not necessarily or exclusively contradictory of Foucault’s ideas, but ‘Necropolitics’ in effect acts out a thinking through of the sweeping formulations of biopolitics. Mbembe is, therefore, here understood as Timothy Campbell and Adam Sitze’s ideal reader. See Timothy Campbell and Adam Sitze, ‘Introduction’, in *Biopolitics—A Reader*, ed. by Timothy Campbell and Adam Sitze (Durham and London: Duke University Press, 2013), pp. 1-40 (p. 7).

²⁷ Foucault, *Society Must Be Defended*, p. 248.

²⁸ Mbembe, ‘Necropolitics’, (pp. 15, 16).

²⁹ *Ibid.*, (p. 12). See Carl von Clausewitz, *On War*, ed. by Howard Michael and Peter Paret (New Jersey: Princeton University Press, 1984), p. 87: ‘War is the continuation of politics by other means’.

the status of the *living dead*—a particular and difficult turn of phrase which this thesis shall examine in considerable detail.³⁰

The sword of sovereignty, then, is never simply defensively pointed at the enemy. For Mbembe, to be a political subject means that one's very life is already punctured by the sword, where existence is not shielded by the blade but rather always already pierced by it through and through. As Agamben explains, 'human life is included in the political order in being exposed to an unconditional capacity to be killed', and 'the absolute capacity of the subjects' bodies to be killed forms the new political body of the West' (*HS*, 85, 125). However, the wielder of the sword, the sovereign, seems immune to its point. Georges Bataille expands on this idea:

The sovereign is he who is, as if death were not. [...]. He has no more regard for the limits of identity than he does for limits of death, or rather these limits are the same; he is the transgression of all such limits.³¹

And is this not exactly the decisive action of the ancient king, who plainly and easily transgresses even the limits of identity so that death would, for him, simply not be? And, because of this, is not the substitute one of the '*living dead*', living only so that he may die instead?

However, the counter-argument goes, does not the sovereign also join the living dead in the continuation of his life after his own supposed death? Surely the ancient Near Eastern king does, eventually, die his own bodily and *proper* death, in the sense of the "correct" subject this

³⁰ Mbembe, 'Necropolitics', (pp. 15, 40).

³¹ Georges Bataille, *The Accursed Share: An Essay on General Economy, Volumes II and III*, trans. by Robert Hurley (New York: Zone Books, 1991), p. 222.

time around, as well as in the sense of death's property and/or the property of death?³² Death is not only the power of sovereignty, but also takes place as its end—'death becomes, insofar as it is the end of life, the term, the limit, or the end of power too'.³³ As such, this study acknowledges, as does Stuart J. Murray, the diverse possibilities in which 'death exceeds [...] the juridical logic of the exception' in it being 'a way to interrupt, to momentarily suspend, or to meaningfully subvert biopolitical logic through thanatopolitics'.³⁴

Of biopolitics and the appearance of death, Murray writes:

I believe we are invited to read "biopolitics" not in Agamben's usual sense of the term but as Foucault understands it. Agamben's conception of biopolitical power draws on Schmitt, and is understood as negative: namely, the decisive power of the sovereign ban that he sees as continuous from antiquity to the present. Foucault, on the other hand, sees a shift occurring in modernity, when modern biopolitics becomes productive or enabling.³⁵

Therefore, Murray's thanatopolitics—dissimilarly to Mbembe's necropolitics and closer to Foucault's biopolitics—retains within its field a certain productivity or enabling of the political subject (to wallow in Foucauldian language, this might be termed "reverse productivity") to *resist*, even if through the complete unproductivity and negativity of death. This manner of resistance, interruption, and suspension is crucial, and shall be returned to. Indeed, if such (reverse) discourse is even possible, exploring the thanatopolitical enables one 'to speak in the name of death', and 'to discuss the status of *death-as-such* or, more precisely, of death's life

³² Implicit in this discussion is, of course, the idea of the king's two bodies, the *politic* and the *natural*. See Ernst H. Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (Princeton: Princeton University Press, 1985).

³³ Foucault, *Society Must Be Defended*, p. 248.

³⁴ Stuart J. Murray, 'Thanatopolitics: Reading in Agamben a Rejoinder to Biopolitical Life', *Communication and Critical/Cultural Studies*, 5(2) (2008), 203-207 (p. 205).

³⁵ *Ibid.*, (p. 204).

or *the life of death*'.^{36, 37} Death thus 'proliferates and remains', and, closer than we presume it to be, it 'punctuates the language of everyday life'.³⁸

Thus, in the shared realm of death and politics, of the living dead and the life of death, there is a distinction to be made between "necropolitics" and "thanatopolitics".³⁹ In most critical studies, the use of "necropolitics" is used to open up a space of discussion where the political working of death is scrutinised on the basis of the oppression of minorities (whether economic, racial, gendered, and so on), essentially following Mbembe's transposition of Foucault's work into colonised and postcolonial spaces. On the other hand, this study aims to look at the mutual interpolations of death and politics as they emerge in literature, which, as shall be seen in the upcoming section, are often deeply troubling of a one-sided domination of politics over death. Literature, which speaks before it is spoken to, speaks also with the voice of the dead, the very ones who should be voiceless. As Murray notes, '[t]here is, then, an ambivalent specter of death that remains inassimilable and incomprehensible within sovereignty's hermetically self-referential discourse'.⁴⁰ It is this spectre that shall be unearthed here.

Therefore, while retaining the understanding of sovereign power as that which decides the state of exception, "thanatopolitics" shall hereon be used to signify the additional possibility of death as a response to politics outside the sovereign's absolute power, which it breaks and interrupts. It was earlier stated that dead politics is not where politics is dead but where politics *works* death, as if stating that 'life and death are not natural or immediate phenomena which are primal

³⁶ Stuart J. Murray, 'Thanatopolitics: On the Use of Death for Mobilizing Political Life', *Polygraph* 18 (2006), 191-215, (p. 193).

³⁷ Achille Mbembe, 'On The Postcolony: A Brief Response to Critics', *African Identities* 4(2) (2006), 143-78 (p. 155), as quoted in Murray, 'Thanatopolitics: On the Use of Death for Mobilizing Political Life', (p. 195).

³⁸ Murray, 'Thanatopolitics: On the Use of Death for Mobilizing Political Life', (p. 208).

³⁹ The only linguistic difference between the two is that the former conjoins "politics" with a Latinised version of the Greek *nekros*, meaning "dead body, corpse, dead person", whereas the latter conjoins it with a Latinised version of the Greek *thanatos*, meaning "death". Thus, the former emphasises a particular corporeality whereas the latter stresses the more generalised state of being dead. See *Chambers Dictionary of Etymology*, ed. by Robert K. Barnhart (Edinburgh: Chambers, 1988), pp. 698, 1130

⁴⁰ Murray, 'Thanatopolitics: On the Use of Death for Mobilizing Political Life', (p. 202).

or radical, and which fall outside the field of power’, but rather solely elements that can be manipulated through the political.⁴¹ It would not necessarily be counter-intuitive or contradictory, then, to add that dead(-)politics—thanatopolitics—thus also signifies the ways in which death kills, or *unworks*, politics itself. Is this where there emerges, as Murray tentatively suggests, ‘maybe [...] a postsovereign subject?’⁴²

While the compelling idea of postsovereignty shall be returned to in the last chapter, can it be anything but an empty concept? If sovereignty still typifies the political contemporary, how is one to get away from it? One clue lies, rather unsurprisingly, within Foucault. Sovereignty’s ‘dramatic and somber absolute power’, he writes, is one that can be exercised ‘over men insofar as they are living beings’.⁴³ The question we are left with, then, is of who rules the living dead.

In briefly comparing bio-, necro-, and thanatopolitics, death’s troublesome position in relation to politics becomes only more troubling. Death is, respectively, that which is ignored, that which is utilised, or that which escapes and ends all power that seeks to either ignore or utilise it. These simultaneous flourishes of the sword reveal that a closer look at death’s invisible and minute dynamics needs to be taken—one not far removed from the thinkers already discussed here, or indeed from Maurice Blanchot, Jacques Derrida, Martin Heidegger, G.W.F. Hegel, and Emmanuel Levinas, among others. This point of view, however, would retain as its principal concern the potential political, existential, and ontological implications of the possibilities of death’s exchange, where death is no longer mine: what this study tentatively calls a *relational death*. This is one reason, at least, for why this thesis is entitled “the death of me”, which carries, as shall become evident as this thesis progresses, entirely different nuances from “my death”.

⁴¹ Foucault, *Society Must Be Defended*, p. 240.

⁴² Murray, ‘Thanatopolitics: On the Use of Death for Mobilizing Political Life’, (p. 199).

⁴³ Foucault, *Society Must Be Defended*, p. 247.

Literature's Sword

Like death, literature too ‘punctuates the language of the everyday life’. While this destructive understanding of language shall be discussed further on, it is well beyond the scope of this introduction to examine definitions of the literary, or how and why this irruption even occurs. An explanation is required, however, as to why the questions previously raised—mainly philosophical and political in nature—are here to be refracted through the lens of literature. After all, Plato’s infamous exile of the injurious poets from the ideal Republic still finds its resonances today.⁴⁴

It would perhaps be wisest to steer clear of a circular debate around real or constructed dichotomies between literature and philosophy and, seeing as how we have already invoked Plato, instead extrapolate his idea of the *meletē thanatou*: that is, the manner of ‘a true disciple of philosophy [...] always practicing how to die without complaint’, one who leads a ‘life [that is] the practice of death’.⁴⁵ In other words, a preparing for death through a living of death. This ‘concern for dying as a relation to self and *an assembling of self*’, as Derrida describes it, reveals how ‘[p]hilosophy isn’t something that comes to the soul by accident, for it is nothing other than this vigil over death that watches out for death and watches over death, as if over the very life of the soul’ (*GD*, 14-15).⁴⁶ Leaving to one side, for now, this idea of self-assemblage within the realm of death, we witness the Platonic idea that philosophy can only begin from the end. On this one may recall Cicero, who believes that ‘to philosophize is to learn how to die’.⁴⁷

⁴⁴ See Plato, *The Republic of Plato*, trans. and ed. by Francis MacDonald Cornford (London: Oxford University Press, 1945). See especially ‘Part V (Book X, 595A-608B). The Quarrel Between Philosophy And Poetry’, pp. 321-40.

⁴⁵ Plato, *The Dialogues of Plato*, vol. 1, 4th ed., ed. and trans. by B. Jowett (Oxford: Clarendon Press, 1953), p. 435, as quoted in *GD*, 14.

⁴⁶ Emphasis added.

⁴⁷ Simon Critchley, ‘Preface to the Second Edition’, in *Very Little... Almost Nothing: Death, Philosophy, Literature*, 2nd ed. (Oxon and New York: Routledge, 2004), pp. xv-xxviii (p. xvii).

Philosophy thus starts from death. The thanatopolitical sovereign, through the *droit de glaive*, likewise founds, and is founded by, death. And so what of literature? Does it too watch over death, and is its sword protectively and biopolitically pointed outwards, or thanatopolitically inwards?

It is easy enough to make the case for death's seminal role in the literature of the death penalty henceforth examined, and of us being urged to think of—or practice—death through these particular works. As poet and dramatist Joanna Baillie puts it:

If man is an object of so much attention to man, engaged in the ordinary occurrences of life, how much more does he excite his curiosity and interest when placed in extraordinary situations of difficulty and distress? It cannot be any pleasure we receive from the sufferings of a fellow creature which attracts such multitudes of people to a publick execution, though it is the horror we conceive. To see a human being bearing himself up under such circumstances [...] must be the powerful incentive, which makes us press forward to behold what we shrink from, and wait with trembling expectation for what we dread.⁴⁸

But what of literature more generally, the very act or work of literature? Perhaps, if literature can be described, in Blanchot's words, as 'the highest form of work'—and this, counter-intuitively, because it '*ruins action*'—then the idea of a *work* of literature quickly erodes beneath our feet, and one is left with a literature that begins only 'at the moment when literature becomes a question' (*LRD*, 313, 316, 300).⁴⁹ Literature, Blanchot writes, is not so much a productive work or working of something as it is 'the element of emptiness present in all', with it being both before and beyond the particularities of its authors and perennially open to and

⁴⁸ Joanna Baillie, 'Introductory Discourse', in *A Series of Plays: in which it is attempted to delineate the stronger passions of the mind...*, 3rd ed. (London: T. Cadell, Jun. & W. Davies, 1800), pp. 1-71 (p. 5).

⁴⁹ Emphasis added.

transformed by the universal and the futural, continually ‘made and unmade’ and thus always unworking, emptied, and disappearing (*LRD*, 302, 306).

We already begin to glimpse here literature’s inextricable ties to death and dying—two terms that must be differentiated later on—through its innate hollowness. As such, this study does not here turn to literature to provide answers but, rather, to help shape the questions. Literature’s emptiness is made especially clear through its very grounding in language. ‘Literature is bound to language’, and language is, in itself, a death sentence: to name something is to murder it (*LRD*, 322). As Blanchot explains:

For me to be able to say “This woman,” I must take her flesh-and-blood reality away from her, cause her to be absent, annihilate her. The word gives me the being, but it gives it to me deprived of being. The word is the absence of that being, its nothingness, what is left of it when it has lost being—the very fact that it does not exist (*LRD*, 322).

In Adam’s naming of the animals of Eden, therefore, there is at “work” not only the dynamics of hierarchical and political (and masculine) power but also the unworking dynamics of death. Language’s universalisation, then, condemns to death the particular, where the woman—the “she”—becomes merely an “it”, the universal and empty “it” of a statement like “it is raining”.⁵⁰ In so long as it remains bound to language, literature, like philosophy, cannot but begin from the end. In seeing death at the origin of each point in the present triangulation of politics, philosophy, and literature, the statement that the politics and philosophy of death can be accurately interrogated through literature does not ring hollow.

As Derrida says:

⁵⁰ As in Levinas’s description of the *il y a*, discussed later. See *EE*, p. 53.

This is why all the things we're dealing with here, sovereignty, [...] the living dead, the buried alive, etc., the spectral and the posthumous—well, the dream, the oneiric, fiction, so-called literary fiction, so-called fantastic literature will always be less inappropriate, more relevant, if you prefer, than the authority of wakefulness, and the vigilance of the ego, and the consciousness of so-called philosophical discourse (*BSII*, 185).

This sentiment, which might recall us to Levinas's claim that 'the whole of philosophy is but a meditation of Shakespeare', seems to place literature as prior to philosophy and thus enforce the notion of a dichotomy between the two.⁵¹ However, the present definition of literature—as that which constantly makes and unmakes, invents and destroys, meditates and erases the very meaning of "human"—troubles any such distinctions that might be drawn as lines in the sand. It is with this mindset that, in attempting to understand the human condition in relation to death, we turn to the literature of the death penalty.⁵²

The principal reason for the present prioritisation of fictional literature over non-fictional prison writings—or, closer still, writings from death row itself—amounts to the fact that fictional works allow us to go beyond individual cases of condemnation in understanding how

⁵¹ Emmanuel Levinas, 'Time and the Other', in *Time and the Other, and additional essays*, trans. by Richard A. Cohen (Pittsburgh: Duquesne University Press, 2011), pp. 39-94 (pp. 72). See Richard A. Cohen, *Levinasian Meditations: Ethics, Philosophy, and Religion* (Pittsburgh: Duquesne University Press, 2010), p. 151.

⁵² In the interest of properly interrogating the issues at hand, we shall thus have to put aside other aspects of the death penalty, despite their propinquity, and discuss these only briefly and intermittently when necessary. These would include: legal and historical genealogies of the death penalty, arguments (legal, moral, sociopolitical) in favour of either abolition or retention, religion and its formative role in the death penalty's histories and presences, the psychology of death row, medical problematisations of the time of death, and the role played by racial and socio-economic discrimination—especially in the US—in determining who is to be condemned. Derrida's *Death Penalty* seminars, which will be discussed from the second chapter onwards, provide ample exploration of all these aspects and conjoin them with a wealth of bibliographical resources. For deeper insight into the physical and psychological conditions on death row, one may turn to, for instance: *Into the Abyss: A Tale of Death, a Tale of Life*, dir. by Werner Herzog (IFC Films, 2011) and Herzog's mini-series *On Death Row* (Channel 4, 2012-13), and Michael Johnson, 'Fifteen Years and Death: Double Jeopardy, Multiple Punishments, and Extended Stays on Death Row', *Boston University Public Interest Law Journal*, 23(1) (2014), 85-116. For a reading of the medical determination of death in line with this thesis's own views, one might read *HS*, 160-65.

the death penalty operates on a universal rather than particular level. Death row, as shall be seen, is not reserved for those condemned to death.⁵³

On this, it is here sufficient to point out that several fictional narratives of the death penalty present us with an unnamed protagonist. This nameless everyman—as presented in Blanchot’s *The Instant of My Death*, Victor Hugo’s *The Last Day of a Condemned Man*, or Franz Kafka’s ‘In the Penal Colony’ (all discussed later on), as well as in other works such as George Orwell’s ‘A Hanging’—allows us to glimpse not a condemned individual paraded as someone entirely removed from our own situation, at whom one can gawk and tremble in expectation, but rather an image of ourselves. While the “nameless” shall gain additional signification as this study progresses, its nuances developing not only in terms of universality but also anonymity, the fiction of the death penalty—because it is fiction—is here read, in Hugo’s words, as ‘eliminat[ing] the contingent, the accidental, the particular, the special, the relative, the modifiable, the episodic, the anecdotal, the event, [and most importantly] the proper name’.⁵⁴ This universalisation—that is, the universalisation of the literary that Blanchot speaks of, empty of all particulars—puts us on death row ourselves, and we find ourselves always already slain through a literature which provides us only with the example and never with the exemplary.

It seems, then, that we find ourselves in a rather bleak situation, apparently already dead and perennially threatened—and thus defined—by a death penalty that is here understood as boundless, spilling over the confines of both prison cells and fiction. How are we to understand ourselves if death is not something entirely removed from our lives but rather held *in relation*,

⁵³ Here one might include journalistic and biographical accounts of condemned inmates (such as Sister Helen Prejean’s *Dead Man Walking*) as well as non-fictional memoirs from death-row prisoners (such as Mumia Abu-Jamal’s *Live from Death Row*, Richard M. Rossi’s *Waiting to Die*, or Billy Neal Moore’s *I Shall Not Die*, among others). Norman Mailer’s *The Executioner’s Song*, representing the case of Gary Gilmore, is of particular interest in terms of the seminal reinstatement of the death penalty in the US in 1976.

⁵⁴ Victor Hugo, ‘Preface’, in *LD*, pp. 3-24 (p. 4).

if death is always already here as we live and breathe? It is in light of these questions that the complex conceptual matrices of the death penalty are here foregrounded. The death penalty, historically discussed only in terms of ethics, law, and its various technologies—in short, as only an aspect of society rather than its foundation—is here scrutinised in a way that philosophy has neglected; that is, as a way of thinking otherwise the human relation to death. It is for this reason that this thesis turns to literature, with its fecund and creative potentials that sustain and encourage the possibility of thinking otherwise to begin with.

To this end, the second chapter begins by asking what, first of all, is to be understood by the term “death penalty”. Here, definitions are proffered through Immanuel Kant and Derrida, circling questions of sovereignty, law, and the certainty of the time of death which the penalty seemingly affords the condemned. This supposed certainty is, ironically, the first step in our questioning of whether we are, as Heidegger defines us, beings-towards-death, since, at least for those condemned, it seems death is here already. Implored by the literary works at hand, therefore, this thesis undertakes a lengthy examination of Heidegger’s concept of “my death” and explores an alternative conception of death—a relational death—which necessitates a re-evaluation of Heideggerian ontology.

The third chapter then defines both the idea and context of the “relational death” through a discussion of the problematic temporality of the death penalty which, like the French Revolution that popularised its terror, seems to revolve into itself up to the point of paradox. Through a reading of *Antigone* and Hegel’s Lord and Bondsman dialectic, the relationship between sovereignty and its condemned subjects is explored, allowing us to begin to understand the matrices of relations simultaneously and paradoxically withheld and erased, rather than simply severed, in death. These relations—with the figure of the sovereign, with that of the commoner-substitute who dies in-stead, and with death itself—are further illuminated through three literary texts, namely Graham Greene’s *The Tenth Man*, Charles

Dickens's *A Tale of Two Cities*, and Victor Hugo's *The Last Day of a Condemned Man*. It begins to emerge that we are all living corpses, condemned to death—and yet what is one to make of these relations in death, or of their political nature? Ultimately, what is “me” and “my death” now?

With these questions at the forefront, the fourth chapter seeks to understand the consequence of the collapse of distinction between Self and Other following the elimination of the subject, now dead. Through the thought of Levinas, and beyond it, a reading of Jean-Paul Sartre's ‘The Wall’ and Vladimir Nabokov's *Invitation to a Beheading* illuminates what it would mean were we to understand the subject as one already deceased, decomposing and shedding off the Heideggerian world and our thrownness into mortality. The Levinasian command “thou shalt not kill” is in this context transformed into “thou shalt not die”, and human sociality is thus revealed as being founded not on ethics but through sovereignty's ultimate decree. Here, we are met with not the impossibility of death, but the impossibility of life. In being beyond Heideggerian structures of Being, then, one must further question *how* we are (for the ontological question is not a deliberation of whether we *are* or *are not*), and Levinas's idea of the *il y a*, along with Derrida's notion of *chora*, here allows us to conceptualise the human beyond Heideggerian Being: not, then, the human *being*, but rather the human *thing*, manifesting some sort of ‘assembling of self’, as Derrida puts it, possible only in death.

At this point, there remains the irresolvable tension between the dead human and the voice that nonetheless speaks on, for to survive, as the idiom goes, means also that one must tell the tale. This paradoxical literary voice, speaking from beyond the tomb to utter the impossible phrase “I am dead”, is what is explored in the fifth chapter, both through the genre of autothanatography and the Blanchovian concept of the Neuter. This “I” that belongs not to a productive narrative but rather, as it were, to the epilogue or even epitaph, might be a way of thinking beyond, as well as resisting, the sovereignty that condemned it, towards a

postsovereign subject that several thinkers—including Agamben, who is at length conversed with in this final chapter—have tried and failed to sketch.

Prior to these four chapters, the upcoming first chapter shall take on the questions that have been raised in this introduction and rather unhelpfully add some more, this through a close reading of Blanchot's short literary work *The Instant of My Death*. His narrative is here read as manifesting and in several ways deepening the manifold philosophical, political, and literary questions around death that were all too briefly addressed in this introduction, and an analysis of its main conceptual gestures, therefore, shall help this study extend outward and more broadly, expounding these questions in the four chapters that follow.

Without being forgotten, and almost uncannily, the ritual of the substitute king shall intermittently be brought to bear on this thesis at perhaps unexpected points, as if it were a haunting, like that of the other dead king who returns from the grave. 'Long live the king!' Barnardo enigmatically yells at Elsinore.⁵⁵ Long live the dead king!

⁵⁵ William Shakespeare, *The Tragedy of Hamlet, Prince of Denmark*, ed. by Burton Raffel (New Haven and London: Yale University Press, 2003), I. 1. 3, p. 3.

Chapter 1: *The Instant of My Death*

Mort—immortel
Maurice Blanchot, *L'instant de ma mort*

In 1944, a young man sits inside an estate of evident wealth, contemplating a manuscript. He is interrupted by a soft knock at the door. He answers it and finds in front of him a Nazi lieutenant whose great size had been masked by the tenderness of his knocking. The lieutenant yells. He wants everyone inside the house to go outside. The young man stands demurely aside as his elderly relatives cross the mansion's ornate doorway first, then two young women. He follows them, calmly, onto well-maintained lawns that have now become a killing field. The lieutenant bares his teeth, his weapons, and his soldiers, and the young man knows that he is going to die. His one last request is to ask that his family be allowed to go back inside. The soldiers assent, and the young man ignores the hushed shuffling of the women's clothes, thinking instead of the mistake he has made in having assumed these soldiers to be German. They are, in fact, members of the Russian Liberation Army. Or maybe he thinks of his manuscript. Or of God, or of nothing at all, because as he is taken aim at he feels only peace. He is not happy, and perhaps he is not even a little surprised that he is not distressed. Peace might not be the right word—he is already dead. He does not know how long he has been a corpse, there with his eyes closed, but an explosion in the distance resurrects him. He is dismissed by the lieutenant. There were more urgent matters than that of his execution, other things were happening, clamouring, banging for immediate address. The young man walks away. Without knowing how, he ends up in the shadows of a forested heath. Sometime later, he learns of how the soldiers had burned everything, except his house, but three young sons of farmers and some horses have been killed. He leaves for Paris, still unsure of whether he is even alive.

This is, of course, the story recounted in Blanchot's *The Instant of My Death*.¹ As made obvious through its title, what concerns this narrative is the seemingly impossible phrase "my death" and its realisation in what Blanchot insinuates was his own actual experience during the war. It is a narrative that explores what is here considered to be a very significant transposition: that is, when death, which we so often associate with what is to come and which lies in wait for us in the future, is made to be present, brought into the right now or even the past. Alternatively, we think of death as that which happens to other people; surely, death might well be happening *right now*, but it is not happening *to me*. One recalls Epicurus's famous 'Letter to Menoceus', where he writes of how 'death [...], the most awful of evils, is nothing to us, seeing that, when we are, death is not come, and, when death is come, we are not'.² The instant of my death, then, somehow never seems to coincide with my life, and it is this disassociation of death and self that Blanchot's narrative successfully manages to displace in the short space of five pages. What does *The Instant of My Death* reveal of the present moment of my death?

Perhaps, due to the very nature of what is being explored, not very much at all. As Michael Dillon and Paul Fletcher contend: 'The present moment; the moment of death: both are always "in-between" conditions, and therefore intractable to definition or appropriation'.³ It seems, then, one cannot define this immediate instant of death, and yet such radical ambiguity is very often fecund. This lapsed time of death-made-present is what Dillon and Fletcher interrogate in their essay. Looking at Blanchot's short narrative, they see in the account an impossible representation of the ahistorical and exceptional instant, where our experience of the present—

¹ This same episode is also recounted, albeit much more briefly and ambiguously, in Blanchot's much earlier *La Folie du Jour*: 'I was made to stand against the wall like many others. Why? For no reason. The guns did not go off. I said to myself, God, what are you doing? [...] The world hesitated, then regained its equilibrium'. Maurice Blanchot, *The Madness of the Day*, trans. Lydia Davis (Barrytown: Station Hill Press, 1981), p. 6.

² Epicurus, 'Letter to Monoceus', as quoted in Giovanni Reale, *A History of Ancient Philosophy III: Systems of the Hellenistic Age*, ed. and trans. by John R. Catan (Albany: SUNY Press, 1985), p. 173.

³ Michael Dillon and Paul Fletcher, 'Real Time: The Instant of My Death', *Journal for Cultural Research*, 12(4) (2008), 389-402 (p. 397).

that which always escapes determination—may amount to ‘not the death of time [...] but the time of death’.⁴

This thesis recognises in *The Instant of My Death* a radical re-thinking of writing and fiction, life and politics, time and death. One can confidently assert that this narrative tightly encapsulates all the questions put forward in the introductory chapter, and more, and thus its analysis could easily take up the entirety of this study. But a problem is immediately manifest, for how does one even begin to address the in(de)terminable—that is, the interminable and indeterminable—alterity of death, that which is by definition beyond definition? And can one reasonably expect every desired answer from *The Instant of My Death*? While the question of one’s own death might not be the most appropriate place to start, is not literature only literature, as Blanchot writes in ‘Literature and the Right to Death’, when it ‘becomes a question’? Let us, then, begin with Blanchot’s own questions.

It is difficult, however, to read Blanchot’s narrative without there also being—if only at the back of one’s mind—Derrida’s *Demeure*, a critical work which proffers an analysis of the concepts of fiction and death through a particularly close reading of this austere narrative, first published in 1994.⁵ Pairing these texts—as publishers have since done—is not necessarily or solely restrictive, and may even be more than apt considering the close dialogue, one revolving especially around the space of literariness, which irreversibly binds the two thinkers.

Indeed, in an article that looks at *Demeure*’s problematisation of ‘the borders that pass between fiction and testimony’, Ginette Michaud rightly notes that Derrida is perhaps the philosopher who ‘has lent the most attentive ear to Blanchot’s thought, following closely its narrative and

⁴ Dillon and Fletcher, (p. 397).

⁵ Their joint publication in the *Meridian: Crossing Aesthetics* series evidences this close relation. For further information on the publication of *The Instant of My Death*, see also footnote 8 below.

theoretical dimensions'.⁶ Meeting for the first time due to an unhappy incident involving Jean Beaufret, Derrida and Blanchot were to become and remain friends,⁷ to the point, even, of *Demeure* itself being 'a gesture of friendship' due to *The Instant of My Death*'s troubled publication process.⁸ Thus, according to Michaud, 'Derrida's text can also be read as a *response*', where 'such restitution of Blanchot's literary (and perhaps political) testimony makes Derrida not only the host, but also the heir'.⁹ Reading Blanchot through *Demeure*, then, seems not only a preliminary step towards the narrative but a supplementary one.¹⁰

Of *Demeure*, Derrida writes: 'Literature and death, truth and death: this is the subject' (*D*, 22). His commentary takes upon itself the ideas evoked in Blanchot's (questionably) autobiographical narrative, traversing from the position of the witness being-before-the-law and the implications of testimony and passion to more presently seminal notions of irreplaceability, justice, and the problematisation of death. And yet, despite Derrida's exhaustive and symbolic reception of *The Instant of My Death*, there is a particular detail from the narrative to which almost no attention is paid, and it is from this oversight that the following discussion recognises a possible other reading which seems inherent to Blanchot's text itself. Therefore, it is through Derrida—unavoidably—that the present argument is initially led

⁶ Ginette Michaud, 'Literature in Secret: Crossing Derrida and Blanchot', trans. by Pamela Lipson, Patrick Poirier and Roger Starling, *Angelaki*, 7(2) (2002), 69-90 (pp. 76, 69).

⁷ For further details of Blanchot and Derrida's first meeting, see Benoît Peeters, 'A Period of Withdrawal: 1968', in *Derrida: A Biography*, trans. by Andrew Brown (Cambridge and Maiden: Polity Press, 2013), pp. 186-206. Derrida comments most directly on his friendship with Blanchot upon the latter's death: see *BSII* 175-76.

⁸ Following problems between Blanchot and publishers Fata Morgana, presumably because of its laconic length, Derrida quotes *The Instant of My Death* 'in extenso' so as to 'free Blanchot from the burden of his contractual restraints'; thus, Derrida 'discreetly "passes" Blanchot's text to Galilée, sheltering him within the text of *Demeure*'. Michaud, (p. 70).

⁹ Michaud, (p. 71).

¹⁰ "Supplementary" here consciously recalls Derrida's double-edged concept as that which is both 'a plenitude enriching another plenitude', i.e. that which 'cumulates and accumulates presence' while being itself 'quite ex[-]orbitant in every sense of the word', as well as that which 'intervenes or insinuates itself', i.e. that which is 'alien', 'acting through the hands of others'. Jacques Derrida, *Of Grammatology*, trans. by Gayatri Chakravorti Spivak (Baltimore and London: John Hopkins University Press, 1997), pp. 144, 145, 163, 147. For the development of this concept more generally, see 'Part II: Nature, Culture, Writing', in *Of Grammatology*, pp. 95-316.

towards an analysis of what are here taken to be the two most important phrases: “the instant” and “my death”.

The five-page narrative is much more complex than it appears. Although marked by its brevity, it is nonetheless ‘an enormous text’ (*D*, 43). The reader is immediately presented with formal complexities, such as the framing device which nests the rest of the narrative: ‘I remember a young man’, it starts in the manner of a recounting (*ID*, 3). After this, however, the narrative problematically continues with the third person singular “he” while retaining certain interjections by this unnamed first narrator (‘In his place, I will not try to analyze’, for instance) (*ID*, 5). The last sentence of the narrative (before a paragraph that may be termed an epilogue, situated an indeterminate time later) loosely but somewhat unsuccessfully conjoins this “I” with the “he”, as when the narrator thinks: “I am alive. No, you are dead” (*ID*, 11). Already, therefore, one can acknowledge the intricacy of Blanchot’s text despite its ‘parsimony [*principe d’épargne*]’ (*D*, 56). It is a narrative saturated with the Blanchovian ideas of writing, time, death, and the Neuter; it echoes Fyodor Dostoevsky’s experience, whose writings Blanchot often critically addresses; it marks overt ties to Hegel, André Malraux and Jean Paulhan; and its language is deceptively terse.¹¹ These are aspects that shall be returned to in due course. Let us start, however, with the aforementioned absence in Derrida’s analysis.

The complexity of the opening sentence of the narrative evidences why this specific lack of scrutiny with which *Demeure* is here accused is almost inescapable. ‘I remember a young man—a man still young—prevented from dying by death itself—and perhaps the error of injustice’ (*ID*, 3). Although the exact nature of this injustice is here reserved for discussion slightly further on, this first line nonetheless forcibly halts the reader. ‘One could spend years

¹¹ On the 22nd of December, 1849, Dostoevsky was one of the subjects of a mock execution by firing squad, also deferred only at the last moment as a political move on the part of Tsar Nicholas I. For further detail, see Nancy Rutenburg, “‘Why is this man alive?’: The Unconsummated Conversion’, in *Dostoevsky’s Democracy* (Princeton: Princeton University Press), pp. 31-41.

on this sentence', Derrida admits (*D*, 54). *Demeure*, in fact, can be said to revolve in its entirety around this pivotal and counter-intuitive sentence, with Derrida's reading of it situating the condemnation to death—wherein the commanding officer 'placed his men in a row in order to hit [...] the human target', and where the soldiers 'were already aiming'—as a manifestation of the impossible experience of dying (*ID*, 5).

By this [first sentence] we understand that what happens to him is not the dying, it is not dying. It is not dying but following a verdict that is an order to die: die, you are dead, you are going to die. The order to die comes to prevent him from dying ('prevented from dying by death itself'), and the testimony will in some sense recount this division, in its dividend and its divisor. From dying, he is prevented by death itself. This singular division is the true theme of a testimony that will testify, in sum, to an "unexperienced experience" (*D*, 54).

But what is this experience that cannot be experienced? Here, Derrida sees the officer's condemnation of the protagonist as just that: although the man is not physically killed, there is nonetheless the feeling that he has died through an unspoken (death) sentence. 'Death has already taken place, however unexperienced its experience may remain in the absolute acceleration of time infinitely contracted into the point of an instant'; in other words, '[t]here has already been an instant in which death happened to him. Everything was preprogrammed; it was inevitable and fatal, it has thus already arrived—death' (*D*, 62, 70). As Derrida states years later: 'To die, basically, [...] is to be exposed to death' (*BSI*, 137). As a result, the young man 'lives, but he is no longer living. Because he is already dead, it is a life without life' (*D*, 88).

One can thus understand why *The Instant of My Death* is often referred to as an autothanatography: as opposed to autobiography, this is a writing of one's death rather than one's life. As Susan Bainbrigge immediately notes in her introduction to a special issue on the

autothanatographical, '[t]he term [...] might appear to be a contradictory one, since death cannot be known to the self, much less written about', but concludes that 'when *thanatos* replaces the *bios* in autobiography', the focus is 'on dying, rather than living, [which] makes plain the reality of the mortal self. Death itself, though "unknowable", still prompts attempts to grasp—through writing—its nature and meaning'.¹² It is a term Derrida uses only once in *Demeure*, although somewhat hesitantly, parenthetically: according to him, Blanchot's fiction is 'testimonial and autobiographical in appearance (autothanatographical in truth)' (*D*, 55). Although the accuracy of such a term (along with its definitions) remains to be ascertained, Derrida's description seems to hold so far: the account indeed seems to be written '*from my death, from the place and from the taking-place, better yet, from the having-taken-place, already, of my death*' (*D*, 45).

As briefly sounded out above, what makes such claims especially opaque is 'the viewpoint of common sense', according to which—understandably, one might add—'I should not be able to say: I died or I am dead'. One can supposedly only 'testify to the imminence of [...] death', and, therefore, '[n]othing seems more absurd to common sense, in effect, than an unexperienced experience' and its (auto)thanatographical and thanatopolitical consequences. Derrida, however, in an imploration the subtext of which once more recalls their friendship, underscores the importance of thinking through this paradox in order to properly 'read or hear Blanchot' (*D*, 46-47).

From the outset, one recognises that "death" and the "instant", however problematic these terms quickly become, are clearly and inextricably knotted together in this (non-)experience. The moment the decision is made to shoot the man is the instant that the man dies, the instant

¹² Susan Bainbrigg, 'Introduction', *Forum for Modern Language Studies*, 41(4) (2005), 359-364 (pp. 359, 363-64).

when he feels ‘extraordinary lightness, a sort of beatitude (nothing happy, however) [...] The encounter of death with death’ (*ID*, 5). This last phrase, writes Derrida, reveals ‘death itself [...] at the tip of the instant of imminence, at gun point, *at the moment when and from the moment that* death was going to arrive’. It is an encounter which is ‘only ever [...] an anticipation, the encounter of death as anticipation with death itself, with a death that has already arrived according to the inescapable: an encounter between what is going to arrive and what has already arrived’, and death, therefore, ‘has just come from the instant it is going to come. [...] *It has just finished coming*. Death encounters itself’ (*D*, 64-65). As Derrida acknowledges, perhaps the clearest exemplification of this is the protagonist’s “last” wish that his family go inside so that they might not witness his execution. This being granted—and does not the fulfilment of one’s last wish signify an end that is already here?—his family assents in ‘a long, slow procession, silent, *as if everything had already been done*’ (*ID*, 5).¹³ Although death has not come, the experience of certain death has: this is the unexperienced experience, which does not lie only on phenomenological lines. Additionally, ‘[o]ne is not resuscitated from this experience of inescapable death, even if one survives it. One can only survive it without surviving it’ (*D*, 62-63). Summarily, then, despite the risk of being overly-reductive when taking such terms at face value, the moment that death is made inevitable, the instant when one is condemned to death, is the moment that one dies.¹⁴ Hence, one can begin to grasp the words spoken between the indeterminate and almost-converging “I” and “he” along with the last line of the epilogue: ‘[a]ll that remains is the feeling of lightness that is death itself or, to put it more precisely, the instant of my death henceforth always in abeyance’ (*ID*, 11).

¹³ Emphasis added.

¹⁴ This statement shall be examined more thoroughly in the second chapter in light of the distinction, made by Derrida around six years after *Demeure*, between “condemned to die” and “condemned to death”. While it is true that death is inevitable for all individuals, the case of the death sentence is markedly singular.

However, the meaning of these two phrases that we have here been discussing—‘prevented from dying by death itself’ and ‘the encounter of death with death’—are in Derrida’s reading extensively conflated. As discussed above, both the former and the latter phrases are read by Derrida as referring to the ‘interruption of the death sentence’ through the very instant of ‘what will already have taken place’, and this is correct (*D*, 49). Both, after all, concern death meeting death, a thanatopolitical interruption of sovereignty’s sword. On the other hand, and now is the time to bring in what Derrida does not, one is led to wonder whether such conflation misses out on other nuances in Blanchot’s narrative: that is, the vital significance of the death of ‘three young men, sons of farmers—truly strangers to all combat, whose only fault was their youth—[who] had been slaughtered’ (*ID*, 5, 7).¹⁵

Derrida says very little of these three, almost nothing. In an extensive commentary on a five-page narrative about death, the neglect of these deaths is strange. In *Demeure*, only one sentence addresses them directly and summarily: ‘The farms are burned; the young farmers, who had nothing to do with the whole thing, have been executed’; and one other reference mentions them indirectly in terms of the trauma of war (*D*, 86; see also *D*, 80). Evidently, Derrida does not acknowledge their place in Blanchot’s text as a seminal one, equating their positioning to that of ‘the bloated horses, on the road, in the fields’ as an attestation to the event of violence (*ID*, 7). This is despite the fact that the three sons can be said to have been in the exact same position as that of the narrator—who similarly had nothing to do with anything, a stranger ‘to all combat’, who was also a young man like them, and who *has also died*—with the sole difference being that the Château to which the protagonist is linked, and what it

¹⁵ One is immediately reminded of that stanza from ‘The Tollund Man’: ‘The scattered, ambushed | Flesh of labourers, | Stockinged corpses | Laid out in the farmyards’, and of note is that the namesake of the poem was himself a victim of execution, hanged by a braided leather rope. Seamus Heaney, ‘The Tollund Man’, in *Opened Ground—Poems 1966-1996* (London: Faber & Faber, 1998), pp. 64-65 (p. 65).

represents in terms of social standing and history, commands ‘a respect or consideration that the farms did not arouse’ (*ID*, 7).

It is odd that Derrida mirrors the soldiers’ violence in his lack of consideration of the three sons. Perhaps one may understand why Derrida, despite the thorough analysis, does not give them due significance. Very often *The Instant of My Death* is read in such a way that their deaths are understood as being chronologically anterior to the young man’s trial. They are the already dead. For instance, in a review article of *The Instant of My Death/Demeure*, Rei Terada writes: ‘A roving band of soldiers pillages [the protagonist’s] region of the French countryside, burning farms and killing the farmers’ sons. The Lieutenant orders his men to execute the young man, then moves away, distracted by the noise of an explosion’.¹⁶ Even Dillon and Fletcher, in whose article death is so closely related to the instant, forget about these other deaths. The explosion of the ‘nearby battle’ and the three deaths are, therefore, separated not only spatially but also chronologically, or even pictured as entirely disparate, and thus the latter are seen—when they are even seen at all—simply as either an allusion to class difference, or a testament to the horror of war, or else their mere mention is read as the literal incarnation of survivor’s guilt on the part of the protagonist, ‘the feeling that he was only living because, in the eyes of the Russians, he belonged to a noble class’ (*ID*, 5, 7).

However, and this is the crux of the present argument, the reading here proposed is that, chronologically, those three sons died in that same explosive battle which led to the dismissal of the protagonist. In a text which foregrounds the instant to such an extent, and which disturbs the very idea of “chronology” in significant ways, the deaths of the three other young men can reasonably be read as having happened *instantaneously* to the protagonist’s execution, and,

¹⁶ Rei Terada, ‘Review’, *SubStance*, 30(3) (2001), 132-36 (p. 132). It should here be noted that Terada is of the opinion that ‘some of the explication [in *Demeure*] lacks energy, at least in comparison with Derrida’s literary reading in the sixties and seventies’, a comment that is not really substantiated and is unlikely given *Demeure*’s exhaustive relation to the narrative. Terada, (p. 134).

consequently, the implication is that it was their death which deferred his own. Thus, that first paradoxical aphorism—‘prevented from dying by death itself’—here gains further meaning in it being the death of the three sons which prevented the protagonist from dying, who dies nonetheless. As such, what Derrida writes of Blanchot’s first line remains exceedingly insightful: one can indeed spend years in its contemplation.

This is not saying that simultaneous death has been too far from others’ minds. ‘Blanchot’s life is indebted to the death of innocent farmers, whose failure to belong to a certain class costs them their life’, writes Jungah Kim, although once more—despite even the title of her essay—the sons of farmers are left to the side (one is tempted to add: of the road, with the horses) in the survivor’s favour, the author once again unwittingly repeating the soldiers’ preference for nobility as opposed to commoners.¹⁷ Even *Demeure* itself can be read as gesturing at this possibility left unread, where, as quoted above, Derrida tellingly refers to the three men as having been ‘executed’. Nothing more about them, however, is said, and, in a last twist of the knife, the title of Blanchot’s narrative itself (“my death”) hides away these other deaths as if they were something secret. It is here deemed important that, just like the protagonist, one not ignore the ‘feeling of compassion for suffering humanity’ (*ID*, 5).

Christopher Fynsk, too, acknowledges the vital significance of this feeling. In a chapter of his *Last Steps*, Fynsk sees in *The Instant of My Death* ‘an affective knowledge of being-with [and “dying-with”] that will be coupled with an enigmatic relation to death’.¹⁸ Despite aiming to understand how the protagonist’s realisation of mortality is tied to this ‘feeling of compassion’, Fynsk’s “humanity” effectively remains a disembodied and human-less one. He writes how, for the young man, ‘[s]uffering [...] has become a passion of the Outside: this is what the young

¹⁷ Jungah Kim, ‘Ethical Complexities in Reading and Writing Autobiography: Thinking the Humanity of Others in the Instant of My Death’, *Life Writing*, 9(1) (2012), 97-110 (p. 106).

¹⁸ Christopher Fynsk, ‘Compassion for Suffering Humanity: *The Instant of My Death*’, in *Last Steps—Maurice Blanchot’s Exilic Writing* (New York: Fordham University Press, 2013), pp. 109-21 (p. 110).

man knows with those caught in the affliction of the ongoing struggle, which in the neighbourhood is general [...] and measureless'.¹⁹ As we have seen, however, it is difficult to maintain that suffering in *The Instant of My Death* is 'general' or 'measureless'. There is, indeed, a certain universality to the dead body's symbolic gestures, but Blanchot by no means ignores the particular to focus only on the general. The three dead sons are foregrounded, clearly given a marked place as who they are—or were. Fynsk, unfortunately, only sees 'the young peasants from his neighbourhood' as ones that suffered from a lack of social advantage, and as such the protagonist is narrowly read by Fynsk as sharing his suffering with everyone at once, and thus with no one in particular at all.²⁰

At this point, one must stop and query the manifold implications of these simultaneous deaths in the narrative. What kinds of different death sentences are at play here, and have the farmers been slaughtered, assassinated, or executed? Is there any difference? What of innocence—their 'only fault was their youth', after all—and the 'error of injustice'? In what other ways does the "instant" make "my death" problematic, or even impossible? How are death and dying to be understood on this basis of time, especially when the intended survives and someone else, someone other or a third party, dies? And, ultimately, how justified is Derrida in calling *The Instant of My Death* an autothanatography ('in truth', he adds), when the term's prefix denotes some kind of unbreakable solitude in death?²¹

Before progressing, it is worth noting that such a series of questions essentially sums up the main concerns of this thesis, although in a manner that might at best be described as too hasty.

¹⁹ Fynsk, (p. 117).

²⁰ Ibid., (p. 111).

²¹ Cf. Bainbrigge, (p. 361): 'alterity in autobiography recurs as a key theme, with death and the other often featuring as the "unknowns"'. As such, the whole idea of "autothanatography" might need re-examination, as shall be done in the last chapter.

But let us start, at least, with the first of these questions, and contemplate with Derrida for a while longer.

On the one hand, Blanchot refers to the three young men as having been ‘slaughtered’ (*‘abattus’*), and then later as having been assassinated (*‘assassinat’*, *assasiné*): ‘This was war: life for some, for others, the cruelty of assassination’ (*ID*, 6, 7). On the other hand, however, Derrida refers to them as having ‘been executed’ (*exécuté*)—a word never used in the narrative—and such different nuances open up an ambiguity which calls for some form of address. Blanchot’s first term stems from *abattre*, that is, to beat down (hence the other meanings of *abattus* and *abattu*: despondent, dejected, depressed), and reminds the reader of the abattoir, a slaughterhouse for animals; seemingly, then, the sons are no different from ‘the bloated horses’, having been fatally flogged and beaten (in its dual meanings of “defeat” and “violence”). The second word, however, makes us pause in implying a certain purpose to—or more precisely put, a certain purposiveness in—their death, since one does not assassinate the arbitrary individual but rather a given ‘human target’. These two words as used by Blanchot thus immediately seem at great odds: the first demotes, literally depresses, the victims by highlighting their animality—animals being traditionally scaled on some lower Aristotelian tier than human beings—whereas ‘assassination’ brings to the fore an affirmative estimation of their prominence, seemingly and contradictorily suggesting that they too somehow belonged to ‘the noble class’.

In fact, to return once more to Shakespeare and dead kings, the first recorded literary use of “assassination” stems from *Macbeth*, where the target is none other than King Duncan.²² Due to how his personage seemingly sits on the opposite end of the spectrum from those simple

²² ‘If it were done when ’tis done, then ’twere well | It were done quickly. If th’ *assassination* | Could trammel up the consequence, and catch | With his surcease success’. William Shakespeare, *Macbeth*, ed. by Burton Raffel (New Haven and London: Yale University Press, 2005), I. 7. 1-4, p. 38. Emphasis added.

sons of farmers, the word in the context of Blanchot's narrative thus serves to point us towards re-assessing these social polarities in relation to manners of death. Similarities can already be drawn in the representation of King Duncan as Macbeth's first *innocent* victim. One could also tease the parallels between the regicide and the killing of the three young men—for is (the literary version of) King Duncan not also, to a certain extent, a stranger to all combat as he awaits his soldiers to inform him of the events of the battle, or in the naïve, unbounded trust he puts in his hosts?²³—and it would not be a fruitless endeavour to further examine the shared ground between the concepts found in both *The Instant of My Death* and *Macbeth*.²⁴ Why would such purpose be ascribed to the death of the three farmers if not to suggest, in some manner, that their deaths were not merely the unimportant or accidental by-products of war? There is, then, a certain suitability that presents itself in the concept of the assassinated commoner against the backdrop of innocence—this not only in the sense of “without fault” but also that of simply “not knowing”—although this does not disaffirm the protagonist's class guilt in the face of the soldiers' slaughter. In this appositeness of seeing both slaughter and assassination in the killing of the young men, the apparent self-contradiction of the protagonist's view of their death perseveres.

The matter is further confounded in Derrida's referring to the three sons as *exécuté*; he writes that '[e]xecution here is a matter of assassination', questioning the possibility that the narrative distinguishes between 'the rules of war, war crime, and then murder pure and simple' (*D*, 87-88). But one must stop to ask whether 'execution' and 'assassination' are interchangeable

²³ 'Haile brave friend; | Say to the king, the knowledge of the Broyle, | As thou didst leave it'. Shakespeare, *Macbeth*, I. 2. 23-25, p. 2. Of course, counter-balancing this, one cannot forget that it is nonetheless in Duncan's name that the war is fought in the first place, or the fact that the character is based on the less-than-virtuous, and certainly not innocent, historical figure of King Duncan in Raphael Holinshed's *Chronicles of England, Scotland, and Ireland*.

²⁴ While Macbeth shall be referred to later on, one must be mindful, however, of 'placing Shakespeare in the space of Blanchot' when 'Blanchot himself seems to resist doing this', seeing as how there is a marked lack of engagement between Shakespeare and Blanchot, where, in the latter's oeuvre, Shakespeare only 'appears a handful of times as a name' and, even then, his characters are given priority over their author. See Mario Aquilina, "'Everything and Nothing": Shakespeare in Blanchot', *Word and Text*, 5(1-2) (2015), 87-97 (p. 95).

terms. While assassination is almost exclusively restricted to the eminent, execution seems to be the great equaliser, historically bringing an end to the lives of commoners and kings alike; it was not only those such as Maximilien Robbespierre or Marie Antoinette who were executed, but also countless common citizens killed under uncertain accusations.²⁵ Therefore—to play with what Derrida meant by ‘*principe d’épargne*’—execution and assassination cannot be balanced without dividend.

There is still, however, a certain depth to Derrida’s choice of *exécuté*. Despite his lack of acknowledgement of the simultaneity of these deaths, his reference to ‘execution’ seems extremely pertinent in that, as the great equaliser, it not only contains within it the idea of assassination but also that of slaughter, and so captures and maintains the ambiguity that arises from this juxtaposition of terms diametrically opposed. The idea of social classes, ones differentiated even by manner of killing, thus collapses under “execution”. While the first step towards this is Blanchot’s use of ‘assassination’, where the young men are placed alongside the protagonist in social standing, the concept of execution also turns the other way round in allowing the reader to see that the soldiers’ act of violence towards the protagonist can also appropriately be considered slaughter. Social class, then, is here not the most pressing issue.²⁶

Indeed, the soldiers’ actions relegate the protagonist’s association with the Château to the life before his death, and after the slaughter of his former life he has merely the Bois des bruyères, as if he were the son of a farmer—or an animal—inheriting land and nothing else.²⁷ Simultaneously, the sons of farmers are elevated and it is now they who are nobility, through their ‘assassination’, commanding the protagonist’s respect, who now looks at the sons as they

²⁵ The problems of the French Revolution, so close to this discussion, will be brought into the discussion in the third chapter.

²⁶ Fynsk does acknowledge that, in the narrative, there is evidenced ‘the collapse of any conceptual and social walls between [the protagonist] and “suffering humanity”’. Fynsk, (p. 111).

²⁷ Does not the “Bois des buyères”—“Heath Woods”—point almost irreverently at the heath upon which the witches appear to Macbeth? ‘Upon this blasted Heath you stop our way’. Shakespeare, *Macbeth*, I. 3. 177, p. 7. My translation.

might have looked at him. This is not simply a reversal of roles. Crucially, what the text reveals is *a simultaneous experience of the same death by both parties*—both nobility and commoners, both assassinated and slaughtered—and hence the execution of one necessarily always implicates the other. And yet one ends up “living” on.

In this way, the shared death and dying-with that this current discussion speaks for is underscored twofold: firstly, this death is still ‘in abeyance’ (*toujours en instance*) while at the same time being present—the execution has and has not taken place. This is where a particular nuance of ‘abeyance’ emerges most clearly: as the OED has it, not only is ‘abeyance’ a ‘temporary [...] suspension’ (here, of death), but also ‘the position of waiting for or temporarily being without a claimant or owner. Also: a period of *being* without a claimant or owner’.²⁸ The protagonist can thus never claim his death—‘*désormais toujours en instance*’—nor his being-after-death, as death is now paradoxically both *past* and *pending*, and which has instead been suffered by the three sons (*ID*, 10). Secondly, in this execution, the prior (social) difference between the victims is annulled through the unexperienced experience of death. It is almost as if alterity itself were under erasure—although, it is vital to add, only or perhaps necessarily through the decisive presence of alterity itself. Therefore, while the fact remains that the young man was not killed, but survives, identifying what happens in the narrative as an act of ‘execution’ does bring to the forefront this sense of a conjoint experience of death, a death in common.

It might not be too glib to comment on the appropriateness of how the young man is, in this common death, bound to *commoners*. After all, as Queen Gertrude, the wife of a dead king,

²⁸ ‘abeyance, n.’, *OED Online* (Oxford University Press, December 2015). <<http://www.oed.com/view/Entry/268?redirectedFrom=abeyance#eid>> [accessed 1 September 2019]. Emphasis added. It is of note that Rottenberg translates ‘*en instance*’ as abeyance, bringing to light the idea of vacancy or suspension implicit in Blanchot’s phrase.

remarks, death is ‘common’.²⁹ Once more speaking of dead kings, one could also mention, if only in the mood of the purely coincidental, how the ancient Near Eastern king, when substituted, both called himself and was referred to as “farmer” (*ikkāru*), keeping that title (or lack thereof) until his reinstatement.³⁰ Indeed, the substitute chosen to take on the king’s death was almost always the common man; as Walton notes, ‘[i]n the earliest extant text referring to the substitute king, a common gardener was chosen as the substitute’.³¹ The one who took the king’s death had to be someone who, in Bottéro’s words, ‘was simple, naïve’, or *innocent*, and ‘who was without importance on the social level and whose fate really could not be of interest to anyone’.³² Thus, once more highlighting the dynamics of dying in-stead as going beyond class- or role-reversal, the ritual is not simply the manifestation of how a king becomes both commoner and “subject” to the commoner while this same commoner is removed from his position of subject in order to be subjected to death through execution. It is not social prestige that is at stake but (im)mortality as stemming from social role *and indeed surpassing it* into a continuation of life after death, the nullification of the borders of death and identity. What separates the protagonist from the sons of farmers, then, is alterity, of which social class is only a superficial aspect, and what conjoins them is death.

It must be noted that the elements of the substitute king ritual are not to be perfectly equated with Blanchot’s narrative, despite there also being parallels to the ancient Near Eastern master-slave relationship that will be explored in the third chapter. The difference here, of course, is that the death of the three young men was in no way an appointed or idealised sacrifice; indeed,

²⁹ Queen Gertrude tells Hamlet that he ‘know’st ‘tis common; all that lives must die, | Passing through nature to eternity’, to which he replies: ‘Ay, madam, it is common’. Shakespeare, *Hamlet*, I. II. 72-4., p. 18.

³⁰ See, for instance, Kavanagh and Parpola, p. 64, and Verderame, (p. 316). Bottéro writes of only one particular king who ‘was called *the farmer*’, and this ‘perhaps in opposition to *the shepherd*, which was a common royal epithet in ancient Mesopotamia’. Bottéro, p. 149.

³¹ Walton, (p. 737). With some exceptions, the substitute was generally ‘a prisoner of war, a prisoner, a criminal condemned to death, a political enemy of the king, a gardener, or a simpleton’—in short, ‘a person whose life did not matter much or who would have deserved death anyway’. Kavanagh and Parpola, p. 64.

³² Bottéro, p. 147.

there is something explicitly anti-sacrificial in the sons' corpses (and the horses' bloated ones). If the three sons were indeed "lightning rods" for death, no one placed them there. Ultimately, from this non-social but nonetheless communal death, there emerges the irreducible difference of the protagonist's survival. One is thus led to ask whether this is why there persists the notion of 'the error of injustice', and why, after execution, 'what then began for the young man was the torment of injustice' (*ID*, 7).

What becomes apparent is that the protagonist does not, in fact, survive, since what is implied by that word is a complete foregoing of the experience of death. A more appropriate turn of phrase, therefore, might be to say that the protagonist "lives on", as previously stated, which denotes having gone through the unexperienced experience of death. To quote Derrida again, 'one can only survive [an execution] without surviving it'. The protagonist is no longer alive, he has gone through death: the 'life for some' that he speaks of in contrast with execution is not the continuation of one's life before death but rather the start of one's life after it, or its return. Disconcertingly, after-life and after-death are perfect synonyms. Survival here is thus best understood as "living on", *sur-vivre*, and I here turn to Derrida's essay of that same name.³³ In this way, some light may be shed on the central questions here raised: that is, how the living on of one and the non-living of the Other—in a manner that is erroneous and/or unjust—troubles the idea of "my death". After all, as Derrida in *Demeure* puts forward but unfortunately leaves unaddressed, Blanchot often appears 'troublesome even to the *Jemeinigkeit*, the "mine every time", which according to Heidegger characterizes [...] being-for-death' (*D*, 51).

In 'Living On'—where Derrida (primarily) reads Blanchot's *The Madness of the Day* and *Death Sentence* along with Percy Bysshe Shelley's 'The Triumph of Life'—he writes: 'Survival and *revenance*, living on and returning from the dead: living on goes beyond both

³³ Aside from what Derrida writes in 'Living On', survival is here also read in the same manner Derrida reads it decades later in *BSII*, pp. 130-32.

living and dying'.³⁴ Derrida expounds that living on is 'the very progression that belongs, without belonging, to the progression of life and death. Living on is not the opposite of living, just as it is not identical with living'. This relation, he adds, is 'undecided, or, in a very rigorous sense, "vague"'.³⁵ Although Derrida is here commenting on *Death Sentence*, written well over four decades before *The Instant of My Death*, one can see the continued relevance of his idea of "living on" from the former to the latter, outlining one of the many possible readings of that particularly problematic line from Blanchot quoted as this chapter's epigraph: 'Dead—immortal' (*ID*, 5). The young protagonist dies, and lives on. He is the *revenant*, surviving despite the sovereignty that decreed his death.³⁶

The distinction between living and living on must remain vague if it is not to reinforce some indivisible border between life and death, for that would not be hearing Blanchot. However, if what creates this ambiguous state of living on is 'the error of injustice'—hence Derrida's assertion that '*The Instant of My Death* is also a meditation on justice'—then necessarily one must define the parameters of this justice (*D*, 86).

Notably, in effect here is not civil law but rather military law, *jus in bello*, where justice bears a unique relation to the politics of death, a thanatopolitics—as outlined in the introduction—which may be located at the core of Blanchot's narrative. However, trying to decide whether the killings can be classified as 'war crime[s]' or 'murder pure and simple' through an analysis of military justice would be to launch a tangential (moral) discussion centred around the soldiers' actions: whether they were wrong to kill anyone even in war time, or (as Derrida hints) wrong in not killing the young man as well—and even, taken much more widely, one is

³⁴ Jacques Derrida, 'Living On', trans. by James Hulbert, in Harold Bloom, Paul de Man, et. al., *Deconstruction and Criticism* (New York: The Seabury Press, 1979), pp. 75-176 (p. 108).

³⁵ Derrida, 'Living On', (p. 135).

³⁶ While this discussion limits itself quite restrictively, much more can be derived should one bring in the cultural and literary resonances of the "revenant" in all its manifestations, extending even to the zombie, ghost, and vampire figurations, in both occidental and oriental cultures. One could also easily read theological or religious interpretations into this continuation of life after death and its not-quite-synonym of "afterlife".

returned to the discussion of the justice or injustice of the killing act in both historic and contemporary culture. What is being foregrounded in the narrative itself, however, is the very mechanisms of the death sentence—that is, the prior certainty of one’s time of death, with the added complication of how, in certain cases, one survives one’s own sentencing and thus lives on through one’s own political fate. The focus is thus not only on the soldiers’ condemnation of the protagonist but also, and even more prominently, on the condemned and their knowledge of a certain time of death. One of the fundamental problems thus becomes the question of the appropriation and abeyance of death: to whom does death belong when one has already been condemned to death, and what are the ramifications of a third party claiming it instead? Indeed, can one even speak of death as belonging to anyone at all?

Does death belong to the young protagonist and the three sons, or to the sovereign power that decides life and death through execution, which in this case takes the form of the Russian soldiers who have declared him enemy? Although, of course, the farmers’ sons neither physically die nor go through the unexperienced experience (in the narrative), the question remains of how one can say “my death” when it is the judge or executioner—in this time of war, the soldiers act as both—who speaks the sentence as well as engraves death’s time and place. Initially, this might lead us back to the idea of injustice, which, as demonstrated, is in some respects wider than how Derrida reads it; he writes of *The Instant* that, ‘[t]hrough his own personal salvation, the saving of his life, [...] a young man experiences political and social injustice. [...] He has benefitted from an injustice, and he will not cease to suffer from this privilege’ (*D*, 86-87). Rather, especially because both mentions of ‘injustice’ in the narrative are directly related to the unseen farmers’ sons, the erroneously unjust is also the question of death’s possession, the wavering between *l’instant/instance* of “my death” and the interruption or irruption of the political sovereign by what shall be addressed as the Third (the third party here is, aptly, *three* sons). This does not mean that death is an error (or not), or something of

an injustice (or not), but what is indeed ‘the error of injustice’ that the protagonist speaks of is the fact that the farmers die in the young man’s stead; the confusion that the ‘nearby battle’ creates leads to the fatal error where others are killed in-stead. In a way, this may be what allows Derrida to enigmatically write that, in *The Instant*, ‘injustice would have been a mistake, would have been done by mistake; in other words, it would have been just for [the young man] to die—perhaps’ (*D*, 54).

But surely the young men are not killed instead; there was no ultimatum of “your life or theirs”. Had not the protagonist been at that instantaneous time both about to die and dead, their killing would not pose such a problem to the reader; one would not be able to say that they were killed “instead”, but simply “killed” or “killed also”. However, in having through their deaths created a revenant, where instead of surviving, the sons die in-stead—and, to reiterate, this happens without any intention of self-sacrifice or martyrdom—the reader is presented not only with the superficial problem of who has or has not died, and whether this was right or wrong, but rather more worryingly with how dying-in-stead puts into question the sovereign’s power to determine the where and when of the death of those condemned; in other words, to determine the exception and subsume it into the political order. To Derrida’s previous remark, in fact, one can respond: why, then, did this perhaps-justice not take place? What kind of interrupting revolution or resistance has overthrown this justice? And if it is commoners who can interrupt the (in)justice of the death sentence of the sovereign, is there even a sovereign at all? After all, the protagonist’s survival was not the result of a sovereign decision or “pardon”. His living on maintains itself in a space utterly devoid of decision, of the political; it is the consequence of what Dillon and Fletcher call a ‘[r]evolution [but one with neither action nor agency] [which] is fundamentally threatening because it lies before or beyond the limits of politics’.³⁷ Of note here is an obsolete connotation of “interrupt”, specifically meaning to infringe or suspend a

³⁷ Dillon and Fletcher, (p. 395).

law.³⁸ Might it be, then, that in *The Instant* we see an interruption (of death) that allows for the possibility of the non-political space of postsovereignty, where there stands, as Murray alludes, the ‘postsovereign subject’ beyond the reach of the sovereign’s sword?

Important in this connection is Dillon and Fletcher’s claim that:

“the instant of my death” engenders a being who is subject to the movement of a departure (for which she is already behind schedule), rather than one whose being is intimately tied to the self-securing of time [...]. The political subject of living beyond life [...] is not the transcendental ego of self-consciousness in life but an interruption of death.³⁹

What is almost overwhelmingly disturbing about *The Instant of My Death* is that, while the protagonist is indeed this subject who lives beyond his life(-)time, the event of the ‘interruption of death’ is another death, at one and the same time a death which is *one and the same* and that happens *at the same time*; it is the death of the three sons of farmers which is the ‘interruption of death’ and of the sovereign’s decision. To echo one of Dillon and Fletcher’s more trenchant points, this ‘lapse of time, time’s remainder’—or, in other words, death in abeyance—really is ‘the time of the possibility of politics in the making’.⁴⁰ This potentiality, perhaps, can be found in the postsovereign subject who is nonetheless not post-political.

By way of closing off in order to open up, this study shall very briefly put forward an outline of a further few possible questions that arise from the other dying in-stead, and which thus call for thorough exploration in the following chapters.

³⁸ The word shares its etymology with “rupture”, from the Latin ‘*rupta* [which] came to mean (1) a defeat, flying mass of broken troops; (2) a fragment of an army, a troop; (3) a way broken or cut through a forest’—all three meanings are incorporated into Blanchot’s narrative. Walter W. Skeat, *The Concise Etymological Dictionary of the English Language* (London: Clarendon Press, 1887), pp. 409-10.

³⁹ Dillon and Fletcher, (p. 400).

⁴⁰ *Ibid.*, (p. 401).

With the *revenant*, is there not also the possibility of the *arrivant*? In *Aporias*, Derrida is struck by the weight of this term, writing that it denotes ‘he or she who comes, coming to be where s/he was not expected, where one was awaiting him or her without waiting for him or her, without expecting it [*s’y attendre*]’ (AP, 33).⁴¹ This guest, stranger, or Other ‘does not simply cross a given threshold’ but ‘affects the very experience of the threshold’, and one can already see how the three sons are indeed new arrivals, as the following quotation makes especially clear (AP, 33-34).

[T]he absolute *arrivant* [...] surprises the host—who is not yet a host or an inviting power—enough to call into question, to the point of annihilating or rendering indeterminate, *all the distinctive signs of a prior identity, beginning with the very border that delineated a legitimate home and assured lineage* [...]. The absolute *arrivant* does not yet have a *name* or *identity*. [...]. This is why I call it simply the *arrivant*, and not someone or something that arrives, a subject, a person, an individual, *or a living thing* (AP, 34).⁴²

The threshold which the three men affect (who are dead, *no longer even living things*) is that of death, what Derrida calls the ‘*final* extremity, with the finality par excellence of the *telos* or of the *eskhaton*’. Ultimately, together, they are the *arrivant* which ‘makes the event arrive’, the transgression of the border: that is, the event of the instant of my death happening *elsewhere*. And, as Derrida’s remarks of *The Instant*, ‘this border will always keep one from discriminating among the figures of the *arrivant*, the dead, and the *revenant*’ (AP, 34-35).

In *The Instant*, there is, therefore, an intriguing relation between arriving and returning. But how is *l’arrivant* to be distinguished from the Third, which is so tightly bound to the concept

⁴¹ In his notes to *Aporias*, Dutoit writes that *arrivant* ‘can mean “arrival,” “newcomer,” or “arriving”’ (AP, 86).

⁴² Emphasis added.

of justice? After all, '[j]ustice is this very presence of the third party', as Levinas notes.⁴³ According to Derrida, '[t]he third arrives without waiting. Without waiting, the third comes to affect the experience of the face in the face to face. [...]. For the third does not wait'.⁴⁴ Perhaps, then, it is no accident that there were *three* sons of farmers, especially given Blanchot's close and formative friendship with Levinas.⁴⁵ Notably, though, Derrida does discriminate between the *arrivant* and the *revenant* in his sole preoccupation with the protagonist, and thus, for him, the third *does* wait.

We should here not that, for Derrida, the *arrivant* is also 'the neutrality of *that which* arrives' (*AP*, 33), a claim which recalls Blanchot's formulation of the anonymous and radical passivity of the Neuter, and thus also the passivity of both the young men—again stressing their non-identities (the plural here indicating a community or assembly of the Neuter, perhaps)—and the protagonist, who 'did not try to flee but advanced slowly, in an almost priestly manner' (*ID*, 3).⁴⁶ This archi-passivity is perhaps one of the most seminal bridges between the thought of Blanchot and Derrida (as well as Levinas and Agamben, whose ideas shall be discussed more centrally in the fourth and fifth chapter respectively). It is here, at this crossroads of thought, that this introduction concludes its analysis of *The Instant of My Death*.

This analysis has begun to explore such broad questions as the dynamics of the death sentence and its interruption, the potentialities of thanatopolitics and the postsovereign subject, the *arrivant* and the *revenant*, the Third and the Neuter, identity and passivity. What has been

⁴³ Emmanuel Levinas, *Otherwise Than Being, or Beyond Essence*, trans. by Alphonso Lingis (Pittsburgh: Duquesne University Press, 2011), p. 191 n. 2, as quoted in Jacques Derrida, *Adieu to Emmanuel Levinas*, trans. by Pascale-Anne Brault and Michael Naas (Stanford: Stanford University Press, 1999), p. 30.

⁴⁴ Derrida, *Adieu*, pp. 29, 31.

⁴⁵ In a long, academic and correspondence-based friendship which lasted until their death, Blanchot was to Levinas 'always the friend, the unique and brotherly interlocutor'. Michaël Levinas and Sarah Hammerschlag, 'The Final Meeting between Emmanuel Levinas and Maurice Blanchot', *Critical Inquiry*, 36(4) (2010), 649-51 (p. 650). See also Emmanuel Levinas, 'On Maurice Blanchot', in *Proper Names*, trans. by Michael B. Smith (Stanford: Stanford University Press, 1996), pp. 127-70.

⁴⁶ Cf. Derrida, speaking of the multiple passions: "'Passion" implies finitude [...] but also a certain passivity in the heteronomic relation to the law and to the other' (*D*, 26).

evidenced so far should not be taken for more than it is: *one* literary work has provided the reader with *one* example of a thinking through death, albeit on several levels. And yet, one can already hear in this discussion the echoes of a vast range of literary works, all thinking through the human and our relation to death in one way or another. Furthermore, if all this is '[thanato]politics in the making', what form of politics does this literature suggest? Is it that which is postsovereign? Ultimately, this thinking-through of literary death and its politics is what must be discussed, and these interrelated issues even trouble, perhaps, the concept of autothanatography, where this genre is to be re-thought on its own literary and philosophical terms, rather than from the common-sense view of its apparent contradictions. To get to this, one must first begin with the contradictions of the death penalty.

Chapter 2: Death Penalties

Oh, would that I were able to secede
From my own body, depart from what I love!
—Narcissus, *Metamorphoses*

Who can tell whether human nature is able to bear this without madness?
—Prince Myshkin, *The Idiot*

Horses

The previous chapter has expounded, although not in any way comprehensively, several ideas on the possibilities and implications of a death shared with that of the excluded Other. However, it might be said that it did so while itself excluding that Other all too often forgotten: the animal. Indeed, another instance of death in Blanchot's narrative—this time completely ignored by its critics—is that of the 'bloated horses'.

It is the purpose of a different work to delve into the age-old association of death and the equine. Here it might be sufficient to point out how easily we may forget, in light of contemporary tensions, that the majority of violent death throughout history has been wrought not with machines but on horseback, or even from the insides of a wooden horse.¹ Among other artforms, several works of literature underscore this relation; one recalls, for instance, how it is a horse that King Richard III famously pleads for, hastening towards his prophesised death, and it is the horses that 'eat each other' upon the death of King Duncan.² In philosophy, one happens upon Silenus in the forested heath, the half-man half-horse god upon whose words Friedrich Nietzsche meditates, and who advises us that, if we are to insist on *being*, then it

¹ Paul Muldoon's *Horse Latitudes*, for instance, was written "as the US embarked on its foray into Iraq", meditating "a series of battles [...] in which horses or mules played a major role". James Fenton, 'A poke in the eye with a poem', in *The Guardian*, 21 October 2006, para. 2.

<<https://www.theguardian.com/books/2006/oct/21/featuresreviews.guardianreview6>> [accessed 1 September 2019]. See Paul Muldoon, *Horse Latitudes* (London: Faber & Faber Ltd., 2006).

² Shakespeare, *Macbeth*, II. 4. 18, p. 71.

would be best for us ‘to die soon’.³ We are reminded that, while we may try and hold rein of horses, it is death that reigns over us. All we can do, perhaps, is prepare ourselves for death and assume the tender features of the “Hippocratic face”, a medical term (still used in contemporary healthcare communities ever since Hippocrates first deployed it) that denotes the facial expression often taken on just before death.⁴ Inevitably, “Hippocratic” literally translates to “one superior in horses”.⁵

Humanity and the nonhuman animal have been cleaved time and again. The exclusion of the horse in the first chapter inadvertently mirrors how we are traditionally distinguished from animals by way of rationality, consciousness, logos, politics, ‘language, tool use, the inheritance of cultural behaviors, and so on’—what Cary Wolfe describes as ‘the old saws of anthropocentrism’.⁶ While holding to the porousness of this dichotomy, what is of primary concern here is the death of the *human*, as bare or animalistic as it may be, and this as a death which happens in a political context.⁷ It was previously stated that death “reigns over us”, and it is indeed this problematic connotation of royalty and sovereign power that this chapter foregrounds: to whom does death belong under the sovereign sentence of the death penalty, and is death truly one’s own when the sovereign decrees it and the Third interrupts it? How does this problematisation pave the way towards conceptualising the relational death that *The Instant* foregrounds, whose protagonist was himself condemned to death? And while the horse must, once more, be left to one side in order to pursue these questions—however much the

³ Friedrich Nietzsche, ‘The Birth of Tragedy’, in *The Birth of Tragedy and Other Writings*, ed. by Raymond Guess and Ronald Speirs, trans. by Ronald Speirs (Cambridge: Cambridge University Press, 2007), pp. 1-116 (p. 23). The original quote is taken from a fragment of Aristotle’s *Eudemos*. A horse was, after all, the omen that saw Nietzsche to his grave.

⁴ Mark A. Marinella, ‘On the Hippocratic Facies’, *Journal of Clinical Oncology*, 26(21) (2008), 3638-40.

⁵ From “*hippos*” and “*kratía*”. See *Chambers*, pp. 483, 230.

⁶ Cary Wolfe, ‘Introduction’, in *Zoontologies: The Question of the Animal*, ed. by Cary Wolfe (Minneapolis and London: Minnesota University Press, 2003), pp. ix-xxiii (p. xi).

⁷ If one can indeed encapsulate the human as a ‘political animal’, the implications of which shall be progressively troubled across this and the upcoming chapters, especially through Agamben. Aristotle, *The Politics*, trans. by T.A. Sinclair (London and New York: Penguin Books, 1992), p. 60. Cf. *HS*, 2-3, where Agamben explicitly comments on this particular Aristotelian phrase, as well as *BSI*, 315-34, 343-49, where Derrida comments on both Aristotle’s phrase as well as Agamben’s and Heidegger’s interpretations of it.

abattoir resembles the gibbet, and even if animal deaths were also often substituted for human ones in the ancient Near East⁸—it might be worth keeping in mind a particularly revealing English idiom which winks, playfully, with the knowledge that horses will never be too far removed from this exploration of relational death: to ‘ride a horse that was foaled of an acorn’ meant that one is to be executed from the gallows.⁹

For Whom the Bell Tolls

At the intersections of the animal and the death penalty is Kant. In the first two sentences of his foundational *Anthropology*, he writes:

The fact that the human being can have the “I” in his representations raises him infinitely above all other living beings on Earth. Because of this he is a person [...] an entirely different being from *things*, such as irrational animals, with which one can do as one likes.¹⁰

Animals, or *things* as Kant’s technical terminology requires him to call them, are thus principally set apart from man on the basis of (their lack of) autonomy and rational will.¹¹

⁸ For more on animal substitution (though horses in particular are not mentioned, likely because of their esteemed position in the historical context to which they belonged), see Verderame, (pp. 313-17).

⁹ As defined under “acorn” in Francis Grose, *1811 Dictionary of the Vulgar Tongue: A Dictionary of Buckish Slang, University Wit, and Pickpocket Eloquence*, 1811. <<http://www.gutenberg.org/cache/epub/5402/pg5402-images.html>> [accessed 1 September 2019]. However, the phrase has been in use at least since John Ray’s *A Collection of English Proverbs*, published in 1678, and has since also been adapted, with the same meaning, into such phrases as ‘the wooden horse’ and ‘the timber mare’. For more details, see Pascal Tréguer, “‘A Horse That Was Foaled Of An Acorn’: Meaning and Origin”, in *Word Histories*, 5 October 2016. <<https://wordhistories.net/2016/10/05/horse-foaled-of-an-acorn/>> [accessed 1 September 2019].

¹⁰ Immanuel Kant, *Anthropology from a Pragmatic Point of View*, trans. and ed. by Robert B. Lauden (Cambridge: Cambridge University Press, 2006), p. 15.

¹¹ Elsewhere, in surprising terms, Kant writes that man is ‘completely above the animal *society*’. Immanuel Kant, ‘Conjectures on the Beginning of Human History’, in *An Answer to the Question: What is Enlightenment?*, trans. by H.B. Nisbet (London and New York: Penguin Books, 2009), pp. 87-105 (p. 94). Emphasis added. This and the above quotation, conjoined with several instances of seeming self-contradiction in what Kant writes about the animal, leads to several problems on the issue of animals’ exclusion from the Categorical Imperative as well as their moral treatment. See, for instance, J. Skidmore, ‘Duties to Animals: The Failure of Kant’s Moral Theory’, *Journal of Value Inquiry*, 35(4) (2001), 541-59. See also the discussion

Human beings, therefore, are not only embodied life living in the world of sense, acting under empirical Euclidian and Newtonian laws (the zoological aspect of man he terms *homo phaenomenon*), but also a life that is extended into the realm of Right, that is, rational and moral law (*homo noumenon*).¹² For Kant, however, there are two ways (arguably, these are the *same* way) in which man may revert back to animal, and this can be seen as actually quite revolutionary: firstly, through the enactment of suicide, and secondly through the enactment of a crime which merits capital punishment, generally meaning—though not without exception—homicide. In these cases, according to Kant, man becomes *something* less than man. Of suicide, applicable also to the criminal who kills, he writes that while ‘man is no thing’, he ‘who fails to respect humanity [...] turns himself into a thing, becomes an object of free choice for everyone’, and thus ‘can be treated by others as an animal or a thing; he can be dealt with like a *horse* or a dog, for he is no longer a man’.¹³

Indeed, his fervent advocacy of the death penalty—based also on the premises of the concept of Right, coercion, and the idea that punishment and crime must be equivalent (*jus talionis*)—hinges on the idea that man can become some “thing” perhaps even ‘below the beasts’, and that what is killed is no longer the Aristotelian political animal.¹⁴ Capital punishment is thus

between Alexander Broadie, Elizabeth M. Pybus, and Tom Regan: Broadie and Pybus, ‘Kant’s Treatment of Animals’, *Philosophy*, 41(190) (1974), 375-83, and Regan, ‘Broadie and Pybus on Kant’, *Philosophy*, 51(198) (1976), 471-72 (and their rejoinder to Regan in 1978, ‘Kant’s Maltreatment of Animals’, with the same journal). For a reworded reassertion of the above distinction Kant draws between man and animal, see Immanuel Kant, *Groundwork of the Metaphysics of Morals*, trans. and ed. by Mary Gregor (Cambridge: Cambridge University Press, 2006), p. 37.

¹² Although Kant never dwells too long on the clarification of this distinction, it is in one instance made lucid when he writes of how these aspects of man need to be ‘contradistinguished’ as explained above. See Immanuel Kant, *The Metaphysic of Ethics*, trans. J.W. Semple (Edinburgh: T. & T. Clark, 1836), p. 204.

¹³ Immanuel Kant, *Lectures on Ethics*, ed. by Peter Heath and J.B. Schneewind, trans. by Peter Heath (Cambridge: Cambridge University Press, 1997), p. 147. Emphasis added. Of course, although other commentators have not really addressed this, this seems to directly contradict both the analogies Kant sees between man and animal as well as the indirect duties Kant tries to outline using this same example of the dog and the horse: ‘Even gratitude for the long service of an old horse or dog (just as if they were members of the household) belongs *indirectly* to man’s duties *with regard to* these animals; considered as a direct duty, however, it is always only a duty of man *to himself*’. Immanuel Kant, *The Metaphysics of Morals*, trans. by Mary Gregor (Cambridge: Cambridge University Press, 1991), p. 238.

¹⁴ Kant, *Lectures on Ethics*, p. 127.

justified in the Kantian framework; it is not, according to Kant, the *homo noumenon* who is the subject of the condemnation to death. Indeed, this rational aspect of man actually collaborates with the sovereignty that sentences him, and this in the capacity of a ‘colegislator’ endowed with ‘pure reason’.¹⁵ The subject of the sentence, rather, is the *homo phaenomenon*: that thing that receives punishment, which cannot be one and the same with the law due to the impossibility of *willing* punishment (for that would not be punishment at all) and which has been expunged of its innate and civic humanity. This is why Kant accuses Cesare Beccaria (who tries to highlight the problems one can already see with Kant’s division) of both sophistry and of ‘overly compassionate feelings of an affected humanity’: this because, Kant upholds, ‘man can have no duties to beings other than man’.¹⁶

This particular defence of capital punishment has proven to be a divisive one. For instance, for all his criticisms of Kantian philosophy and his deep-seated dislike of the brand of Neo-Kantianism popularised by J.G. Fichte, Arthur Schopenhauer here falls in line with this reasoning, even explicitly criticising Beccaria. He states, very clearly, that ‘everyone is justified in demanding the pledge of the life of another as a guarantee for the security of his own life’. Although not exactly seeing eye to eye with Kant on the idea of *jus talionis* or even on the *phaenomenon/noumenon* distinction, instead thinking more on lines of this binding guarantee, Schopenhauer concludes that ‘[f]or the security of the life of the citizens capital punishment is therefore absolutely necessary’.¹⁷

¹⁵ Kant, *The Metaphysics of Morals*, p. 144.

¹⁶ *Ibid.*, pp. 143, 237.

¹⁷ Arthur Schopenhauer, *The World as Will and Idea, Vol. III*, trans. by R.B. Haldane and J. Kemp (London: Routledge and Kegan Paul, 1957), p. 413. Schopenhauer’s notion of “bestiality” comes very close, and shall be briefly returned to later. In terms of the relativistic devaluation of a select few to some status below “the rational/political human”, an affinity can be identified with Peter Singer, who claims that not all human beings can be considered persons, as well as neoliberalism’s focus on the so-called inhumanity of the enemy. See, for instance, Peter Singer, *Practical Ethics* (Cambridge: Cambridge University Press, 2011).

This is not to say that Kant remains without powerful criticisms.¹⁸ Attila Ataner, for one, probes insightfully and lengthily into Kant's contradictory stance—the simultaneous approval of the (thanato-)politics of capital punishment and the ethical disavowal of suicide—writing that not only is there 'very little in Kant's writing that explains how this [reversal to thing-ness] could possibly transpire', but also that Kant 'simply cannot escape the fact that execution extinguishes an autonomous will'.¹⁹ In effect, Ataner points out, the death penalty kills not only the *phaenomenon* but also the *noumenon*, an act incongruous with the Universal Principle of Right (hence Kant's condemnation of suicide as self-killing *noumenon*). Derrida, too, proclaims 'the extraordinary rationality but also the stupid uselessness of this Kantian logic [...] as rigorous as it is absurd' (*DPI*, 127).²⁰ In the first volume of his seminars on the death penalty, in fact, Derrida strongly criticises Kant's prioritisation of 'hypothetical imperatives' over the survival of the *homo phaenomenon*, who 'clings to life and to the motives of vital interest', who is a thing and yet 'nothing and nobody, in a certain way'—which, in sum, places the Categorical Imperative above any 'attachment to phenomenal life' or 'value of life' (*DPI*, 124-25, 127-28).

Despite its deep fallibilities, the Kantian distinction shall need revisiting. However, before that, it is worthwhile to further examine Derrida's seminars as a way of returning to the main question of this chapter, and it is now necessary to make clear, through these same seminars, what this thesis understands by "death penalty".

Firstly, "death penalty" (or "death sentence", or "condemnation") will here and throughout be used in preference to "capital punishment" for two reasons. This is not only because of the

¹⁸ Here one sees, too, 'the Cartesian mind-body dualism that haunts Kant's philosophy'. Cohen, p. 23.

¹⁹ Attila Ataner, 'Kant on Capital Punishment and Suicide', *Kant Studien*, 97(4) (2006), 452-82 (pp. 472, 470).

²⁰ This point is reiterated several times, and the Kantian logic interrogated more deeply, in *DPII*, pp. 37-43, 84-102.

latter term's ties with the "head"²¹—and it is worth keeping in mind that, as Derrida remarks, '[w]ithin the legal procedure of execution, putting to death has not always involved attacking the head, decapitating, practicing decollation, hanging or strangulation of the condemned one, or again by a firing squad aiming at the condemned one's face' (*DPI*, 41)—but also because this method of execution brings to the very forefront the idea of *method*, which of course connotes also histories of execution, cultures, religions, theatricalities, technologies, arguments for abolition or retention, legal frameworks, medical realities, and consequences such as burial rites, mourning, and so on.²²

The second important clarification is that this thesis, with Derrida, holds a distinction between being "condemned to die" and "condemned to death", although these may at first seem indistinguishable. Indeed, in his second book of *The Discourses*, Epictetus asks us to imagine ourselves in prison, sentenced to die, when another prisoner offers to read us poetry. We reply: "You think I can listen to poetry in my position?" We are in turn asked: "Why, what is it?", to which we once again reply: "I'm sentenced to death!". We are then dealt the cutting, and seemingly irrefutable, response: "And the rest of us aren't?".²³ However, while we are all condemned to *die* someday, only the ones condemned to *death* know 'in all certitude [...] that the hour of [their] death is fixed, by *others*, by *a third party*, at a certain day, a certain hour, a certain second' (*DPI*, 218; see also *DPII*, 68).²⁴ Moreover, 'to be "condemned to death" implies a calculating decision as decision of the other'—that is, the sovereign (*DPII*, 137). This is the uniqueness Derrida attributes to the death sentence, and the decisions and certainty that define it cannot be transposed to similar situations, such as the cases of the battlefield or terminal

²¹ See *Chambers*, p. 142.

²² There are other closely related conversations of equal importance but which must be reserved for elsewhere. See, for instance, Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. by Alan Sheridan (New York: Vintage Books, 1995).

²³ Epictetus, 'On "Indifference"', in *Discourses and Selected Writings*, ed. and trans. by Robert Dobbin (London: Penguin Books, 2008), pp. 89-91 (p. 91).

²⁴ Emphasis added.

illness. In the latter situation, prognosis offers no more certitude of one's time of death than that possessed by the (relatively) healthy. Although of course the condition of terminality is itself unique, and questions the human relation to death in a powerful and sometimes even similar manner (as Dostoevsky shows us), it is a state that 'may, in fact, go on for a number of years. Terminal does not mean immediate', and nor does it signify death at a fixed point in time.^{25,26} We can thus respectfully disagree with our fellow inmate, no matter how impressively erudite he is.

A question thus presents itself: why should this chapter be titled "death penalties", in the plural, if not in reference to execution's multifarious methods or to a broadening out of the term so as to include, for instance, the terminally ill? To state it unequivocally, this is because there is never only one death in the death penalty. Here the emphasis this thesis places on Derrida's insistence that, under the death penalty, death is the 'decision of the other' begins to make some degree of sense. As it shall be argued, there is always necessarily implicated someone else: *the other*, or *the third party*. In the case of the death penalty, at least, death can never be singular.

The idea of law in relation to the death penalty is key here, and this is a relation that has already been foregrounded in the previous chapter. Derrida's seminars very much deal with the historical and contemporary situations of the death sentence, especially in terms of legislation (such as the case of Buffet and Bontems, the rather strange situation of the US and the figure of the President, or the 1948 Declaration of Human Rights), and hence recognises in the death

²⁵ See Ippolit's letter in *TI*, in particular pp. 350-57.

²⁶ Janet Price and Ruth Gould, 'Experience and Performance whilst Living with Disability and Dying: Disability Art as a Pathway to Flourishing', in *On the Feminist Philosophy of Gillian Howie: Materialism and Mortality*, ed. by Victoria Browne and Daniel Whistler (London and New York: Bloomsbury Academic, 2016), pp. 267-83 (p. 268). For a deeper look at the philosophical relation of terminal illness with the idea of "my death", see the entire volume from which the above quotation was taken. It is important to note here, with Derrida, that this 'limit between *condemning to death* and *condemning to die* is not always airtight', and neither is the distinction 'between *letting die* and *making die*' (*DPII*, 198). One clear example of this is the *fatwa*, especially in its differing treatment as *part of the law* and as *apart from the law*; specifically, one can mention Ayatollah Khomeini's 1989 *fatwa* ordering the death of Salman Rushdie for his *Satanic Verses* as putting such distinctions into question. See *DPII*, 197.

penalty (as Agamben does a few years earlier) a uniqueness apart from the element of certitude: that is, its ability to be simultaneously inscribed in law while being also on its outside.²⁷ The former aspect manifests, after Schmitt, through ‘sovereignty [...] marked by the right of life and death over the citizen [turned *enemy* of the state], by the power of deciding, laying down the law, judging, and *executing* the order’ (*DPI*, 5, 4). The death penalty, therefore, has always been marked by the political, ever since Plato’s time—where the supreme council who oversaw Socrates’s death makes the ‘theologico-political’ underpinning of the sentence more than lucid—or even as far back as the time of the ancient Near Eastern king. In fact, according to Harrold Tarrant, Plato strives to ‘establish that Socrates would have been unjust in escaping [his punishment], not because he owed it to his accusers and jurymen to stay, but because he owed it to the city and its legal system considered in the abstract’.²⁸ Sovereignty, then, is at the very heart of the death penalty, and its justice pursues us to the death. As Derrida clarifies: ‘If one wants to ask oneself “What is the death penalty?” or “What is the essence and meaning of the death penalty?” it will indeed be necessary to reconstitute this history of sovereignty as the hyphen in the theologico-political (*DPI*, 22-23). In sum, as Derrida writes, if ‘[t]here is always the theologico-political wherever there is the death penalty’, there is also always its hyphen, the sovereign (*DPI*, 23). Without the law, there can be no death penalty.

On the other hand, Derrida sees the inverse to be simultaneously true. He ponders the thought of ‘the birth of law as birth of the death penalty’, where one finds ‘the very structure of absolute law as founded on the death penalty’ which is ‘at the origin of the social contract or the contract of the nation-state, *at the origin of any sovereignty*, any community, or any genealogy, any

²⁷ Cf. *HS*, 32: ‘the sovereign is the point of indistinction between violence and law, the threshold on which violence passes over into law and law passes over into violence’.

²⁸ Harrold Tarrant, ‘Justice and Duty (II): Socrates in Prison—Introduction to *Crito*’, in Plato, *The Last Days of Socrates: Euthyphro, Apology, Crito, Phaedo*, trans. by Hugh Tredennick and Harrold Tarrant (London: Penguin Books, 1993), pp. 71-75 (p. 73).

people' (*DPI*, 20-21).²⁹ Later on, crucially but added only as an afterthought during the oral presentation of the fifth seminar itself, Derrida says:

This is a logic that we saw in Blanchot as well. There is no law without death penalty. That's it! The concept of law in itself would not be coherent without a death penalty. One cannot think a code of law without death penalty. This is the logic that runs from Kant to Blanchot in a certain way (*DPI*, 124, footnote 3).

Thus, to return to the original point being made here, it is also true to say that without the death penalty there can be no law. To hear Kant once more: '[t]he mere Idea of a civil constitution among *men* carries with it the concept of punitive justice belonging to the supreme authority', the sovereign.³⁰ This logic—of the exception, of the human condemned to death—'which is that of absolute sovereignty and the self-preservation of the political body, [authorises] the absolute maintenance, *even though or because it is exceptional*, of the death penalty, in the name of the self-preservation of [this same] sociopolitical body' (*DPI*, 86). The death sentence is thus what founds the very structure of law, hence Derrida's claim that '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'; for, 'even when the death penalty [...] will have been purely and simply, absolutely and unconditionally, abolished on earth [sic.], it will survive: there will still be some death penalty', and 'it will have other lives [...] to sink its teeth into' (*DPI*, 282-83). Condemnation to death, as the foundation of human society, always denotes and necessitates a 'collective experience of putting to death' (*DPII*, 134).

In light of the present concerns, the certitude unique to the death penalty may at first seem in many ways more fundamental than its complex relation with law (and *without*), seeing as how

²⁹ Emphasis added.

³⁰ Kant, *The Metaphysics of Morals*, p. 168. Derrida quotes this repeatedly in his seminars on the penalty.

the death penalty persists regardless, whether in common civil law (*jus commune* and *jus civile*), *The Instant's* wartime law (*jus in bello*), the law of the eye for an eye (*jus talionis*)—or even in what can be termed “*jus in absentia*”.³¹ The certainty of death in the death penalty seemingly runs even deeper than its entrenched lawful- and lawlessness, where even lawful abolition fails to kill the killing sentence; that is to say, while the death penalty can survive without the penalty of law, it cannot survive without death. However, it is this certitude—that when condemned one knows, fully and absolutely, the time of my death—that this thesis nonetheless reads as uncertain. How am *I* to know of *my* death, when the death penalty involves always more than (the ontological) one? If, then, the death penalty so troubles the idea of the singular death, instead sketching the idea of a relational one, it is thus best to thoroughly examine the thoughts of an immediate antagonist to this sketched “relational death”.

The first chapter presented this notion of relationality in light of death’s frequent and perhaps entirely misconstrued disassociation from that which is called “myself”. For Heidegger, this is anything but the case. For him, death is always one’s own, and ‘therefore never send to know for whom the bell tolls; It tolls for thee’ and for thee only.³² This Heidegger presents most clearly in *Being and Time*, where there is undertaken ‘a thinking of the finitude of human life’ and the always ‘implicit but fundamental [...] possibility of death’.³³

For Heidegger, we die because we live—or, rather, because we *are*. Silenus’s words become a tautology. “As soon as man comes to life, he is at once old enough to die”, writes Heidegger,

³¹ Should one like to keep law at the forefront of these concerns, then one could perhaps bring in the very relevant *jus accrescendi* (right of survivorship) and *jus tertii* (the law of the third as applicable in disputes over possession). See *A Dictionary of Law*, 8th ed., ed. by Jonathan Law (Oxford: Oxford University Press, 2015), pp. 234-35.

<<http://www.oxfordreference.com.ezproxy.lancs.ac.uk/view/10.1093/acref/9780199664924.001.0001/acref-9780199664924>> [accessed 1 September 2019].

³² As cited from the precursory prose version of the poem. John Donne, ‘Meditation 17’, in *Devotions Upon Emergent Occasions Together with Death’s Duell*, ed. by John Sparrow (Cambridge: Cambridge University Press, 1923), pp. 96-102 (p. 98).

³³ Timothy Clark, *Martin Heidegger* (London and New York: Routledge, 2011), pp. 12, 15.

quoting the German medieval poetry of Johannes von Tepl (*BT*, 289).³⁴ But what does it mean *to be*, and how *are* we? These are Heidegger's questions in *Being and Time*. In terms of the reality of death in life, according to him, there are two 'different ways of maintaining oneself in this Being [*Dasein*]': either authentically, with the courageous "knowledge" that we ourselves are condemned to die, or inauthentically, in "ignorance", where one flees 'in the face of [death]' and only acknowledges death with the idle chatter [*das Gerede*] of the public—which Heidegger terms the "they" [*Das Man*]—who say that death is 'a mishap which is constantly occurring'; in other words, an inconspicuous, indefinite, and 'well-known event occurring within-the-world' and which 'belongs to nobody in particular' (*BT*, 295-97). However, as Heidegger advocates, one can gain the authentic knowledge of one's own death through anxiety [*Angst*]. 'Anxiety brings *Dasein* face to face with [...] the authenticity of its Being', he writes, and this is an idea he repeats even in his 1960 public lectures in Meßkirch, more than thirty years on, when he suggests that we make a habit out of visiting graveyards in order for us to master 'the art of dying daily', echoing the Platonic *meletē thanatou* (*BT*, 232).³⁵ If we are born to life, and all life dies, then our existence—our *Being-in-the-world*—is also necessarily one that is *Being-towards-death* [*Sein-zum-Tode*]. This is why, therefore, we should think about death: because of its equivalence to thinking the very structures of life itself (*BT*, 276). In short: 'Being-towards-death is essentially anxiety', and death is thus revealed not as a certain event that happens to other people and which we can experience in our lifetime, as the

³⁴ From 'Der Ackermann aus Böhmen'. See 'Author's Notes', in *BT*, pp. 489-501 (p. 494). When relevant, Heidegger's original German terms will be provided in text in square brackets. This is in acknowledgement of most translators of Heidegger's work who recognise the difficulty, or indeed impossibility, of an "accurate" translation of his neologistic and at times even colloquial use of the German language. Original page numbers, chapters, and sections will not be provided in text, as the edition of *Being and Time* used here offers rigorous clarity in and of itself. See John Macquarrie and Edward Robinson, 'Translators' Preface', in *BT*, pp. xxiii-xxvi. Most of the quotations in this chapter are taken from the introductory and first chapters of 'Division Two: *Dasein* and Temporality', ¶45-53, pp. 274-311.

³⁵ Martin Heidegger, *Gesamtausgabe: Reden und andere Zeugnisse eines Lebenswegs*, vol. 19 (Frankfurt am Main: Klostermann, 2000), p. 605, as quoted in George Pattison, *Heidegger on Death: A Critical Theological Essay* (Surry: Ashgate Publishing Ltd., 2013), p. 147.

“they” would have it with their alienating talk, but as a possibility that constitutes my very Being and which remains wholly outside of experience (*BT*, 310-11).

But what is this death that is a necessary and constitutive foundation of our being? Unlike animals, we do not simply “perish” [*Verenden*]. Instead, our death is more of a ‘demise’ [*Ableben*] which is the way Dasein ‘can end without authentically dying’, since existence can never no-longer-be [*Nicht-mehr-da-sein*] or be ‘annihilated’, as it would then no longer be existence (*BT*, 280). We thus die properly [*Sterben*]. This is not to say that, for Heidegger, differentiation between human and nonhuman death relies on a belief in some sort of afterlife. *Being and Time* can in fact accurately be described as where ‘God has been methodologically ruled out’, or as an ‘anti-theological’ work, and this not in the sense of an attack on religion or God but rather as a wilful exclusion of all such problems.³⁶

Our death, which encompasses the physiological or ‘biological signification’ of death (the existentiell-ontic level) as well as the existential-ontological, is what is “not-yet” (we are still alive, not dead yet) (*BT*, 292, 280). However, while it will never be made present(-at-hand)—because death cannot be made present, because non-Being cannot *be*—it is nonetheless an always present ‘possibility of no-longer-being-able-to-be-there’, when ‘all [Dasein’s] relations have been undone’. Furthermore, ‘[t]his ownmost *non-relational* [*unbezügliche*] possibility is at the same time the uttermost one’.³⁷ And so, famously, Heidegger states: ‘Death is the possibility of the absolute impossibility of Dasein’, a ‘*possibility which is one’s ownmost, which is non-relational, and which is not to be outstripped*’ (*BT*, 294-95). It is this individualising definition of death that this thesis questions.

³⁶ Pattison, pp. 130, 7. Cf. Jacques Derrida, ‘Faith and Knowledge: The Two Sources of “Religion” at the Limits of Reason Alone’, trans. by Samuel Weber, in *Acts of Religion*, ed. by Gil Anidjar (New York and London: Routledge, 2002), pp. 40-101 (pp. 51, 94-98).

³⁷ Emphasis added.

Heidegger's authentic anxiety reveals that I am a singular individual only because I die.³⁸ Aphoristically pronounced, *I am* because *I die*.³⁹ Consequently, only I can die this ownmost death of mine; according to Heidegger, 'death *lays claim* to [...] an *individual Dasein*', and death is what is mine every time [*Jemeinigkeit*] (*BT*, 308). He states this vehemently and very clearly:

No one can take the Other's dying away from him. Of course someone can "go to his death for another". But that always means to sacrifice oneself for the Other "*in some definite affair*". Such "dying for" can never signify that the Other has thus had his death taken away in even the slightest degree. Dying is something that every Dasein itself must take upon itself at the time. By its very essence, death is in every case mine, in so far as it "is" at all (*BT*, 284).

Thus, if '[t]he Being of any such entity is *in each case mine*', 'mineness and existence are ontologically constitutive for death' (*BT*, 67, 284). The same, of course, goes for me: no one can take my death. The Other, then, not only cannot substitute my existence for my death but also cannot help one come to an authentic grasp of my Being-towards-death. Although 'Dasein is essentially Being-with [*Mitsein*] others', witnessing 'a termination [*Deendigung*] of Dasein' when the Other dies in front of me is still not equivalent to me authentically taking up my death (*BT*, 281). In the death of the Other, we still do not encounter the nothing of *Nicht-mehr-dasein*: we only encounter 'a mere corporeal Thing' (the corpse, on which Kant and Heidegger will convene later on) (*BT*, 282).

³⁸ Cf. Derrida: 'the identity of the oneself is *given* by death' (*GD*, 45).

³⁹ This same sentiment is uttered, word for word, by Van in Vladimir Nabokov, *Ada or Ardor: A Family Chronicle* (New York: McGraw-Hill, 1969), p. 164. Heidegger himself repeats this throughout his works. Perhaps closest to this formulation, in a 1935 lecture course, he says: 'Insofar as humans *are*, they stand in the no-exit of death'. Martin Heidegger, *Introduction to Metaphysics*, trans. by Gregory Fried and Richard Polt (New Haven and London: Yale University Press, 2000), p. 169. The translators note how Heidegger recommended these lectures, in the preface to the seventh edition of *Being and Time* (1953), to those seeking further elucidations of its ideas.

Already there are here echoes of dispute from the first chapter: the “not-yet” individuation of death as opposed to Blanchot’s common, de-individuating death ‘in abeyance’; the unexperienced experience; survival as a manifestation of how ‘Dasein “lives on” or even “outlasts” itself. Derrida can, therefore, now be better understood in seeing in Blanchot a troubling of the *Jemeinigkeit* (see *D*, 51).

Aside from these prior problematisations, there are two further points of contention that this study shall expound in the next section, and these initially through his critics: Heidegger’s disconnect of the other’s death from my own, and his reluctance to think of a period after death. Both these points can be understood from a Greek point of view, to which Heidegger repeatedly returns in his undoing of Western metaphysics. Here we shall return to the myth of Narcissus.

We are all familiar with Ovid’s telling of it in the third book of the *Metamorphoses*: after spurning yet another lover, Narcissus is cursed by Nemesis into falling in love with his own reflection. In anguish over his inability to reach his lover, and then realising that he has pitifully fallen in love only with himself, ‘he dissolves, wasted by his passion’: his body goes to the underworld, and in the world there remains only a flower.⁴⁰

Narcissus holds dear ‘an immaterial hope | a shadow that he wrongly takes for substance’.⁴¹ Inauthentically, he takes his reflection, an indefinite and never-present possibility, as substantive, material certainty. As Ovid’s narrator reminds him, however, ‘what you seek is nowhere to be found’, and that it is only an ‘image of an image, without substance’ which ‘arrives with you and with you it remains’.⁴² In Heideggerian terms, Narcissus is trapped in the talk of the “they”, but, subsequently, does take the leap from inauthenticity to authenticity: he realises that, in truth, it is only his shadow, and that, moreover, it is *his* shadow. Belonging to

⁴⁰ Ovid, ‘Narcissus’, in *Metamorphoses*, trans. and ed. by Charles Martin (New York and London: Norton, 2009), pp. 77-80, lns. 517-658 (ln. 633).

⁴¹ ‘Narcissus’, (lns. 536-37).

⁴² *Ibid.*, (lns. 559, 561-62).

him, like death, his reflection makes him himself, coming and leaving with him. It is wholly his ownmost, non-relational possession; it cannot be stripped from himself. However, the reflection does not belong to him, no matter how constitutive it is—for he can neither caress it nor possess it—and Narcissus is thus here revealed as authentic.

What is contrapuntal in this myth is that authenticity does not strike the reader as any better. Narcissus persists in his love for himself: ‘Touch may be forbidden, | but looking isn’t’, he adamantly proclaims.⁴³ Just as Heidegger argues one should, he continues to view his reflection, his shadow, as both his own (possibility) and not his own (impossibility)—and remains plagued by the fever of self-love. No matter how relational his realisation seems to be—‘But *now* I get it! *I* am that other one!’—he is tied only to himself, not to any other.⁴⁴ Narcissus is chained to non-relationality. From this arises his poignant and particular wish: to depart from himself, and ‘secede | from his own body’.⁴⁵ Joseph Addison’s translation, which is at times both more faithful to the original but also more moralistic than the Charles Martin version cited above, renders this line as: ‘How gladly would I from my self remove! | And at a distance set the thing I love’.⁴⁶ The gap between “my” and “self” retained in this latter translation uncovers a Narcissus who wants to be not just without body but without self; he seeks a departure not at the existentiell-ontic level but at the existential-ontological: it is not just in life that he seeks the distance of the *Mitsein*. Moreover, he is seeking not death but a cessation of Being-towards-death—and, with this cessation, Being-towards-Death’s non-relationality. He cries: ‘now in death we two will merge as one’.⁴⁷

⁴³ ‘Narcissus’, (Ins. 620-21).

⁴⁴ *Ibid.*, (ln. 559)

⁴⁵ *Ibid.*, (Ins. 607-08).

⁴⁶ Ovid, ‘The Story of Narcissus’, in *Metamorphoses*, trans. by Sir Samuel Garth, John Dryden, et. al., stanza 5. <<http://classics.mit.edu/Ovid/metam.3.third.html>> [accessed 1 September 2019]. ‘Book 3’ is translated by Joseph Addison.

⁴⁷ ‘Narcissus’, (ln. 615)

Even in the after-death, that realm Heidegger prohibits us from thinking lest we end up in theology, Narcissus gazes at the water. Addison's version explains how Narcissus's 'fitting ghost retires, | And in the Stygian waves itself admires'.⁴⁸ Martin's version, however, preserves an ambiguity: 'On the ferry ride across the Styx, | his gaze into its current did not waver' (*N*, 649-50). The first translation leads us to affirm Heidegger's view of death; in the persevering reflection in the waters of the Styx, death remains non-relational: it is that which makes us *be* as well as *not-be*. In death, we authentically see non-relationality as the everlasting (or, sacrilegiously for Heidegger, "immortal") reflection of ourselves. Yet there nonetheless remains an ambiguity through another meaning of "stygian": that is, the 'very dark', and thus unreflective.⁴⁹ As the Martin translation suggests, though Narcissus gazes, he may no longer, in death, see himself. While Heidegger asserts that 'mineness and existence are ontologically constitutive for death', Narcissus now exists—in the after(-)life, after(-)death—without mineness, no longer non-relational. His is being-in-abeyance. Heidegger's death, in negating the "I", at the same time constitutes it—and, to quote Ovid, 'its empty being on thy self relies'.⁵⁰ Heidegger's death, like his "self", is ultimately Narcissistic.⁵¹

⁴⁸ Ovid, 'The Story of Narcissus', stanza 7.

⁴⁹ From the Greek Στύξ. *Oxford English Dictionary*, ed. by Catherine Soanes and Angus Stevenson, (Oxford: Oxford University Press, 2006), p. 1757.

⁵⁰ Ovid, 'The Story of Narcissus', stanza 3.

⁵¹ In the fourth chapter, this view shall be further reinforced through Levinas (mainly), who, as Colin Davis explains, believes that 'sociality in Heidegger is found in the subject alone' (Colin Davis, *Levinas: An Introduction* (Cambridge: Polity Press, 1996), p. 30). It is where, in Levinas's words, Being seems 'an imprisonment' leading to 'the need to leave oneself behind, that is, to break the most radical, the most irremissible bond, the fact that the I is itself' (Emmanuel Levinas, *De l'évasion* (Montpellier: Fata Morgana, 1982), p. 73, as quoted in and translated by Davis, *Levinas*, p. 18). Levinas's intersubjectivity may be appositely described as the purposeful antithesis of Heideggerian Narcissism: in the language of Ecclesiastes, 'the opposite of vanity, [...] of the vanity of vanities' (Emmanuel Levinas, 'Dying For...', in Emmanuel Levinas, *Entre Nous*, trans. by Michael B. Smith and Barbara Harshav (New York: Columbia University Press, 1998), pp. 207-18 (p. 216)). This kind of critique of self-enclosed or self-referential Being is made frequently, even if not on this particular basis of death. One of the earliest of Heidegger's critics, Martin Buber, attacks the solitude of Dasein from several fronts, stating (in very relevant terms) how 'Heidegger's "existence" is monological' and that '[i]t is not my existence which calls to me, but the being which is not I' (Martin Buber, 'What is Man', in *Between Man and Man*, trans. by Ronald Gregor-Smith (London and New York: Routledge, 2004), pp. 140-244 (pp. 199, 197)).

The Impossibility of My Death

‘[M]ust one start out from the question of the death penalty [...] in order to pose the question of death in general?’, Derrida asks (*DPI*, 238). The penalty is a question, he states, of which the ‘great thinkers of death never seriously spoke and which they no doubt held to be a circumscribable and relatively dependant, secondary question’ (*DPI*, 237).⁵² Of Heidegger, Derrida in fact remarks that ‘this great thinker of being-toward-death never shows any interest in the death penalty’ (*DPII*, 148).

Any answer to the question of how the death penalty is not merely ‘secondary’ needs to go through the lens of literature. Aside from the links drawn in the introduction to this study, one may also turn to Derrida’s remarks on how the ‘modern history of the institution named literature in Europe over the last three or four centuries is contemporary with and indissociable from a contestation of the death penalty’, as well as tied to ‘an abolitionist struggle that, to be sure, is uneven, heterogeneous, discontinuous, but irreversible’ (*DPI*, 30). This movement towards abolition is more relevant to his seminars than revisiting ‘those large veins that are “literature and death”, “literature and the right to death”, or the trail of countless literary or poetic works that put crime and punishment, and that punishment called the death penalty, to work or onstage’—which are, indeed, precisely at stake in this present study (*DPI*, 29-30). Namely through Jean Genet and Hugo, but also through writers like Shelley and Albert Camus, Derrida looks at the political nuances, manifestations, and struggles of their lives and works. This study, however, will focus not on the socio-historical and legislative but rather the existential-ontological-(thanato)political—and this through the literary which Derrida, despite acknowledging its crucial position, chooses to leave largely unaddressed in these seminars. As

⁵² Derrida comments on ‘the strange and stupefying and shocking fact that never, but never, it turns out, has any philosophical discourse as such, in the system of its properly philosophical argument, opposed the principle, I repeat, the principle, of the death penalty’ (*DPII*, 2).

such, as this thesis progresses, literature shall come to bear more and more onto this discussion, necessarily not limited to one particular author or era in light of the very timelessness and universality of death and condemnation. It would be straightforward enough to stick to Blanchot's *The Instant of My Death*; or even, perhaps, to limit oneself to other works of his: *The Madness of the Day*, where a man is living death, or *Death Sentence*, where the revenant emerges once more.⁵³ But one must remember that Blanchot (or his protagonists, at least) has not been the only one condemned to death.

And so we shall turn to literature in general to examine 'death in general' and this notion of the relational death. But surely Heidegger has already stopped us in our tracks, has been convincing enough to dissuade any such endeavour despite the opening but hounding questions of the first chapter? It is incoherent to insist on any sort of relational death, Heidegger tells us, because if I do not die then I am not I.

But perhaps this insistence is not so outrageous. In the death penalty seminars, for instance, Derrida not only sees the question of 'what is death?' as 'perhaps not preliminary to the question of death given or life taken', placing the mechanisms of the death penalty before Heidegger's ontological death, but also questions the very logic of its Heideggerian structure, pointing out how 'every calculation of this type supposes the possibility of calculating and mastering the instant of death'—and, from the previous chapter, we can already see the folly in this (*DPI*, 237, 239). '[N]ever more so than today', Derrida continues in light of this presumed mastery, 'has objective knowledge as to the delimitation of death [...] been as problematic, debatable, fragile, and deconstructible down to the minimal semantic kernel of

⁵³ See Blanchot, *The Madness of the Day*, and Maurice Blanchot, *Death Sentence*, trans. by Lydia Davis (Barrytown: Station Hill, 1978). One could also here add Malraux, mentioned by name in *ID*. See, in particular, André Malraux, *Lazarus*, trans. by Terence Kilmartin (New York: Grove Press, 1978). The original title of the latter of Blanchot's works, *L'Arrêt de Mort*—which can also be translated to the "stopping", "suspension", "rupture" or "interruption" of death—makes sense of why Blanchot looks at terminal illness rather than the death penalty, refusing to draw the conceptual line between "condemned to die" and "condemned to death".

the word death' (*DPI*, 239). Derrida, to some extent, carries out this deconstruction earlier on in *Aporias* (and in this work we are reminded that the 'semantic kernel of the word death' is also the 'one word that remains absolutely unassignable'), where he takes issue with Heidegger's 'ontological delimitation among the fields of inquiry concerning death', questioning 'how much one can trust the powerful apparatus of conceptual distinctions put forth by Heidegger' (*AP*, 22, 30, 39).

This present argument unambiguously holds with Derrida's critiques of Heidegger on these counts. It perhaps follows the suggestion of Derrida's angel: not the angel of death, but an angel who whispers that 'at bottom that's the dream of deconstruction, a convulsive movement to have done with death, to deconstruct death itself', 'to come to blows with death [...]. Death to death' (*DPI*, 240-41). It is almost a dream of immortality, even if Derrida states, in the seminars, that he is not interested in the question of '[w]hat comes afterward' and acknowledges that 'neither does life come out unscathed by this deconstruction' (*DPI*, 241). As he states in *Aporias*, in direct contradiction to these later sentiments of his, one cannot 'think being-to-death without starting from immortality' (*AP*, 55). Possibly, then, if Heidegger can be called 'anti-theological', then always (and as intimated in the introduction) at the heart of the act of deconstruction rests the theological as the radical unsaid.⁵⁴

However, alongside the fact of *Demeure*'s misreading of *The Instant of My Death* (as this thesis has argued), Derrida cannot truly be said to think relational death as is configured here. He is never as far from Heidegger as he is often assumed to be. On the other hand, the point must be made that, although he does not think of death as relational, he nevertheless concedes the

⁵⁴ Cf. Gil Anidjar, 'Introduction—"Once More, Once More": Derrida, The Arab, The Jew', in Derrida, *Acts of Religion*, pp. 1-39 (p. 2): 'Derrida has been seen as performing *acts of religion*, as enacting a return to his own "religious" origins, though within the constraints of a necessarily complicated reappropriation'. The miracle, as a central concept of deconstruction, and its ties with the exception (as central to Schmitt's political *theology*) will be mentioned once more in Chapter 4.

possibility of thinking it (as primarily evidenced by his angel of deconstruction), and in this regard two of his works come closer than others.

The first is the aforementioned *Aporias*. Here, it seems at first that Derrida fully endorses the non-relationality of death despite the problems he sees with the Heideggerian structure:

If death [...] names the very irreplaceability of absolute singularity (no one can die in my place or in the place of the other), then all the *examples* in the world can precisely illustrate this singularity. Everyone's death [...] is irreplaceable. So is "my life." Every other is completely other [*Tout autre est tout autre*] (*AP*, 22).

This is why Derrida terms death a 'secret, since it signs the irreplaceable singularity' on the basis of the now-famous dictum '*tout autre est tout autre*', a paradoxical statement of relation or symmetry that is nonetheless radically asymmetrical (*AP*, 74). And so, in light of Heideggerian inauthenticity, he states that 'nothing is more substitutable and yet nothing is less so than the syntagm "my death"' (*AP*, 22). Nothing is less so than any kind of substitution or dying in-stead; nothing more so than Heideggerian non-relational death.⁵⁵

Derrida adds that 'any form of survival or return [*revenge*] [...] is not opposed to being-toward-death, it does not contradict it [...] because it is conditioned by being-toward-death and confirms it at every moment'—meaning that, essentially, only mortals think of and "achieve" immortality. Thus, '[t]he incontestability of being-toward-death, the non-derivation of certainty concerning being-toward-death [...] would not leave any other methodologically rigorous choice than that of starting from "this side" [that is, this life]' (*AP*, 55-56). Indeed, and as we have already seen:

⁵⁵ This is made clear even in Derrida's disagreement with Levinas's critique of Heidegger's prioritisation of the death of the self over that of the other (see *AP*, 38-39). See also Derrida's non-problematisation of the impossibility of dying in-stead (*AP*, 25-26).

In *Being and Time*, the existential analysis does not want to know anything about the ghost [*revenant*] [...]. Everything that can be said about them, as interesting as it may sometimes sound, would certainly stem, in Heidegger's view, from derivative disciplines [such as theology]. It would concern the figures or the experiences of demise [*Ableben*] rather than death properly speaking. Such would be his fast answer (too fast for me) to whoever would be tempted to consider [...] spectrality or living-on, surviving (*AP*, 60-61).

With that parenthetical interjection—‘(too fast for me)’—Derrida signals that he does not firmly hold any thinking of survival, *revenance*, or of that which lives on, on the other side, as fundamentally flawed (this is stating the obvious, for those familiar with Derrida's interests), and thus the matter of non-relationality might not be as incontestable as it seems. As such, despite being rather unrelenting on the possibility or even thought of “dying in-stead”, such an exploration is possible within the ethos of a deconstruction that comes to blows with death. Derrida, in fact, leaves ‘suspended’ the possibility of ‘draw[ing] the necessary consequences’ when talking of how, ‘[i]f *Jemeinigkeit*, that of *Dasein* or that of the ego [...], is constituted in its ipseity [...], then this self-relation welcomes or supposes the other within its being-itself as different from itself’, and, inversely, ‘the relation to the other (in itself outside myself, outside myself in myself)’ (*AP*, 61). It is also an examination, Derrida points out, that ‘may even engage the political in its essence’—here read as sovereignty, the exception, and the death penalty, where one is condemned to die and expects only death (*‘du s’attendre à la mort’*): a political that is from its inception thanatopolitical (*AP*, 72).

Thus, if ‘dying would be the aporia’—that is ‘the impossibility of being dead, the impossibility of living or rather “existing” one's death, as well as the impossibility of existing once one is dead, or, in Heidegger's terms, the impossibility for *Dasein* to be what it is’—then the aporetic itself, by its very porousness, includes within it not just the end of ‘dying-properly but, and it

is quite different, the end of the properly-dying' (*AP*, 73-74). This second end opens up the insight with which Derrida approaches the conclusion of *Aporias*: that 'man, or man as *Dasein*, never has a relation to death as such, but only to perishing [the animal], to demising [*Ableben*], and to the death of the other, who is not the other' [*Sterben*]—and so '[t]he death of the other thus becomes again "first", always first'. Therefore, '[t]he death of the other, this death of the other in "me", is fundamentally the only death that is named in the syntagm "my death", with all the consequences that one can draw from this' (*AP*, 76). The non-relationality of Heidegger's death is pushed to the impossibility of a relation with one's ownmost and not-to-be-outstripped death, and in this way a certain shade of relationality can begin to come to light.

The Gift of Death, published one year after *Aporias*, can almost be read as a sequel which makes more overt the secret that is theology, faith, and religion (mainly through an engagement with Czech philosopher Jan Patočka). Derrida here sees death as '*the gift that is not present*', and this idea of the gift, which one awaits with the 'attentive anticipation of death', offers 'a new significance for death, a new apprehension of death' (*GD*, 29, 12, 31). Is this, Derrida asks, what amounts to *dying for the other*?

This is the notion of sacrifice that Derrida explores, a dying for the other which is (definitively) not a dying instead of the other—'*for* is not *pro* in the sense of "in place of the other"' (*GD*, 43). The notions of responsibility and religion, at the heart of sacrifice, can only come 'from the site of death as the place of my irreplaceability, that is, of my singularity', and so 'existence excludes every possible substitution' (*GD*, 41). Responsibility, for Derrida, amounts to the self 'who looks without the subject-who-says-I being able to reach that other': in short, responsibility is existence and to exist is to be responsible (*GD*, 25). Being always existentially different from the other, one always dies one's own death. On this he is stubborn: 'I can give my whole life for another, I can *offer* my death to the other, but in doing this I will only be replacing or saving something partial in a particular situation (there will be a nonexhaustive

exchange or sacrifice [...]’ (*GD*, 43). This repeats what Heidegger says of sacrifice, and further reiterations of one’s irreplaceable mortality abound.⁵⁶ Death, therefore, is here configured as a gift that one can only give oneself, ‘for it can only be mine alone, irreplaceably’: ‘to give oneself death or to put oneself to death [*se donner la mort*]’ is to give oneself singularity or individuality, wherein we are ‘ready to receive death’, and it is a gift, a secret, because the “I myself” cannot come to ever truly know or possess death (*GD*, 45, 31, 40).

In *The Gift of Death*, Derrida once more (and this time more pronouncedly) critiques Levinas. Levinas’s idea of responsibility as being first and foremost entwined with the other’s mortality, ‘to the extent of including myself in that death’, prompts the questions for Derrida: ‘How can one not *be*?’ and ‘how can we think of death starting from *adieu* rather than the inverse’ (*GD*, 46-47)?⁵⁷ Derrida dismisses Levinas’s proposition—that death is not what constitutes us but rather that the Other does—and postpones thinking from death-to-life as opposed to life-to-death (or Being-toward-death) by stating that he ‘cannot effect such a displacement here [in *The Gift of Death*]’ (*GD*, 47). It is Derrida’s dismissal of Levinas that now appears ‘too fast’.

This not *being*, this thinking from death, and the implicit Levinasian possibility of dying *with* the other—or even *in-stead*—is broadly categorised by Derrida as being ‘in the ethical dimension of sacrifice’ (*GD*, 48). If existence is responsibility (because death constitutes me as individual, and thus I am able to be responsible *as* such an individual), then this other side is irresponsibility (which Derrida troublingly associates with temptation and the “demonic”), and one is justified in wondering whether irresponsibility finds its place in ethical sacrifice. ‘The ethical involves me in a substitution, as does speaking’, Derrida writes (as Blanchot likewise thinks), in view of how ‘in speaking [or in language more generally], I renounce at

⁵⁶ See *GD*, 41-5.

⁵⁷ The translation of Levinas is here Derrida’s own. The emphasis on “be” in the quotation from *GD* is added here.

the same time my liberty and my responsibility. Once I speak I am never and no longer myself, alone and unique'. And thus, '[t]he ethical can therefore end up making us irresponsible', and the elision of the other with the 'subject-who-says-I' is 'a lack of responsibility' (*GD*, 60-61, 25). And so the absolute alterity of the other—*tout autre est tout autre*—which 'signifies that every other is singular' and thus irreplaceable in death, also 'seems to contain the very possibility of a secret that hides and reveals itself at the same time', thus being a 'secret [which] doesn't belong, [which] can never be said to be at home or in its place' in the singular, non-relational mortality of the irreplaceable individual (*GD*, 87, 92).

To conclude with regard to Derrida's (quasi-)thinking of relational death: just as with the remark in *Demeure* that one could spend years meditating *The Instant of My Death's* opening line, this thesis takes up what Derrida hopes someone would, or what he never seemed to be able to find time for in *The Death Penalty* seminars, *Aporias*, and (to a much lesser extent) *The Gift of Death*: that is, an examination of the figure or revenant who is replaceable and non-singular, who comes to blows with death and survives, who starts not from this side of life but from that other side of death, whose death is not his ownmost, who starts from a dying *with* (and its epitome, dying *in-stead*), opening the gift of death and annulling its secrecy, who not only lives on but *speaks* on as well, who is irresponsible, more demonic and less secretly theological—in sum, the figure which brings to light the impossibility of my death, a figure at the limit of deconstruction (and ontological structures) that seems already present in the literary works examined here. This figure—bearing considerable similarities to the *homo sacer*—has already, and inevitably, to some extent been always already conceived of (even if often postponed) in Derrida's writings; it is a notion which has consistently troubled him at least throughout the 1990s, especially if "to deconstruct" is, ultimately, "to deconstruct death". This is not to say that what is intended here is a comprehensive deconstruction of death—unless,

that is, one takes breaking off the handle of a vase as equivalent to breaking the whole vase itself.

If relational death is only intimated in Derrida but not thought through to its consequences, one must converse with other arguments that more directly attempt to collapse the harshly-defined boundaries of the non-relational death. Stefano Cochetti, for instance, similarly picks up on the Narcissism implicit in Heidegger's view of death, if only superficially so and in a rather misconstrued manner, and sees a potential break from this 'self-referential mechanism' of death. He writes that while, '[s]trictly speaking, there is no togetherness or social being in death', there may 'in broad terms' be 'something analogous to that in the form of ritual blood sacrifice and of dying in war'.⁵⁸ Although he identifies these two modes of dying as attempting 'to conjure away, or at least alleviate, the social gaps of death, striving to realize the paradox of a social death' and granting one 'the ability to stand in for another in death', he makes the wrong assumption that death can be crystallised into a communicable event (and, in the case of ritual sacrifice, a sacrificial one at that), rather than as something that must be kept as possibility. In 'striving to release both death from its exile in the isolation of *Dasein*, and *Dasein* itself from its oppressive vacillation between meaninglessness and incommunicability in the face of death', Cochetti forgets that, for Heidegger, authentic death is not at all meaningless, and indeed *Being and Time* was itself in part written as a counterargument to the nihilism Cochetti nonetheless seems to identify within it.⁵⁹ Ultimately, it is not enough to say that 'in war, one often dies replacing the death of others' (presumably those still at home)—since this in no way allows these others to survive their own deaths, but merely postpone them—and to uphold ritual blood sacrifice as 'orientated towards conferring a meaning on the

⁵⁸ Stefano Cochetti, 'The Lethal Narcissus: Heidegger on Sacrifice/Sacrifice on Heidegger', *Contagion: Journal of Violence, Mimesis, and Culture*, 4 (1997), 87-100 (pp. 93-4).

⁵⁹ *Ibid.*, (pp. 93, 96).

communication of death, thereby contributing to the socialization of death itself', is to be trapped in the idle chatter of the "they".⁶⁰

Among others, significantly more nuanced arguments for a relational death are propounded by Alison Stone and George Pattison. Stone forwards her thoughts on this, initially, by thinking with Adriana Cavarero (and Hannah Arendt) in terms of natality, that 'peculiar' gift of birth, where 'feminist ideas about birth may instead be taken as opening up possibilities for rethinking death and mortality'.⁶¹ Seeing that Cavarero's impersonally materialist 'views of birth and death actually conflict', Stone reads into this conflict a relationality *within* the singular that works on the Derridean lines of the Other, i.e. that which is 'in itself outside myself [and] outside myself in myself'; indeed, she writes that 'each singular being, within itself, is the holding together, the concrescence, of a determinate and in each case unique set of relations' which constitute the self. And thus we find here a repetition of Heidegger's statement that 'Dasein is essentially Being-with [*Mitsein*] others', a repetition that reaffirms Heideggerian uniqueness while simultaneously relocating it to an outside of the self (though Heidegger himself does not do this, but keeps it within, Narcissistically). Stone writes: 'If someone's birth is their entrance into a shared world with others, then their death must equally be their irreversible departure from this *shared* world', where one 'will cease to be there *with these others*' and thus, '[i]n this sense, one's death [...] is constitutively social'.⁶² And so, through Cavarero, Stone challenges Heidegger in lucid terms:

If I am constituted of a web of relations with others, then when I die, these relations end, relations that were equally parts of the webs of relations that constituted each of those other people. So something of each of those people does die at the same time.

⁶⁰ Cochetti, (pp. 91-2). Cf. Derrida on victims of war in relation to Heidegger's idea of death (*GD*, 86-87).

⁶¹ Alison Stone, 'Nativity and Mortality: Rethinking Death with Cavarero', *Continental Philosophy Review*, 43(3) (2010), 353-72 (pp. 357, 354).

⁶² Stone, 'Nativity and Morality', (pp. 358, 361-62).

Conversely, when others die part of me dies; our deaths are not separate from one another.⁶³

Thus, Stone continues, if ‘my death is the end of my existence *as* the unique concrescence of relations that I am, then for one of those relations to end is for me to undergo, already in life, a part of my death’; therefore, ‘our deaths are not separate [...], it is a *we* who die: a death shared’.⁶⁴ Later, in a 2016 essay entitled ‘The Relationality of Death’, Stone reiterates this view of death as one which is ‘shared’ (and not only one’s ownmost possibility) ‘insofar as each person is constituted of a web of relationships unfolding over time’—as such, when a person dies, a part of us literally dies with them; death ‘will be *ours*—shared’.⁶⁵ If the Other constitutes the World in which I am being, then the loss of the Other changes my very Being-in-the-world. But, even if this argument holds water, does this necessarily entail a change in my Being-towards-death? One suspects that Heidegger’s rebuttal to Stone’s conception of death would be to accuse her of prioritising the existentiell-ontic level of death, and not its existential-ontological terms, especially in relation to her figuring of death as corporeal mortality (mainly through a reading of Simone de Beauvoir’s *A Very Easy Death*). According to Stone, we relate to others that are embodied—‘we are [...] relational beings *qua* living bodies’—and so ‘our deaths are continuous with one another as physical occurrences’, where ‘death is relational *as* a corporeal phenomenon that befalls human beings as bodies entwined organically’.⁶⁶ For Heidegger, though, ontology takes precedence over biology; thinking otherwise would be a mistake (even if for some, like Kevin A. Aho and presumably Stone herself, the mistake is in

⁶³ Stone, ‘Nativity and Morality’, (p. 363).

⁶⁴ *Ibid.*, (p. 364). The fear of one’s death is, then, a fear of the end of a relation to the other-in-me.

⁶⁵ Alison Stone, ‘The Relationality of Death’, in *On the Feminist Philosophy of Gillian Howie*, pp. 165-80 (p. 166). It is worth noting here that Gillian Howie, who is the focus of the collection, finds this idea to be an asymmetrical one: while the death of others occurs in my life, my death does not, and cannot, take place in mine; essentially, this is a Heideggerian rejoinder. It is important to note that Stone’s argument nonetheless bears some similarities to what Heidegger himself said of mourning, previously quoted (see *BT*, 282).

⁶⁶ Stone, ‘Nativity and Mortality’, (pp. 355, 370).

not thinking about the body).⁶⁷ Yes, death cannot happen without biological destruction—‘[t]o die [...] is to undergo a biological process’—and so let us not commit a transposition of Kant’s belief that the *noumenon* can somehow be disassociated from the *phaenomenon*.⁶⁸ Crucially, however, death does not happen *only* in biological cessation of function (the existentiell-ontic face of death) but happens throughout one’s life (existentially, ontologically), from the beginning of the self and as long as the self *is* the self. One dies even in the prime of one’s biology, which Stone seems to skim over in her focus of a relational death that emerges in biological death.⁶⁹ Furthermore, even if one delineates the problems of the body, *one dies precisely as one forms these relations with the other*, because it is “I”, as constituted by my death, that makes such relations. In a part of me dying *with* the other who becomes a corpse or a thing, it is only a quality of the self that dies, and not the self as a whole self; only a part of one’s psychological, social and ethical self—in Stone’s words, a ‘dimension’, ‘strand’ or ‘part of this person’, a part of one’s narrative or ‘story’—comes to an end.⁷⁰ While her idea of death does challenge against Heidegger’s sharp delineation between my death and the other’s, especially in seeing the perseverance of *Mitsein* in death (and even going so far as to ponder the ‘possibility of post-mortem survival’ through mourning), Stone thinks of a death that concludes a chapter of one’s life, not its book.⁷¹

Pattison takes a similar position, as evidenced by a reference he makes to Donne’s Meditation, specifically the lines prior to the ones quoted as the title of the previous section, which reveals it to be a poem that paradoxically posits both a non-relational and a relational death: ‘No man

⁶⁷ As he points out: ‘In *Being and Time* there is little acknowledgement of the “lived-body” (Leib) that prereflectively negotiates its way through the world’, and this to the degree of flaw. Kevin A. Aho, *Heidegger’s Neglect of the Body* (Albany: SUNY Press, 2009), p. 2.

⁶⁸ Stone, ‘Nativity and Mortality’, (p. 369).

⁶⁹ Cf. ‘I posthume as I breathe’. Jacques Derrida, ‘Circumfession’, trans. by Geoffrey Bennington, in Jacques Derrida and Geoffrey Bennington, *Circumfession/Derridabase* (Chicago and London: The University of Chicago Press, 1999), pp. 3-315 (p. 26).

⁷⁰ Stone, ‘Nativity and Mortality’, (p. 363-64).

⁷¹ Stone concludes, however, that ‘nothing of [the other] can survive’, and that we ‘exist less the more we are bereaved’. *Ibid.*, (pp. 366-67).

is an island, entire of itself; [...] any man's death diminishes me, because I am involved in mankind'.⁷² The bell may toll for thee, but all of us can hear it.

Pattison writes of the possible 'reasons for thinking that the distinction Heidegger draws between my "experience" of the deaths of others and the prospect of my own death is not as sharp as he claims'. In noting, as Stone does, that the death of the other confronts me with a change to my very Being(-in-the-world), and thus one is not just "there alongside" the other's death as Heidegger contends, Pattison concludes that the 'cocoon of I-ness is irrevocably broken open'.⁷³ Thus, he writes: 'Life will never be the same. I will never be the same. The deaths of others and my consciousness of their having died effects a diremption at the heart of Dasein'. In this elevation of the other's death, Pattison holds that 'our own death is something we discover only in relation to the deaths of others', or, 'perhaps even more correctly, bestowed by others'.⁷⁴ He elaborates:

That is, it is bestowed in the language that I am given to speak [...] whatever thoughts I have about death. Of course, the mediation of our relation to death through language makes us prone to the idle [chatter of the "they"]—but does it not at the same time give us the [...] more authentic possibility of talking about our own death and about the deaths of others? And [...] does it not also disclose the commonness of our mortality? [...] If Heidegger's fundamental contention is that each of us must die alone, is it not equally credible to consider that, especially with regard to death, "we're all in it together"?⁷⁵

⁷² Donne, (p. 99), as quoted in Pattison, p. 111. This same quotation is also used, for identical purposes, in Stone's 'The Relationality of Death', (p. 167).

⁷³ Pattison, p. 108. Pattison previously writes, in the second chapter, of the links between Heidegger and Kant, Fichte, Hegel, and Kierkegaard, especially on the basis of the "I".

⁷⁴ Pattison, p. 113.

⁷⁵ Ibid.

This does not only recall the bestowal of the gift of death (this time not a self-gifting but rather a gift to/from the other), but also what Derrida says in that same monograph: ‘Once I speak I am never and no longer myself, alone and unique’. Thus (with Sartre’s counterarguments to Heidegger in *Being and Nothingness* in mind), Pattison writes:

I will always fail in my attempt to authentically ground my own existence by grasping and owning my responsibility for being the thrown nullity that I am [i.e. an authentic Being-towards-death], since in every case I will end up being handed over to others and being irredeemably reified in how they remember me. [...] Where Heidegger insists on the ‘always my own’; quality of an authentic comportment towards death, Sartre sees such “mineness” as always being wrested away from me and my death—and my life with it—being reduced to just one more event in the world.⁷⁶

For Pattison, then, death is relational insofar as it does not close off, as Heidegger believes, the “I” that it constitutes; rather, he argues, the self is, in death, ‘handed over to a contingent and indeterminate future’ in the hands of the other, where the “I” ‘could become just about anyone’, and thus ‘society [...] reaches out to include the dead as well as the living’.⁷⁷ While Pattison raises very interesting claims, especially on the lines of subjectivity, he remains subject to the same counter-arguments made to Stone above. Furthermore, his discussion is shrouded in ideas of remembrance and love: the ethical demand of the other for love is ‘perhaps stronger’ than death, he believes.⁷⁸ Barring the fact that his discussion of Heidegger comes from a Christian perspective (where the ethical relation to the other is first and foremost a relation to God as

⁷⁶ Pattison, p. 116.

⁷⁷ Ibid., p. 116.

⁷⁸ Ibid., pp. 104, 145. This, of course, is tied in by Pattison with the thoughts of Kierkegaard and Levinas. Among many other poems, one strongly echoed here is one by Thomas Campbell, where we read that ‘[t]o live in the hearts of those we leave behind | Is not to die’. Thomas Campbell, ‘Hallowed Ground’, in *The Complete Poetical Works of Thomas Campbell*, ed. by J. Logie Robertson (London: Oxford University Press, 1907), pp. 248-51 (lines 35-36).

love), it is not clear why this is so. In terms of the loss of the other as amounting to the loss of what I love, the loss of what I hate or despise (a Nemesis), for instance, can be equally powerful.

Apart from Heidegger (and the case of Narcissus's own love), Derrida too can be read as forwarding a refutation of Pattison's position, here formulated rather pithily: love and remembrance work psychologically, not existentially or ontologically.⁷⁹ As he writes in his 'Foreword' to Nicolas Abraham and Mária Török's psychological analysis of Sergei Pankejeff (more famously known by the pseudonym endowed him by Sigmund Freud, "Wolf Man"—and the human-animal returns once more, and shall return again when conversing with Agamben), ideas like the ones expressed by Pattison amount to the psychological processes of incorporation and introjection, where the self tries to identify with the lost other, where one 'pretend[s] to keep the dead alive, intact, *safe* [...] *inside me*, [...] to love the dead as a living part of me' as if in a crypt.⁸⁰ This, Derrida writes, is the question of 'whether or not [...] mourning preserves the object *as other* (a living person dead) inside me', and concludes that this ultimately 'leads to the paradox of a foreign body preserved as foreign but by the same token excluded from a self that thenceforth deals not with the other, but only with itself'; as such, '[t]he more the self keeps the foreign element as a foreigner inside itself, the more it excludes it'.⁸¹ As he writes elsewhere, mourning 'makes the other a *part* of us [...] and then the other no longer quite seems to be other'.⁸² Pattison's idea of love trumping death ignores the fact that, at the heart of the crypt is 'a deathly silence, a blackout'—the crypt, one can say,

⁷⁹ Cf. *BT*, 282-83.

⁸⁰ Jacques Derrida, 'Foreword: *Fors*: The English Words of Nicolas Abraham and Maria Torok', trans. by Barbara Johnson, in Nicolas Abraham and Maria Torok, *The Wolf Man's Magic Word: A Cryptonymy*, trans. by Nicholas Rand (Minneapolis: University of Minnesota Press, 1986), pp. xi-xxvii (p. xvi). Although Torok maintains a strict topographical division between "incorporation" and "introjection", Derrida does make it a point to state that 'the purity of such a disassociation remains in fact only a theoretical ideal' (p. xviii). It is only between self and other that '[t]he dividing wall is *real*' (p. xix). Derrida would later also say: 'Nothing is stronger than love, save death' (*BSI*, 210).

⁸¹ Derrida, 'Foreword: *Fors*', (p. xvii).

⁸² Jacques Derrida, *Memoires for Paul de Man*, revised edition, trans. by Cecile Lindsay, Jonathan Culler, Eduardo Cadava, and Peggy Kamuf (New York: Columbia University Press, 1989), p. 35. Cf. *BSII*, 121, 126-27, 169.

is not reflective but stygian. Pattison's incorporated and introjected love for the other in death does not love the other, but the self.

As evidenced earlier, however, Derrida does not think relational death: indeed, in this 'Foreword', he locates once more 'an undecidable irresolution that forever prevents the two [the self and the other] from closing over their *rightful, ideal, proper* coherence [...] over *their death* ("their" corpse)', and this undecidability can be located in the many paradigms of the crypt.⁸³ In contrast, what is attempted in this thesis is what Derrida briefly alludes to only in his notes to the 'Foreword' when he writes: 'heterocryptography calls for a completely different way of listening from that appropriate to the cryptic incorporation of the self'.⁸⁴ Here is, therefore, highlighted a cryptography that listens differently to difference.

Nonetheless, both Stone and Pattison provide us with plenty to consider beyond Heidegger himself. Through Stone's departure from natality, for instance, the seemingly outlandish proposition of the possibility of dying in-stead is made even more so in reversing the question: can someone be born instead of someone else? To this question, this study's previous answers can perhaps be similarly deployed: is birth really our own, given that this supposedly singular "I" is re(-)produced from two individuals, the *two* who give birth to another, the Other or the *third* party? Is birth (or even, more problematically, conception) not, then, also relational, whereby it is, as Stone remarks, 'the conclusion of the process by which a unique set of relations has cohered into, and as, the gestating fetus'?⁸⁵ This thesis holds that death and birth are not simply or diametrically antithetical, but nor do they amount to the same thing: it is a different set of questions to think about whether sexual reproduction is a condemnation to life.⁸⁶

⁸³ Derrida, 'Foreword: *Fors*', (pp. xvii, xlv, xxii).

⁸⁴ Derrida, in his notes to the 'Foreword', in Abraham and Torok, (p. 119).

⁸⁵ Stone, 'Nativity and Mortality', (p. 362).

⁸⁶ This would possibly be an apt place to venture into antinatalist philosophy, which returns us chiefly but not solely to Schopenhauer, whose preference for non-Being is most evident in *The World as Will and Representation*. See also, for instance, E.M. Cioran, *The Trouble with Being Born*, trans. by Richard Howard (New York: Arcade Publishing, 2012), and, for a wider conception of this strand of philosophy, see the excellent

Besides, the idea of life penalties perhaps becomes secondary to the present one of death penalties, if one holds that those who are born are *beings* at all only because of the possibility of them *not-being*.

Therefore, while Stone and Pattison certainly pave the way for an idea of the relational death, this idea is here posed more radically (as introduced through *The Instant of My Death*): that is, that someone else can die in-stead, with all the additional nuances of this as outlined above. Both Stone and Pattison indeed trouble Heidegger's 'ownmost' death, and ask a question that follows up the poststructuralist contention that the subject is not a closed off unity but rather relationally constituted: then is not the subject's death, they ask, also relational? This thinking can be traced not only to Derrida, as above, but also to thinkers like Judith Butler, who writes:

It is not as if an "I" exists independently over here and then simply loses a "you" over there, especially if the attachment to "you" is part of what composes who "I" am. If I lose you [...] then I not only mourn the loss, but I become inscrutable to myself. Who "am" I, without you?⁸⁷

Butler even addresses the familiar problems of the idea of (self-)narration; as she states, 'I am gripped and undone by these very relations. My narrative falters, as it must'—and here looms on the horizon, once more, the question of autothanatography as the beyond of narrative, the epilogic.⁸⁸ However, both Stone and Pattison are here read as retaining a Heideggerian degree of self-possession, where, no matter how relational death can be configured as being, it remains, indelibly, my own. Both see the death of the other as reducing (Stone) or deeply and irrevocably changing (Pattison) my world—but not *my* death. Even if it is relational, my

work of David Benatar, *Better Never To Have Been: The Harm of Coming into Existence* (Oxford and New York: Oxford University Press, 2006).

⁸⁷ Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (London and New York: Verso, 2004), p. 22.

⁸⁸ *Ibid.*, p. 23.

ownmost death is still my own “not-yet”, and, crucially in this discussion, it is only in the wake of dying one’s own death—and *not in the instant*—that relationality is exposed; in other words, it is death’s consequences that are re-evaluated in terms of Being as *Mitsein*, and not death in and of itself. In short, Stone and Pattison speak of a self-defeating *Mitsein* that it is contained only within one(-)self since the Other is now already dead. If there is to be conceived a truly relational death, therefore, both parties must be dead; and we recall that even if one survives death, it is solely on the basis of not surviving the unexperienced experience. Thus, although to a considerably lesser degree than Heidegger, Stone’s and Pattison’s views of death both deal ‘not with the other, but only with [the Self] itself’, and ‘obey a conservative, “Narcissistic” finality’.⁸⁹

To conclude this chapter: in the absence of a proper examination of relational death, one has to turn to the literature that “birthed” such death, the relational death that may also be here glimpsed through *Mitsterben* (dying-with, following *Mitsein*), a term which, as of yet, remains revealingly unthought of in philosophy.⁹⁰ One literary figure that Heidegger consistently avoids, Pattison reminds us, is Dostoevsky. Dealing instead with Leo Tolstoy’s *The Death of Ivan Ilyich*—where the protagonist is ‘in continual despair’ as he struggles to come to an authentic understanding of Being-towards-death—Heidegger refrains from engaging Dostoevsky despite the literary, cultural, and political influence the Russian author held in

⁸⁹ Derrida, ‘Foreword’, (p. xviii).

⁹⁰ This term appears very rarely, although even then in very close proximity to this thesis’s concerns: (i) in the context of theology, as in the as of yet untranslated 1937 work by Wilhelm Traugott Hahn, ‘Das Mitsterben und Mitaufstehen mit Christus bei Paulus: Ein Beitrag zum Problem der Gleichzeitigkeit des Christen mit Christus’ [‘Dying and Resurrecting with Christ in [St] Paul: A Contribution to the Problem of *Simultaneity* for the Christian with Christ’] (my translation and emphasis); (ii) the term also resurges as the title of a 2003 documentary film produced by Heike Bittner (which appears to have been unpopular) following people who care for children with terminal illness. See: (i) <https://ia600502.us.archive.org/0/items/MN41529ucmf_0/MN41529ucmf_0.pdf> [accessed 1 September 2019]; (ii) <<http://www.cinema.de/film/mitsterben,1320904.html>> [accessed 1 September 2019].

Germany in the interim between the World Wars.⁹¹ With Pattison, this study thus asks: ‘Does Dostoevsky have a question for Heidegger that Heidegger would not like to have had asked?’⁹²

This question, perhaps, is that of the death penalty. As quoted in the second epigraph to this chapter, Prince Myshkin asks whether the death penalty undoes human nature itself (*TI*, 20). His reflections in *The Idiot* are congruent with what this chapter has foregrounded. Execution, he states, is ‘done in an *instant*’, although even then death will have already happened. This is because ‘the chief and worst pain may not be in the bodily suffering’ but rather ‘in one’s knowing *for certain* that in an hour, and then in ten minutes, and then in half a minute, and then *now, at the very moment*, the soul will leave the body’. At this instant, ‘one will *cease to be a man* and [...] that’s bound to happen; the worst part of it is that it’s *certain*’ (*TI*, 18-19).⁹³ In the unexperienced experience, this Kantian idea of man ceasing to be man must for now remain postponed—of course, Dostoevsky only had in mind the straightforward idea that man ceases to be man once dead, and bluntly states *contra* Kant that ‘[t]o kill for murder is punishment incomparably worse than the crime itself’—although his questioning of human nature under the pressure of the death penalty does cause us to pause, along with further reflections by Myshkin, and shall be re-examined the final two chapters. The Prince explains how one ‘may lead a soldier out and set him facing the cannon in battle [...] and he’ll still hope; but read a sentence of certain death over that same soldier, and he will go out of his mind’ (*TI*, 20). Being *condemned to death* is here re-verified as a unique and troubling state, far different from the hope still entrenched in being *condemned to die*. Perhaps, in refusing to allow death its

⁹¹ Leo Tolstoy, ‘The Death of Ivan Ilyich’, in *The Death of Ivan Ilyich and Other Stories*, trans. by Alymer Maude and J.D. Duff (New York: Signet Classic, 2003), pp. 93-152 (p. 129). Ultimately, Tolstoy too can be read as thinking through the idea of the relational death, as strongly evidenced by the final scenes of another of his short stories. See also Leo Tolstoy, ‘Master and Man’, in *The Death of Ivan Ilyich*, pp. 235-87 (especially pp. 274-287). Tolstoy was ‘a fervent opponent of the death penalty, and who wrote against the death penalty’ (*DP11*, 247).

⁹² Pattison, p. 68. For more and even biographical detail around Heidegger’s (non-)relation to Dostoevsky, see Pattison, pp. 65-79.

⁹³ Emphasis added except for the last instance.

Heideggerian manifestation as possibility by turning it into certitude, the death penalty transmutes death into a term Heidegger does not consider: the impossible impossibility.⁹⁴ The death penalty makes death no longer both perennially possible (always *à-venir* in the *avenir*) and simultaneously impossible (because it can never happen, as an event, to you), but rather impossible to be impossible; death cannot *not* happen since, indeed, it has just happened.

It is true that there is no obviously relational death in *The Idiot*, but the novel might manifest Stone's (and Butler's) idea of the faltering narrative. Pattison reminds us of Mikhail Bakhtin's analysis of Dostoevsky's style as one which is understood best in its heteroglossia and polyphony, whereby each narrative voice is 'very disconnected' from the other (as the Prince is himself accused of being during the telling of a story about the death sentence) (*TI*, 54).⁹⁵ Thinking of other voices, Myshkin hypothesises a scenario: 'Perhaps there is some man who has been sentenced to death, been exposed to this torture and has then been told "you can go, you are pardoned."' Perhaps such a man could tell us [what it was like]' (*TI*, 20). In alluding to himself, Dostoevsky recalls not only his own unexperienced experience but also Blanchot's (or his protagonist's), along with the myriad other literary voices who 'could tell us' of surviving—but first *waiting under*—the death penalty, a loud and vast polyphony of difference as shall be heard in the following chapters. 'Death', Pattison writes, 'comprising dying, the moment of death, and whatever may be "beyond" death', is thus 'as subject to the polyphonic, variform indeterminacy of the novelistic world as any of this world's other great themes'.⁹⁶ The pluralised heteroglossia of death *penalties* indeed asks many questions—in that other voice of the Other—that Heidegger might not, or cannot, answer, demonstrating a subject who is not

⁹⁴ By this term is meant something entirely different to Levinas's similar rephrasing of Heidegger's words into "the impossibility of possibility"; Levinas, as shall be discussed later on, understands death as transcending all possible human experience. See Levinas, 'Time and the Other', p. 70, footnote.

⁹⁵ See Mikhail Bakhtin, *Problems of Dostoevsky's Poetics*, ed. and trans. by Caryl Emerson (Minneapolis and London: Minnesota University Press, 1999).

⁹⁶ Pattison, p. 77.

unified with its ownmost reflection in the pool but rather one already in Hades, looking for a reflection and finding none. And so let us hear the questions.

If, in the first chapter, we have seen how literature opens up a space for a different, radical (relational) conception of death, and if, in this second chapter, rejections of Heideggerian existential-ontological Narcissism have been read as not seeing in this space a potential for understanding this relational death, then the following third chapter must return to a literary questioning that is nonetheless deeply informed by such rejections of the idea of one's ownmost, non-relational death. These are the questions: before surviving the death penalty, what does it mean to await a death that is certain in that it has already happened as the unexperienced experience? When death is no longer able to be the anticipated Heideggerian possibility, but is instead, as stated above, the impossible impossibility—what is *waiting*, then, under the death penalty? Does the duration of *waiting* rebuff the *instant*? What does this waiting reveal of death, its possession, and of the sovereign and *other* parties involved in the condemnation? Does waiting—or abeyance—stretch on to immortality? Ultimately, accusingly, is this present concern with surviving death just more chatter, an inauthentic way of escaping one's fear of it?

Or is it, perhaps, another, no less authentic, understanding of death? St Paul exultantly states that, in Christ, the 'mortal shall have put on immortality' and '[d]eath is swallowed up in victory. O death, where is thy sting? O grave, where is thy victory?'⁹⁷ But perhaps immortality, or having death in abeyance—where thus the "I" is also suspended on the stratum of the impossible impossibility—is not the triumphant inauthenticity it may seem to be. In the sovereign condemning the subject to death, what is also condemned, in the same sense that a building or structure is condemned, may be the very category of subjectivity itself, the 'cocoon

⁹⁷ I Corinthians 15:54-55.

of I-ness', the ipseity and authoritarian totalisation of "one". The sting of death, then, more overwhelming than Heidegger thinks it to be, stings not "you" or "me" but the "I" itself.

Chapter 3: Missing Death

[A] man, anticipating the violent blow that is about to strike him, already feels himself transformed into a corpse
—Jean Paulhan, *The Flowers of Tarbes*

It is not death which is terrible. It is to die last of all.
—Louis-Sébastien Mercier, *Tableau de Paris*

Stations

What is relational death? The definition that shall be forwarded here is that, by “relational death”, what is to be understood is “living the death one has already died”, where the subject persists in a manner that is not towards-death and which thus puts its being into question.

Such a characterisation of relational death is perhaps most evident during the period of *waiting* under the death penalty, when living on without surviving. It is this period of waiting that shall now be explored, and how this “time” of abeyance relates to the previous discussions on the relationship between sovereignty and the death penalty, the idea of ‘life without life’, the interruption of the Third and dying in-stead, the possibility of starting from *adieu*, and, ultimately, the seemingly impossible thought of conceiving the human otherwise than being-towards-death.

Let us return, for a moment, to Heidegger, as he checks his watch and waits for the train. In *The Fundamental Concepts of Metaphysics*, a lecture course presented not long after the publication of *Being and Time*, he speaks of a waiting at a desolate train station that is oppressed by boredom (*Langweile*), whereby one finds oneself ‘wanting to kill time’.¹ He asks: ‘What do

¹ Martin Heidegger, *The Fundamental Concepts of Metaphysics: World, Finitude, Solitude*, trans. by William McNeil and Nicholas Walker (Bloomington and Indianapolis: Indiana University Press, 1995), p. 93. It must immediately be noted that Heidegger distinguishes between three kinds of boredom. For an insightful reading of these three types, see Eran Dorfman, ‘Everyday life between boredom and fatigue’, in *Boredom Studies Reader: Frameworks and Perspectives*, ed. by Michael E. Gardiner and Julian Jason Haladyn (London and New York: Routledge, 2017), pp. 180-92 (especially pp. 185-89), and Derrida’s comments on Heidegger’s boredom in *BSII*, 70-72. For a contextualisation of Heidegger’s mood of boredom more generally across philosophy and the arts,

we really want in constantly looking at the clock? We merely want to see time passed'.² It is immediately quite apparent that this impatience is not the case for the condemned subject. Prince Myshkin, for instance, tells his captive audience of a friend who, condemned to death and out on the scaffold, 'had only five minutes more to live', and although those 'five minutes seemed to him an infinite time', it was not a time for boredom; rather, 'he divided his time up', planning how best to devote his last thoughts and trying to make every moment count as 'eternity' (*TI*, 53-54). Living life without life (the relational death) is not a matter of killing time but living under a time that kills with every second. As Blanchot writes:

Through waiting, he who waits dies waiting. He maintains waiting in death and seems to make of death the waiting for that which is still awaited when one dies. Death, considered as an event that one awaits, is incapable of putting an end to waiting. [...]. Waiting is what allows us to know that death cannot be awaited.³

Under the death penalty, one does not die of boredom.

Heidegger's 'various forms of boredom', as the translators of the lectures remark, can all be characterised as "being held in limbo" [*Hingehaltenheit*]; indeed, they note that "boredom" is only the best approximation of *Langweile*—which literally translates to "long while", and which inherently carries 'the temporal sense which Heidegger makes central to his phenomenological analyses'.⁴ Heidegger does acknowledge that 'waiting can be full of suspense', and indeed the state of limbo seems to map well onto the state of being condemned to death—where time seems to stretch on eternally, between proper life and proper death;

see Lars Svendsen, *A Philosophy of Boredom*, trans. by John Irons (London: Reaktion Books, 2008), especially 'The Phenomenology of Boredom', pp. 107-32.

² Heidegger, *Fundamental Concepts*, p. 93.

³ Maurice Blanchot, *Awaiting Oblivion*, trans. by John Gregg (Lincoln: University of Nebraska Press, 1997), p. 27.

⁴ William McNeil and Nicholas Walker, 'Translators' Foreword', in *Fundamental Concepts*, pp. xix-xxi (pp. xix-xx).

however, the key difference remains the issue of relationality.⁵ His limbo is an empty one, self-enclosed; it is the “long while” which ‘holds us in limbo and yet leaves us empty’.⁶ This time of bored waiting, of non-relationality or Narcissism, is empty because there is only the waiting of something to come (the train), and one is meanwhile faced only with oneself. Like anxiety—and Heidegger places *Langweile* alongside *Angst* as fundamental attunement (that mood or voice which ‘gives us the possibility of grasping the Da-sein of man as such’)—waiting leans *towards*, future-oriented, secure of an endpoint and concerned solely with the emptiness of the *meanwhile*.⁷ Heidegger elaborates: ‘Being held in limbo does not happen over any course of time whatsoever, but over this particular interval of time that drags between our arrival and the departure of the train’.⁸ In boredom, ‘the while [*Weile*] becomes long [*lang*]. Which while? Any short while? No, but rather *that while whilst Dasein is as such*, the while that measures out that tarrying awhile [*Verweilen*] which is allotted to Dasein as such’.⁹ Heideggerian boredom is not something one can go in and out of, and the time in question, then, is the finite time of Dasein: mortality. It is important to point out that the state of being condemned does not belong to the everydayness that Heidegger speaks of here—indeed, condemnation is generally regarded as the opposite, as event, whereas boredom is “uneventfulness”—and so to claim that the mood of boredom does not adequately describe that of living on seems of limited value. However, the intrinsic attunement of boredom in Dasein, discussed above, reveals that to talk of boredom is also to talk of Being-towards-death, and a “breaking out” of the latter, therefore, must also entail a breaking with the former (while also problematising the dichotomy between the event and the mundane).¹⁰ Both boredom and Being-towards-death deal with the

⁵ Heidegger, *Fundamental Concepts*, p. 94.

⁶ *Ibid.*, p. 87.

⁷ *Ibid.*, p. 82.

⁸ *Ibid.*, p. 100.

⁹ *Ibid.*, p. 152. Emphasis added.

¹⁰ Dorfman makes a good argument for the breaking of this particular dichotomy against the context of Heideggerian boredom (pp. 180-83).

temporality of Dasein as finitude and the individuation (or “solitude”) that Heidegger contends comes with it. But how is the time of the condemned man different to this empty limbo of boredom?

An answer, perhaps, lies in Heidegger’s meditation of the train station itself (and one recalls the shared etymological roots of “station” and “stasis”):¹¹

What do we expect of the station? That it be a station in general? No—but rather that we can use it as a station, i.e., that at this station we can immediately enter the train and depart as quickly as possible.¹²

As such, what bores us is not only the fact that the station is ‘not yet offering anything’. As he clarifies, ‘the station in itself does not bore us [...] but does so only insofar as the train is not yet there’.¹³ In this context, the station—where one waits for a promised, scheduled departure, one’s own “not-yet”—works along the same lines as the death penalty. The difference, here, is that the time of the relational death is not only a waiting for what is to come, but also for what has already passed; it is to wait for a train that has already departed, and which might never come again. If the death penalty, like the train station, promises us the ‘calculable knowledge’ of our time of death and makes us expect a death that will arrive, the time of waiting under the death penalty is simultaneously pregnant with this death which has already come to pass at the instant of condemnation. It is not empty time because it is full of what has already arrived. If, then, for Foucault, the train is relational, it is apparently not so for Heidegger.¹⁴

¹¹ See *Chambers*, p. 1062. It would be beneficial, here and throughout this study, to keep in mind Agamben’s understanding of “stasis” and its relation to the *oikos* and the *polis*. See Giorgio Agamben, *Stasis: Civil War as a Political Paradigm*, trans. by Nicholas Heron (Stanford: Stanford University Press, 2015).

¹² Heidegger, *Fundamental Concepts*, p. 103.

¹³ *Ibid.*, p. 105.

¹⁴ Although this is claimed in a completely different context, a certain complementarity to this present discussion may still be read, not least in terms of the *hetero-* prefix of “heterotopia”: ‘a train is an extraordinary bundle of relations because it is something through which one goes’. Michel Foucault, ‘Of Other Spaces: Utopias and Heterotopias’, trans. by Jay Miskoviec, *Architecture/Mouvement/Continuité*, 5 (1984), 1-9 (p. 3).

What relational death starts to emerge as being, then, is not only a death that withholds relations (to sovereignty, to the other or third party) as opposed to annulling them—hence threatening the category of the purely individual self—but also that which rethinks the problems of our ‘*relation to time*’, and to our death, on temporal (train-)lines.¹⁵ The past becomes where one has died already, the future when one may not die: that is, the possibility of living on in abeyance, a prolongation of the interruption of sovereignty. The question changes from “when will death come?” to “will death ever come?” (because the sovereign’s condemnation has already answered the first question, and very precisely at that), and the tension between the “instant” and the “while” is reversed: within the mechanisms of the death penalty, it is not the case that there is a long while until the instant of one’s death, but that the instant of death can be followed by the long while itself. Moreover, this is not the persistence of limbo in Heidegger’s sense: time here does not leave us empty or hollow, but rather full of relations and full of itself. If, through Heideggerian boredom, the ‘self is recognised in and through its inability to see past itself’ and so can fully be-in-the-world, then through the waiting of the death penalty subjectivity can look past itself and at its past self, recognising itself as having already exited its being-in-the-world.¹⁶

We now turn to see how literary works, aside from Blanchot’s, come to manifest this temporality of the relational death which is intrinsically bound to the idea of “missing”: (i) as absent, not found, no longer possessed, in abeyance; (ii) as desiring something that should be there but is not, in the sense of wistfulness and yearning (for death); and (iii) as missing the train, where one does not go onto death’s promised and scheduled departure, where one fails to die, where one waits for the death one has already died.

¹⁵ Heidegger, *Fundamental Concepts*, p. 80.

¹⁶ Julian Jason Haladyn and Michael E. Gardiner, ‘Momentous Splendour: An Introduction to Boredom Studies’, in *Boredom Studies*, pp. 3-17 (p. 9).

Living Corpses

Unlike the fundamental moods of Heideggerian solitude (boredom, anxiety), the death penalty does not ‘abandon us to ourselves’.¹⁷ The following reading of condemnation as staged in Sophocles’s *Antigone* stands slightly apart from its more traditional readings carried out in terms of law and ethics (which surprisingly discuss the death penalty only very scarcely, taking it as given ground), but in this manner the drama may allow us to discern just how the condemned figure is indeed not “abandoned” to the non-relationality of Heideggerian death and singularity.

Antigone is a radical figure who ‘dare[s] to transgress [Creon’s] laws’ and buries ‘the unhappy corpse’ of her brother Polynices not once but twice, first by covering him ‘with a light dust’ and later with ‘a threefold libation’ (A, 7, 43, 27). Ismene, worried, thus proclaims her sister ‘in love with the impossible’; indeed, while the chorus assumes that ‘[t]here is no one foolish enough to desire death’, Antigone is revealed, in part through this instance of dramatic irony, as already residing within the impossible impossibility of the death sentence (A, 13, 23).

When caught, Antigone is told by Creon that there is ‘no hope that the sentence will not be accomplished’; however, the sovereign heeds—to an extent—his son Haemon’s news of the people’s support of Antigone’s cause, and decides instead to ‘hide her, still living, in a rocky cavern’, where she might die (A, 89, 77).¹⁸ This deserves some rumination: the sentence of stoning is transmuted into one of being buried alive; in short, the stones are not to be taken to her but, rather, she is to be taken to the stones. This is a move that in many ways pre-empts (and undermines) the Foucauldian account of the transformation of sovereignty, where “taking

¹⁷ Heidegger, *Fundamental Concepts*, p. 103.

¹⁸ This idea of being buried alive also implicates, of course, the idea of surviving, of living one’s death, and this is at length analysed by Derrida, although with slightly differing emphasis, in terms of Daniel Defoe’s *Robinson Crusoe*. See especially *BSII*, 127-139.

life” is transformed into “letting die”, for Creon is very much sovereign.¹⁹ This demonstrates once more, therefore, Mbembe’s reasoning in departing from this particular biopolitical understanding (vis-à-vis sovereign power) of how letting-die only disguises still takes place: that is, an unmitigated condemnation to death. Creon remains the paramount thanatopolitical sovereign, he who has power over not only the living but the dead. As the Chorus affirms, the sovereign has the ‘power to observe every rule with regard to the dead and to us who are alive’; he considers (the Schmittian) ‘enemy [as] never a friend, even when he is dead’ (A, 23, 51).

Because of the instantly-effectual sentence of ‘stoning’, even though she is not caught immediately, Antigone is condemned from the moment of transgression.²⁰ In consciously handing herself over to the death sentence she knows lies in wait for those who defy the sovereign, she becomes the already-dead. In fact, this first instant of death is perhaps even more important than her later, proper death, which is quite literally in the dark: in the cavern, Creon finds her ‘hanging by the neck, caught in the woven noose of a piece of linen’, and it is unclear whether she has hanged herself or had Haemon hang her (A, 115). As Jacques Lacan rightly notes in his discussion of the play in *The Ethics of Psychoanalysis*, ‘we don’t know what happened in Antigone’s tomb’, and our focus is, therefore, turned to the prior and eminently more visible death/s which Sophocles foregrounds.²¹

Lacan, as noted by Paul Allen Miller, understands ‘that Antigone, in her decision to defy Creon, consciously seeks death’. It might not, however, be that simple, as this would seem to suggest

¹⁹ Cf. ‘biopolitics is at least as old as the sovereign exception’ (HS, 6).

²⁰ Critchley writes that ‘[t]he key term in Lacan’s extraordinary reading of *Antigone* is ἄτη [até], which he renders as transgression’. Simon Critchley, ‘Das Ding: Lacan and Levinas’, in *Research in Phenomenology*, 28 (1998), 72-90 (p. 77). With its multifarious resonances in different oeuvres and discourses, varied even in the interpretations of the thinkers discussed here and later, transgression is here understood as that which demands the political decision on the state of exception through the death penalty (and not, for instance, as crimes to be punished by incarceration) and which in turn leads to the transgression of autonomous, solitary subjectivity. The close relation of incarceration and condemnation, however, is not unremarkable.

²¹ Jacques Lacan, *The Ethics of Psychoanalysis, 1959-1960*, ed. by Jacques-Allain Miller, trans. by Dennis Porter (New York: W.W. Norton & Company, 1992), p. 269. Critics are often quick to assume that Antigone committed suicide without Haemon’s assistance, a fact that remains unascertainable.

some indivisible dichotomy between life and death, and, as Miller himself goes on, Antigone ‘transcends the comfortable binary oppositions that structure our daily ethical and social lives’, and can even be situated as ‘already belonging to the realm of the dead’.²² Indeed, from the broader context of his articulations on desire, ethics, the sublime, and the Kantian *Begriff*, Lacan writes that Antigone’s death is one ‘lived by anticipation, a death that crosses over into the sphere of life, a life that moves into the realm of death’, and this is in itself an apt description of living (the relational) death, living on death’s abeyance.²³ On the other hand, however, he identifies Antigone as a ‘self-willed victim’, seeing in her a ‘martyrdom’.²⁴ Following his discussion of Aristotle’s tripartite account of tragedy—that of fear, pity, catharsis—Lacan claims that Antigone ‘right through to the end feels neither fear nor pity’, and it is ‘only the martyrs [who] know neither pity nor fear’.²⁵

What is here described in this concept of martyrdom, however, is the idea that one gives one’s life to the point of death, when one knows that performing an action—a “holy” crime in this case—will with certainty result in one’s death (and this works similarly to Levinasian sacrifice, especially in its moral resonances). While agreeing that Antigone does trouble the borders of life and death, Lacan’s reading of the play is here contestable on this point of martyrdom: while, for Lacan, Antigone’s martyrdom ends in the tomb where she is buried alive, one can argue that her martyrdom ends (and not begins) with the first handful of dust on Polynices’s corpse. If martyrdom is bearing witness, generally through the sacrifice of one’s own life, was this life not instantaneously over when Antigone first attempts to pay tribute to Polynices, when death becomes a certainty and her transgression puts her under the tyranny of the death sentence?

²² Paul Allen Miller, ‘Lacan’s Antigone: The Sublime Object and the Ethics of Interpretation’, *Phoenix*, 61(1/2) (2007), 1-14 (p. 1).

²³ Lacan, p. 248.

²⁴ *Ibid.*, pp. 247, 254.

²⁵ *Ibid.*, pp. 258, 267.

In his last lecture on the play, Lacan does see Antigone as being ‘between two deaths’—hence him calling her beautiful—and this recalls the lived relational death ‘between what is to going to arrive and what has already arrived’. Lacan, however, once more argues that the idea of Antigone having already been dead ‘is consecrated’ only when her punishment is effected.²⁶ It is only at that point of being buried alive, Lacan asserts, that Antigone is:

shut up or suspended in the zone between life and death. Although she is not yet dead, she is eliminated from the world of the living. And it is from that moment on [the burial and her knowledge of it] that her complaint begins, her lamentation on life.²⁷

What is being argued here is that Antigone (along with all the other polyphonic voices of those condemned) has been living under the death sentence since her first act of transgression, and she thus “lives on” not when she is buried alive or when Creon does not grant pardon, but from that instant when she defies the sovereign. In defying Creon, she is not, as Miller writes, seeking or desiring death, but rather becoming already dead, already ‘shut up or suspended in the zone between life and death’. This is what in part leads Butler to describe Antigone as ‘half-dead’ and ‘bound not to survive’, seeing her fate in this death-in-life as being destined ‘not to have a life to live, [but rather] to be condemned to death prior to any possibility of life’.²⁸

In line with the above, while Antigone does assert that she ‘come[s] living, poor creature, to the caverns of the dead’, it does not seem that she thinks herself alive *properly* (A, 89). It seems as if she misses her death, in all senses as outlined above. Earlier on, in fact, Antigone states

²⁶ Lacan, pp. 270, 280. Cf. Miller: ‘Beauty for Lacan represents the perfect moment between life and death’ (p. 2).

²⁷ Lacan, p. 280.

²⁸ Judith Butler, *Antigone’s Claim: Kinship Between Life and Death* (New York: Columbia University Press, 2000), pp. 44, 23. Although such quotes make it seem pertinent to further discuss Butler’s ideas in relation to *Antigone*, her central themes are only tangential here: the relationship between kinship and state, language, gender, and resistance. Butler views Antigone’s life as ‘a living death’ (p. 23) more in relation to the issues of kinship, incest, and the unliveable life rather than in terms of the death penalty, which remains surprisingly undiscussed in Butler’s monograph despite being the central mechanism within the drama.

how ‘it is no way painful for [her] to meet this death’ because she is already a corpse; she ‘has long been dead, so as to help the dead’ (A, 45, 55). She continues, crucially: ‘I knew that I would die, of course I knew, even if you had made no proclamation’ (A, 45). Here, then, is the death sentence that comes even before sovereignty and which constitutes it, a sentence which does not await Creon’s pardon or affirmation. Antigone already knows she is dead at the instant of transgression, and does not need to await Creon’s final say: it is under the “laws” of the death penalty, and not those of sovereignty—a tremulous but important distinction, as outlined in the previous chapter—that she departs ‘to the heaped-up mound of [her] strange tomb’, ‘living neither among mortals nor as a shade among the shades, neither with the living nor with the dead’ (A, 83).

With this understanding, there is now both an added dimension to Lacan’s categorisation of Antigone as one who goes ‘beyond the limits of the human’ (and who is thus ‘inhuman’) as well as the added question of how there can be a death-drive from one already dead.²⁹ More immediately relevant, however, might be the possibility of re-reading *Antigone* through Hegel. Often criticised for its emphasis on the dialectical collision and reconciliation of one-sidedness, does the Hegelian understanding of time and the relation between self and other nonetheless allow us to develop the present concerns? In this reading of Antigone as the living-dead, how does the famous (and ‘tragic’) Lord-Bondsman opposition—which is the historical and political equivalent of the Hellenic *polis* serving as the bedrock of this drama—enable us to better understand the intricate machinery of the death penalty (*LPS*, 19)?

As a tragic work, *Antigone* drew Hegel’s attention when formulating his theory of tragedy, as made manifest through works like the *Lectures on the History of Philosophy*, *Lectures on the Philosophy of Religion*, and, most prominently, the *Aesthetics*. The drama, which he deems one

²⁹ Lacan, p. 263.

of the ‘most excellent works of all time’, receives central consideration in his *Philosophy of Right* and the *Phenomenology*.³⁰ For Hegel, *Antigone* is the paramount enactment of ethical progress, and the protagonist ‘is revealed as the paradigmatic figure of womanhood and family life in both the ancient and modern worlds’, an incarnation of Woman pure, divine and simultaneously subversive, dialectically opposed to man and human law.³¹ This is a conflict that can only result in the death of the individual (hence *Antigone* being a tragic figure) in order for history to progress dialectically towards its rational goal.³²

An element of this progression is Hegel’s account of ‘Lordship and Bondage’, which depicts a struggle between two self-conscious-to-be entities.³³ Because both self and other inevitably mirror each other’s desire (to be recognised as self-conscious), ‘each seeks the death of the other’, and this ‘involves the staking of its own life’ in order to ‘rid itself of its own self-externality’. At the end of this trial or struggle to the death (*Kampf auf Leben und Tod*), the victorious self-consciousness emerges as Lord, independent and *for itself*, while the loser becomes the Bondsman, the dependent consciousness living for its Master. However, the lord is nonetheless still mediated and recognised through the bondsman, ‘for which thinghood is an essential characteristic’, and thus, because the bondsman is a slave who has been beaten to the brink of death, his affirmation counts for nothing (*PS*, 113-15; cf. 116-17). There is, though, still a dependency at work: the Master is only a master because there is a slave; Creon is only

³⁰ G.W.F. Hegel, *Aesthetics: Lectures on Fine Art, Vol. 1*, trans. by T.M. Knox (Oxford: Oxford University Press, 1975), p. 464.

³¹ Patricia Jagentowicz Mills, ‘Hegel’s *Antigone*’, in *The Phenomenology of Spirit Reader*, ed. by Jon Stewart (Albany: State University of New York Press, 1998), pp. 243-71 (p. 243). It is on the lines of this quote that Hegel sees a transcendence of death (along with other readers of Hegel and *Antigone*, such as Lacan and Butler). Through burial, mourning, and ethical family relations (even, or especially, with those dead), humanity continues to move towards the Spirit.

³² Cf. ‘That is the position of heroes in world history generally; through them a new world dawns. [...] [T]he heroes appear, therefore, as violent, transgressing laws. Individually, they are vanquished; but this principle persists, if in a different form, and buries the present’: as translated by Mark William Roche in *Tragedy and Comedy: A Systematic Study and Critique of Hegel* (Albany: State University of New York Press, 1998), p. 53, from G.W.F. Hegel, *Vorlesungen über die Geschichte der Philosophie I*, volume 18 in the Suhrkamp Taschenbuch Wissenschaft (Berlin: Suhrkamp Verlag, 1986), p. 515.

³³ The *PS* sections under discussion here are ‘IV. The Truth of Self-Certainty, Introduction’, and ‘A. Independence and Dependence of Self-Consciousness: Lordship and Bondage’, pp. 104-18.

sovereign because Antigone is held in his subjection. As Derrida claims, albeit while talking of more concretised forms of sovereignty, ‘unconditional sovereignty is conditional’ (*DP*, 57).

This dialectical struggle can be further exhumed through Alexandre Kojève, one of the foremost “commentators” on Hegel.³⁴ In his *Introduction to the Reading of Hegel*, he repeats Hegel by writing that, to become human (that is, self-conscious), ‘[t]he “first” anthropogenic action necessarily takes the form of a fight’, one which both parties must survive since the Lord ‘is unable to be “recognized” by the dead adversary’ and ‘can no longer expect anything from it for himself’ (*LPS*, 11, 8, 14). He agrees that the ‘warlike and idle’ state of Mastery is an ‘existential impasse’, showing how it is the slave, through (forced) labour and time spent working for the master (after losing the fight), that finally leads himself out to freedom and true self-consciousness (*LPS*, 58, 46).

Why must it, however, ‘necessarily’ be a fight, and one to the death (but which both must survive)? In the fight unto the death, writes Kojève, each entity is ‘ready to risk its life’ and ‘to put the life of the other in danger’; both ‘must introduce death into [their] existence, by consciously and voluntarily risking [their] life, while knowing that [they are] mortal’ (*LPS*, 7). However, the two entities must also behave differently if they are not to end up both dead: ‘one

³⁴ Kojève will here be significantly foregrounded for two reasons. The first is that he dedicates much more time to the significations of death in the Lord-Bondsman dialectic than Hegel himself does, which is of most relevance here. For some, like Agata Bielik-Robson, this is a distortive emphasis that amounts to a “thanatic” or “cryptotheological” reading to be remedied by interpretations such as that of Franz Rosenzweig (see Agata Bielik-Robson, ‘The thanatic strain. Kojève and Rosenzweig as two readers of Hegel’, *Journal for Cultural Research*, 19(3) (2015), 274-90). However, and this is the second reason, the main thinkers here engaged with (mainly those belonging to 20th century French philosophy) very often, through reference, manner of interpretation, and ideas, make it clear that it was Kojève, and not Hegel, who played a shaping and even determinative role in their writings. For more on Kojève’s influence—apart from Bielik-Robson (specifically pp. 278-81)—see also, for instance: Christoph Kletzer, ‘Alexandre Kojève’s Hegelianism and the Formation of Europe’, in *Cambridge Yearbook of European Legal Studies*, Vol. 8, 2005-2006, ed. by John Bell and Claire Kilpatrick (Oxford: Hart Publishing, 2006), pp. 133-51. Given that Kojève’s death-centric interpretation has shaped the thinkers engaged with here, it is with his interpretation one must engage in order to understand the questions at hand. It is, however, important to note that other differences between Kojève and Hegel are not to be understated, particularly Kojève’s valorisation of the figure of the master.

must fear the other, must give in to the other, must refuse to risk his life for the satisfaction of his desire for “recognition” (*LPS*, 69). This defeat, as Kojève (with Hegel) concludes, births human society: ‘society is human—at least in its origin—only on the basis of its implying an element of Mastery and an element of Slavery’ (*LPS*, 8).

And thus, in line with Kant’s and Derrida’s understanding of the death penalty as foundational, we see this struggle to the death at the origin of human society. For this to happen, the slave must survive without surviving; or, rather, he must survive but not live. The lord ‘must leave him life and consciousness, and destroy only his autonomy’, which means, effectively, that the slave ‘who has been defeated and spared’ remains ‘*a living corpse*’—and here we are recalled to Mbembe’s living dead (*LPS*, 15-16).³⁵ It is easy to see the condemned Antigone in the figure of the Slave, defeated, lamenting the loss of her autonomy, a living corpse—and yet ultimately undoing the Master, the sovereign. As evidenced above, she even admits that much herself. Read via the trajectory that has been followed so far, the term “living corpse” makes sense in the context of the death penalty: Antigone is a living corpse because she is the condemned subject of the thanatopolitical sovereign. The slave is a living corpse because, while he has not died *properly* (or, more precisely, has retreated from dying *properly*), he has gone through the unexperienced experience of death.

To equate Antigone and the Bondsman, however, overlooks rather more problematic nuances that the tragedy puts forward—not least in the fact that Antigone, condemned, can no longer retreat from properly dying. Moreover, although Antigone does operate, from the point of her subversion on, within the non-autonomous state of the living corpse, she is not so much the defeated, fearful, or obedient slave. She is proud and self-righteous; moreover, she is actively rebellious—and this is suspect. It is this ill-fittingness which prompts a re-reading of the

³⁵ Emphasis added.

tragedy, this time, perhaps, suggesting that the death penalty may be better understood against the context of the struggle unto death.³⁶

The “living corpse” is such because it has introduced death into its existence without gaining recognition. Creon, the sovereign who was himself a living corpse before being recognised, seems to once more reside within the struggle; no longer is he a self-conscious and recognised lord but an entity battling through his Desire. To adopt Kantorowicz’s remark, here ‘kingship itself comes to mean Death, and nothing but Death’.³⁷ Despite already being sovereign, Creon acts as the consciousness that seeks the destruction of the other, through the death penalty, in order to be recognised as Lord. After all, if he allows Antigone her transgression, it would be her who ‘decides on the exception’.³⁸ He cannot, that is, accept Antigone’s wilful subversion: ‘pride is impossible for anyone who is another’s slave’, he proclaims, not recognising that they have regressed back to the struggle, where he is no longer sovereign and she no longer slave. This is further demonstrated through his desperate efforts to seek her subjugation through the penalty, where everything is once more at stake. When Antigone asks if he wishes ‘for anything more than to take [her] and kill [her]’, Creon replies: ‘Not I! When I have that, I have everything’ (A, 47).

It might at first seem that Antigone, on her part, is not truly affected by the re-initiated struggle—indeed, she seems simply changed from the living corpse that is Slave to the living

³⁶ Cf.: ‘What tragedy depicts is one *dikē* in conflict with another, a law that is not fixed, but rather shifting and changing into its opposite’. Jean-Pierre Vernant, ‘The Historical Moment of Tragedy in Greece’, in Jean-Pierre Vernant and Pierre Nidal-Naquet, *Myth and Tragedy in Ancient Greece* (Cambridge, MA: Zone Books, 1990), pp. 23-28 (p. 26).

³⁷ Here Kantorowicz is speaking of Shakespeare’s *Richard II*. He goes on: ‘The king that “never dies” here has been replaced by the king that always dies and suffers death more cruelly than other mortals. Gone is the oneness of the body natural with the immortal body politic, “this double Body, to which no Body is equal” [...]. Gone also is the fiction of royal prerogatives of any kind, and all that remains is the feeble human nature of a king’. Kantorowicz, p. 30.

³⁸ Implicated in this point is the idea of “the great criminal”, a figure Walter Benjamin sketched in ‘Critique of Violence’ and which Derrida discusses (see especially *DPII* 45-47): ‘the one condemned to death’, Derrida states, is ‘an absolute, almost sovereign power’ (*DPII*, 46). The concept of (political, rather than legislative) pardon is also both related and fecund.

corpse that is the Condemned. The crucial difference, however, is that through this transgressive ‘crime’ that instantly puts her under the death penalty, she no longer retains ‘the discipline of service and obedience’ or lives ‘in terms of terror’ (*PS*, 119; *LPS*, 27). A specifically anti-Hegelian definition of “transgression” can here be advanced: it is to work *against* the bondsman, rather than for one’s progress (or the progress of History). In other words, Antigone is no longer allowed the position of a slave who can work towards liberation. Her transformative transgression is a provocation to Creon, and the proclamation of the death sentence is sovereignty’s reactive and instantaneous re-initiation of the struggle, which recurs because ‘the Master prefers death to slavish recognition of another’s superiority’ (*LPS*, 46). As Creon states: ‘If we must perish, it is better to do so by the hand of a man, and then we cannot be called inferior to women’ (*A*, 65-67). Hence, while Antigone is a living corpse by virtue of being condemned to death, Creon here starts to emerge as identically having reverted back to a living corpse engaged in the ‘bloody Fight’, re-introducing the possibility of death into his existence without having yet achieved his desire (*LPS*, 56). As the drama continues, in fact, all recognition falls away subsequent to his insistence on condemnation; he is no longer recognised by Haemon, the Chorus, Tiresias, or by his people. As the Messenger makes eminently clear, Creon, who ‘once was enviable’, can no longer be considered ‘a living being, but an animated corpse’ (*A*, 109-11).

Like the ancient Near Eastern king before him, Creon must first die in order to truly have the possibility of becoming sovereign once again. As the play draws to a close, in fact, it is he who now describes himself as ‘fraught with death’, ‘a dead man’, ‘no more than nothing’ (*A*, 119, 121, 125). He has himself, by decreeing the penalty of death, once again gone through the unexperienced experience of the *Kampf*—for Hegel is clear that the master must *not* kill the slave, and so this time there can be no recognition from a slave that has been condemned and thus killed. As soon as the sovereign swings the sword of the death penalty, he deprives the

slave his future of work and potentiality (indeed, the sovereign transposes the condemned's death to the past), and at once the sovereign regresses to the struggle, finding himself unable to be recognised by a dead thing that will always remain so.

Antigone thus enacts the *Kampf auf Leben und Tod* insofar as it is read as a literary work engaged with the mechanisms of the death penalty. It is important to clarify that what is here being stated is not that Creon is now himself a living corpse while Antigone has become lord because the latter lost some sort of struggle unto death with an alternate ending. From the very beginning he justifies his sovereignty—his ability to decide the exception through the death sentence—as the thanatopolitical power of his ‘kinship with the dead’, through having introduced death into his existence (via the *Kampf*) and obtaining recognition (A, 19). Rather, the point being made here is that the provocation, initiation, and enactment of the death penalty—which eradicates any possibilities for the bondsman's work and possible freedom—returns both Lord and Bondsman, sovereign and subject, to the first, necessary fight, one with a necessarily failed ending. As Kojève understands it, ‘[w]ithout the Slave's work, the “first” Fight would be reproduced indefinitely’. The Master, therefore ‘is fixed in his Mastery. [...] He must conquer [...] or die’; the sovereign ‘must kill the other in order not to be killed himself’. Nonetheless, the sovereign ‘can be killed’ (LPS, 51, 22). Indeed, when resolving to kill Antigone despite everything, Creon victoriously states that ‘she no longer exists’—and his ‘existential impasse’ and unravelled sovereignty is fully revealed, for how can he himself exist as sovereign if his subject no longer exists (A, 57)? Understood in this way, then, the points that this study has made in relation to the ontological displacement of the condemnation to death are further clarified: through condemnation, both sovereign and condemned are consigned to the ‘life without life’ of the living dead.

The death penalty, therefore, not only constitutes sovereignty (and with it, human society), but also simultaneously undoes it. It is not transgression that threatens sovereignty, but

sovereignty's only response to it. This is why, as Derrida says, 'it will always be vain to conclude that the universal abolition of the death penalty [...] means the effective end of any death penalty'. Not only is it perennially there wherever there is sovereignty (even if this sovereignty has out(-)lawed such penalty, although it was never really in-law to begin with), but it is there also in order for the relation between sovereignty and subject to come into being. It troubles even the idea of the Heideggerian polis,³⁹ and what Butler writes of Antigone, therefore, rings true: 'as a figure for politics, she points somewhere else'.⁴⁰

The lengthily-debated line from *The Instant of My Death*—'the encounter of death with death'—was previously read as affirming a relationality with the other that persists in the state of 'life without life', after one has been sentenced to death. Now emerges its second significance: it is the encounter of the condemned subject's death with the death of the sovereign, and this 'encounter' is also a violent one. Thus, it is not only the other and the self who maintain a relation in the state of living the relational death—like 'a corpse holding a corpse'—but it is also the case of a corpse fighting a corpse (A, 117). This *droit de glaive* that constitutes the thanatopolitical sovereign is thus always and necessarily double-edged: in condemning the slave, the sovereign kills himself all over again. Hence the dramatic irony of Creon's despair when he asks, pleadingly: 'Why has no one struck me to the heart with a two-edged sword?', and the pointedness of Tiresias's question: 'What is the bravery of killing a dead man all over again?' (A, 123, 97).

As the first epigraph explains (from Paulhan, who is mentioned by name in *The Instant*): with this violent provocation that is transgression, it is not only the condemned that is 'transformed into a corpse' but also the sovereign, who feels both provoked and threatened enough to

³⁹ A fuller examination of this statement shall be proffered nearer the end of this chapter and in the next.

⁴⁰ Butler, *Antigone's Claim*, p. 2. Cf. *An Introduction to Metaphysics*, where Heidegger defines the *polis* as 'the foundation and scene of man's being-there [...] wherein and as which historical being-there is', p. 152.

condemn to death.⁴¹ In short: under the death penalty, death belongs both to the condemned and the sovereign alike. Here, ‘the rich polyvalence’ of the name “Antigone” becomes all the more appropriate—not only does “Antigone” reveal, as Stathis Gourgouris and Richard Braun point out, kinship with the dead, ‘an opposition of kinship to the polis’ as well as ‘an opposition to kinship’ itself,⁴² ‘born to oppose’,⁴³ but it can also be understood as recalling “antagonism”, the Greek etymology of which signifies ‘to struggle against’.⁴⁴

At this point, a few possible counter-arguments must be addressed. Firstly, that if Antigone transgressed she was never truly a slave. As Kojève makes clear, ‘to serve a Master is to obey his laws’, and this is exactly what Antigone does not do (*LPS*, 27). This leads us to a second contention—namely, that Antigone is indeed not a slave but a Greek citizen, markedly different from the historical slaves upon whose labour the Greek polis perpetuated itself.⁴⁵ If the death penalty can be taken as reducing the subject to a slave, the living corpse, then it is still not the above-claimed reversion to the struggle unto death. Thirdly, even if the above reading were to be taken in good faith, why can the Lord achieve recognition from the living corpse of the Slave, but not the sovereign from the living corpse of the condemned? Answers to these questions have all been, to some extent, implied above, but let us try again in reverse order.

In answer to the last two questions, one must remember that the Lord’s achieving of recognition from the Slave is only illusory. One-sidedly, the lord is ‘recognised by someone whom he does not recognise’, and as such the recognition by the slave is ‘without value’; ‘to be recognised

⁴¹ Jean Paulhan, *The Flowers of Tarbes, or, Terror in Literature*, trans. by Michael Syrotinski (Urbana and Chicago: University of Illinois Press, 2006), p. 33.

⁴² Stathis Gourgouris, *Does Literature Think? Literature as Theory for an Antimythical Era* (Stanford: Stanford University Press, 2003), p. 133. Antigone thus truly occupies an ‘immanent position in the task of thought’ and ‘sustains itself as philosophy’s open wound’ as long as ‘she remains the community’s question mark’, pp. 128-29, 132.

⁴³ Richard Braun, *Antigone* (New York and Oxford: Oxford University Press, 1973), p. 7.

⁴⁴ From *antagōnizesthai*. *Chambers*, p. 38.

⁴⁵ On this point, see Alain Badiou, ‘Hegel’s Master and Slave’, trans. by Frank Ruda, *Crisis and Critique*, 4(1) (2017), 35-47, who is ‘not persuaded that [*PS*] really deals with slavery’ in historical terms (p. 37).

by a slave is not to be recognised by a *man*'. This is the 'impasse' of lordship as Kojève situates it, and why 'a Master will never be satisfied'. The sovereign can never, then, be recognised by a living corpse, condemned or not. This is why it is not the lord who is on the road to the satisfaction of complete self-consciousness but the slave, and this through a "dialectical overcoming" of his status through work. He is repressed consciousness labouring to transform itself to 'true autonomy', and this is the Hegelian progress of History, the way out of the Lord-Bondsman deadlock: 'History is the history of the working slave' (*LPS*, 19, 46, 20). This is the reason the death penalty proves to be so jarringly contra-temporal, a spanner in the machine of Hegelian progress: this dialectical work of overcoming is cut short, where, as Tiresias says, a dead man is killed all over again (and with him the lord), where autonomy is irreparably denied, and where (the possibility for) autonomous life continues to be taken away. Just as there can be no future for one already dead, so too in condemnation there is no future for history.

Had not the slave's possibility of work and 'historical becoming' (the eventual quenching of Desire by Satisfaction) been placed into his past, this future would have gradually transfigured the Slave into the Citizen of the State. The latter is the true point from which the Slave 'realizes and reveals his freedom', and this 'long and painful' transformation is the fruit of his labour over time. To achieve this status, the slave must, according to Hegel, go through several steps—Stoicism, sceptical-nihilism, a breaking from Christian transcendence—with the first step being a recognition of the idea (and possibility) of freedom by the Slave itself, and the last being the "dialectical overcoming": that is, an acceptance of mortality and the realisation that absolute 'liberation without a bloody Fight [...] is metaphysically impossible'. Hence Hegel's identification of the final fight for liberation, the true and long-awaited exit from the impasse of Lord and Bondsman, with 'the Fight of the working Bourgeois' manifested as the French Revolution: 'it is only thanks to the Terror that this idea of the final synthesis, which definitively "satisfies" Man, is realized' (*LPS*, 22, 47, 57, 68-69).

Regrettably, due to space constraints, not much more than a couple of paragraphs can here be devoted to the extremely pertinent problematic of the Revolution. Some points, however, can still be raised in the key of reflection, especially seeing how this is a time predominantly characterised by the death penalty at its most naked and public form. Rebecca Comay's astute Hegelian ruminations on the death penalty seem to coincide exactly with the arguments of this chapter:

The guillotine retroactively retracts the minimal recognition it concedes its victim [...] in that it directs itself toward *an already annihilated nonentity*. By stripping death of its intensity and singularity it provides a practical demonstration of the object's nullity. [...]. *The cut effaces its own traces by offering a kind of "ontological argument" for nonexistence*. This is perhaps why, at the limit, revolutionary justice needed to be applied even to cadavers. It was not enough that even before the blade fell, the victim on the scaffold was already lying prostrate. As if to prove the uncertainty of the distinction between the living and the dead, even corpses had to be killed. [...]. *The fall of the blade marks the transitionless transition from an already mortified existence to the posthumous mortality of a subject for whom the ontological difference between life and death has already been eroded.*⁴⁶

But is it really the case that, as Comay writes, this 'machine [of the death sentence] perfects the evacuation of alterity that Hegel locates at the origin of modern democratic [and biopolitical] sovereignty', when along with the corpse of the condemned we have seen a necessarily withheld relation, in living-relational-death, to the corpse of the sovereign? If the death penalty, as is argued here, transforms revolutionary regicide to a suicidal regicide, how

⁴⁶ Rebecca Comay, *Mourning Sickness: Hegel and the French Revolution* (Stanford: Stanford University Press, 2011), pp. 72-74. Emphasis added. A further difference is that Comay holds with Foucault's notion that biopolitics emerges from the Revolution, where 'sovereign power relinquished its need to display itself everywhere', p. 51.

can a revolution overthrow a king who has killed himself in the face of such revolution, when by his own hands (upon decreeing the penalty) his head rolls, as Hegel describes, like ‘a head of cabbage’ (*PS*, 360)?⁴⁷ One thus wonders whether we are really in Hegel’s ‘political modernity’ if the death penalty can never disappear. Moreover, one questions how Terror ‘announces the heroic rebirth of the subject from the trauma of its own annihilation’ if the subject was never buried alone and annihilation was never simply ‘its own’.⁴⁸ When the king is dead the revolt is over before it begins, and the guillotine both progresses History as well as regresses it. Thus the contra-temporal fall of the guillotine not only finally and traumatically cuts off modernity from antiquity, but also conjoins the two. As the true symbol of the *droit de glaive*, sharper than the sword, the guillotine cleaves.

Let us return to the questions above. Aside from the gender-specific fact that Antigone occupies what Warren and Ann Lane call ‘the politically marginal and *subordinate* position of women in the city-states’, she cannot be considered as Bourgeois in still having a master to recognise. Nor, in having a master, can she be considered a citizen in the Hegelian sense: the master’s subject can only be a slave, and this is why, as Warren and Ann Lane remark, Creon’s ‘subjects are all potential enemies’.⁴⁹ All must, as he himself demands, ‘keep their necks beneath the yoke’ (*A*, 31). Above all, Antigone is not a Citizen since she is barred from liberation (as the eventual culmination of labour) through the death penalty, and any progress towards liberation is thwarted. Her actions are the antithesis of the ‘warlike action’ of the Citizen; her burial of Polynices can in fact be understood as an attempt to undo the logic of war. Rather, she ‘has accepted life granted [...] by another’: as long as she is subject to the thanatopolitical sovereign,

⁴⁷ Cf. *BSI*, 138: ‘The sovereign is the one who is at the head, the chief, the king, the capital, the first, the *arkhē* of commencement or commandment, the prince, but also the one whose head can spin, who can lose his head, in madness or decapitation. And lose, along with his head, meaning’.

⁴⁸ Comay, pp. 73, 76, 90.

⁴⁹ Warren J. Lane and Ann M. Lane, ‘The Politics of *Antigone*’, in *Greek Tragedy and Political Theory*, ed. by J. Peter Euben (Berkeley: University of California Press, 1986), pp. 162-82 (pp. 163, 171). The authors link Antigone’s fate to the state of woman in Ancient Greece: she ‘symbolizes the ultimate oppressive situation of women at Athens, and her actual fate is emblematic of the effect of such a situation: death in life’ (p. 182).

she is subject to the death penalty, and lives life only because the sovereign grants it. This is the very groundwork of the drama. Furthermore, mastery can be ‘human or divine’, and so Antigone’s primary response-ability to the gods does not negate Creon but rather sustains an added level of mastery, the latter being at odds with the Master that is the sovereign (and, again, why *Antigone* is a tragedy) (*LPS*, 61-62).

Here is, then, an answer to the first and final question: Antigone’s transgression is constituent of the historical progress of the Slave, and may thus be better phrased, perhaps, as “revolution”. She is neither ‘reformer’ nor ‘conformer’, and, in transgressing, she attempts the “dialectical overcoming” of her status as Slave, which, Kojève elaborates, can be understood as a ‘revolutionary overcoming’. It is because she has a Master who ‘engenders the desire of revolutionary negation’ that Antigone transgresses.⁵⁰ However, if the Master is, for Hegel, ‘the catalyst of the historical, anthropogenetic process’ because he incites revolt from the Slave, it certainly cannot be the case when the Master punishes such revolt with condemnation (*LPS*, 60, 16, 29, 25). What Hegel seems to neglect is this second attitude of Mastery, which is not simply a mediated pleasure that is ultimately inefficient, but a lordship that always grasps its sheathed sword. If, for Kojève, the slave can only revolt by becoming a master and taking the risk of life, then Antigone’s revolt—as one killed and thus no longer able to be on the path of self-consciousness, with her self always already executed—comes from a different (thanato)political space. The problem of the death penalty, therefore, is in its halting of both future and history, where revolution is not left to progress the monarchy to republic, polis to State.

⁵⁰ Antigone can revolt from the space of the Greek polis (as opposed to from the French state) because, as Comay notes, ‘untimeliness itself is an ineluctable condition of historical experience’. As such, ‘[t]here is no right time or “ripe” time for revolution’ (and thus even the idea that revolution can come only as the fruit of labour is troubled); it is ‘a matter of perpetual discontinuity and disjunction’, and ‘real terror predates the Terror’. Comay, pp. 7, 49, 40. This puts under erasure any distinction between antiquity and modernity.

Antigone's revolutionary, transgressive negation is a negation of the world as is, and this is not simply an act of defiance but the only and necessary attempt at progress. Transgression is *what the living corpse does*. As Kojève writes:

The Master can never detach himself from the World in which he lives, and if this World perishes, he perishes with it. Only the Slave can transcend the given World (which is subjugated by the Master) and not perish (*LPS*, 29).

As Luce Irigaray points out, '[Creon's] fragile strength, as apt to be broken as to break, demands that he fear [...] the slaves' revolt'.⁵¹ Antigone could transgress or revolt against the World as given by the sovereign *precisely because* she was a slave: "slave" and "revolt" are not mutually exclusive but rather necessarily inclusive terms. The death penalty, then, needs to be necessarily considered within (and as rethinking) the Lord-Bondsman dialectic, since, evidently, transgression does not only result in progress. The problem then, of course, is the impossibility of eventual reconciliation and synthesis. What *Antigone* thus reveals, seminally, and which will here have to be postponed until the next chapters for its deserved elaboration, is that the living corpse and its innate "thingness" is a direct challenge to our concept of both *anthropogenesis* as well as *anthropos*, and which leads us toward a re-evaluation of this word—"thing"—that not only does away with the term's dismissive connotations but also re-evaluates the passivity, or even archi-passivity, that has all too often been attributed to it, leading us instead to different (and *indifferent*) forms of resistance.

One thus returns to the relational death as that which *makes lived the death one has already died*. This is not only the death at the instant of condemnation and the existentially-modified *Langweile* of living on, but also the struggle, that which excluded the slave from sovereignty

⁵¹ Luce Irigaray, *Speculum of the Other Woman*, trans. by Gillian C. Hill (Ithaca: Cornell University Press, 1985), p. 219. For her feminist reading of *Antigone*, see pp. 216-20.

and made him executable in the first place, which transforms the Slave-with-a-future into the Condemned-to-death-with-a-past. This death is not one which the condemned lives on through alone; with him, there is always, necessarily, the figure of the dead sovereign. This is why the question of death's property was seminal in this context: not only does it reveal death under the death sentence as relational (shared, mutual property, state of being; both condemned and sovereign struggle unto the death together), but the question of *property* also reveals the properties that characterise relational death.

This functioning of the death penalty, of course, is not restricted to *Antigone*. Let us very briefly return to Blanchot's narrative. While we are not given any details regarding the soldiers, we do know it was a time of war (as opposed to the post-war or *jus civile* of *Antigone*). This, if anything, magnifies the reading carried out above, for is not war a struggle on the wider, historical scale that Hegel conceives of? If the soldiers have the sovereign power to aim their guns and condemn to death, is it not because they are already at war, taking part in the struggle, risking their lives by introducing death into their existence? Is this perhaps why *The Instant* points us specifically, unashamedly, to Hegel? After all, the protagonist's chateau bore the inscription of 'the date 1807', that 'famous year of Jena, when Napoleon, on his small gray horse, passed under the windows of Hegel, who recognized in him the "spirit of the world"' (*ID*, 7).⁵² Is this why (and here a cursory nod to the horses which suggest that the struggle unto death is jostled on horseback) Derrida intimates that to understand the unexperienced experience one must look to Hegel (cf. *D*, 63)? And does Antigone move from 'the house of Creon' to the chateau of Hegel,⁵³ where the latter 'abolish[es] the distinction between military

⁵² As quoted in Comay, Hegel in 1806 'salutes Napoleon as the "world soul on horseback"'. In Blanchot, the colour grey appears to serve a symbolic function, and could connote the collapsed borders of life and death, since the colour 'is what you get when you mix white and black', where 'gray announces an impossible mourning for a revolution that did not occur as such' (Comay, pp. 138, 142-44). Of course, Kojève builds further on the paramount symbolic and revelatory importance of Napoleon to Hegel; see Alexandre Kojève, 'Hegel, Marx and Christianity', trans. by Hilail Gildin, *Interpretation*, 1(1) (1970), 21-42.

⁵³ Lacan, p. 263.

and civilian' and levels everything, especially when understood through these mechanisms of the death penalty (*D*, 88)?

And here, once again: what of the three sons of farmers, the third who interrupts the struggle?

Acknowledgement *contra* Recognition

This chapter has continued the attempt at understanding “relational death”. Firstly, it is the living death one lives on under the death sentence, where there is a temporal relation to the death which has already been died in an instant. Time here is full of *adieu*, beginning from the end rather than awaiting it, and in this way living death becomes the antipode of anxious Heideggerian existence. Moreover, relational death implies a relation to the other or third party which has so far been mostly discussed in terms of sovereignty. There are thus three relations withheld in relational death: to death itself, to the political, and to the figure of the Third, although death subsumes the one into the thanatopolitical and the other into yet another corpse or thing. It is to this “third party” that this thesis now turns, and it is immediately clear why it is a “third” and not a “second”: if the struggle unto death already implicates two, it can only be a third who interrupts it, who makes us miss our death, who comes to die with us or even instead.

This is not to say that the Third is always welcome. Ismene, for instance, whom ‘Hegel fails even to mention [...] in his references to the play’, tries her utmost to include herself within the struggle after having turned away from the possibility of transgression.⁵⁴ She claims that she is ‘not ashamed to make [herself] a fellow voyager in [Antigone’s] suffering’, but her sister reprimands her for failing to revolt in choosing life instead of death; bluntly, she tells her: ‘Do

⁵⁴ Jagentowicz Mills, p. 254.

not try to share my death' (A, 53). As regards *Mitsterben*, one can also think of Haemon, who refers to himself when exclaiming that 'by [Antigone's] death she will destroy another', or even Polynices, whom Antigone address on these same terms ('in your death you have destroyed my life') and who 'shared a common death' with Eteocles (A, 73, 85, 17). But these latter "shared" deaths are closer to Stone's conception of the relational death; on the lines of relational death as understood here, the closest relation to Antigone is perhaps neither her brother nor her betrothed, but the critically overlooked and nameless Guard.

After discovering the dust on Polynices, the Guard reports the crime to Creon because he has lost the drawing of lots. He is not a voluntary participant; when another guard demanded that the crime be reported, all 'bow[ed their] heads to the ground in terror', and so they drew lots. On his way to the sovereign, the Guard asks himself: "'Wretch, why are you going to a place where you will pay the penalty?'". Creon in fact quickly condemns him to death, assuring him that only '[i]f [he finds] the author of this burial and reveal him' will he be free of the 'heavy charge' (A, 29, 25, 31, 43). This is once more the Slave who is sentenced—only this time it is because of another's transgression.

The Guard is Sophocles's unseen living corpse, not only in the capacity of Slave but also as one condemned. Here, however, after forcibly being made to substitute for Antigone (much like the sons of farmers involuntarily replace the protagonist's proper death with their own), the Guard reverses the substitution by bringing in Antigone. His remarks are revealing: 'to have escaped oneself from trouble is most pleasant, [although] to bring friends into danger is painful. But all this matters less to me than my own safety' (A, 43). The Guard does not interrupt the sovereign's *droit de glaive*, but aids it.

The Third, then, can fail to appear *as* the Third. Ismene, who is rejected, becomes the *arrivant* who waited, and '[t]he third [only] arrives without waiting'—it is for this reason Antigone has

the possibility of rejecting her. On the other hand, the Guard does not intend to arrive at all, but rather to depart. Upon learning of his simultaneous task and penalty, the Guard utters the following: ‘Why, let [the criminal] be found by all means! But whether he is found or not, for that is something that fortune will decide, you will never see me coming here again!’ (A, 35). Although he resolves to disappear, to continue living on under the death sentence but away from its *glaiive*, the Guard does return, and his re-arrival only more acutely marks his failure to appear as one who interrupts the death penalty. For a brief time, both Antigone and the Guard were sentenced by Creon; in this case, however, the corpse has abandoned the corpse. What would it mean for the Third to appear *as such* (for the Third, as Levinas writes, must always appear); that is, what would it mean for this figure to appear in a way that cannot be refused? In search of an answer, we now turn to three literary works that focus on the death penalty and which might reveal how an interruption of the death sentence through the Third would entail the latter’s *acknowledgement* as opposed to its implication in the dialectics of recognition.

Much like his later novella ‘The Third Man’, Graham Greene’s novel *The Tenth Man* foregrounds the disruptive thanatopolitical figure.⁵⁵ Like Blanchot’s protagonist, Greene’s protagonist Jean-Louis Chavel is also ‘a man of property’ and war prisoner of the Nazis (*TM*, 45). The herald for the death penalty arrives with the news, ‘at three’ in the afternoon, that there are three men to be condemned, and Chavel draws his losing scrap of paper when ‘there were only three slips left’ (*TM*, 39, 44). Like the Guard, Chavel is condemned to death because he

⁵⁵ Due to constrictions of space, and the fact that *The Third Man* does not incorporate the problematics of the death penalty, this novella will not be discussed. However, pertinent ideas—such as how the mystery pivots on whether Harry’s death was *instantaneous*, how Harry “returns” from the dead, or the search for the figure of the third man—are more than complementary to this thesis’s concerns. See Graham Greene, ‘The Third Man’, in *The Third Man and The Fallen Idol* (London: Vintage, 2001), pp. 13-120. Although *TM* was first published later (1985) than ‘The Third Man’, it was drafted during the 1940s: see Graham Greene, ‘Introduction’, in *TM*, pp. 3-5. Of the latter novel, Greene writes: ‘I prefer it in many ways to *The Third Man*’ (‘Introduction’, pp. 3-5, (p. 4)). Despite this, not much at all has been written about *TM* (with more attention devoted, instead, to *The Third Man*), much less about the ideas under discussion here. However, it would be beneficial to see, in particular: Stephen K. Land, *The Human Imperative: A Study of the Novels of Graham Greene* (New York: AMS Press, 2008).

lost the draw. Desperate to save his life, he offers to give everything he possessed (property and three hundred thousand francs) to whomever is willing to take his place in the morning executions. It is at this point that Janvier, the tenth man to have drawn his lot, interrupts the sovereign struggle between executioner and condemned by accepting Chavel's offer.

It was earlier stated that, due to the liminal role of the death penalty in law, the singularly defining characteristic of the sentence is the given certitude of one's time of death—not only the death at the very instant of condemnation itself, of which one can be certain in that it is in both the now and the past, but also that of the proper death, which is given a date and time to the hour. The Third, then, interrupts sovereignty—defined by the temporally precise *droit de glaive* of the death sentence—in eradicating the certainty of proper death, thus leaving behind a living corpse perennially condemned, living on in abeyance *even outside the lawful structure of the death penalty*—just as with Blanchot's protagonist who has run to the heath and, subsequently, to Paris. The first chapter of *The Tenth Man*, in fact, immediately problematises any certainty of time, where the incarcerated squabble over imprecise watches and clocks, having 'no means of telling the time exactly' (*TM*, 29). When Chavel offers his wealth to him who would take his death, feeling himself 'beside himself—almost literally beside himself', the acceptance of his offer indeed comes from the one who is beside him, able to step into the troubled borders of the non-autonomous living corpse (*TM*, 46). Janvier thus not only transforms himself from poor to 'a rich man', with Chavel's house suddenly becoming, for Janvier, 'my house', but Chavel's death too now becomes Janvier's (*TM*, 49, 51). The Third truly takes everything the condemned has, and even Chavel's proper death has now been 'outstripped'. This not a matter of sacrifice, which would fall within Heideggerian *Jemeinigkeit*; Janvier's personal gain notwithstanding, it cannot be sacrifice because Chavel has already lost his life—if it was so intended, it comes too late to be considered as such. Greene's assertion that 'in the minds of the three men the future stood inalterably as birth' is

consciously belied by the fact that one has taken another's death (*TM*, 53). Crucially, too, it is not a giving of death, but a taking: as Chavel fills with hope, now ecstatic in a completely different manner, he asks the tenth man (or, in truth, the third man): 'You'll take my place?' (*TM*, 48).

'How does one hand over everything one possesses?', Chavel asks himself (*TM*, 48). Being a lawyer (and a descendant of many generations of lawyers), he drafts a 'very odd document', signing everything away; just as a piece of paper confirms the identity of the condemned, another one undoes it (*TM*, 50). This may at first seem to re-position the death penalty as subservient to law, but the inverse is also true. Not only is there later revealed a law that undoes Chavel's document ('the Decree of the 17th [...] which makes illegal all change of property that took place during the German occupation'—one might add even the property that is death), where law undoes itself without undoing the death penalty, but also, more fundamentally, no matter the law (and its incarnation, the lawyer), the death sentence cannot be survived once proclaimed (*TM*, 134). Law is unable to outlaw the death penalty.

As such, when Chavel is released back to Paris, his taking up of the name of "Charlot" is not only a manner of protective disguise. He is still Chavel—his 'face had altered somewhat, [...] but it was still, if carefully examined, the same face'—but he is also no longer himself (*TM*, 62).⁵⁶ There is now alterity inscribed into his face. Surveying "his" house once more (now belonging to Janvier's family), he reflects how '[t]his landscape is not *his*, not anybody's home now', and this simultaneous lack and excess of identity is maintained to the very end (*TM*, 59). His last signature, as Chavel dies his actual death from a gunshot wound, 'reads[s] only Jean-Louis Ch... which stood of course as plainly for Charlot as for Chavel' (*TM*, 149). To be both

⁵⁶ Cf. farmer Roche's remark that Charlot is 'a bit like Chavel himself. It's the voice: the face of course is quite different' (*TM*, 97).

more and less than what one should be is a fate, perhaps, worse than proper death; as Chavel laments: ‘I didn’t ask for two lives—only Janvier’s’ (*TM*, 91).

More can be said about *The Tenth Man*, of Janvier’s sister and especially of the imposter Carosse, who turns up unexpectedly near the end of the novel and pretends to be Chavel, believing him far away and not the man “Charlot” in front of him. This double of a double, which connotes an infinite configuration of Borgesian proportions, itself deserves a lengthy analysis: what role does the concept of the double *play* here (also in the sense of dramatic representation) when another doubles the condemned who, in the struggle, himself doubles the sovereign and is doubled by the Third? ‘Charlot [...] watched not only Carosse—a mirror on the wardrobe door reflected both of their images’, Greene writes (*TM*, 117). Does the Third hold up a mirror to the mirroring of desire in the *Kampf*? On these lines, let us move forward to Charles Dickens in further sketching the elusive and doubling figure of the Third, which seems, by its very nature, to disappear all too quickly for analysis.

Dickens’s *A Tale of Two Cities* returns us to the terrors of the French Revolution and, with its celebrated opening paragraph, recalls the contradictory and contra-temporal elements outlined in the above section.⁵⁷ Andrew Sanders, quoting a letter the author wrote to François-Joseph Régnier, writes that Dickens ‘himself believed *A Tale of Two Cities* to be the best story he had ever written’, and that here ‘[d]eath looms larger and more brutally than in any other of Dickens’s novels, but [...] integrally linked to the idea of resurrection’.⁵⁸ The opening heading ‘Recalled To Life’, in fact, initiates the story of the ‘Ghost’ of Dr Manette who ‘had been dug

⁵⁷ Richard Maxwell’s ‘Introduction’ and appendices (pp. ix-xxxiii, pp. 391-447) to *TC* serve as an excellent overview of Dickens’s personal relation to and literary influences around the Revolution, as well as its treatment in the novel. Maxwell traces Carton’s substitution for Darnay, here discussed, as a plot twist derived from five main sources: (i) Dickens’s previous work on Wilkie Collins’s *The Frozen Deep* (1856; originally a stage production starring Collins and Dickens themselves); (ii) Watt Phillips’s *The Dead Heart* (1857); (iii) a historical incident recounted in Thomas Carlyle’s *French Revolution* (1837); (iv) Edward Bulwer-Lytton’s *Zanoni* (1842), and, closest to the present discussion, (v) Alexandre Dumas’s *Chevalier de la Maison-Rouge* (1845). See Maxwell, (pp. xxv, 431-40).

⁵⁸ Andrew Sanders, *The Victorian Historical Novel* (London: MacMillan, 1978), pp. 86, 92.

out' from his prison and exhumed into a world of living death, rife with Resurrection Men, condemned prisoners, the buried and nameless poor, and a noble class which holds mock-funerals and creates only 'fear and slavery' (*TC*, 28, 53, 128). The dance of the period is the Carmagnole, and one is required to keep time with it.⁵⁹ In short, the world outside Manette's solitary cell, in the throes of revolution, is not too dissimilar from the world inside.

The central triad of Dr Manette, Charles Darnay, and Sydney Carton (which revolves around Manette's daughter Lucie) is re-configured when Charles Darnay is sentenced, whereupon the father-figure of Manette is replaced by the sovereign, a 'king with a large jaw', and the characters' desire becomes something much more Hegelian (*TC*, 5). The remarkable physical similarity between Darnay and Carton, who eventually takes Darnay's proper death, is made immediately obvious: when we first meet Darnay standing trial, Carton is recognised by all as his 'counterpart'; Carton, who also loves Lucie, later tells himself that he could only get her attention were he to '[c]hange places with him' (*TC*, 86, 89). This sentiment, of course, comes to realisation when Darnay is condemned to death in Paris, and where Carton, 'the idlest and most unpromising of men' who considers himself 'a worthless fellow [...] coming and going at odd times', indeed arrives wholly unexpectedly and sacrifices himself for Darnay (and Lucie) (*TC*, 90, 216).

This text does, then, seem concerned with the kind of moral and ethical sacrifice that Heidegger had in mind when declaring that the act of dying-for does not trouble the *Jemeinigkeit* of death, or which Levinas claims is the culmination of justice and morality. Darnay's oft-foreshadowed action, however, is not without its complications. Madame Defarge, ardent supporter of 'the

⁵⁹ See *TC*, 231-33 for Foulon's execution (an actual historical figure), who pretended he was dead and died properly only on his third hanging. See *TC*, 288-89 for the description of the Carmagnole, where people danced 'a ferocious time that was like a gnashing of teeth in unison. [...] No fight could have been half so terrible as this dance'. Furthermore, the fact that Dr Manette refers to his imprisonment as his 'living grave' raises the question of whether lifetime incarceration can be equated to a condemnation to death (*TC*, 344).

Republic of Liberty, Fraternity, Equality or Death’, knits Darnay’s name into the certainty of the death penalty and the *Jemeinigkeit*: “[Lucie’s] husband’s destiny [...] will take him where he is to go, and will *lead him to the end that is to end him*. That is all I know’, she says (*TC*, 282, 191).⁶⁰ Darnay believes that ‘[t]roubled as the future was, it was the unknown future, and *in its obscurity there was ignorant hope*’; however, the death sentence illuminates the future to its fullest and most precise extent (*TC*, 264).⁶¹ Condemned and ‘[a]bsolutely Dead in Law’, he is placed in La Force with fellow condemned men, among the ‘spectral [...] company of the dead’ with ‘eyes that were changed by the death they had died in coming there’ (*TC*, 328, 265). However, although the unexperienced experience cannot be survived, the Third can nonetheless arrive and return the future back to stygian darkness, undoing the certainty of the death sentence and making room for ‘ignorant hope’ so long as it is indeed ignorant. Indeed, as Darnay writes his “final” letter on the eve of his death, he ‘never thought of Carton. His mind was so full of the others, that he never once thought of him’ (*TC*, 362). As always ‘issuing from that obscure corner from which he had never moved’, the Third—here Carton—is not awaited (*TC*, 347).

Dickens’s narrator reflects on the ‘wonderful fact [...] that every human creature is constituted to be that profound secret and mystery to every other’ (*TC*, 14). Carton emerges, arriving as the mysterious Third *as such*, one hour before Darnay’s death (and ‘the final hour was Three’), and takes his death forcefully, knocking the condemned man unconscious and telling his aid and spy to escort the man ‘with whom [he had] exchanged’ (*TC*, 363). ‘For a few seconds’, Darnay ‘faintly struggles with the man who had come to lay down his life for him; but, within a minute or so, he was stretched insensible on the ground’ (*TC*, 366-67). He cannot reject the Third who appears without waiting. In this mirroring of the Hegelian *Kampf*, this time fought

⁶⁰ Emphasis added.

⁶¹ Emphasis added.

between the condemned and the Third, does sacrifice transform, through the struggle, into something more theft than sacrifice, more forfeit than gift, something that can indeed outstrip death? Does Darnay's act of resistance, even if a failed one, turn Carton's dying-for into dying in-stead? In addition, we should note how Carton acts as the Third not only as the one who possibly dies in-stead but also the one who dies-with, this time with a young and nameless seamstress who asks this 'stranger' to hold her hand and face their death '[e]ye to eye, voice to voice, hand to hand, heart to heart' (*TC*, 388).

This novel, then, indeed 'somehow evokes the [...] vast movements of history' and, as Richard Maxwell appositely notes, here 'History leaks into the everyday life'.⁶² Georg Lukács's claim—that, in the *Tale*, the Revolution 'becomes a romantic background' and that the 'turbulence of the times is used as a pretext for revealing human moral qualities'—has some truth but, as evidenced above, Dickens's work also meditates the nuances of the Guillotine up to its own undoing, to the extent that the Revolution is not just 'background' but rather the determinative characterisation of the novel's conclusion.⁶³

Before attempting to address the numerous questions already posed through the two texts above, let us move to this chapter's final literary work. Libby Purves writes of Victor Hugo that while '[s]ome call him "The French Shakespeare"', he 'is far more of a Dickens: what marks his best work is a sort of furious, hectoring compassion, combined with a headlong Dickensian willingness to pull every emotional string in sight'.⁶⁴ Indeed, the breaking of Narcissistic subjectivity (through an awareness of alterity's implicit role within the death

⁶² Maxwell, (pp. ix, xii).

⁶³ Georg Lukács, *The Historical Novel*, trans. by Hannah and Stanley Mitchell (Boston: Beacon Press, 1963), pp. 243-44.

⁶⁴ Libby Purves, 'Foreword', in *LD*, pp. vi-xiv (p. viii). Writing of *Les Misérables*, but in terms applicable also to *The Last Day of a Condemned Man* under discussion here, Maxwell writes that 'Hugo may have learned a little from Dickens, or at least been encouraged by his example' of writing *TC*. Maxwell, (p. xxix).

penalty) is indeed something Hugo shares with Dickens, as can be best seen in his novella *The Last Day of a Condemned Man*.

Like *A Tale of Two Cities*, this text contains within it elements that, almost in the manner of the countertextual, are seemingly irrelevant to the socio-political commentary that Hugo intended to forward. Aside from his well-known abolitionist attitude, which is well covered in several works (both his own and others'), this short work is very interesting in relation to the elusive figure of the Third.⁶⁵ The nameless narrator is condemned to death (for an unknown crime) and, at the instant of condemnation, goes through the unexperienced experience, once more illustrating the (existential and ontological) difference between being condemned to death and condemned to die:

Before hearing my death sentence I was aware that my lungs breathed, that my heart beat, and that my body lived in the community of other men; now I plainly saw that a barrier had sprung up between them and me. Nothing was the same as before (*LD*, 29).

His lungs and heart have stopped working, and in the mind of the living corpse 'it seems that there is room for none but thoughts of death'; here, there is no more possibility for either work or future (*LD*, 75). In the six weeks of his condemnation, 'this six-week death agony' of constant 'final spasms', clocks chime constantly and precisely up to the moment when '[t]he clock struck three, and they came to tell [him] it was time' (he is executed, however, at four o'clock) (*LD*, 77, 85). This time, unlike the populated cell of the tenth man, the protagonist is trapped in solitary confinement and seems surer of both certitude and solitude. He understands the absolute power of the 'monstrous framework' of the penalty, being both above the law—'the question of life and death' is 'not in the hands of the judge but in the executioner's', he

⁶⁵ The 1832 'Preface' (in *LD*, pp. 3-24) makes Hugo's position on the death penalty starkly clear. In *DPI*, Derrida engages with this Preface, Hugo's public addresses, and his *Écrits sur la peine de mort*, but mentions the novella only in passing.

writes—and indeed, although irrevocably founded in it, beyond the confines of the Revolution: ‘the scaffold is the only construction that revolutions do not demolish’ (*LD*, 66, 4, 6). Such revolutionary transgressions, in fact, only construct the scaffold; any attempt to overthrow sovereignty’s power of the exception establishes it.⁶⁶ However, and despite the fact that his ‘glance never strays to the square peephole [of his cell] without meeting [the guard’s] two wide, staring eyes’, the panoptic sovereign is not the singular fated companion in his living death (*LD*, 36).

Through the other opening in his cell, a barred window, the intrusion of alterity is repeatedly intimated. He not only hears the girl who sings of ‘the struggle between the felon and the constabulary’ (the *Kampf*), but also observes the chain-gang being led away to their forced labour (*LD*, 51). ‘Once you are bolted to this chain’, he writes, ‘you are no more than a fraction of the hideous entity called the chain-gang, that moves as one man. Your intelligence must surrender, condemned to death by the collar of the convict station’ (*LD*, 46). Despite this “fraternity” in death (to use a contextually-apposite term for *Mitsterben*) the narrator sees only ‘each man [...] abandoned to himself; each man bears his chain by himself, side by side with a stranger’ (*LD*, 42). The two descriptions of the chain-gang seem to be at odds with one another—one eradicates subjectivity while the other reinforces it—and this can be understood, perhaps, on the basis of the protagonist’s fear of self-surrender. While ‘ignorant hope’ is needed for the Third to appear *as such*, the protagonist has no hope: ‘If I were pardoned? Pardoned! but by whom? on what grounds? and how? There is no way that I could be pardoned’ (*LD*, 48). He is open to no one but the sovereign, rejecting anyone who stands beside his self. ‘Everything around me is a prison; I find the prison in every shape and form, *in human guise* as in the bars or in the bolts’ (*LD*, 53).⁶⁷ Here, there is no space left for an acknowledgement of the Third.

⁶⁶ This is, of course, one of Benjamin’s main points in ‘Critique of Violence’.

⁶⁷ Emphasis added.

This failure of acknowledgement is in fact twice repeated. In the governor's office, another condemned man joins him with 'sudden raucous laughter' (joins him both literally, in the office, and, as this other condemned man sardonically notes, ontologically, in the 'bleeding *limbo*' of condemnation) (*LD*, 61). The narrator admits to horror when faced with this double: he 'tried to take my hand. I drew back in horror' (*LD*, 63). The laughing murderer indeed offers the possibility of dying-with but is rejected.

'I've a good mind not to appeal, if they'll top me today along with you. The same priest will do for both of us; I don't mind eating off your plate. You can't say fairer than that. Aren't I a good mate to you? Is it a deal, eh, pal?'

He took another step, drawing nearer to me.

'Sir,' I replied, pushing him away, 'I thank you, but no' (*LD*, 63).

This rejection leads to a very different outcome than that of Darnay's. Carton and Darnay exchange clothes—boots, cravat, ribbon, and coat—and there is a similar exchange here: the protagonist and the murderer exchange coats; or, rather, just as in *A Tale of Two Cities*, the coat is taken. The crucial difference here is that while Darnay's hope lies in losing the struggle, Hugo's protagonist passively accepts this loss. 'It was not out of indifference or a feeling of charity that I let him take it. No, but because he was stronger than I was. If I had refused, he could have beaten me to a pulp' (*LD*, 64).

Whereas Darnay could not reject the *arrivant*, Hugo's protagonist could do so on two counts: not only does he retreat from this struggle against the Third, but also on count of the "sizing up" of the other, a moment of recognition from which Darnay clearly omits Carton. The sovereign demands all recognition; for the Third, then, there is to be left simply acknowledgement. Although he recognises condemnation as that which no longer leaves

solitude to the self (here and in the *Tale* demarcated with clothing: ‘my trembling hands groped vainly for my clothes’, as Hugo’s protagonist writes of his instant of condemnation), Hugo’s condemned man can acknowledge no other double but the consciousness of the sovereign, involved only in the battle for recognition (*LD*, 27). The only double he recognises is the sovereign, and he thinks of the sovereign only in terms of himself: ‘In this very city, at this very hour, and not very far from here, there lives in another palace a man who also has guards on every door, a man set aside like you from the common herd’ (*LD*, 78).

Despite having earlier understood that the only possibility of escape lay in the exchange of clothes—consequently, a literal (out-)stripping of subjectivity and one’s ownmost death, as for instance when he meditates escaping while wearing the prison gardeners’ ‘old blue smock embroidered in red’—the irruptive potential of the other condemned man is recognised and thus unacknowledged (*LD*, 52). Here is recognition that functions as the erasure of alterity; in Levinas’s words: ‘To know [that is, recognition] amounts to grasping being out of nothing or reducing it to nothing, removing from it its alterity’ and making of philosophy ‘an egology’.⁶⁸ The protagonist refuses the telling sign of the Third, who wears an ‘open shirt’, and begs him to ‘leave [him] alone’. This he seems to realise later: when a superstitious gendarme is willing to do anything for the protagonist if he only promised to visit him in a dream (after having been executed) to relay him winning lottery numbers, the condemned regains ‘crazy hope’ and promises to do so only if they ‘will change clothes’. The guard, at first without hesitation to acquiesce to this request, falters upon realising that this was only a ruse, and refuses: ‘you have to be dead’, he tells the sentenced man (*LD*, 63-64). Here, the Third rejects the condemned: proper death cannot be given, only taken, outstripped. Even the priest, whom the protagonist had acknowledged as ‘the only human being to me’, and thus the only one allowed the

⁶⁸ Emmanuel Levinas, *Totality and Infinity*, trans. by Alphonso Lingis (Pittsburgh: Duquesne University Press, 2012), p. 44.

possibilities of the Third, is eventually dismissed as an extension of sovereignty and subsequently refused; the protagonist rightly concludes that there can be ‘nothing given him by me’ (*LD*, 68-69).

The dynamics of the exchange of clothes, standing for an exchange of subjectivity and its proper death (dying in-stead), allows for an alternative to recognition—*acknowledgement*, the non-positive affirmation of the Third *as such*. This principle of disguise already points towards an impossibility of recognition; it is an old gesture and a surprisingly common motif. We see something similar, for instance, in *The Merchant of Venice*, when Antonio is taken out of the dialectics of condemnation by a disguised Third, and something identical happens in the ritual of the substitute king, where the commoner is made to dress in the king’s regalia.⁶⁹ In living the relational death, proper death is something that can be taken from the subject, ‘like a coat’, as Sartre notes, ‘which I leave [the Other] after my disappearance’.⁷⁰

The fact that all three narratives of condemnation are situated in Paris, the birthplace of the guillotine, is the first step in understanding the roles of the players in the drama of the death penalty. The condemned subject—through transgression—is both the constructor and victim of his own scaffold, and thus he lives on through a *Langweile* of killing-time, awaiting proper death—a death mine by property—delivered by the guillotine. With him, the dead figure of the sovereign, who kills both the slave and himself, troubles any idea of Heideggerian solitude in or “property” of death. The struggle moves toward the chimes of three o’clock; however, Donne’s bell tolls backwards, too. In Catherine Malabou’s words we are shown that, similarly to the chronological troubling in *The Instant*, under the death sentence, ‘[t]ime is not what it is.

⁶⁹ Clothes were indeed highly important in the cultures surrounding the ritual, which ‘were carefully crafted to relay messages about the identity of the sovereign’. For more on this, see Omar N’Shea, ‘Dressed to Dazzle, Dressed to Kill: Staging Ashurbanipal in the Royal Hunt Reliefs from Nineveh’, in *Fashioned Selves: Dress and Identity in Antiquity*, ed. by Megan Cifarelli (Oxford: Oxbow, 2019), pp. 175-84.

⁷⁰ Jean-Paul Sartre, *Being and Nothingness*, trans. by Hazel E. Barnes (Oxon: Routledge Classics, 2005), p. 565. It is important to keep in mind that Sartre sees the coat as insubstantial, only ‘an outer shell’ (p. 415), whereas the literary texts above indicate something deeper than an extraneous and disposable layer.

It *turns*, and by its very concept is susceptible to revolution'.⁷¹ The certitude of the time of proper death, following the certitude of the instant of one's death, is interrupted and indefinitely suspended by the revolutionary entrance of the Third.

While the condemned can do nothing but wait, the Third cannot wait. There is no *Langweile* for he who interrupts; his death is not in abeyance. Upon his unexpected arrival, death is outstripped, and with this loss of proper death, we see another nail in the coffin of Narcissistic subjectivity. Actual death is taken from the future of the condemned, and the living corpse must go on living on. Thus, the interruption is, in its very gestures, not an act of mercy or salvation, and neither is it the ethical sacrifice or gift but rather the prolongation of the death penalty, where its 'monstrous framework' is transported back into the human community to which the condemned both belong and return. This is the demonically irresponsible action that Derrida concludes must take place in the absence of sacrifice: for, after all, if the *arrivant* renders indeterminate 'all the distinctive signs of prior identity', with this is erased the firm ipseity of "my" death. As the second epigraph intimates, the salvation by the Third may, in its own way, simply be another form of condemnation.⁷² Living on, one misses and yearns for proper death. As E.M. Forster wryly notes, one must "[m]istrust all enterprises that require new clothes".⁷³

In the condemned's past, there is only death; in his future, there is also death. The Third's irruptive arrival suspends all certitude, all sense of timeliness, and this contra-temporality is, furthermore, fully inherent to condemnation itself—revolution is, by its very nature and as indicated by the term itself, contra-temporal. Comay notes how 'the machine [the guillotine,

⁷¹ Catherine Malabou, *The Future of Hegel: Plasticity, Temporality and Dialectic*, trans. by Lisabeth During (Oxon and New York: Routledge, 2005), p. 115.

⁷² Louis-Sébastien Mercier, *Tableau de Paris*, vol. 3, p. 295; as quoted by Maxwell, (p. 297). It is unclear whether Maxwell offers his own translation. The original reads: 'Ce n'est pas mourir qui est terrible, c'est mourir le dernier'. See <<https://archive.org/stream/tableaudeparisv00mercgoog#page/n298/mode/2up>> [accessed 1 September 2019]. The epigraph is my translation.

⁷³ E.M. Forster, *A Room With A View* (London: Penguin Books, 1990), p. 122. Henry David Thoreau offers similar thoughts in *Walden: A Fully Annotated Edition*, ed. by Jeffrey S. Cramer (New Haven and London: Yale University Press, 2004), pp. 20-21.

the revolution] turns against itself’, and ‘terror inevitably comes to terrify even itself, to denounce and purge itself’. Just as the guillotine produces the modern subject, it executes it, demonstrating the death penalty’s ‘illogical inability to sustain itself’, doing and undoing itself in a ‘repeated short-circuiting of the Revolution to prerevolutionary positions’: that of the persistently thanatopolitical living corpse. Comay asserts that Hegel does see ‘the spectre of repetition at the heart of revolutionary regeneration’; what this study adds is that, through the death penalty, there can be nothing other than the contra-temporal and eternal repetition of consciousness not yet self, the “I” without self-unity, both lacking and exceeding in selfhood, and History has not and can never come to an end or culminate into autonomous subjectivity when all it has to stand on is the instability of the scaffold.⁷⁴

In condemnation, then, one is truly beyond the *Langweile* in which one is ‘enchained within the mere present’ of mortality;⁷⁵ after all, Heideggerian *Being* is the ‘privileging [of] the present tense’.⁷⁶ In contrast, contra-temporality is the revolutionary time of the relational death, a limbo full of itself. It cannot be the case that, in the absence of a future, one returns to the past: in revolution, time cannot be concretised—one need only recall the failure of the Republic Calendar, or the failure of the Revolution to execute Dickens’s fifty-two prisoners, ‘in number as the weeks of the year’ (*TC*, 360).⁷⁷ The condemned no longer has a past: he has not survived the death penalty, and whom he was has been killed. Charlot cannot become Chavel once more, and it is the same with all the others. Moreover, the future is not so much absent as it is in excess: the question of “when will death ever come”, a death missed in all senses, is an open-ended one. The figure of the Third incarnates the death penalty’s undoing of itself—after all,

⁷⁴ Comay, pp. 82-84.

⁷⁵ Heidegger, *Fundamental Concepts*, p. 125.

⁷⁶ Malabou, p. 3.

⁷⁷ What should have been ‘the dawn of a human freedom that recognizes no authority but itself’, with its ‘distinctive mark of Absolute Freedom’ being ‘the capacity to *begin anew*’, fails in requiring its own destruction. David Ciavatta, ‘The Event of Absolute Freedom: Hegel and the French Revolution and its Calendar’, *Philosophy and Social Criticism*, 40(6) (2014), 577-605 (pp. 585, 590).

the Third can only appear *as such* if there is a death penalty—and that is why, in addition to the suspension of futurity, its entrance is contra-temporal (or, for Levinas, “dia-chronic”). A re-phrasing, therefore, is necessary: the entrance of the *arrivant* is not irruptive, but rather eruptive. The Third breaks the tyranny of the Carmagnole, but his entrance is one more step of the dance that is intrinsic, and not extrinsic, to the death penalty itself. This is the double-double: not only is the condemned doubled by the sovereign, but also by the third. Chavel is doubled by Janvier (later by Carosse), Darnay by Carton, Hugo’s protagonist by the other convict, and later almost again by the gendarme. Blanchot’s narrator, through the levelling *exécuté*, is mirrored by the farmers’ sons. This is the doubling necessary in the revolution—like two cogs working against each other—because it connotes not only simultaneity but also asynchrony; double time is also when History progresses and regresses simultaneously, when three o’clock approaches and recedes, where one’s death has already been died and yet is taken away. This is the time of the relational death, founded on an eternal instant. Contrary to Georges Danton’s assumption, then, the verb “to guillotine” can indeed be conjugated in all tenses, including “I have been guillotined”.⁷⁸

Let us turn, in coming to a conclusion, to Malabou’s reading of Hegelian temporality, where she makes evident how, for Hegel, the future of subjectivity is not determined in advance but, rather, finds form through plasticity. Malabou’s (and Hegel’s) concerns remain within the confines of the progress of *self*-knowledge through the ‘three great movements of self-determination—the Greek, the modern [or, one can say, French], and that of Absolute Knowledge’, these being sites ‘where identity is retained within difference and difference preserved within identity’.⁷⁹ In this light, how can one hold the view that the death penalty

⁷⁸ Georges Danton is assumed to have made the point that “to guillotine” cannot be conjugated in the past—as paraphrased by Peter Brooks, ‘Death in the First Person’, *South Atlantic Quarterly*, 107(3) (2008), 531-46 (p. 534).

⁷⁹ Malabou, pp. 20, 176.

unworks work and bars self-consciousness, outstripping the future (and, along with it, ownmost death), when the Third doubles the condemned, when the Third comes from *within* the system, and when difference explicitly wears both the face and the coat of identity?

Indeed, the cleaving guillotine perhaps demonstrates Hegel's understanding of 'the openness to the future, the openness to the event' in contrast with the Heideggerian certainty of the train's scheduled arrival.⁸⁰ The certainty of the time of proper death is displaced by the Third, and in this sense renders the future "plastic", an 'excess of the future over the future' where the condemned's future regains all possibilities taken away by condemnation.⁸¹ The Third thus plays its cleaving role in 'the "becoming essential of the accident" in the Greek moment of subjectivity, or the "becoming accidental of essence" in the modern moment'.⁸² If the machinery of the death penalty is interrupted by its own mechanisms, and the relationship between subjectivity and alterity is only 'the recto and verso of the same event', then subjectivity is not suspended but rather reinforced by a Third as phenomenon which 'at once suddenly arises [...] and just as suddenly disappears'.⁸³ After becoming essential, the accidental phenomenon becomes accidental once more. Malabou writes:

The phenomenon, *qua* moment, is always a manifestation of something other than itself. And this relation to alterity is a twofold one. The phenomenon, like the "now" that passes by, implies a relation to a new "now", *to another instant*.⁸⁴

⁸⁰ Malabou, p. 191.

⁸¹ *Ibid.*, p. 6.

⁸² *Ibid.*, p. 188. On this latter moment, and here is once more the constant spectre of theology, the movements of the accidental Third, through Malabou's understanding of revolution and revelation, may even be likened to the unique and negational incarnation of God, 'the figure of pure event' and pure accident which happens in a 'moment', coming from an infinite time ahead of subjectivity (p. 117).

⁸³ *Ibid.*, pp. 103, 122.

⁸⁴ *Ibid.*, p. 122. Emphasis added.

However, Malabou is here making the Third into Hegelian “phantasmatic alterity”, an act of kenosis which (rather hubristically) brings death to death itself.⁸⁵ While ‘to posit the future as “plasticity” amounts to *displacing* the established definition of the future as a *moment of time*’, it is, in Hegelian thought, never to displace the Self; the dialectical process is in fact, at core, ‘the movement of self-determination’.⁸⁶ If the future is plastic and thus an ‘*anticipatory structure*’ which names this kind of future as “to see (what is) coming” (*le “voir venir”*)—that is, ‘of “being sure of what is coming” [...] and of “not knowing what is coming”’—it is only a future where subjectivity projects *itself* in advance of *itself*, and thereby participates in the process of its own determination.⁸⁷ For Hegelian subjectivity, all difference is ‘*a difference within itself*’.⁸⁸ It is never a future where alterity undoes subjectivity; *that* would truly be what cannot be seen coming, the *tout autre*, the absolute difference which cannot be synthesised.

Malabou writes that ‘habit brings [self-]becoming to life’, but the figure of the Third, as a mechanism of the death penalty, breaks both the habit of death and that of life. Death is taken away, but life cannot be granted again (for one does not survive the death penalty). Alterity dissolves subjectivity, to the point where ‘it finds itself dispossessed of itself, to the point of becoming truly mad’ (and to this Malabou adds the dimensions of disease and derangement).⁸⁹

If, as Malabou writes, ‘[t]he route to recovery [from madness, disease] is the work of habit’—and only from there emerges ‘the possibility of a Self’, a synthesis of spirit and nature—the most terrifying aspect of the death penalty is that it bars the condemned from work and habit and, therefore, from *selfhood*.⁹⁰ This is its diabolical nature (in the Derridean sense), which maintains the living corpse in a state of disease or derangement—or, as shall be forwarded in

⁸⁵ Malabou, p. 34. See also page 146.

⁸⁶ *Ibid.*, pp. 5, 12.

⁸⁷ *Ibid.*, p. 13.

⁸⁸ *Ibid.*, p. 33.

⁸⁹ *Ibid.*, p. 31.

⁹⁰ *Ibid.*, pp. 36, 38.

the following chapter, a state of *decomposition*. After all, is the habit not itself simply another item of clothing, to be stripped from the condemned subject?

Hugo's narrator, the one who retreats from the figure of the Third out of fear, is perhaps the most astute of the condemned men discussed above: the Third is terrible and to be feared. In summary of the above, Malabou concludes that '[i]t would be futile to want to determine some ontological priority of essence over accident, or accident over essence, for their co-implication is primary'—and this might seem, in the death penalty, true.⁹¹ But the Third is he who forcibly takes priority because he does not wait. In outstripping the *Jemeinigkeit* of death, there is enacted an ontological precedence, and the condemned, even if he is allowed "release", can never be the 'pure and absolute autonomy' he could have been without condemnation.⁹² The Third thus undoes the Cartesian *cogito* as taken up by Hegel to signify the certainty of the 'I=I of pure self-consciousness'.⁹³

Having explored at some length, too, the relationality of death in terms of alterity—the sovereign, the Third—what of the condemned, now escaped, who lives on as a living corpse, a revenant, back in the world of those not condemned but nonetheless abiding under the penalty of death? What about the one whose future is in excess, whose face is irrevocably marked by alterity? The protagonist of *The Last Day* asks pertinent questions: 'if these dead return, in what form do they return? What do they keep of their incomplete and mutilated body? What do they choose? Does the head or the body turn into a ghost?' (*LD*, 79). Is there still a head, still a sovereign? Or is there a body without a head, a postsovereign subject, a Slave without a Master (but one who is not Bourgeois)? And what of the ghostly body—is this the decomposing

⁹¹ Malabou, p. 163.

⁹² *Ibid.*, p. 81.

⁹³ *Ibid.*, p. 14. Cf. *PS*, 105.

subject, who, living the relational death, undergoes some sort of ontological decomposition? Is this the other side of the Hegelian becoming-subject—that is, the un-becoming-subject?

And to which community, exactly, do they return? If there is a relation withheld in the contra-temporality of death, then there is also a community; as Levinas writes, ‘[t]here would be no separated being if the time of the One could fall into the time of the other’, as seen in the instant(-)aneity of dying-with that makes ontological selfhood impossible.⁹⁴ Might the members of such a community belong to some modern polis (an obvious antithesis), and is this necessarily a place to be in-habit-ed? Gourgouris writes of how ‘[t]he drama of Antigone performs in exemplary fashion the perils of singularity and death-driven thought’; in the above reading of the permeation of singularity by alterity, where even Being-towards-death is “altered” in all senses of the word, might we find the plurality of the polis that is both modern and Greek, as cleaved by the death penalty? Let us keep in mind Heidegger’s *polis*, which, as Gourgouris reminds us, ‘comes at the cost of forgetting that the polis signifies neither city nor place, strictly speaking, and certainly not mere spatial designation, even metaphorically or philosophically’, but is, rather, ‘linked to a differential autonomous plurality, the ensemble of *polites*’.⁹⁵

We can thus finally situate the mechanisms of the death penalty, and its enactors, beyond both the Narcissism of the *Jemeinigkeit* and the *egoity* of Hegel’s “I am”.⁹⁶ This is a death that is not proper to me; rather, it is a “we” that is the property of death. But what is this “more-than-I” ensemble of living corpses, each with more than one life, doubled and doubling, and where

⁹⁴ Levinas, *Totality and Infinity*, p. 57.

⁹⁵ Gourgouris, pp. 146, 141.

⁹⁶ Derrida repeatedly equates the two in his preface to Malabou’s work: see Jacques Derrida, ‘A Time for Farewells: Heidegger (read by) Hegel (read by) Malabou’, trans by Joseph D. Cohen, in Malabou, pp. vii-xlvii (especially pp. x-xi, xxvi-xxvii). He asks of the event of alterity that arrives without being (able to be) seen: ‘Is it in any way comprehensible for a subject or even reducible to any subjectivity? Does it still belong in a history of the “becoming-subject”?’ Derrida answers this with: ‘Perhaps’ (pp. xxxiii-xxxiv). Here, this is answered with “perhaps not”.

do they assemble? Is it an ‘abyssal’, even stygian, place where ‘[self-]creation *coincides* with alterity’ rather than synthesises it? What is the action of the living thing who, like Antigone, acts, as Gourgouris writes, ‘against singularity but in a singular fashion’?⁹⁷ Does the literary figure of the condemned, excluded by his very nature, nonetheless allow us to rethink the state of *anthropos*, *demos*, and *polis*, reconceived as a polis of death—a home for thanatopolitics, the *necropolis*—where there persists in death the relational par excellence? Is this why, at the end of all this, one finds the autothanatographical, living through relational death and ‘speak[ing] in the name of death’ without having necessarily been condemned to it? These are the questions for the next chapters.

⁹⁷ Gourgouris, pp. 153, 151.

Chapter 4: After Death, Anonymity

Grave men, near death, who see with blinding sight
 Blind eyes could blaze like meteors and be gay,
 Rage, rage against the dying of the light
 —Dylan Thomas, ‘Do not go gentle into that good night’

Measure me while I live—after, it will be too late
 —Vladimir Nabokov, *Invitation to a Beheading*

Angels and Demons

When Derrida heard his angel speak, he heard only the voice of the demonic. When the angel prophesised the idea of a deconstruction of death, a doing away with death, these were the whispers of a demonic Other. Against the ethical death epitomised by self-sacrifice, this Other who forcefully strips our death and dies in-stead does away with any such notions of responsibility, irreplaceability, or ethics and its individuation. It puts under erasure the very category of subjectivity itself. The face of the Other who dies in-stead expresses not the command “Thou shalt not kill” but rather “Thou shalt not die”.

In light of this radical rephrasing of the ethical command, Levinas’s thought shall here be brought in to better understand what lies beyond the confines of the *Jemeinigkeit* of Heideggerian ontology. While Levinas never directly discusses the death sentence, it is nonetheless through his thought that the death penalty, as understood both philosophically and literarily, will here be further revealed as that which questions the very *being* of human *beings*. This does not mean, however, that one needs necessarily arrive at the same conclusions as Levinas; indeed, the question of the death penalty and its workings refigures some of the basic tenets of Levinasian thought, whereby the modality of the human is understood otherwise on the basis of relational death.

The Third arrives unexpectedly. Carton entered Darnay's cell and 'stood before him face to face, quiet, intent upon him' (*TC*, 363). The face-to-face, for Levinas, is beyond ontology: it is the realm of the ethical. Returning once more to the angel, this time not a demon in disguise, Richard Cohen reminds us that Levinas takes the concept of the face-to-face 'from Genesis 32:31, where, after having fought an angel all night, it is written: "And Jacob called the name of the place Peniel: for I have seen God face to face, and my life is preserved"'.¹ The face is, for Levinas, the Other whom Narcissistic ontology firmly places in the stratum of the ontic. While Heidegger stresses that *Mitsein* is an essential part of the *being-there* of Dasein, Levinas recognises that Heidegger's conception of alterity—following René Descartes, Kant, Fichte, Hegel, and Husserl—is ultimately self-contained, merely existentiell, whereby alterity simply becomes the *das Man* and its Saying merely distracting chatter [*das Gerede*].² Authenticity is thus, for Heidegger, to be found solely in the understanding of *being* through the 'substantive and substantial identity of the *I*', and finding it in the anxiety of being-toward-death has neither a need for a relation to the other nor sees in the other's death any more than a corpse, a thing.³

Levinas's radical contribution to this discussion comes in defining the other as '[t]he *there* of *being-there*', shifting gravity away from the totality of Narcissistic *being*.⁴ The face of the Other demands from us that we prioritise its life and needs over ours, calling for justice, piercing through the autonomy of the self and, in so doing, individualising the irreplaceable self who beholds, from below, the face of alterity. Its primary command, Levinas says, is "thou shalt not kill".⁵ This face-to-face encounter and the subsequent ethical demands made reveal the self's asymmetrical relation to the other—one of *acknowledgement* and not *recognition*, as

¹ Cohen, p. 250. It is to be noted here that the "face" is first phenomenological, and it is only later that the face of the Other is shown to bear the trace of God.

² 'Western philosophy has most often been an ontology: a reduction of the other to the same'. Levinas, *Totality and Infinity*, p. 43.

³ Levinas, 'Dying For...', p. 213.

⁴ *Ibid.*, p. 184.

⁵ See Emmanuel Levinas, *Ethics and Infinity: Conversations with Philippe Nemo*, trans. by Richard A. Cohen (Pittsburgh: Duquesne University Press, 1985), p. 89.

a ‘relation without relation’ which is the foundation of Levinasian philosophy—as both conceiving the self as inseparable from the *there-ness* of Dasein as well as going beyond ontology in its account of ethics.⁶ Finally, this intersubjective “relation” with non-present alterity and the consequent demand for justice are what, as Cohen pithily sums up, ‘inform the whole of social life and constitute the very humanity of the human’.⁷ It is not *my* mortality that makes me human, *contra* Heidegger—it is the other’s. ‘My solitude’, as Levinas states, ‘is thus not confirmed by death but broken by it’.⁸

The figure of the Other as read here, as one who interrupts the death penalty from within and dies in-stead, may to a certain extent be read in accordance with Levinas’s broader understandings of alterity. The Third can only be acknowledged, and its time is indeed diachronic: the time of the other, writes Levinas, is that which ‘does not gather into re-presentation’ (as opposed to ‘synchrony as *being* in its egological gathering’).⁹ As stated in the previous chapter, this is analogous (or perhaps deeper than that) to the Carmagnole of the Revolution, where the Third emerges as a figure that undoes the temporal certainty of the death penalty from within, rendering the future completely and creatively novel once more, stygian, or what Levinas calls ‘pure future’.¹⁰ If, as Heidegger writes, ‘[d]ying is something that every

⁶ Levinas, *Totality and Infinity*, p. 80.

⁷ Richard A. Cohen, ‘Foreword’, in Levinas, *Otherwise Than Being*, pp. xi-xvi (p. xi). For more on the concept of the face in Levinas, see especially: *EE*, pp. 97-100; *Totality and Infinity*, pp. 79-81, 187-247; Emmanuel Levinas, ‘Diachrony and Representation’, in Emmanuel Levinas, *Time and the Other, and additional essays*, trans. by Richard A. Cohen (Pittsburgh: Duquesne University Press, 2011), pp. 97-120 (pp. 105-08); and *Ethics and Infinity*, pp. 85-92. For further commentary, see, for instance: Davis, pp. 45, 131-36, and Cohen, pp. 236-54.

⁸ Emmanuel Levinas, ‘Time and the Other’, (p. 74). This is of course in direct opposition to the melding of solitude and finitude in Heidegger’s *Fundamental Concepts*.

⁹ ‘Diachrony and Representation’, (pp. 112, 99). Emphasis added. In full, diachrony is ‘[t]he signification of a [n] immemorial] past that has not been my present [...], and the signification of a [pure] future that commands me in mortality or in the face of the Other’ (p. 118). On this, despite some notable differences, Levinas works with Henri Bergson’s notion of duration. See, for instance, Cohen, pp. 44-56, and Emmanuel Levinas, *God, Death, and Time*, ed. by Jacques Rolland, trans. by Bettina Bergo (Stanford: Stanford University Press, 2000), pp. 50-56.

¹⁰ ‘Diachrony and Representation’, (p. 114).

Dasein itself must take upon itself *at the time*', there is not always only an(-)other self, but also an(-)other time (*BT*, 284).¹¹

However, the literary works discussed here point to a different understanding of both “my death” and that of the other, and with this sociality, justice, and the time of death and life in general. To briefly introduce the argument expounded below, the relational death which includes within it the Third dying in-stead deeply challenges Levinas’s account of death as one always necessarily in the future and one always mine. Levinas does briefly question this latter characterisation of death, the “mine every time”, but ultimately answers in the affirmative, seeing in death a necessary part of the freedom that ‘is not found in autonomy but responsibility, responsibility in the face of the other person’.¹² He writes:

But the death thus announced as other, as the alienation of my existence, is it still *my* death? If it opens a way out of solitude, does it not simply come to crush this solitude, to crush subjectivity itself? [...] The problem does not consist in rescuing an eternity from the jaws of death, but in allowing it to be welcomed, keeping for the ego—in the midst of an existence where an event happens to it—the freedom acquired by hypostasis.¹³

This freedom is at core social, responsible, and moral—a ‘difficult freedom’ found not in the subject, as Sartre would for instance claim (the “for-itself”), but in the other.¹⁴ On the other hand, as we have seen in the previous chapters, at the core of the very notion of human society

¹¹ Emphasis added.

¹² Cohen, p. 28. Here, then, emerges one of the principal differences between Levinasian and Blanchovian thought.

¹³ ‘Time and the Other’, (pp. 77-78).

¹⁴ This is a concept that Levinas grapples with throughout his entire oeuvre, and one of the strongest links Levinas makes bridging alterity and ethics. See especially Emmanuel Levinas, *Difficult Freedom: Essays on Judaism*, trans. by Seán Hand (Maryland: John Hopkins University Press, 1990). This is often in opposition to Sartre’s concept of freedom, and the descriptor he uses is telling: ‘Man is *condemned* to be free’. Jean-Paul Sartre, *Existentialism is a Humanism* (London: Methuen, 1960), p. 34. Emphasis added.

itself one finds only the death penalty, and, with this, relational death. Death is not only no longer mine, but also no longer able to “happen”, no longer an event *à-venir* in the *avenir*. In this relational death made now and past, it is not life which is preserved, as Jacob proclaims in Genesis, but death, and the freedom for subjectivity to avoid being condemned or “crushed”, in Levinas’s words, is brought starkly into question.

On this, as we shall see, the figures of the angel and the demon, so often bound to an afterlife strictly demarcated by proper death, simultaneously recede from and manifest in our living of the relational death.

The Unbecoming Subject

After death begins decomposition. The corpse is certainly unbecoming, for most a visceral affront to all vital senses. For some, however, it is beautiful, as Lacan says of Antigone, or has a natural aesthetic, as explored in Jim Crace’s *Being Dead*, or is even ‘exquisite’, as Maria Torok calls the corpse in what are in this context seemingly but not entirely disparate terms.¹⁵ Beautiful or not, does the one who *lives on* also *decompose*? Of course, without proper death, there can be no proper decomposition (except in the cases of certain illnesses), but living death as the unexperienced experience can perhaps be understood as an existential, ontological, and even ethical decomposition, a rotting away or shedding of what *life* and *being* are, of what makes *being* be.

This is to a certain extent touched on by Malabou when she speaks of the disease and derangement that would grip the ego were habit not capable of leading to the notion of Self—

¹⁵ See Maria Torok, ‘The Illness of Mourning and the Fantasy of the Exquisite Corpse’, in Nicolas Abraham and Maria Torok, *The Shell and the Kernel: Renewals of Psychoanalysis, Vol. I*, ed. and trans. by Nicholas T. Rand (Chicago and London: University of Chicago Press, 1994), pp. 107-24.

a becoming subject—and indeed habit is stripped in the death penalty. What shall be made clear in this section is that the “unbecoming subject”, whatever that is, is first and foremost not a process leading from state *a* to *b*, but a permanent condition of the human—or, more precisely, a constant process with no true beginning or end. “Unbecoming”, this adjective-*cum*-infinitive, may be understood similarly, not only grammatically but also conceptually, to how Derrida speaks of the crypt as ‘[t]o crypt’.¹⁶

Indeed, the condemned man is a dead man walking, a ‘living corpse’ as previously discussed in particular through Mbembe and Kojève who use this same term. Though both helped elucidate the complex matrices on which the death penalty operates, neither thinker refers to the penalty specifically nor thinks of the primary “activity” of the corpse—that is, decomposition. What, then, is the unbecoming corpse, this thing that every human supposedly is? How is the one not condemned to death, such as ourselves, also to be understood as the corpse living on, living the relational death, living the death one has already died?

Some answers may be found through Sartre’s ‘The Wall’, a short story set during the Spanish civil war where the protagonist Pablo Ibbieta, along with two other men (Juan Mirbal and Tom Steinbock) are condemned to death by firing squad by a Falangist tribunal.¹⁷ After their sentence, the three cellmates spend their last night accompanied by a Belgian doctor. As in other works examined in this study, the ‘three bloodless shadows’ have gone through the instant of death, the unexperienced experience, becoming the living corpses of those condemned (*TW*, 62). As night turns to the dawn of their execution, Pablo thinks of their state: ‘grey and sweating: we were alike and worse than mirrors of each other’, with ‘bodies dying in agony while yet alive’. Tom, the more vocal of his cellmates and who ‘wore death on his face’,

¹⁶ The verb denotes the act of encryption and decryption which ‘one can never do alone’. Derrida, ‘Foreword: *Fors*: The English Words of Nicolas Abraham and Maria Torok’, p. xxxvi.

¹⁷ First published as the eponymous story of a collection, entitled *Le Mur* in 1939.

doubles (in death) both the thoughts that run through Pablo's mind and the expression: 'now we looked as much alike as twin brothers, simply because we were going to die together'. He tells Pablo: 'I can feel the wounds already; I've had pains in my head and in my neck for the past hour. Not real pains. Worse. [...] I see my corpse; that's not hard but *I'm* the one who sees it, with *my* eyes' (*TW*, 60-61).¹⁸

Together, they watch the doctor—the Belgian, the living—who watches them with 'false solicitude' (*TW*, 60, 62):

All three of us watched him because he was alive. He had the motions of a living human being, the cares of a living human being; he shivered in the cellar the way the living are supposed to shiver; he had an obedient, well-fed body. The rest of us hardly felt ours—not in the same way anyhow (*TW*, 62).

The three are living corpses, no longer human beings; they are decomposing, grey, with strange, detaching and unbecoming bodies. But does not their distance from the Belgian doctor—an uncrossable distance between life and death, ironically personified by a man of medicine just like Hippocrates—only reinforce the idea that the state of the living corpse is one limited only to the condemned man trapped in the night between the experience of death and proper death, 'between what is going to arrive and what has already arrived'?

The narrative also points to just the opposite being true. Aside from the shared mortality on the faces of Pablo and his cellmates—a dying-with (*Mitsterben*) signified by the doubled Hippocratic face—there is also the death of Ramon Gris, the man Pablo is accused of having hidden in his house for a short time. The militia offer Pablo a deal after having killed his two cellmates: if he tells them where Gris was hiding, he could have his life back. Knowing fully

¹⁸ And yet Derrida, once more in Heidegger's camp despite his continual troubling of Heideggerian boundaries of death, says: 'it is certain that we are "not capable" of our own corpse, we will never see it and feel it' (*BSII*, 161).

that Gris was hiding out with his cousins, Pablo plays to the absurdity of the situation, wanting to laugh but keeping a straight face, and feeds them the lie that Gris ‘is hidden in the cemetery. In a vault or in the gravediggers’ shack’ (*TW*, 72). After a period of time, an officer informs him that he is being transferred to a courtyard to be with other prisoners; confused as to why he has not been executed, he asks around only to find out that the officers had found Gris exactly where he had described, and killed him.

The deal made between Pablo and the officers, ‘his life against yours’, is not an exchange of life—it is an exchange of death. ‘You can have yours if you tell us where he is’, an officer tells him; except, clearly, one does not survive the death penalty, and one cannot regain life or be fully resurrected (*TW*, 70). Ibbieta is condemned to live on, outside the matrices of the penalty, and at this knowledge he ‘laughed so hard [he] cried’ (*TW*, 74). This is not to say that he was not previously aware that this would be the case had he somehow managed to survive another way or if he were pardoned. He was to remain a living corpse:

In the state I was in, if someone had come and told me I could go home quietly, that they would leave me my life whole, it would have left me cold: several hours or several years of waiting is all the same when you have lost the illusion of being eternal. I clung to nothing, in a way I was calm. But it was a horrible calm—because of my body; my body, I saw with its eyes, I heard with its ears; but it was no longer me; it sweated and trembled by itself and I didn’t recognise it any more. I had to touch it and look at it to find out what was happening, as if it were the body of someone else (*TW*, 66).

Already one can see the power of the death penalty, the ability of the sovereign’s *droit de glaive* to extend beyond cells and sentences, killing those on the outside of the decreed or “lawful” condemnation. Pablo can imagine what living on is like, as a living corpse; moreover, this indeed happens to him. Just like Blanchot’s protagonist, Darnay, and Chavel, Ibbieta has been

outripped of his death, something he assuredly did not want ('I would rather die than give up Gris', he resolves), and his death has been exchanged by Gris, who dies in-stead (*TW*, 71). There is no voluntary or ethical sacrifice at play here; Gris has served as the 'lightning rod' just like the three sons of farmers or the commoner substitutes of the ancient king. What is here most revealing of the foundational nature of the death penalty, therefore, and what now needs close discussion, is not Pablo's living on but Gris's very implication and death.

What Derrida (with Kant) stresses in the two volumes of *The Death Penalty* must not be forgotten. Being 'at the origin of the social contract or the contract of the nation-state, at the origin of any sovereignty, any community, or any genealogy, any people', that which kills us is what lets us live. Hence, there can be no law, nor society, without punishment as epitomised by the principle of the death penalty. This is why Derrida claims that 'it will always be vain to conclude that the universal abolition of the death penalty [...] means the effective end of any death penalty'. Thus we see his second point: the death penalty is not only what is proper to law—'the right to law [*le droit au droit*], the right to the violence of law'—but also what goes beyond it (*DPII*, 48). In its position as the foundation and birth of every law, every society, it also exists outside such laws and societies. It persists throughout both peace and wartime—however difficult it is, as Derrida remarks, to properly distinguish between the two (and most of the literary works discussed here indeed operate on this border, as has been noted). Justice, then, is not what employs the death penalty, but rather it is the other way around.

Such a reading of justice is extremely jarring when set alongside Levinas's. It is immediately apparent that "thou shalt not kill" is diametrically opposed to a relation or sociality made possible only through the death penalty. While to discuss in detail Levinas's idea of sociality and justice would be to unavoidably recapitulate the whole of Levinas—such is his argument structured across his entire philosophical trajectory—let us quickly go over some important points before moving forward.

As briefly mentioned earlier, for Levinas ‘the responsibility for the others, the relationship with the non-ego, precedes any relationship of the ego with itself’.¹⁹ The individuation of the Self, therefore, is constituted only through alterity, and this is what primarily obligates us to the other. This is why Levinas speaks of the self being obsessed, persecuted, or taken hostage by the other, and why the self, in its responsibility and obligation, is unique and irreplaceable. Subjectivity can thus be characterised as ‘the other in the same’, and alterity is therefore both inalienable from and foundational of the “I” that apprehends it.²⁰

However, in it being completely *other* to the self, alterity also brings the subject into question. This same infinite responsibility posits the self as elected *for the other*, ‘the possibility of putting oneself in the place of the Other’, being responsible for the Other in the name of the Other, and dying *for* the Other in the manner of self-sacrifice.²¹ For Levinas, subjectivity is, as Cohen writes, ‘being beholden to the other beyond one’s own being’, and this intersubjectivity never allows self-certainty or self-enclosure, always asymmetrical in the prior-itisiation of the Other.²² In this way ethics comes before any deliberation, choice, or freedom, and, while starting inexorably from the self, is universalisable and made infinite beyond it.

In Levinas’s later works, ‘*l’Autre* and *Autrui* [here “other” and “Other”] play a less important role, being largely replaced by *le prochain* (the neighbour)’.²³ This is the one whom I face, face-to-face, who discloses my unique responsibility (in religious terms, “love thy neighbour as thyself”) and who can only be acknowledged as non-presence, non-Same: ‘the face of a neighbour, ambiguously him *before whom* (or *to whom*, without any paternalism) and him *for*

¹⁹ Levinas, *Otherwise Than Being*, p. 119.

²⁰ *Ibid.*, p. 112.

²¹ *Ibid.*, p. 117. This, Levinas would also say, is the metaphysical desire *for* the other and *for* justice: ‘Desire is desire for the absolutely other’, a ‘desire without satisfaction’ where ‘power, by essence murderous of the other, becomes [...] the consideration of the other, or justice’. Levinas, *Totality and Infinity*, pp. 34, 47.

²² Cohen, p. 8.

²³ Davis, p. 70.

whom I answer'.²⁴ Levinas, however, understands the dangers of an intersubjectivity limited to two interlocutors (for the relation between self and Other is the Saying, response-ability, language as 'the dynamics of question and answer'),²⁵ since 'they would complete one another in a system visible from the outside'.²⁶ To transpose what he writes seven years later: 'As soon as two are involved, everything is in danger'.²⁷ Against this, Levinas acknowledges a third, *the third* [*le tiers*], who is always 'present at the encounter': '[t]he third party looks at me in the eyes of the Other' in the face-to-face, and through this break in an otherwise looped dialogue 'the epiphany of the face qua face opens humanity'.²⁸ In Levinas's opening up the self's relation to the Other to a relation with the world, we see, writes Colin Davis, how '[t]he exposure to the Other brings the subject into existence as it also puts it into question; [and also how] the presence of the third party in turn raises questions about my relationship with the Other'.²⁹

And what is in question? The foundations of sociality, justice. 'This means', Levinas says, 'that justice is not a legality regulating human masses, from which a technique of social equilibrium is drawn [...]. Justice, society, the State and its institutions, exchanges and work are comprehensible out of [that is, on the basis] of proximity' (to *le tiers*); '[t]he judge is not outside the conflict', and 'nothing is outside of the control of the responsibility of the one for the other'. He goes on: 'But justice can be established only if I [...] can become an other like the others'³⁰—and this is what *le tiers* allows us to realise: 'a collectivity that is not a communion'.³¹ The third, then, not only opens up our eyes to the obligations of justice, but also makes the very concept of world (as society) and justice possible.

²⁴ Levinas, *Otherwise Than Being*, p. 12.

²⁵ John Wild, 'Introduction', in Levinas, *Totality and Infinity*, pp. 11-20 (p. 16).

²⁶ Levinas, *Totality and Infinity*, p. 35.

²⁷ Emmanuel Levinas, 'Toward the Other', in *Nine Talmudic Readings*, trans. by Annette Aronowicz (Bloomington: Indiana University Press, 1990), pp. 12-29 (p. 16).

²⁸ Levinas, *Totality and Infinity*, p. 213.

²⁹ Davis, p. 82.

³⁰ Levinas, *Otherwise Than Being*, pp. 159-61.

³¹ Levinas, *Time and the Other*, p. 94.

As Davis notes, ‘Levinas concedes that his thought has a utopian aspect’ and that he ‘rejects the view that conflict is essential to human relations; instead, he derives the outlines of a social theory from his notion of exposure to the Other as pacific’.³² In appealing for society to become more just, because and not in spite of humanity’s violent history (hence why ‘it is difficult to be good’ and free, this violence epitomised for Levinas by the Holocaust),³³ Levinas sees morality and religion as the ‘pacific imperatives’ through which a just society may be achieved, the antithesis of the warlike actions wrought by Narcissistic or totalitarian thinking against alterity.³⁴ With the aim of justice being an anxiety not in relation to my own death but to the other’s, Levinas reveals how mortality comes to us only through sociality, a mortality that cannot be separated from morality.³⁵ Ultimately, for Levinas, to be ethically just is to work towards the transcendence that is God: *illeity*, ‘alterity at the furthest remove’, further from any neighbour, at an *infinite* distance.³⁶ This is why Levinas understands religion as being an aspect of ethics, and not the other way around, as a means towards utopian justice enabled only through the ethical beyond ontology.

Essentially, when juxtaposed against each other, the ethical society and the society that has always and irremediably the death penalty at its core—the utopia and the necropolis—are incompatible.³⁷ Both are located beyond ontology in their intersubjectivity and relationality respectively, but each struggle against one another in defining the ‘very humanity of human beings’, diametrically opposed both in significance and consequence: in Levinasian alterity,

³² Davis, pp. 83-84.

³³ Levinas, *Otherwise Than Being*, p. 11.

³⁴ Cohen, p. 284. Cf. Levinas, *Totality and Infinity*, pp. 21-22.

³⁵ See Cohen, p. 50.

³⁶ Davis, p. 99.

³⁷ And this without even going into a critique of whether this “utopia” is at all utopian, taking it instead at face-value. ‘[T]he non-violence that Levinas seems to promote’, as Butler writes, ‘does not come from a peaceful place, but rather from a constant tension between the fear of undergoing violence and the fear of inflicting violence’. Butler, *Prearious Life*, p. 137.

subjectivity is constituted; in relational death, while similarly emptied of *being*, subjectivity is condemned. Which polis is indeed prior, to be given priority?

More useful, perhaps, than the scientific theory that the human face took its present features in response to the human fist, is Sartre's Pablo Ibbieta.³⁸ Looking at Juan as he wept for the life taken from him, he says: 'I felt inhuman: I could pity neither the others nor myself' (*TW*, 67). Neither does he feel fear: 'it wasn't fear that made me sweat'; 'I felt myself crushed under an enormous weight. It was not the thought of death, or fear; it was nameless' (*TW*, 58, 56). This absence of pity and fear—the absence of the tragic, of catharsis—shall be commented on in the next chapter, but we may already start to understand how in death, *because* it is death, subjectivity is indeed 'crushed' (one sees both Sartre and Levinas use this same word),³⁹ condemned under the anonymous or the 'nameless'—that is, beyond any definition of the humanity of the human: the 'inhuman'. In death made now, in the lived unexperienced experience and the decomposition of the unbecoming subject, ethics dies too.

But is the claim perhaps misconstrued? Is a society founded on the death penalty only possible in the first place through the ethical, hence Levinas's insistence on ethics as first philosophy? Were the penalty of death simply a sentence one can utter, an action that one can take or be subjected to, as subject to the subject (phenomenologically) or subject of the sovereign (thanatopolitically), then that would indeed be the case. This would be, however, to consider the death penalty as law, spectacle, machine, retribution, vengeance, deterrent—important yet

³⁸ See, for instance, David R. Carrier and Michael H. Morgan, 'Protective buttressing of the hominin face', in *Biological Reviews*, 90 (2015), 330-46. This continues the long debate, as Carrier told the BBC in an interview, "'of whether our past was violent or peaceful'", and, in its focus on the human face, can be seen as a scientific transposition of the juxtaposition between the violent and the 'pacific' highlighted here (though the role of gender is, in the scientific discussion, more pertinent than it is here). See Jonathan Webb, 'Male faces "buttressed" against punches by evolution', in *BBC News*, 9 June 2014, para 18. <<http://www.bbc.co.uk/news/science-environment-27720617>> [accessed 1 September 2019].

³⁹ In the original texts, both Levinas and Sartre deploy the verb *écraser*. '[J]e me sentis écrasé sous un poids énorme', Ibbieta says. As quoted earlier, Levinas asks: 'Se elle [la mort] ouvre une issue à la solitude, ne va-t-elle pas simplement écraser cette solitude, écraser la subjectivité même?'. Emphasis added.

ultimately secondary terms. On the other hand, as we have seen through Derrida and shall here continue to explore, the “justice” of the death penalty is the very way through which one can act in the first place, what makes every action, including action itself, possible in the first place. It is prior to self-consciousness (as Hegel’s *Kampf* goes some way in revealing), and it is founding of and found through the very dynamic of the “inter-” between any notions of subjectivity and alterity, and it would perhaps serve best to consider death as first philosophy.

In this last phrase we might hear the echoes of the *meletē thanatou*, but, simultaneously, in death, there is also the impossibility of any meaningful Saying when the only thing that matters is one Sentence, one that kills all interlocutors. In the death penalty being *before* the ontological or the ethical, death is *there-before-being*, the past death that is the relational death, ‘what has already arrived’. Indeed, we here recall once more the question of birth, of whether one can be *born* in-stead, of the beinglessness before one is born or given a name. Is this the beinglessness or anonymity that Ibbieta speaks of when he utters the name of the ‘nameless’? A response to this may be approximated still through Levinas’s radical thought and ‘the disturbance it provokes within philosophical discourse’, suggesting a beyond or *before* ontology: the *il y a*.⁴⁰ Before getting to this in the following section, let us delve deeper into why subjectivity is so ‘crushed’ under death, and does not find itself open to the *à-venir* of death.

The quick answer is that we are all Ramon Gris. We are alive but already in a crypt, a vault or the gravediggers’ shack, hiding from the death penalty which kills us anyway. To be alive in a crypt, buried alive like Antigone, is to live in a society made society only because of the death penalty (further eroding any distinction to be made between “making die” and “letting live”),

⁴⁰ Simon Critchley, *The Ethics of Deconstruction: Derrida and Levinas* (Oxford: Blackwell, 1992), p. 8. This is why there is not here staged a clash between Heideggerian ontology and Levinasian ethics, and why, in the manner of decomposition and unbecoming, Levinas’s trajectory is here followed in reverse, from later to early Levinas, to his ontological (rather than ethical) conceptions of a before-becoming-subject.

as drawn by Foucault). One need not be condemned to be subject to the death penalty; one need only exist.

Ibbieta does not seem to realise that this is the case: ‘Sometimes I had the impression I was missing something and began to look around for my coat and then suddenly remembered they hadn’t given me a coat’ (*TW*, 52). The coat, the symbol of the Sartrean other as previously mentioned, seems nowhere to be found within the matrices of the death penalty, the private and egological struggle unto death where the habit is stripped away. And yet alterity is always already there, for Gris does indeed die in-stead.

In essence, then, the third dying in-stead in these literary works of the death penalty can be read in much the same way as the third party, in Levinas, disrupts what could become a systematic relation of the face-to-face and subsequently reveals society as a whole. As intimated in the previous chapter, the strict transposition of Hegel’s *Kampf* onto the death penalty is unable to remain an untroubled and self-enclosed relation between sovereign and condemned providing both the self- and temporal-certainty of one’s ownmost death. The Third steps in, not only questioning “self” and “temporality” but also unveiling the whole of society enmeshed in the penalty, disrupting—or better phrased, *interrupting*—what is in Levinasian terms a ‘dialectic that tears the ego apart [but which] ends by a synthesis and system whereby a tear is no longer seen’.⁴¹ As such, the third withheld in relational death, who outstrips the *Jemeinigkeit*, reveals that sociality, society as a whole and at its basis, is where all of us are condemned to death no matter where we hide—if hiding is even a possibility at all—and we cannot escape the matrices of the death penalty. Even utterly outside its legal enactment, Gris, as an out-law, is nonetheless made to exchange his death with one of the condemned.

⁴¹ Levinas, ‘Diachrony and Representation’, (p. 100).

Sociality, *le tiers*, comes before the self, and in this sociality being founded on and through the death penalty, death too comes before the self. In other words, literature reveals how we are all, like Ramon Gris, living corpses, and with this idea of the relational death—made most naked through the death penalty as society itself, and not merely a tool utilised by society—deeper significance is added to the thanatopolitical nuances of ‘living corpses’ in Mbembe and Kojève as well as to the “human” as understood by, for instance, Hegel or Heidegger. In all of us being living corpses, and, in being always-already a part of this necropolis, realising the *impossibility of living* at all, we are turned away, also, from the very core of Levinas’s ethical and utopian ideas of sociality and justice, foreclosed at the very beginning.

In a sociality founded on the death penalty, but where sociality—because it is sociality, that which is more than an enclosed system of two—interrupts the death penalty, the third is thus always already there, having always-already interrupted sovereignty and dying in-stead. Because we are not contained in egoity, then in this society made possible through the death penalty the third must have already stepped in. This is the basis of understanding the necropolis, or in other words thanatopolitical sociality. This is why the command of the face is “thou shalt not die”: death has always-already been exchanged for our lives, and because this exchange of death is only possible through a society founded through the death penalty, it is not really life that is granted us, but only *living on*, a *living on with death*: the relational death.

This line of thinking, where one never begins to become a corpse but is rather always unbecoming—that is to say, the very impossibility of life itself—carries with it serious implications that must be addressed, even if, by the very nature of such a claim, more needs to be said of it than can ever be said here. Firstly, this troubles the distinction so rigorously set up earlier on between *condemned to death* and *condemned to die*. Derrida himself revisits this distinction by way of the ‘paradigm of the *fatwa* [such as the one unleashed on Salman Rushdie] [which] complicates all the more the question’ of distinguishing between the two (is it a death

sentence if there is no specified time of death? is any sovereign decree that is only partially recognised sovereign at all? etcetera) (*DPII*, 197).⁴² To this, one can also add the more commonplace example of death row inmates who spend years on death row (this in the US especially), always uncertain of whether natural death or execution will come first, and whose time of death is endlessly deferred.⁴³ As the epiphany of the third reveals, we understand how sociality *is* condemnation, and that we are all condemned to death and not condemned to die. This is the condition of the ‘very humanity of human beings’ that the present literary works espouse.

We have seen how the third can never save us from the death penalty because sociality is itself the death penalty; we can only survive without surviving. The third cannot wait, but in its being sociality itself, one founded through condemnation, it always arrives too late. None of the literary figures explored here, who are “saved” from the death penalty, are resurrected. Is this, therefore, why the Other is demonic, because the act of dying in-stead reveals to us that we have never lived, and moreover that we can never truly live? And this, ironically, despite the soteriological undertones in the Saying “thou shalt not die”? We see also how this phrase hides underneath it the impossibility of life: “thou shalt not live”. It certainly seems a terrible situation; according to Dylan Thomas’s villanelle, echoing Mercutio’s dying words, we should ‘rage against the dying of the light’ and not ‘go gently into that good night’.⁴⁴

Except it is always already night time, and, as evidenced in *The Wall*, it is not a ‘good’ night at all. We seem to be truly in the realm of the diabolic, where the gift of death is no longer secret but *public*, in its social meanings, as *public property*, the general public as the property of death

⁴² See page 54, footnote 26.

⁴³ See, for instance, Josh Bowers, ‘Mandatory Life and Death of Equitable Discretion’, in Charles J. Ogletree and Austin Sarat, *Life without Parole: America’s New Death Penalty?* (New York: New York University Press, 2012), pp. 25-65.

⁴⁴ Dylan Thomas, ‘Do not go gentle into that good night’, in *Collected Poems 1934-1952* (London: J.M. Dent & Sons, 1957), p. 148.

in general, stripped of the responsibility that can only come with my death's individuation; in other words, stripped of life. The Other, with its mirroring and Hippocratic face, is not the neighbour, who can move away, but the cellmate, condemned to die with and in-stead, sharing our cell on death row; moreover, the Third who reveals a society beyond our cell reveals only that the death penalty is outside it too. In the incompatibility of the necropolis and the utopia, furthermore, one is led to understand the necropolis as dystopic.

Simultaneously, however, we are in the realm of the angelic, where the 'radically impossible' has been done, where the border between death and life is made so permeable that death and life find themselves deconstructed, as if by a miracle, which as Derrida points out (following Schmitt) is just another name for the exception: 'The exceptional situation, that is, the criterion of sovereignty [...] is the same thing as what are called miracles in religion' (*DPII*, 249). The exception of the Third miraculously dying in-stead, like the third who comes to the self through the eyes of the Other, interrupts not a pacific relation with the Other but a struggle unto death, the sovereign sentence, and in turn brings sovereignty, tyranny, and totalitarianism into question through its contra-temporal, diachronic irruption.⁴⁵ Is dying in-stead, then, the act of the demonic or the angelic?

Being "both" and "neither", this is the after-life that is limbo. We are indeed in the world of angels and demons, here called as such not only because of Derrida's own terminology but also in light of the Other's transcendental aspect—one must keep in mind how, apart from the Other's proximity and immanence, as the neighbour, the Other is simultaneously transcendent, beyond the self's grasp. Thus one finds not only the Christian dictum "love thy neighbour" but also infinite distance, as also found in the Bible through Jesus's parable of Lazarus and the rich

⁴⁵ Derrida would elsewhere call this 'singular event' or interruption *messianic*. 'Faith and Knowledge', (p. 56). Here once more is not only the theologico-political aspect of sovereignty but the theological aspect of deconstruction.

man, who have gone to heaven and hell respectively: ‘between us and you a great chasm has been set in place, so that those who want to go from here to you cannot, nor can anyone cross over from there to us’.⁴⁶

Hence the necropolis is neither angelic nor demonic, neither utopic nor dystopic: it is merely the manifestation of a sociality founded, without alternative, on the death penalty. As intimated earlier, it is not the home or space of the tragic. The retention of these religious and figurative archetypes here serves a further purpose: being after death, are we not, like the angel and the demon, also immortal? Certainly, other literary works that deal with the theme of immortality—such as the myth of Tithonus, Oscar Wilde’s *The Picture of Dorian Gray*, Virginia Woolf’s *Orlando*, Simone de Beauvoir’s *All Men Are Mortal*, or Mary Shelley’s *Frankenstein* and the countless other works of science fiction it has inspired—can fruitfully be read through the idea of relational death as presented here. Most relevantly, however, we can further meditate on that always inchoate line from *The Instant of My Death*: ‘Mort-immortel’.

The impossibility of life, the *impossibility of mortality*: despite the two thinkers’ affinities, even in terms of death, this Blanchovian idea is not a Levinasian one.⁴⁷ For Levinas, in line with Epicurus as Cohen points out, ‘death is never now, is always to come, always remains future’, *à-venir*; ‘it is always in the “meantime” [...] that human life is lived’, and the impossibility of death comes from ‘this interval between death and myself’, where self and death can never collide.⁴⁸ Life is thus, for Levinas, ‘[t]he [eternal] postponement of death’.⁴⁹ This stands in direct opposition to what is narrated in *The Instant*, along with the idea of autothanatography

⁴⁶ Luke 16:26. One can indeed draw extensive commentary between this Lazarus and the Lazarus who rose from the dead, especially since the former is ‘[t]he only character to be given a name in Jesus’s parables’. W.R.F. Browning, *A Dictionary of the Bible*, 2nd ed. (Oxford: Oxford University Press, 2009). <<http://www.oxfordreference.com.ezproxy.lancs.ac.uk/view/10.1093/acref/9780199543984.001.0001/acref-9780199543984-e-1105?rskey=9J61AA&result=1083>> [accessed 1 September 2019].

⁴⁷ Albeit the *il y a* is the obvious source of Blanchot’s Neuter, which will be discussed in the next chapter.

⁴⁸ Cohen, p. 70.

⁴⁹ Levinas, *Totality and Infinity*, p. 232. See also Cohen, p. 71-72: ‘Death is not only a future that always comes but never arrives; its transcendence is like nothing so much as [...] the approach of another human being’.

in general and with the “meanwhile”, *die Langweile*, of waiting for the already departed train, where self and death do collide as argued against Epicurus back in the first chapter.

In the impossibility of mortality, life is not the eternal postponement of death, but rather *life is death lived in postponement*, or ‘abeyance’ [*toujours en instance*], where one waits for the instant of death one has already died. One is ‘freed from life’ (*ID*, 7). Death is no longer, as Cohen writes, ‘forever future, and hence exterior to the self-presence it constitutes’; death is within the self already, and subjectivity must be declared dead if we are not to put the concept of death to death.⁵⁰

The “I”, as defined by Levinas, ‘is the being whose existing consists in identifying itself, in recovering its identity throughout all that happens to it. It is the primal identity, the primordial work of identification’.⁵¹ It is the continually becoming subject. Moreover, we can acknowledge the infinity of the other only from the position of the “I”: the expression of the Face takes one beyond the self ‘and yet maintains the I who welcomes it’.⁵² This conundrum, so to speak, can be put as follows: if the “I” is through literature revealed as that which cannot recover from death—for that would not be death at all—and thus finds itself always-already crushed in the primacy of death, always unbecoming rather than becoming, then how is alterity to be acknowledged? Moreover, how can there even be maintained, in the collapse of the Same, any notion of the Other? If we are not to put death to death, we must continue to interrogate this paradox of living death—in other words, this “relation” in relational death.

We have already seen Levinas’s answers to these questions—or, rather, he would say that these are not the right questions at all, for death is in the future that never comes. The opposing concept of relational death, however, needs to be further elucidated, and thus, clearly, what is

⁵⁰ Cohen, p. 69.

⁵¹ Levinas, *Totality and Infinity*, p. 36.

⁵² *Ibid.*, p. 51.

at stake here is an ever deeper understanding of the unbecoming subject, the subject under erasure, of what it means to *be* without *being*. In short, alterity, as shall be argued, is best acknowledged by this subject under erasure; except that here it is not the erasure of the same when faced with alterity, but the erasure of subjectivity by what alterity necessarily brings with it: death. On this note, let us go back to *Hamlet*—and one can already see where this is heading.

‘To be, or not to be: that is the question’, and this is indeed the question to end all questions, a question about ends so eloquently phrased without a subject (grammatical or, as argued here, otherwise), and where the subject is neither being nor non-being.⁵³ Levinas too addresses Hamlet’s ponderous monologue, reading it as a contemplation of suicide, asking: ‘Does not the hero of tragedy assume death?’⁵⁴ As discussed above, Levinas concludes, typically, that death is ‘never assumed, it comes’, and adds this crucial passage:

Hamlet is precisely a lengthy testimony to this impossibility of assuming death. Nothingness is impossible. It is nothingness that would have left humankind the possibility of assuming death and snatching a supreme mastery from out of the servitude of existence. ‘To be or not be’ is a sudden awareness of this impossibility of annihilating oneself.⁵⁵

Levinas will later side-line this question, writing some thirty-five years later: ‘To be or not to be—this is probably not the question par excellence’.⁵⁶ As mentioned, the above passage is on suicide specifically: likening the desire for death to insomnia, Levinas explains that, just as in

⁵³ Shakespeare, *Hamlet*, III. 1. 56, p. 96.

⁵⁴ Levinas, ‘Time and the Other’, (p. 72).

⁵⁵ *Ibid.*, (p. 73). In this same section—which is principally a critique of Heidegger—Levinas also reads Macbeth’s death. *Macbeth* has only briefly been discussed in the first chapter, and further discussion on these lines, had there been space enough here, would certainly be fruitful—for is there not, in the later prophecies, also a kind of death sentence, where Macbeth is already dead? And what is one to make of his ‘borrow’d robes’ in relation to both alterity and sovereignty? Shakespeare, *Macbeth*, I. 3. 109, p. 18.

⁵⁶ Emmanuel Levinas, ‘Bad Conscience and the Inexorable’, in *Face to Face with Levinas*, ed. by Richard Cohen (Albany: SUNY Press, 1986), pp. 35-40 (p. 40).

insomnia we are ‘without possible recourse to sleep’, so too ‘this impossibility of nothingness deprives suicide, which is the final mastery one can have over being, of its function of mastery’. Life is ‘an immortality from which there is no escape’, and, he concludes, ‘[t]he notion of irremissible being, without exit, constitutes the fundamental absurdity of being’.⁵⁷ However, the relational death is not a death that can be assumed; it is one given, decreed by the sovereign and simultaneously taken by the third. For Levinas, death cannot be assumed because it lies eternally in the future (and because it cannot be assumed by any “I”); here, however, in death made past, there is nothing to do but live on—not because death never comes, but rather one *lives on* and *with* death because it ‘has already arrived’. Hamlet’s question, then, is not to be understood as the futile hypothetical that Levinas makes it out to be. In being already dead yet living on, we have indeed both *being* and *not being* behind us. If the question is futile, it is not because we—as citizens of the necropolis—can only and irremissibly *be*, but because we can *neither be nor not be*.

Ibbieta’s laughter at the end of ‘The Wall’ may reflect the ‘absurdity of being’ that Levinas describes—a being one cannot escape—and indeed this would be more in line with what Sartre’s philosophy expounds. While it would derail the present argument were we to delve into Sartre on freedom, absurdity, self, alterity, the human, or being and nothingness, suffice it to say it would be incredibly pertinent.⁵⁸ ‘The Wall’, here read as holding ideas that Sartre seems not to entertain, is in fact rather anomalous, and ‘[m]any readers of Sartre, both admirers and detractors, view the ending of his short story [...] as a flaw’,⁵⁹ with, as Alexander Argyros

⁵⁷ Levinas, ‘Time and the Other’, (pp. 48-51). The question of suicide and absurdity, like the beinglessness before birth, is indeed very close to this discussion.

⁵⁸ Speaking of the devil, similarly enriching discussion could be had around Sartre’s *Nausea* and *No Exit* especially, with the latter’s titular theme, setting, three characters, and infamous ‘Hell is other people’ pointing us once more to the demonic other and the relational death. Of course, one could write volumes on how the tenets of *Being and Nothingness* relate to the ones here, and Sartre’s idea that ‘man is *condemned* to be free’, as he writes in *Existentialism is a Humanism*, may be understood very differently here (p. 34).

⁵⁹ Alexander J. Argyros, ‘The Sense of an Ending: Sartre’s “The Wall”’, in *Modern Language Studies*, 18(3) (1988), 46-52 (p. 46).

writes, ‘the “ironical twist” at the end belong[ing] to a tradition of fiction which Sartre specifically repudiates’.⁶⁰ The Third seems to betray ‘a defect in Sartrean existentialism’, though Argyros would go on to say, somewhat bafflingly, that ‘the internal logic of existentialism and the internal logic of literary prose are in fact incompatible’, seeing in Ibbieta’s behaviour only an example of bad faith because he ‘lives as if he were already dead’.⁶¹ Likewise, Kevin Sweeney sees Ibbieta attempting to disengage from his past and in bad faith ‘deceiving himself with his project of disengagement’, as if he were not forced to “disengage” by being cut off from life, quite literally, by the sovereign’s *glaiive*.⁶² The ‘calm’ Ibbieta feels is not the result of “disengagement” but the ‘feeling of extraordinary lightness, a sort of beatitude (nothing happy, however)’ that Blanchot’s protagonist feels after being freed from life (see *TW*, 54; *ID*, 5).

The short story itself, however, posits also a different absurdity, for, after all, Ibbieta has already escaped *being*, as made clear through his numerous reflections on his own corpse and his certainty that, even in leaving the matrices of the “legal” enactment of the death penalty, neither has he survived nor can he be resurrected. He laughs at the absence of choice, that much is true—in Bataille’s words, ‘laughter [as] the sign of aversion, of horror’—but this is not only the horror of the eternal impossibility of *non-being* but also that of the impossibility of *being*, or *being-once-more*.⁶³ One must not forget how Ibbieta’s laughter is simultaneously a weeping, an understanding of how he “misses” death in all its senses as explored earlier. His ‘relation

⁶⁰ Maurice Cranston, *Jean-Paul Sartre* (New York: Grove Press, 1962), pp. 24-25, as quoted in Argyros.

⁶¹ Argyros, pp. 47-48.

⁶² Kevin W. Sweeney, ‘Lying to the Murderer: Sartre’s Use of Kant in “The Wall”’, in *Mosaic*, 18(2) (1985), 1-16, p. 6. Sweeney’s discussion of the debate between Kant and Benjamin Constant, of lying to a murderer who seeks your friend, is interesting in light of the present discussion, as a dynamic between *three*.

⁶³ He goes on: ‘What the hearty laugh screens from us [...] [is] the identity between being and non-being, between the living and the death-stricken being’. Georges Bataille, preface to ‘Madame Edwarda’, in *The Bataille Reader*, pp. 223-36 (pp. 224-25).

without relation' to Gris, the third, exposes only what can be phrased, in Blanchovian terms, as "being without being".⁶⁴

Though likewise "irremissible" and constituting 'an immortality from which there is no escape', this state of living (as living on, as a corpse, as the unbecoming subject beyond being and non-being) cannot be relegated, as Levinas does, to *human life* or the *human being*. No longer allowed to participate in the realm of life and death, as Pablo is, we see how a wall frustrates all desire to escape: "I'll see eight rifles looking at me. I'll think how I'd like to get inside the wall. I'll push against it with my back... with every ounce of strength I have, but the wall will stay, like in a nightmare' (*TW*, 59). Utopia, according to Levinas, has no walls: 'The openness of space as an openness of self without a world, without a place, *utopia*, *the not being walled in*, inspiration to the end, even to expiration, is proximity of the other which is possible only as responsibility'—and, thus, this is the wall of the necropolis.⁶⁵

Taking the death penalty as constitutive of the human, therefore, is to be unable to find solid ground, a grounding or foundation under our feet, just like the trapdoor of the gallows that has opened up underneath us. In being beyond *being* and *non-being*, one finds not ground but a wall.

The Human Thing

The *impossibility of living*, the *impossibility of being*. One is back to 'the viewpoint of common sense', the primary antagonist to this line of thought—for even when everything is stripped away, in the starkest solipsistic moment, is not the one certainty that you *are*? Even language

⁶⁴ See Maurice Blanchot, *The Space of Literature*, trans. by Ann Smock (Lincoln and London: University of Nebraska Press, 1982), p. 96.

⁶⁵ Levinas, *Otherwise Than Being*, p. 182. My emphasis.

struggles: “being beyond being”, the previous section expounds, floundering. To doubt these claims is only the human thing to do. However, any troubling of the *Jemeinigkeit* leads us to question the boundaries between being and non-being. This may not be at all possible. One recalls one of the inscriptions in Cincinnatus’s cell, the protagonist of Nabokov’s *Invitation to a Beheading*, as quoted in the epigraph but which bears repeating: ““Measure me while I live—after, it will be too late”” (*IB*, 14).

In Derrida’s ‘Foreword’ to *The Wolf Man’s Magic Word*, he reminds us that, between the self and the other, ‘[t]he dividing wall is *real*’. This recalls the earlier unanswered problematic of how relationality can be maintained when, in death, subjectivity is crushed. How is the wall breached, and where does the Third come from, always too late to save us from the death penalty, if subjectivity is no longer (having been condemned) and there is thus neither *totality* nor *infinity*, where both self and other are already dead? In being beyond *being* and *non-being*, one is in the realm of the ‘nameless’ and ‘inhuman’, before ethics or ontology. Is this the anonymous existence that is the *il y a*?

It is only natural, in this context, to turn to one of Levinas’s earliest concepts as expounded in *Existence and Existents* and *Time and the Other*, containing what he describes around thirty years later as ‘insights that remain at best preparatory’ and which precede the development of notions such as *le visage*, ethics, language, sociality, and God.⁶⁶ In the decomposition of the unbecoming subject, revealing the extent of death in life (or being without being) as that which troubles even the alterity of the Other (as consequence of condemning the Self), one is returned to an existence lacking existents, without faces or words.

The *il y a* may be translated as the “there is...”: the anonymous, silent, absolutely indeterminate night ‘empty even of void’, where there are no longer subjects or objects, a ‘paradoxical

⁶⁶ Emmanuel Levinas, ‘Preface’, in *Time and the Other*, pp. 29-37 (p. 33).

existence' where there is neither *being* nor *non-being* ('void'), but simply 'the presence of absence' (*EE*, 59-60). The world (as understood in the Heideggerian sense) is absent, and there is neither "I" nor "You". The *il y a*, writes Levinas, 'transcends inwardness as well as exteriority; it does not even make it possible to distinguish these'; it 'submerges every subject, person, or thing', 'the I is itself [...] invaded, depersonalized', and, here, '[t]he disappearance of all things and of the I leaves what cannot disappear, the sheer fact of being in which *one* participates, whether one wants to or not, without having taken the initiative, anonymously', even though this is, however, 'no longer an existence of the one' (*EE*, 52-53, 56).

Levinas conceives this in response to Heidegger's anxious condition of being-toward-death: one is horrified, Levinas argues, not by the nothingness of death but by the 'condemnation' that is Being that cannot be exited (where to live is to be immortal, death forever postponed to a future that never comes), and it is noteworthy that the defining *Stimmung* of the *il y a* is horror and not anxiety. This is 'the seriousness of eternity, that is condemnation', where the self discovers the 'impossibility of disengaging itself from the eternity upon which it has opened' (*EE*, 23). As Levinas asks: 'Is not anxiety over Being—horror of Being—just as primal as anxiety over death? [...] It is perhaps even more so, for the former may account for the latter' (*EE*, 5). Through being-in-the-world, one realises how '[t]he I does not turn to existence; it is enthralled by it. One possesses existence, but is also possessed by it' (*EE*, 39). However, there is also possible 'an interval in existing' (through fatigue and world-weariness, for instance) where we can glimpse the *il y a*, for '[i]t is not by being in the world that we can say what the world is' (*EE*, 39, 43, 34).⁶⁷

In this primordial and 'antecedent' night, before one's birth (whether physical or onto-phenomenologically), we find articulated the very condition of the living corpse as understood

⁶⁷ Levinas primarily mentions art as that which frees from inwardness (see *EE*, 45-51).

in this thesis (*EE*, 8). One no longer *is*; *there is* no being: the self is depersonalised and made anonymous, ‘nameless’ and ‘inhuman’, a being without Being; and in this anonymity one finds that alterity can, likewise, neither be distinguished nor acknowledged (not even as transcendent). There is also no *non-being*, no nothingness: as Levinas writes, ‘this nothing [of the *il y a*] is not that of pure nothingness. There is no longer *this* or *that*; there is not “something”’, and ‘this universal absence is in its turn a presence, an absolutely unavoidable presence’, one ‘full of the nothingness of everything’ (*EE*, 52-53). To experience this ‘plenitude of the void’ is to live on through the cleaving paradox of the unexperienced experience, the unbecoming subject shedding *subjectivity* and *being* but remaining *there*, and this ‘whether one wants to or not’: the condemnation to death that is impossible to be willed, the paradox of “living death” or “dead man walking”, where the third steps in to die in-stead without waiting for permission.⁶⁸ In the necropolis, through which Narcissus floats on a ferry, the night is truly stygian.

As described here and in ‘The Wall’ (and in Hugo especially), this night is menacing: ‘[t]he rustling of the *there is*... is horror’. In the undetermined existence that is *il y a*, horror is ‘a movement which will strip consciousness of its very “subjectivity”’, where ‘[t]he participation of one term in another does not consist in sharing an attribute; one term *is the other*’. Levinas once more stresses how this horror ‘is nowise an anxiety about death’, but the horror of ‘the subjectivity of the subject, his particularity qua *entity*, [turned] inside out’: a fear of Being. This is, crucially, epitomised for Levinas by the figure of the corpse: ‘A corpse is horrible; it already bears its own phantom, it presages its return. The haunting spectre, the phantom, constitutes the very element of horror’ (*EE*, 55-56).

⁶⁸ Levinas, ‘Time and the Other’, (p. 46).

Levinas's corpse returns because, for him, one cannot dwell in the necropolis that is the *il y a*. One returns to *being*, and this is done in an *instant*. The "instant", for Levinas, is precisely that moment where the anonymous existent takes up existence, where 'to be means to take up being' (*EE*, 25). This is what Levinas terms the "hypostasis", where being accomplishes in-Being in an instant, where and when 'anonymous being loses its *there is* character' and signals 'the apparition of a substantive', of an "I" or "Other" now chained to a self (*EE*, 83). This instant of becoming-subject or 'event occurs at every moment', a continual 'struggle for life' where '[t]o act is to take on a present' and where 'effort [and "effort" may here be read as quasi-synonymous with Hegelian work and habit] is the very effecting of an instant' (*EE*, 8, 10, 15, 23). This is, for Levinas, the way out of the *il y a* that is continually exited in favour of Being without exit: a moment of instantaneous action through which the subject emerges, where '[t]he "present", the "I" and an "instant" are moments of one and the same event', that is, a birth, beginning or becoming, the taking up of and taking position from existence (*EE*, 80). From this instant, Critchley notes, there is 'the establishment of the ethical relation as the basis of sociality' (*VA*, 65).

Levinas notes, in support of his argument, that Blanchot's *Thomas l'Obscure* 'opens with a description of the *there is...*'; however, Levinas would have found a very different version of the *il y a* had he been able to foresee *The Instant of My Death* (or any other work of Blanchot's, especially *Madness of the Day* or *Death Sentence*, the latter published only a year after *Existence and Existents*) (*EE*, 58). There is only one change, but the change is radical. In *The Instant*, as in the other literary works examined so far, the "instant" is not when Being is taken up and an "I" is born, but, diametrically inverse, where subjectivity is divested of its being, returned to the *il y a* and reminded of the impossibility of life. It is not Being which has no exit, but the *il y a* itself. This is the literature of death as first philosophy.

The ‘condemnation’ is revealed to be not *being*, as Levinas propounds, but the *il y a*, where to be condemned to death is to occupy the unbecoming state of the living corpse as neither *being* nor *non-being*. For Levinas, the subject *becomes*; in existence under the death penalty, though, the subject *un-becomes*. In the instant which happens continually, one is not condemned to life but to death—to live under a time that kills, where no ‘effort’ or ‘struggle for life’ is possible—and the corpse, if it returns, returns only *as* corpse. ‘To “realize” the concept of nothingness’, Levinas writes, ‘is not to see nothingness, but to die’: for Levinas, just as dying is impossible, so too is the realisation of this nothingness (*EE*, 60). The literary works here are in concordance with this—indeed, to realise the *il y a* is to die—only, they reveal, we are already living the relational death.

To *become being*, when one takes up a name and a self, is to lose anonymity: ‘existence in the world always has a centre; it is never anonymous’ (*EE*, 29). One thus recognises here how the *il y a* is also a deconstructive space, a decentralisation of existence and subjectivity, the fulfilment of the prophecy by Derrida’s angel of deconstruction. Indeed, the necropolis, as the thanatopolitical realisation of the *il y a*, might be read very much in line with space of the *chora*.

The *chora* (or *khôra*, as Derrida preferred) is originally a Platonic concept presented in *Timaeus* which Derrida reads, beyond Plato, as both “place” and the placeless-ness from which the very possibility for place arises, where place *takes place*.⁶⁹ *Chora* is thus, as Brandon Wocke writes, ‘unable to be assimilated into the dualistic Platonic schema precisely in so far as it is a *third* form, oscillating between two poles of being’.⁷⁰ It is what Yvonne Sherwood and John D.

⁶⁹ See Plato, ‘Timaeus’, in *Gorgias and Timaeus*, ed. by Tom Crawford, trans. by B. Jowett (Mineola: Dover Publications, 2003), pp. 188-249 (especially pp. 213-14).

⁷⁰ Brandon Wocke, ‘Derrida at Villette: (An)aesthetic of Space’, in *University of Toronto Quarterly*, 83(3) (2014), 739-55 (p. 741). Emphasis added. Wocke’s essay deals with the fascinating transcripts, essays, and sketches recording Derrida’s collaboration with Peter Eisenman and Bernard Tschumi, who were to create a “garden” for *Parc de la Villette*, drawing inspiration from the idea of the *chora*, but which ultimately failed to be

Caputo call ‘the place of nongift, that which ungives, [...] closer to the French *il y a* rather than *Es Gibt*’—here an echo of what has earlier been argued, that the gift can no longer be apprehended or anticipated, a ‘dissolution’ where ‘death is all in all’.⁷¹

The *chora* is not the middle-ground (or, phrased in line with the vocabulary here, the *no man’s land*) that in some way synthesises being and non-being. This is why dwelling in the *il y a* as understood here is never to be understood as being *between* being and non-being, but rather as being *before, beyond, or at the limit* of being and non-being.⁷² It is ‘the very invisibility [or anonymity] of visibility’ that shines with ‘nocturnal light’, ‘prior to all naming’, where there is only ‘existence of the most extreme abstraction [...] prior to all social or political determination, prior to all intersubjectivity’. The *chora* does ‘not [allow] itself to be dominated by any theological, ontological, or anthropological instance, without age, without history, and more “ancient” than all oppositions’; it is ‘nothing (no being, nothing present), but not the Nothing which in *Dasein* would still open the question of being’; this is ‘the very place of an infinite resistance, of an infinitely impassable persistence [...]: an utterly faceless other’.⁷³ The fiction of the death penalty, then, foregrounds an element central to autothanatography: not only the *impossibility* but also the *impersonality* of life, life without *a name*, life that cannot be called life—*faceless* life, as shall be further explored in the following chapter.

created because of budgetary reasons. See Jacques Derrida and Peter Eisenman, *Chora L Works*, ed. by Jeffrey Kipnis and Leiser Thomas (New York: Monacelli Press, 1997).

⁷¹ Yvonne Sherwood and John D. Caputo, ‘Otobiographies, Or How a Torn and Disembodied Ear Hears a Promise of Death [A Prearranged Meeting between Yvonne Sherwood and John D. Caputo and the Book of Amos and Jacques Derrida]’, in *Derrida and Religion: Other Testaments*, ed. by Yvonne Sherwood and Kevin Hart (New York and Oxon: Routledge, 2005), pp. 209-239 (pp. 213, 233).

⁷² In Samuel Beckett’s words, this would be an ‘[u]nmoreable unlesable unworseable evermost almost void’. Samuel Beckett, ‘Worstward Ho’, in *Company / Ill Seen Ill Said / Worstward Ho / Stirrings Still*, ed. by Dirk Van Hulle (London: Faber and Faber, 2009), pp. 79-104 (p. 101). For more on Beckett’s entire oeuvre and how it relates to the present discussion, see Critchley’s *Very Little, Almost Nothing*.

⁷³ ‘Faith and Knowledge’, p. 55, 57-59. The original text quoted here is all italicised. This passage can be read as both extension and distillation of what Derrida writes three years earlier in *Khôra* (1993): see Jacques Derrida, ‘Khôra’, trans. by Ian McLeod, in *On The Name*, ed. by Thomas Dutoit (Stanford: Stanford University Press, 1995), pp. 89-127. The two other essays in *On The Name*, along with Dutoit’s introduction (which also includes a translation of the unbound insert that served as an introduction to the original three publications that are here published together), also feature what would here be very relevant commentary on the name.

Before moving on, it is important to take further note of Levinas's reference to Blanchot's fiction; on this, Critchley provides additional insight. While he observes considerable differences between Blanchot and Levinas in their respective estimation of literature and ethics, he sees much in common in their view of death—particularly, the impossibility of death, and our 'being riveted to an existence without exit'; 'this experience of the night', Critchley writes, 'is the experience of a dying stronger than death' (VA, 36; see 68). The *il y a*, Critchley states, is something fundamental to both Levinas and Blanchot. He supports Levinas's idea that this is shared in *Thomas the Obscure* (citing a convincing passage from the novel as a chapter epigraph), and furthermore brings in *The Instant of My Death* to reveal this shared concept. 'My claim', he writes, 'has been that the *il y a*—this vertiginous knowledge of finitude—is the secret of Blanchot's work' (VA, 76; see 35).

However, one cannot read in *The Instant* an idea of the *il y a* that is identical to Levinas's. How can the idea of the impossible death and immortal life be found in the short narrative as read here, where the condemned protagonist is 'freed from life' and comprehends 'the happiness of not being immortal or eternal' (*ID*, 5)? While death is for the protagonist 'forever in abeyance', this is not the immortal life forever postponing death, as the last sentence emphasises lest we forget: "I am alive. No, you are dead". 'Mort-immortel'—the sequence, like Shakespeare's 'exits and [...] entrances', is important: the young protagonist is not immortal because he never dies, but because he is already dead.⁷⁴

The Instant, therefore, reveals not only 'the experience of a dying stronger than death' but also the experience of death itself, the paradoxical unexperienced experience where to live is *to live on with (relational) death*, where one has always died-already. 'In the *il y a*, death is impossible,

⁷⁴ William Shakespeare, *As You Like It*, ed. by Barbara A. Mowat and Paul Werstine (New York and London: Washington Square, 2004), II.7.148, p. 83. Blanchot writes elsewhere: 'Mortal, immortal: does this reversal have any meaning?'. The answer here is yes. Maurice Blanchot, *The Writing of the Disaster*, trans. by Ann Smock (Lincoln and London: University of Nebraska Press, 1992), p. 119.

which is the most horrible of thoughts', Critchley goes on; however, in the *il y a* revealed in *The Instant*—the instant not of hypostasis but of the condemnation of subjectivity—it is also life which is impossible (VA, 77). Whether this thought is horrible or not shall be discussed further on, but already, in the absence of the tragic, where one may find 'a sort of beatitude' or 'calm', one intimates an answer.

One thus realises that Blanchot's 'other or essential night' is indeed one 'in which one cannot find a position, where the body refuses to lie still', 'the spectral night [...] of phantoms, of ghosts'; accordingly, reading Blanchot is where 'one is drawn from daylight into an experience of the night' (VA, 36). In this *il y a*, however, just as the transcendence of alterity is erased, so is the futurity and impossibility of death. Critchley writes how 'the only relation that the living can maintain with death is through a representation, an image, a picture of death, whether visual or verbal', and where 'the relation with death is always a relation with *my* death' (VA, 86-7). The death penalty, however, makes that relation with death far more than mere representation: rather, it is a lived (unexperienced) experience for all of us condemned to death through the sociality created by the death penalty, where one finds the 'Isaianic paradox', as pointed out by Sherwood and Caputo, where 'the people have achieved the impossible and "made a covenant with death."' ⁷⁵ In the *il y a* that disables all possible distinction and eradicates the "I" as the 'one', there can be no such thing as "my" death.

One can agree with Critchley, on the other hand, when he says that, for him, 'what opens in the relation to the other is not, as Levinas would have it, the trace of the divine, but rather the trauma of the *il y a*' (which Critchley terms "atheist transcendence") (VA, 40). In finding ourselves reading Levinas backwards—bringing to bear on Heideggerian ontology not his ethics but his *il y a* as pre-ontology, simultaneously sloughing off and putting into question

⁷⁵ Sherwood and Caputo, pp. 237, 216.

ethics, alterity, language, and so on through decomposition or *unbecoming*, that continual instantaneous exit from Being into a space that is neither being nor non-being—we may, with Critchley, ask whether the *il y a*, like the ‘revenant that returns [...] again and again to the moment of nonsense, neutrality and ambiguity’, is ‘ever surmounted in Levinas’s work’ (VA, 92, 90).

In a move echoing Levinas’s reworking of Heidegger’s title *Being and Time* into *Time and the Other* (shifting away from Narcissism to altruism), one might refer to this neutral, ambiguous, and nameless existence of the unbecoming subject as the *human thing*. Similar to Levinas’s substitution of “Being” with “Other”, here the “being” of “human being” is replaced with “thing” as a reflection of death no longer eternally in the future but rather in the now, where one is the living corpse. As Blanchot writes, in part echoing Silenus, ‘death is the greatest hope of human beings, their only hope of being human’.⁷⁶ With death no longer a hope or impossible possibility, the dead body that is the corpse is, as Heidegger emphasises, no longer a person or a human being: it is ‘a *lifeless* material Thing [...] something *unalive*, which has lost its life’.

The etymological roots of “thing”—referring to “thing” as an inanimate object (without *anima*, Heidegger’s corpse) as well as ‘entity’ or ‘creature’, ‘event’, ‘appointed time’, ‘stretch or extent of time’, to ‘draw out or draw together’, ‘assembly’, ‘law court’ and ‘legal case’—greatly elucidate the present use of the word.⁷⁷ All of these notions, sketching the figure of the non-

⁷⁶ Maurice Blanchot, *The Gaze of Orpheus*, ed. by P. Adams Sitney, trans. by Lydia Davis (New York: Station Hill, 1981), p. 55.

⁷⁷ ‘Old English (685-6) *thing* meeting, assembly; later, entity, being, matter (before 899); also, act, deed, event (about 1000); cognate with Old Frisian and Old Saxon *thing* assembly, action, matter [...]. Old High German *ding* assembly, lawsuit, thing (modern German *Ding* matter, affair, thing), Old Icelandic *thing* assembly, meeting, parliament, council (Norwegian *ting* assembly, being, creature, thing). Swedish *ting* court session [...]. Gothic has the cognate *theis* time, appointed time [...] suggesting that the original Germanic sense of *thing* may have been “day of assembly,” ultimately from a base meaning “stretch or extent of time” (from Indo-European **tenk-* draw out, or draw together [...] and related to the source of Old English *thennan* stretch out [...]). Similar semantic developments are found in the Romance languages, in which Latin *causa*, legal case, has given rise to French *chose*, Italian and Spanish *cosa*, all meaning “thing”. Chambers, p. 1134.

theological, non-ontological, and non-anthropological human thing, shall be discussed in due course.

In this thesis, the “thing” was first mentioned vis-à-vis Kant’s justification of the death sentence, which he uses to refer both to animals and to the condemned man who, through crime punishable by death, ‘turns himself into a thing’, like an animal or something perhaps even ‘below the beasts’. Here is the *homo phenomenon*, the “man” who is just a body and nothing more, whom Derrida describes as ‘nothing and nobody, in a certain way’—in other words, anonymous—where what is killed by the sovereign’s *glaiive* is no longer human, no longer a person. Schopenhauer’s notion of bestiality echoes Kant here—bestiality being ‘a condition in which, quite literally, there is nothing which elevates the human being above the animal’ (and this he views negatively)⁷⁸. One almost hears Cassio’s lamentation, too, when he cries: ‘I have lost the immortal part of myself and what remains is bestial’.⁷⁹ Indeed, the living corpse seems to bridge the gap between contrasting and anthropocentric dichotomous definitions of man and animal, whose being is excluded from Heideggerian ontology—or even between man and plant.⁸⁰ Other previous points converge in this notion of “thing”, too, though not very lengthy discussion can be afforded these in attempting to name the nameless as understood here: the Lacanian concept of *Das Ding*,⁸¹ for instance, or the Hegelian slave (at least its historical aspect which Alain Badiou accuses Hegel of neglecting) that is the attempt to ‘*identify the slave with*

⁷⁸ Julian Young, *Schopenhauer* (London and New York: Routledge, 2005), p. 169-70.

⁷⁹ William Shakespeare, *Othello*, ed. by Burton Raffel (New Haven and London: Yale University Press, 2005), II. 3. 247-8, p. 88.

⁸⁰ On this, one might look, for instance, to *The Vegetarian*, where the protagonist Yeong-hye passes ‘into a border area between different states of being’ in ‘trying to shuck off the human’. Han Kang, *The Vegetarian*, trans. by Deborah Smith (London: Portobello Books, 2015), pp. 70-71, 85.

⁸¹ Lacan, pp. 46, 56. Lacan also brings up the German *die Sache*, to be distinguished in psychoanalysis from *das Ding* despite sharing etymological connotations (pp. 43-44). For a very relevant discussion relating Lacan’s *Das Ding* both to Freud’s *Nebenmensch* and to Levinas’s ethics, see Critchley, ‘Das Ding: Lacan and Levinas’.

a thing. The real slave is not simply he who can work the thing to offer it to the master; he is himself thing-ified, treated like, sold as, bought as a thing'.⁸²

Leaving for the next chapter the last set of associations with the word “thing”—as ‘legal case’, ‘law court’, or, in Lacan’s words, ‘a proceeding, deliberation, or legal debate’—let us begin to close this chapter with the idea of “thing” as “assembly”, as the aggregation of a multitude, as congregation or coalescence rather than as political assembly.⁸³

In the *il y a*, [t]he participation of one term in another does not consist in sharing an attribute; one term *is the other*’—here is the rigorous opposite of the sociality enabled by the third, the ‘collectivity that is not a communion’. With Agamben already ringing in our ears, here one becomes so intimate with another that an “I” or “You” is no longer discernible (and, indeed, the idea of sex presents itself most clearly here, and should never be kept at a distance from any understanding of death—the *relational death* may also be understood as a *sexual relation*—and, if taken in its present significations, would further the discussion of both clothing and the act of taking off one’s coat: nudity).⁸⁴

And so we are returned, for the last time, to the question: if we are indeed, as humankind, best understood as living corpses, and this state, in its paradoxical nature, finds a home only in homelessness, the (non-)place that is *chora* or *il y a* without exit, then how is there a sovereign who condemns, or a third who dies in-stead? While we remain outside Narcissitic egoity

⁸² Badiou, p. 44.

⁸³ Lacan, p. 43. While definite links could be drawn between “assembly” as discussed here, in its multifarious resonances, and Gilles Deleuze and Felix Guattari’s theory of assemblage—as multiplicities that are ‘neither a part nor a whole’—such work must be left for elsewhere. Thomas Nail, ‘What is an Assemblage?’, *SubStance*, 46(1) (2017), 21-37 (p. 23).

⁸⁴ For Levinas on clothes and nudity, see especially *EE*, 31. Of course sex and death have a long history and a unique relation, one grounded in the disappearance of self and identity, the “*petite mort*” (although this relation is often clumsily intermeshed with the concept of love). Looking at this relation critically, one can mention—apart from de Sade, an important figure for Blanchot—several works of Bataille’s and the many works, such as those by Leo Bersani, interrogating the links between identity, sex, and death through AIDS. For a more general overview of the interrelation, see, for instance: Beverly Clack, *Sex and Death: A Reappraisal of Human Mortality* (Cambridge and Malden: Polity Press, 2002).

because the human *being* has been killed, what kind of relation can exist when both life and death are impossible?

An answer may be found in understanding the *chora*, as Derrida does, as the originary place of ‘the faceless other’. While Levinasian thought exits the impasse just described through the instant of hypostasis, what would it mean to think the faceless other? In Levinasian thought, this would be impossible—the Face *is* the Other; the Other without a face would be the Same. In Derridean thought, it is impossible to properly think this at all, just as the *chora* can be neither realised nor a place of residence, for the notion of the Other in the Same is still housed in notions of living subjectivity. In literature, however, this thought—of the Other that is the Same, where one term *is* another—is possible through the twin face.⁸⁵

When a face gazes upon its twin, it sees something that is *both* Other and Same as well as *neither*; the doubled face, the excess of identity, is also its lack, the faceless. This is the doubled Hippocratic face of the condemned men in ‘The Wall’, who in living death ‘looked as much alike as twin brothers’. This is Darnay’s face, Carton’s ‘counterpart’: the two already looked very much like each other, and, upon Carton’s removal of his wig, ‘the likeness became much more remarkable’ (*TC*, 77).⁸⁶ This is Chavel’s face, whose ‘face had *altered* somewhat, [...] but it was still, if carefully examined, *the same face*’.⁸⁷ The Face is, of course, more than the physical face: the twin face is also, then, the excess of doubled identities (‘Charlot [...] watched not only Carosse—a mirror on the wardrobe door reflected both of their images’) and doubled names (‘Jean-Louis Ch... [...] stood of course as plainly for Charlot as for Chavel’). This is

⁸⁵ While this cannot be discussed at length, one thinks not only of the idea of the double and the twin face from *Twelfth Night*’s Sebastian and Viola stretching back to, for instance, the myth of Romulus and Remus, but also, in light of the present interest in death, the doppelgänger, that antithetical twin stranger that often ominously prophesises the end. E.T.A. Hoffman’s *The Devil’s Elixirs* is another fecund tale where the protagonist’s doppelgänger is condemned to death instead.

⁸⁶ Of the few illustrations in the Penguin edition, one of these depicts this doubling as ‘The Likeness’. See *TC*, p. 78.

⁸⁷ Emphasis added. The one who took Chavel’s death is named Janvier, perhaps a conscious echo of Janus, the two-faced god of duality in one.

the disguise of alterity as ipseity, when the Other takes one's coat and wears it as their own; it is the *making same* of execution, as that which is assassination and slaughter alike. In this living death, the human thing as the human assembly is equivalent to the chain-gang, condemned men assembled together, where 'each man bears his chain by himself, side by side with a stranger' yet simultaneously where one is 'no more than a fraction of the hideous entity called the chain-gang, that moves as one man' (*LD*, 46). This is the 'absolute *arrivant*' who annihilates or renders indeterminate 'all the distinctive signs of a prior identity'. Why does the Other who dies in-stead die with my own face?

While not ignoring Nabokov's rich and purposefully indeterminate ideas in *Invitation to a Beheading*, such as his stated intention of revealing the limits of fiction and literature itself, the novel's situation—that of a death sentence—opens a way towards answering this question, especially when reading the novel as being, 'in essence, a poetic paraphrasing of Plato's *Timaeus*', where one first finds the notion of *chora*.⁸⁸

The novel may at first seem to posit the Levinasian concept of death, self, and hypostasis, the necessary exit from the *il y a* which must always be exited in order to become the becoming-subject. Note how Cincinnatus C., the protagonist condemned to death, describes himself:

I issue from such a burning blackness [...] that to this day I occasionally feel (sometimes during sleep [...]) that primordial palpitation of mine, that first branding contract, the mainspring of my "I". How I wriggled out, slippery, naked! Yes, from a realm forbidden and inaccessible to others (*IB*, 67).

⁸⁸ Svetlana Kozlova, 'The Utopia of Truth and the Gnoseology of the Severed Head in *Invitation to a Beheading*', trans. by Vladimir Talmy, *Russian Studies in Literature*, 37(3) (2001), 6-17 (p. 7). One must also keep in mind how '[f]or every possible allegorical reading of the novel there are portions of material that fail to fit', though this is true for all literary works discussed here. Leona Toker, *Nabokov: The Mystery of Literary Structures* (Ithaca and London: Cornell University Press, 2016), p. 127.

Is this not exactly the emergence of the “I” from the ‘primordial’ and ‘forbidden’ night or ‘blackness’ that is the *il y a*? Is this not exactly what we have seen should be impossible under the death penalty, where the “I” of Cincinnatus, in being made to collide with death, is affirmed rather than condemned to anonymity? However, if this is indeed the case of hypostasis, then why can Cincinnatus not find the Other, the alterity that necessarily constitutes the “I” and that comes before it in the world?

Indeed, everyone around him is *recognised* not as other but as merely ‘indistinct figures’ or “‘dolls’”: “‘I am surrounded by some sort of wretched spectres, not by people’”, he cries (*IB*, 40, 86, 21). To his mother, he says: “‘I can see perfectly well that you are just as much of a parody as everybody and everything else’”, and in a letter to his wife, he writes: ‘understand that they are murdering me, that we are surrounded by dummies, and that you are a dummy yourself’ (*IB*, 102, 111). Despite the apparent hypostasis, then, Cincinnatus can find no trace of the other, just more of the same. There is no Face for him to behold: ‘This cold ochre [of his cell] smelled of the grave [...], yet his gaze still persisted in selecting and correlating the necessary little protuberances—so starved he was for even a vague semblance of a human face’ (*IB*, 96).

The Third, furthermore, does not here die in-stead. In fact, Cincinnatus is presented with two “thirds”. The first, a twelve-year old girl named Emmie, the prison director’s daughter, promises to help him escape—but when Cincinnatus follows her outside the jail, she only leads him back inside. The second one, M’sieur Pierre, is described as the protagonist’s ‘fate-mate’ and presents himself as the other condemned man, claiming that he ‘was accused of attempting to help [Cincinnatus] escape from here’, and tells him: ‘I ended up here because of you. And I’ll tell you more: we shall mount the scaffold together, too’ (*IB*, 83-85). While this is not a lie—as M’sieur Pierre says, he does not lie, and we are further duped because both Cincinnatus and Pierre are thirty years old, as twins would be—he is later un-disguised as Pyotr,

Cincinnatus's would-be executioner, for whom meeting the condemned 'face to face only at the last instant before the sacrament itself' is 'the barbarity of long-bygone days' (*IB*, 138). Here is the third who does not step in at the last instant to die in-stead, the third who does not face: the other is here faceless.

Moreover, the world Cincinnatus "inhabits" is itself not real. As he wonders: "But what if this is only deception, a fold of the fabric mimicking a human face..." (*IB*, 87). This is only heightened as the novel progresses, culminating at the end where other characters, like actors, inexplicably change their roles and appearance completely, and the world starts disintegrating, like a stage falling apart: the spider that had occupied his cell is revealed as being only a plush copy, trees are two dimensional with amateur shading, and the back rows of the crowd gathered to see him beheaded are 'really quite badly daubed on the backdrop'—by the end, Cincinnatus 'knows perfectly well that the entire masquerade is staged in his own brain' (*IB*, 177, 172).

Let us leave to one side a reading of the theatricality (or even technology) of the death penalty through Nabokov. What is one to make of this Cincinnatus who is the only real human, and who can acknowledge 'beings akin to him' only in the last line of the novel, when the world has quite literally fallen apart (*IB*, 180)? What is this fake world?

This world can here be read as "world" in the ontological sense, to which Cincinnatus does not belong; he is, in fact, condemned to death because of his very non-being. This is the illusory world of mortality and being as being-towards-death. As the epigraph of the novel highlights, written by Delalande ('an invented, apparently Gnostic sage', as Dale Peterson explains): 'As a fool thinks himself God, we think ourselves mortal'.⁸⁹ This Gnostic statement is directly linked to the reason for Cincinnatus's condemnation. He is condemned because he is 'opaque',

⁸⁹ Dale Peterson, 'Nabokov's *Invitation*: Literature as Execution', in *Nabokov's Invitation to a Beheading: A Critical Companion*, ed. by Julian W. Connolly (Evanston: Northwestern University Press, 1997), pp. 66-92 (p. 88). The epigraph is my translation.

‘pitch-black [...] as if he had been cut from a cord-size block of night’, and in his stygian form ‘there was expressed the suggestion of Cincinnatus’s basic illegality’ (*IB*, 12-13, 17). The tests he is forced to go through make him ‘enact everyday scenes’, testing him for life through small talk, illnesses, or trades, but he is ultimately accused of ‘gnostical turpitude, so rare and unutterable that it was necessary to use circumlocutions like “impenetrability”, “opacity”, “occlusion”’ (*IB*, 17, 51). The crime he is charged with, as James Porter puts it, is a ‘crime against reality itself’, the “reality” of mortality.⁹⁰

The “I” of Cincinnatus emerged from ‘primordial’ and ‘burning blackness’, and yet he is still archaically opaque, anonymous, a state which in the novel can be described only through ‘a strange, almost forgotten word’ that is foreign to the world of mortality (*IB*, 18). He is not mortal, like those around him—but neither is he the immortal self of Levinas. As evidenced by the false world in which he resides, he has never left the blackness, the *il y a* without exit or *chora*, and neither can he acknowledge nor be acknowledged by the other.

He is the living corpse, the decomposing and unbecoming subject. He sheds not only his body parts (‘He took off his head like a toupee, took off his collarbones like shoulder straps, took off his ribcage like a hauberk’—*IB*, 19) but also his ontological *being*:

I had a strange sensation last night—and it was not the first time—I am taking off layer after layer, until at last... I do not know how to describe it, but I know this: through the process of gradual divestment I reach the final, indivisible, firm, radiant point, and this point says: I am! (*IB*, 66).

As he dis-assembles and “divests” himself of being (removes the *vestis*, garment or clothing), he knows only that he *is*. As previously stated, the human thing *is*, but *how* it is—Heidegger’s

⁹⁰ James I. Porter, ‘The Death Masque of Socrates: Nabokov’s *Invitation to a Beheading*’, *International Journal of Classical Tradition*, 17(3) (2010), 389-422, abstract (p. 389).

question—remains, like Cincinnatus himself, opaque and inexpressible. The death sentence ‘strikes at the very ontological root of his being’, and his “I am”, as Porter goes on to argue, is by no means Cartesian in that it cannot find itself at home in the here and now of the world.⁹¹ In this way one can understand Cincinnatus’s incomplete sentence, a reflection of his perennially incomplete and decomposing being: ‘I am comparatively’ (*IB*, 2).

‘All the world’s a stage’ because one can see, through *Invitation*, that the idea of mortality is merely assumed, just as one would take on a role in a theatre production.⁹² In this context, the *il y a* that comes before being may be likened by analogy to the originary Platonic Form, and hence why Cincinnatus cries, referring to the “world” around him, that ‘there must be an original of the clumsy copy’ (*IB*, 69-70). There is, however, no exit from Plato’s dark cave into the light—like Antigone, one is caved in.

For Cincinnatus, proper death is ‘forever in abeyance’ (he is never told the hour of his death, and, when the execution is about to happen, he simply walks away), and, consequently, so is “proper life”. He can only live on through the impossibility of life, forever condemned. The impossible statement “I am dead”, which *Invitation* and the other literary works discussed here all express (and this in a very similar way, through a meditation of the death penalty), paradoxically retains both the “I am” as well as the non-Levinasian collision or assemblage of the “I” and death, where death cannot be mine because the “I”—subjectivity—has been killed. Such an entity or thing, for this is no longer a being, can only be housed without recourse in the necropolis, the *il y a* or *chora* that is anonymous.

⁹¹ Porter, (p. 400). Though thinking on different lines, Porter’s argument that Cincinnatus ‘has become trapped in Plato’s cave’ maps extremely well unto the current discussion of the *il y a* without exit (see Porter, (especially pp. 396-99)). This entire discussion can be related to Nabokov’s own world-view, evidenced most clearly by his comments on Nikolai Gogol (see Porter, (p. 392)) and how he says of *IB* that ‘the worldling will deem it a trick’ (Nabokov, ‘Foreword’, in *IB*, pp. vii-ix (p. ix)).

⁹² *As You Like It*, II.7.146, p. 83.

Indeed, it is only through the death penalty which, as sociality, encompasses the entire world (a “world” fooled, as the epigraph claims, into thinking itself mortal), that Cincinnatus realises his nameless-ness. What he is, as earlier quoted, can neither be measured nor expressed through language, and while he believes he has a name, this is quickly contradicted: ‘*That which does not have a name does not exist*. Unfortunately, everything had a name. “Nameless existence, intangible substance,” Cincinnatus read on the wall where the door [of his cell] covered it when open’ (*IB*, 13). It is only when the door of the cell is closed—when one is condemned to death—and Cincinnatus is able to read the inscription, that he can realise how, as a condemned man, he is himself the “[n]ameless existence, intangible substance” that is anonymity. One cannot find here what Davis describes as the ‘ethical utopianism’ that ‘characterizes the distinctive *humanism* of Levinas’s writing’.⁹³ The “I am” collapses further—the “I” has no name or tangibility; it merely lives on as an immeasurable, anonymous remnant; here is no being, ethics, or anthropology.

Therefore, while Cincinnatus understands he is immortal because he is not mortal, his immortality is only one that can come through the death penalty’s unexperienced experience, where “death” and “self” have met already, where death has already arrived and is in the past, where there is withheld a relation to death in the other-less *il y a*. A crucial passage from *Invitation* has Cincinnatus writing in his diary: “...death,” he wrote on it, continuing his sentence, but he immediately crossed out that word; he must say it differently’, after which he ‘walked away from the table, leaving on it the blank sheet with only the one solitary word on it, and that one crossed out’ (*IB*, 165). Here is ~~death~~, under erasure, here and not yet here, the state of the living corpse. With this, as he writes on the previous page of his diary, life is under erasure too.

⁹³ Davis, p. 84. Emphasis added.

I have discovered the little crack in life, here [in the perennial state of being condemned to death] it broke off, where it had once been soldered to something else, something genuinely alive, important and vast [...]. Within this irreparable little crack decay has set in (*IB*, 164).

Because the crack is ‘irreparable’, and already ‘decay has set in’, it is not only death which is postponed but life, too, is ‘forever in abeyance’. ~~Life~~ and ~~death~~, the time of the living and decomposing corpse.

The “hypostasis” of Cincinnatus is the instant of death which returns him, continually, to the necropolis. In the world of mortality, time is not allowed to be stygian but rather meticulously re-presented: among many others, the prison clock’s dial “‘is blank; however, every hour the watchman washes off the old hand and daubs on a new one—and that’s how we live, by tarbrush time”” (*IB*, 104). On the other hand, Cincinnatus, the human thing, lives on through the instant. Speaking of the time he saw a man move and who, for a second, left behind his shadow, Cincinnatus says this:

here is what I want to express; between this movement and the movement of the laggard shadow—that second, that syncope—there is the rare kind of time in which I live—the pause, the hiatus, when the heart is like a feather (*IB*, 35).

This is the instant of death, the duration and *Langweile* of the abeyance of both life and death, a limbo when the heart is too light (‘a feeling of extraordinary lightness’) to beat.

Upon the full realisation of this time, as the world collapses, Cincinnatus goes on to join those ‘akin to him’. By the end, ‘the cell, no longer needed, was quite obviously disintegrating’; the whole world now, the “real” world, is with Cincinnatus condemned to death, now living on in his time (*IB*, 169). This multiplicity in the *il y a* is where one finds the other as kin, the faceless

others who look back with your own face, with more than family resemblance. Cincinnatus has foreseen this “real” world of the *chora*, where ‘one term *is the other*’ and yet, crucially, there is more than one term. After death, there are relations. He thinks of himself on the executioner’s block:

with my shoulders drawn back, showing my heels to the headsman and straining my goose neck [...] [a]nd afterwards—perhaps most of all *afterwards*—[...] then perhaps we shall somehow fit together, you and I, and turn ourselves in such a way that we form one pattern, and solve the puzzle: draw a line from point A to point B... without looking, or, without lifting the pencil [...] we shall connect the points, draw the line, and you and I shall form that unique design for which I yearn (*IB*, 41).

This assembly of humans, where different terms are connected and drawn together in the duration of the instant drawn out (keeping in mind that “assembly” means also to ‘draw out or draw together’), is the excess of the Same that allows the third to step in and die in-stead. One observes here the intimation that Cincinnatus C. stands only for Cincinnatus Cincinnatus. This excess is made most obvious with the presence of ‘an additional Cincinnatus’, who throughout the novel accompanies Cincinnatus but does different things (*IB*, 4). For instance:

Cincinnatus did not crumple the motley newspapers, did not hurl them, as his double did (the double, the gangrel, that accompanies each of us—you, and me, and him over there—doing what we would like to do at that very moment, but cannot...) (*IB*, 12).

Here, then, is the Same that is doubled, that which is the same yet different, the twin face that renders alterity faceless. Where everyone has the same face, there is, *il y a*, anonymity.

Through the idea of the human thing not only as “corpse” but “assembly”, we are beginning to answer that question of the possibility of a plurality in anonymity, and this shall be pursued in

the following chapter. With the previous authors, what Sartre and Nabokov here put forward is a death that puts under erasure the infinity of the self (contra Epicurean and Levinasian thought, where “death” and “self” never collide), and, with this, a death which necessarily places the infinity of infinity under erasure too, the infinity that is alterity, and thus, in consequence, also sovereignty and the possibility of totalitarianism, seeing as how we are not total beings but merely remnants or anonymous things. Decomposing, like Cincinnatus, we are ‘fleshy incompleteness’ (*IB*, 92). To live on through death, in this non-Heideggerian context, is not to fear no-longer-being-I, and neither is it the Levinasian horror of being-forever-I. Rather, it is the non-tragic experience of revelation, prophesied by the Other who is both demonic and angelic, that I was never “I”.

The next chapter, then, shall read how the anonymity or impersonality that comes after the “person”—an anonymity which is nonetheless manifold, for the crypt in which we hide, like Ramon Gris’s, ‘must necessarily incorporate more than one’, as Derrida writes, and its ‘secret [...] must be shared, at least with a “third”’—is also the space for postsovereignty, the absence of the totalitarian tyrant that is not the utopia but the necropolis, the space of the thanatopolitical.⁹⁴

⁹⁴ Derrida, ‘Foreword: *Fors*: The English Words of Nicolas Abraham and Maria Torok’, (pp. xviii-xix).

Chapter 5: The Death of No One

In this last of meeting places
We grope together
—T.S. Eliot, *The Hollow Men*

Sovereignty is NOTHING
—Georges Bataille, *The Accursed Share*

Who? What?

Let us start with a thought experiment. Imagine a man condemned to death. The Division Director for Offender Operations has chosen the execution team members. He has also appropriately planned all pre-execution, execution, and post-execution activities, and has documented approval of everything. Yesterday afternoon, the condemned man's telephone and visitation privileges were terminated, and now he is taken to the execution room, secured to the execution table, and injected with a lethal dose of pentobarbital. One full set of syringes is used. The man dies. After he is pronounced clinically dead, the backup set is deemed unneeded, witnesses are escorted out of the building, and the media briefing takes place in the Press Room. Meanwhile, under supervision of the Warden, the corpse is taken out of the execution room and carried to some other room, temporarily, while personnel trained in disease-preventative practices take the necessary precautions. In this other room, where the dead man lies alone for a few minutes, there is the rustle of sheets and the dead man rises again due to what doctors later describe to frenzied journalists as the Lazarus phenomenon, a known scientific occurrence.¹ The resurrected man is discovered and then there is commotion.

¹ The fictional example above has followed the execution procedure in the state of Arizona. For more information, see <https://deathpenaltyinfo.org/files/pdf/ExecutionProtocols/ArizonaProtocol_06.17.17.pdf> [accessed 1 September 2019]. For more information on the Lazarus phenomenon, see, for instance: Vaibhav Sahni, 'The Lazarus Phenomenon', *Journal of the Royal Society of Medicine*, 7(8) (2016), 1-6; and Douglas Stranges, Alan Lucerna, James Espinosa, et. al., 'A Lazarus effect: A case report of Bupropion overdose mimicking brain death', *World Journal of Emergency Medicine*, 9(1) (2018), 67-69. No known cases of the Lazarus phenomenon have been documented in relation to the death penalty; however, seeing as how most cases of the phenomenon do include lethal chemical doses, brainstem death, and the declaration of "clinically dead", this example above lies within the realm of the extremely unlikely but nonetheless possible.

Though not entirely impossible, this would be a remarkable, exceptional event. In cases where this has happened (in non-death penalty scenarios), the formerly-deceased simply pick up their lives as they left them, whether in hospital beds or outside them. Already, however, many problematic thoughts race through the mind, several of which have been intimated here. After death, does this Lazarus have one “I” or two? Do they have the same name, identity, presence? Is it still the same person? Is it even a person at all? Furthermore, in this particular imaginary case, one of the thornier questions is that of justice, law-fulfilment, and retribution. The man condemned to death has paid the penalty and died. What power does the sovereign of condemnation have over him now? The condemned has paid in full, with his life, and yet he walks living still. Having been politically eradicated, is this revenant now, finally and epilogically, beyond the monopoly of sovereign exception?

He walks around, looking for those who are like him, but no one understands what he is saying. They seem not even able to hear him.

Anonymous Voices

At the end of *Invitation to a Beheading*, ‘Cincinnatus made his way in that direction where, to judge by the voices, stood beings akin to him’ (*IB*, 180). Despite the protagonist’s decomposition and subsequent understanding that there was never a “world” (as “being-towards-death”) at all, what is suggested in this last line of the novel is that there remains, even in this worldless, post-mortem space, the possibility of a voice. The voice, much more particular than the name, denotes a self in possession of what Cavarero calls a ‘personal identity [which in turn] postulates an *other* as necessary’.² Problematically, this idea of the

² Adriana Cavarero, *Relating Narratives: Storytelling and Selfhood*, trans. by Paul A. Kottman (Oxon: Routledge, 2000), p. xiv.

personal voice runs directly counter to where Cincinnatus finds himself after the literal collapse of his world: a space here termed *chora* or the impassable *il y a*, where being indeed *is* but *is* only *in general*, a condition of plural anonymity, of placelessness and facelessness, where neither the voice of subjectivity nor alterity can be heard.

How, then, can there still be a voice, “here” in this no-world space, the necropolis? Perhaps more remarkable is the added question of whom it addresses. In living with death, as has been examined in the last chapter, there is no longer an Other who speaks to you in the manner of Levinasian *Saying* (after all, the Other’s face is only one’s own), and so there is no ‘ear of the other [which] says me to me and constitutes the *autos* of my autobiography’.³

This paradox of the subject-less or anonymous voice is yet one more way of thinking through the understanding of the human that the present literary works have allowed us to glimpse: that is, the living-dead human thing which foils any attempt at definition in its very anonymity. To categorically define or name the human thing would be the Orphean attempt of looking back at Eurydice, who always recedes because she has ‘living in her’, writes Blanchot, ‘the plenitude of her death’, and thus cannot be *recognised* in her anonymity no matter how furtively one looks.⁴ The understanding of the human as forwarded here is thus not to be taken as some re-definition; rather, as discussed, it is the always incomplete, the fragmentary, ‘sensible insensible, living dead, spectral’—in short, more quasi-concept than concept (*BSI*, 187). In Derrida’s words, the quasi-concept is ‘an indecision or an indeterminacy between a determinacy and an indeterminacy’—and this what ironically emerges, in this thesis, at the point of the ultimate decision, the decree of the state of exception (*BSI*, 173).

³ Jacques Derrida, *The Ear of the Other: Otobiography, Transference, Translation*, trans. by Peggy Kamuf, ed. by Christie V. McDonald (New York: Schocken Books, 1985), p. 51.

⁴ Blanchot, *Space of Literature*, p. 171.

In this indeterminacy, the question of *how* and *what* the voice speaks presents itself. If autobiography is necropolitically impossible—for death kills the *autos*, and no interlocutor ‘says me to me’—it might be best now to turn, finally, to the genre of autothanatography.

‘Clearly’, as Ivan Callus writes, ‘(auto)biography cannot uncannily go beyond or proceed from the tomb, where it is (auto)thanatography that would be—impossibly—at home’.⁵ In this light (or lack thereof, seeing as how we are shut in with Antigone), autothanatography is here taken as a literary genre that makes overt the human condition as discussed here: a state not of non-being or beinglessness but of being in the necropolis—that is, being-without-an-I.

To call “autothanatography” a genre is perhaps to already presume too much. Due to its very nature, as Callus also points out, it is ‘resistant to classification’, and even attempting to discern prevalent themes or mulling over the possibilities of developing a poetics of the autothanatographical is likely to meet the impossibility of death’s narration with its categorisation.⁶ However, as has been intimated from this thesis’s first chapter through Blanchot’s *The Instant*—which has here been taken as an urtext of sorts, both of autothanatography as well as of the fiction of the death penalty—the very word “autothanatography” must necessarily be re-questioned (even if in light of its generic quasi-nonexistence), and this both in terms of the *autos* as well as the *thanatos*.

Let us begin through yet another definition of the subject. If subjective being-in-the-world can be understood, as Jean-Luc Nancy broadly sums up, as ‘*place*—site, situation, disposition’, ‘the coming into space of a time, in a spacing that allows that something *come* into presence’, where ‘[p]resence takes place’ from ‘where there was nothing (and not even a “there”)’—in Levinasian terms, the instant of hypostasis, the emergence from the *il y a* and towards the state

⁵ Ivan Callus, ‘Comparatism and (Auto)thanatography: Death and Mourning in Blanchot, Derrida, and Tim Parks’, *Comparative Critical Studies*, 1(3) (2004), 337-58 (p. 339).

⁶ *Ibid.*, (p. 340). See also, especially, pp. 352-56.

of becoming-subject—then autothanatography, where one bides in nothingness, marks the human condition as placelessness itself, as “being” in this place that is ‘not even a “there”’.⁷ As Derrida notes, ‘the true way of speaking about nonbeing [...] always remains “strange”, inhabital’, and this last descriptor emphasises not the place of non-being but rather the non-place of being-without-habitat (which also recalls being-without-*habit*, in the Hegelian sense) (*BSII*, 284). Autothanatography may be appropriately described, therefore, not as the genre of subjective disappearance, a retreat or return back into nothingness, but rather the literary realisation of never having left this nothingness at all.

Nonetheless, in the necropolis, persistently and (im)possibly, one hears voices from beyond the grave. Indeed, if, as Peter Brooks writes, ‘[w]hat we seek in narrative fiction is that knowledge of death which is denied to us in our own lives’, then autothanatography both addresses this need and challenges the assumption that death is something denied to us in life.⁸

Without going over, once again, the ideas discussed earlier, it suffices here to say that what the literature of the death penalty puts forward is the paradoxical human condition of living death, one that is not limited to prison cells but which spills over into sociality. None of the literary works discussed in this thesis, save for *The Instant of My Death*, are traditionally considered to be autothanatographical works (indeed, the word “traditionally” is here itself debatable); however, insofar as death penalty literature examines the human relation to death as something that indeed *is*, then there is common ground from which we may look at how ‘death is not merely the end of being but hides within life as its necessary condition’.⁹ As intimated in the introduction (on the possibility of speaking in the name of death), literature may thus be

⁷ Jean-Luc Nancy, ‘Introduction’, in *Who Comes After the Subject*, pp. 1-8 (p. 5).

⁸ Peter Brooks, *Reading for the Plot: Design and Intention in Narrative* (Cambridge: Harvard University Press, 1992), p. 22. Brooks is here forwarding Walter Benjamin’s thought.

⁹ Mark C. Taylor, ‘Ghost Stories’, in Mark C. Taylor and Christian Dietrich Lammerts, *Grave Matters* (London: Reaktion Books Ltd., 2002), pp. 7-43 (p. 35).

understood as the site of the death penalty, where death speaks in its own name, as itself—which is to say, never in the first person. Insofar as these dead men walking are also dead men talking, both the fiction of death penalty and that of autothanatography exhume similar thoughts.

In line with this thesis's argument, then, autothanatography challenges the Heideggerian idea of the non-relational death, where "being" and "death" must always be separated by a "towards". If the autothanatographical "subject" is dead yet still alive, then the human condition can no longer be ontologically summed up as "I am because I will die". Furthermore, this relation with death, in its very annihilation of the subject, breaks the *autos* of the syntagm "my death", revealing the possibilities of dying in-stead and putting under erasure the category of subjectivity itself—and, with it, alterity. A lived experience of death, in eliminating the "I", cannot be subjective.

Without referring to autothanatography proper, Bede Rundle's observation on the grammatical "I" allows us to begin to understand the paradox of the subjectless voice without undoing it:

We, anticipated by Descartes, are struck by the fact that someone's utterance of "I" cannot but identify the speaker, but we had to *suppose* that there was a speaker—a person to whom the utterance could be referred and a person making a genuine use of language. Without this assumption the utterance would not have had the same significance: "I" *somehow produced from the mouth of a dead man* or by an electronic device is not the basis for any such inference.¹⁰

The "I", therefore, can no longer be assumed when talking of, specifically, the condemned man, or, more broadly, a decomposing subjectivity defined by a sociality founded through the

¹⁰ Bede Rundle, *Grammar in Philosophy* (Oxford: Clarendon Press, 1979), p. 46, as quoted in Ann Banfield, 'The Name of the Subject: The "I"??', *Yale French Studies*, 93 (1998), 133-174 (p. 139). Emphasis added.

death penalty. Certainly, the paradoxical term “autothanatography” seems to be very much in line with the present thought of the human thing; however, perhaps a more appropriate response to the anonymity or impersonality of the dead “I” might be, instead of the *autos*, the concept of the Neuter.

While Blanchot and Levinas share similar views on death—such as its inherent impossibility and the failure of suicide—there is stressed in Blanchot’s work the possibility of a very real and profound human relation with death that is greatly at odds with Levinas’s notion of eternal postponement. Blanchot’s is a view that is extrapolated throughout his oeuvre, often quite literally in fragments. Consequently, his writings on death have been read as both anti-Heideggerian (Levinas’s own opinion, and as Blanchot is in fact read here)¹¹ as well as wholly compatible with Heidegger’s idea of being-towards-death, where, in Blanchot’s words, ‘man knows death only because he is man, and he is man only because he is death in the process of becoming’ (*LRD*, 337). As Blanchot writes elsewhere, death ‘is not a given [...] [but] must be achieved’ through ‘a task, one which we take up actively’ (*Angst*), and thus ‘man *is*, starting from *his* death’ (*Jemeinigkeit*).¹² Indeed, Blanchot himself here refers the reader to Heidegger—despite the following extremely non-Heideggerian, and momentous, claim: that this taking on of death would be man’s possibility ‘to be without being’.¹³

But what is it ‘to be without being’? This question is what has here been pursued throughout. For Blanchot, this is the act of literature. Following Franz Kafka, Blanchot describes the writer as one who writes not in order to survive (in the Derridean sense) or transcend history (in the Hegelian sense) but in order ‘to establish with death a relation of freedom’—that is, to be able

¹¹ See Emmanuel Levinas, ‘On Maurice Blanchot’.

¹² Blanchot, *Space of Literature*, p. 96. The possessive pronoun “his” is here emphasised. For more on Blanchot’s possible proximity to Heidegger, see, for instance, Pascal Massie, ‘The Secret and the Neuter: On Heidegger and Blanchot’, *Research in Phenomenology*, 37 (2007), 32-55.

¹³ Blanchot, *Space of Literature*, p. 96.

to die.¹⁴ For Blanchot, literature ‘speak[s] in order to say nothing’, to ‘attain negation in itself and to make everything of nothing’, and this (as has also been mentioned in the introduction) because language destroys the very thing it names (*LRD*, 324). To participate in the act of language, then, is essentially to murder and divest of being, and this is especially relevant in the context of the death penalty, where the inverse is also true: to kill is to speak a sentence, naming the condemned. The act of condemnation is itself the execution, and so, recalling what has been said in the first chapter, perhaps the word “execution” would here be more apt than Blanchot’s own description of language as ‘deferred assassination’ (*LRD*, 323).

Language kills the person; it is thus impersonal. Different from everyday language (which in this context is not equivalent with *das Gerede*), the very act of language—as that which does not express meaning but both creates and destroys it—is ‘impersonal’, for Blanchot, in that it ‘does not imply anyone who expresses it, or anyone who hears it: it speaks *itself* and writes *itself*’.¹⁵ This is the impersonal or anonymous voice of the “I”, one ‘somehow produced from the mouth of a dead man’, which speaks into no ear and denotes no “I” at all. As Rustam Singh elucidates, ‘this language—and this is an important point—is subjectless’, and it is from this basis, Singh continues, that one can ‘see here the beginnings of Neuter or the neutral, a notion that is central to Blanchot’s work’.¹⁶

There is, therefore, what can be described as a lack or absence at the heart of this concept of the Neuter, one which ‘free[s] us from what is’—and, recalling the previously discussed undoing of the cogito at the hands of the Third, from the necessity of the “is” in the first place.¹⁷

As Garth Gillan says to Levinas in an interview, recalling *Thomas the Obscure*, “I think

¹⁴ Blanchot, *Space of Literature*, p. 95.

¹⁵ Maurice Blanchot, ‘The Myth of Mallarmé’, in Maurice Blanchot, *The Work of Fire*, trans. by Charlotte Mandell (Stanford: Stanford University Press, 1995), pp. 27-42 (p. 41).

¹⁶ Rustam Singh, ‘Not This, Not That: Maurice Blanchot and Poststructuralism’, *Comparative and Continental Philosophy*, 8(1) (2016), 72-82 (p. 73). Singh’s central argument that Blanchot goes beyond poststructuralism is here strongly supported.

¹⁷ Blanchot, ‘The Myth of Mallarmé’, (p. 39).

therefore I do not exist” [...] can be understood as “I speak therefore I do not exist”, and Levinas’s response is further illuminating, who says: ‘The Neuter or this Excluded Third Term is neither the affirmation, nor the pure negation of being. For affirmation and negation are within Order [...]. Yet, nevertheless, the insistent character of this Neuter contains an indeterminate negative’.¹⁸ The writer is able to die, therefore, because the work of literature requires that ‘[he ceases] to be linked to Others and to himself by the decision which makes him an “I”, whereby ‘he becomes *the empty place* where the impersonal affirmation emerges’.¹⁹ By its very nature, no words can be heaped upon this absence of the “I”, and language is thus, as Walter Brogan appositely describes it, the ‘unsubjected’ ‘nullification of oneself’.²⁰ Being emptied of subject and object, the Neuter neither affirms nor denies; it is that which hollows out the space between dichotomies and reveals a space beyond them. As intimated by the first epigraph, this is the space of us hollow men, the nameless ‘shape without form’ in ‘this hollow valley’ of death.²¹

Singh continues:

[The Neuter] turn[s] a thing into something about which we cannot say: *it is* or *it is not*; *it is here* or *it is there*. The only way we would be able to describe this thing is this: *it neither is nor is not; it is neither here nor there*.²²

¹⁸ Garth Gillan and Levinas in Garth Gillan and Emmanuel Levinas, ‘About Blanchot: An Interview’, *SubStance*, 5(14) (1976), 54-57 (p. 55). Cf. Maurice Blanchot, *Thomas the Obscure*, trans. by Robert Lambertson (Barrington: Station Hill Press, 1988), p. 99. In Lambertson’s translation, the quote referenced in the interview is “‘I think, therefore I am not’”.

¹⁹ Blanchot, *Space of Literature*, p. 55. Emphasis added.

²⁰ Walter Brogan, ‘Broken Words: Maurice Blanchot and the Impossibility of Writing’, *Comparative and Continental Philosophy*, 1(2) (2015), 181-92 (pp. 182, 191).

²¹ A proper commentary on ‘The Hollow Men’ could take the entirety of this chapter, or more, especially in consideration of their living of death, their ‘quiet and meaningless’ voices (and the other voices at an infinite distance), the lack of faces and eyes, their being-in-‘deliberate[-]disguises’, their anonymity and place of placelessness, and so on; in short, their whole paradoxical “being”. Another aspect of the Hollow Men shall be mentioned in passing in the following section. T.S. Eliot, ‘The Hollow Men’, in *T. S. Eliot: Collected Poems, 1909–1962* (London: Faber and Faber, 2002), pp. 79-82 (pp. 79, 81, 80).

²² Singh, (p. 75).

This is the very (non-)being of the human *thing* that persists as something that ‘*neither is nor is not*’, and the choral placelessness where it resides ‘*neither here nor there*’.²³ Living in the necropolis—this paradoxical ‘empty place’, empty not of contents but of “place” itself, a ‘space infinitely empty’ and empty of the infinity of alterity²⁴—one sees how ‘[d]eath exists not only [...] at the moment of death; [but that] at all times we are its contemporaries’.²⁵ “Here” is the impassable *il y a* (and the transcendence of the “there” in “there is...” is here put under erasure) and the ‘very experience of ambiguity’ that leaves us unable to describe any(-)thing, for that would be an affirmation of presence that forgets the negation at its core (*EE*, 59). The Neuter is thus that ‘something “radically exterior” that Blanchot had named the Outside (*le dehors*), a space corresponding to [Levinas’s] *il y a*’.²⁶

In fact, not only does Blanchot himself equate the two concepts—‘[t]he *il y a*, because neutral, mocks the questions that bear upon it’, he writes—but Levinas too.²⁷ Aside from the comment made in the interview quoted above, Levinas adds: ‘One does not associate with [the Neuter]—it is the “frightening” par excellence’.²⁸ The latter comment, of course, recalls the horror of Being and the rustle of the night, and perhaps most interesting is the concordance between the two. If these two concepts should thus be read as not only similarly inchoate but also inchoate in similar ways, then we are returned to the idea of the impassable *il y a*.

At this junction, where the concepts of Neuter, Third, *chora*, and *il y a* seem to have melded, an important point must be made. The Neuter—as Critchley describes it, that which is the

²³ The tension between the Neuter and the aporetic deserves attention, with Derrida description of the latter as either/or (see *BSII*, 35) being in tension with the former’s neither/nor.

²⁴ Maurice Blanchot, *The Step Not Beyond*, trans. by Lycette Nelson (Albany: University of New York Press, 1992), p. 19. The fact that Blanchot compares this space to a ‘garden’ and ‘desert’ makes clearer the links between this space and the Derridean *chora*.

²⁵ Blanchot, *Space of Literature*, p. 133.

²⁶ Arleen Ionescu, William Large and Laura Marin, ‘Introduction: Blanchot’s Spaces’, *Word and Text*, 5(1-2) 2015, 5-16 (p. 6). Here the authors are quoting Gerald L. Bruns, *Maurice Blanchot: The Refusal of Philosophy* (Baltimore and London: John Hopkins University Press, 1997), p. 82.

²⁷ Blanchot, *The Writing of the Disaster*, p. 65.

²⁸ Garth and Levinas, ‘About Blanchot: An Interview’, (p. 55).

‘incessant, interminable and indeterminable voice that reverberates outside of all intimacy, disposing the “I” and delivering it over to a nameless outside’—is ‘a *literary* experience’.²⁹ What Blanchot denotes when he speaks of the impersonal voice is primarily a *narrative* voice, which ‘speaks as one vast, continuous buzzing [or rustling], [...] an unqualifiable murmur, an impersonal whining’.³⁰ In this study, the voice of the Neuter that is beyond ‘the very structure of being and non-being, the “is” and “is not”’, seems to have been transposed to the condition of the human itself, speaking in the name of all of us, dead or alive.³¹

It would not be too trite to remark that, if for Blanchot the writer can ‘become’, “inhabit”, or at least understand themselves as ‘the empty place [of] impersonal affirmation’, so too can we all. After all, death has traditionally been viewed as the end of life’s narrative—where ‘death retroactively gives narrative shape to my life’, as we have seen previously through Stone, Cavarero, and Butler—and thus insofar as the “I” can be viewed as “the author”, the dispossession of one’s self need not be confined to the physical act of writing.³² In light of all that has been said on the impossibility of life and the inherent impossibility of writing autothanatographically, it might be apt to recall Gary Saul Morson’s point, who claims that, ‘[t]o understand one’s situation, it is often helpful to imagine the rest of [one’s] life *as if* it were an epilogue’.³³

While this remark, especially with its emphasis on the careful conditional “as if”, seems only to uphold the idea of the necessary presence of the cogito, it does succeed in rebutting the idea that death ends all narratives. To say it directly, the human condition may be read as more than analogous to the Neuter in that, due to the epilogic nature (that is, of and like an epilogue) of

²⁹ Critchley, *Very Little... Almost Nothing*, p. 203.

³⁰ *Ibid.*, p. 206-07.

³¹ Singh, (p. 80).

³² Stone, ‘The Relationality of Death’, (p. 165).

³³ Gary Saul Morson, *Narrative and Freedom: The Shadows of Time* (New Haven and London: Yale University Press, 1994), p. 197.

the literary works read here, there is revealed a human experience that lies beyond the dichotomy of the “is” and “is not”—a human experience that is beyond produced and productive narrative (*poiesis*) and instead lies within the epilogue which, necessarily, comes before the narrative. Derrida asks: ‘How can one accord the phantasmatic or the fantastic with the narrative, with narrative fiction, or even with fantastic literature, with stories that accord time and future to the dead person?’ (*BSII*, 162). The answer might be to look beyond the idea of narrative itself. In a manner that may be termed autothanatographical, the literature of the death penalty goes beyond the ontological status in reminding us that ‘the presence of absence is not pure negation’,³⁴ all the while asserting that, like an epilogue before a narrative, “‘I” die before being born’.³⁵

If writing is ‘the approach to that point where nothing reveals itself’—which means not that nothing is revealed, but that what is revealed is Nothing—then the Neuter of literary language reveals the nothing that is the human.³⁶ To believe that the “I am” of the human is fully present in Being is to ignore the non-productive experience of the epilogue, to exclude the epitaphic. As Morson writes, ‘epilogues are typically narrated at a distance’, and it is from this distance of a yet-maintained relation to death, this place beyond place, that we might begin to understand the human.³⁷

As such, if the spaces of the Third and the Neutral are more than similar—and one should perhaps refrain from saying “identical”, despite Levinas’s and Blanchot’s own comments, because of the concepts’ respective roles in the philosophers’ trajectories—then just as the Third is necessary in understanding and ‘open[ing] humanity’, so too the Neuter. The neutral,

³⁴ Garth and Levinas, ‘About Blanchot: An Interview’, (p. 55).

³⁵ Blanchot, *The Writing of the Disaster*, p. 101.

³⁶ Blanchot, *Space of Literature*, p. 48. It is worth mentioning that W.H. Auden’s infamous ‘poetry makes nothing happen’ works on similar lines, and the fact that this is an elegy is not inconsequential. See W.H. Auden, ‘In Memory of W.B. Yeats’, in *The Norton Anthology of Poetry*, ed. by Margaret Ferguson, Mary Jo Salter, Jon Stallworthy, 5th ed. (New York and London: W.W. Norton & Co, 2005), pp. 1470-72 (p. 1473).

³⁷ Morson, p. 191.

therefore, is not just bound to the act of literature but to that of language in which we all partake. The human thing speaks only neutrally; its language is that which ‘does not belong to the living [nor belong] to the language the dead do not speak’.³⁸

And so what does the Neuter open up to us in terms of our relation to death and its instantaneous time? Firstly, this death maintained by the anonymous voice is likewise anonymous, a death in general. Discussing Rainer Maria Rilke’s *The Notebooks of Malte Laurids Brigge*, Blanchot writes of ‘anonymous death’ as the anguish of those ‘already dead of an unwitting death never to be achieved’, where one is ‘cast into the insecurity of a space where he cannot live or die “himself”’, and where ‘the idea of a human nature, of a human world in which we could take shelter collapses’.³⁹ In this we read once more Cincinnatus’s sympathetic scribble, whose world has collapsed and where the human being is no longer: ~~life~~.

However, Malte’s ‘anguish of the “They die” and the hope for an “I die”’ is the pain through which subjectivity ‘retrenches’, a ‘perspective [which] suffers the obsession of the “I” that wants to die without ceasing to be “I”’.⁴⁰ This is to see the instant of *my* death as *mine*, as one’s *ownmost* affirmation, rather than as the common death here discussed, the anonymous death shared with three sons of farmers. This is why Blanchot reworks Rilke’s prayer that God might ‘grant to each his own death’ as instead:

Grant me the death which is not mine, the death of no one, [...] where I am not called upon to die, which is not an event—an event that would be proper to me, which would happen to me alone—but the unreality and the absence where nothing happens, where

³⁸ Blanchot, *The Step Not Beyond*, p. 85.

³⁹ Blanchot, *Space of Literature*, pp. 122-23.

⁴⁰ *Ibid.*, p. 128.

neither love nor meaning nor distress accompanies me, but the pure abandon of all that.⁴¹

This absence of the ‘distress’ that can only come with “my death” echoes what was earlier intimated as the absence of tragedy in this condition of the living corpse, of “being” the no one that dies the anonymous death. It was not pity or fear that made Pablo Ibbieta sweat but his inability to be reconciled with the ‘nameless’; Cincinnatus’s main anguish was not belonging to no world but believing he should indeed belong; the tragedy of *Antigone* is not that Antigone is no one but that Creon attempts to make her into someone he could kill. And so on. While this shall be further addressed in the following section, and while multiple theories of tragedy have to be left to one side, suffice it to say that the tragic finds no home in the indifference of impersonality.

Secondly, what of the time of death? The diachronic time of the Third ‘does not gather into representation’; similarly, the time of the Neuter is that which is beyond the not-yet and the no-longer of death as pure negation. Its time is that of limbo, as engaged earlier, where the “meanwhile” of the death penalty maintains the human beyond the “is” and “is not” of the world. The inability of the condemned to participate in the ontological dichotomy of absence and presence (indeed, *this banishment is precisely what condemnation is*) is what allows one to go through the unexperienced experience of the instant of death. As Blanchot explains:

Wherever we turn away, there is death, and what we call the moment of dying is only the crook of the turn, the extreme of its curvature [...]. [I]f we are somehow stolen from death it is because *without even perceiving it we pass the instant of dying*, having gone too far, inattentive and as if distracted, neglecting what we would have to have done to

⁴¹ Blanchot, *Space of Literature*, p. 149.

die (be afraid, hold onto the world, want to *do* something[, be present]). And in this negligence death has become forgetfulness; we have forgotten to die.⁴²

If, for Levinas, the instant is where one ‘take[s] up being’ and becomes an “I” inhabiting a present, then inversely, for Blanchot, the instant is the very moment where the “I” ceases to be and decomposes its participation in presence and absence. Perceiving the instant of death is a remembrance of death, a remembrance of the “I” from an epilogic distance. This is the distance of the condemned man, who, in the state of condemnation, can no longer participate in the making present of himself while, simultaneously, remaining “here”, talking as a dead man from beyond the grave. This is the human thing that is radically exterior to the human being of ontological presence and identity, ‘*neither here nor there*’, neither totality nor infinity, a mere *fragment* of what we call the human being.

Indeed, as a quasi-concept, the fragment is indissoluble from the Neuter. It is, for Blanchot, ‘the work of the absence of work’ (the lack of *habit*), ‘an affirmation without duration, a freedom without realization, [...] pure consciousness of the moment’ (a consciousness that is not *slave* on the way to *self*-consciousness).⁴³ This is the time of the Neuter, a presence that is not made present. The fragment is “‘the outside of time in time’”; it is what interrupts history itself.⁴⁴ Speaking of German Romanticism, Blanchot writes how it seeks, in part, to ‘be everything, but without content or with a content that is almost indifferent [“the pure abandon of all that”], and thus at the same time affirming the absolute and the fragmentary’, producing a work which ‘does not realize the whole, but signifies it by suspending it, even breaking it’.⁴⁵

⁴² Blanchot, *Space of Literature*, p. 147. Emphasis added.

⁴³ Maurice Blanchot, ‘The Athenaeum’, in Maurice Blanchot, *The Infinite Conversation*, trans. by Susan Hanson (Minneapolis and London: Minnesota University Press, 2003), 351-359 (p. 353).

⁴⁴ Blanchot, *The Step Not Beyond*, p. 1.

⁴⁵ Blanchot, ‘The Athenaeum’, (p. 353). With this particular quotation, Deborah Esch and Ian Balfour’s translation might be more insightful, if not more accurate, in translating the latter phrase as ‘shattering it’, thus further clarifying Blanchot’s notion of the fragment. See Maurice Blanchot, ‘The Athenaeum’, trans. by Deborah Esch and Ian Balfour, in *Studies in Romanticism*, 22(2) (1983), 163-72 (p. 165).

The present absence inherent in the state of condemnation can be, as Singh astutely notes, this same breaking, ‘[f]or, lack means a break, too—that is, a crack or a gap. It is something that divides a thing into fragments, for example, a thing like discourse; or something that breaks a narrative, even breaks it down’.⁴⁶ What the death penalty reminds us of, from its vantage point outside of law and society, is that the idea of life as a narration that ends in death fails to recognise how, if life is indeed narrated, it can be narrated only in fragments, a plurality and polyphony of voices which interrupt any holistic presentation—and preservation—of the ego and its Other. Ipseity and alterity are thus fragments which do not complete one another; there is neither totality nor infinity. It is thus that “death sentence”, as a phrase, is revealed as a grave misnomer—it is never a “sentence” at all, for this is not the language of Saying, belonging to the ‘dynamic of question and answer’. It would be more apt to think of the “death sentence” as the “death rustle”, “death murmur”, or “death fragment”.

This is not an alternative phrasing or narration, for the fragment does ‘not represent the real but replace it’; Derrida’s dividing wall between self and other is shattered and in pieces, and the fragment’s unworking of the work shall be returned to in the coming section.⁴⁷ At this point, then, let us arrive at an answer to the questioning of autothanatography.

It was previously stated that the concept of the Neuter provides a better means of thinking through the state of the condemned despite the apparent suitability of a term like “autothanatography”. Indeed, on a superficial level, the paradoxical equivalence of *autos* and *thanatos*—an impossible feat—seems merely another way of phrasing this thesis’s main argument, that of the relational death. Other terms used earlier fall under this same category—the impossibility of life, the living corpse, and so on—and it might be especially appropriate in

⁴⁶ Singh, (p. 76).

⁴⁷ Blanchot, ‘The Athenaeum’, trans. by Hanson, (p. 357).

that, as mentioned in the first chapter, ‘autothanatographical’ seemed to Derrida to be the truest way of describing *The Instant of My Death*.

However, death cannot be taken lightly—it eradicates all that it touches. To think of autothanatography is to think of a self that is somehow preserved in death. While indeed there is still a voice that speaks from the necropolis, understanding that voice as belonging to an “I” that is a self implies that, in autothanatography, two wholes are kept in balance: death and the ego, negation and presence. Rather, it is the case that, as we have seen, there was never an *autos* to begin with (“I” die before being born’) and that, because of this very relation to death, what lives on is only a *fragment* and not the whole. Crucially, the Neuter does not imply “both this and that” but rather ‘*neither this nor that*’. A relation to death, therefore, is never a relation between being and non-being, but rather a relation before, beyond, or at the limit of being itself.

As Callus writes, autothanatography ‘exceeds even the undead, who can and do die’, and so the living corpse is “living” only insofar as one understands that it is impossible to live.⁴⁸ Whereas ‘literature’, writes Blanchot, ‘*begins with the end*’, autothanatography attests that the end has not eradicated the beginning which it precedes, and thus seemingly participates in *poiesis* through death (*LRD*, 336). The *autos* in autothanatography thus needs to be, if not replaced, at least rethought: it testifies to a self eternally present despite it never having really been “here” but rather always “nowhere”, always fragmented and under erasure, unbecoming.

And so, through the literature of the death penalty, we have come to understand, though never fully, that we are subjectless things. But then how is the death penalty, even in its space outside of sociality, even possible at all? If the sovereign without subjects is no sovereign at all, how are we condemned to death in the first place when death is always already the first place?

⁴⁸ Callus, ‘Comparatism and (Auto)Thanatography’, p. 340.

Sovereign (without) Subjects

Let us recall our earlier thought experiment. Having already died and now living ‘the death of no one’, the risen man is no longer a subject ‘called upon to die’; he simply *is* no longer. The prayer has been answered. Is this mere fragment of a subject—alive and thus inside the law but also dead and so outside of it—what one might call the realm of the postsovereign? The questions to be addressed in this last section of this thesis, then, are as follows: Who is the exception, and is “who” even the right pronoun? What is the topology of the exception? Is it possible to think of politics without the rule of the exception, and can the exception become the rule while somehow remaining, simultaneously, an exception? Does the fiction of the death penalty, along with (“auto”)thanatography and even the literary more broadly, allow us to envision or even extend such a thanatopolitical condition, a lawless space beyond the sovereign figure that creates its very possibility?

Barring the last, these are not novel questions. Starting with the first, one notes how Blanchot critiques the pronoun “who” when it comes to the exception that is the subjectless human. The fact that an alternative to subjectivity remains a “who” and not a “what”, he writes, ‘postulates the beginning of an answer or a limitation of the question’, where he ‘would be expected to know that what comes after is *someone* and not *something*, not even something neutral’.⁴⁹ Derrida would later echo this: ‘death [...] always risks coming back from who to what, to reduce who to what, or to reveal the “what” of “who.” Is to die not to become “what” again? A “what” that anybody will always have been’ (*BSI*, 137).

⁴⁹ Maurice Blanchot, ‘Who?’, trans. by Eduardo Cadava, in *Who Comes After the Subject?*, pp. 58-60 (p. 58). Emphasis added. Cf. Derrida, who says that ‘[e]ven if *Dasein* is not the subject [...] [i]t is from the standpoint of *Dasein* that Heidegger defines the humanity of man’ (Derrida and Nancy, “‘Eating Well’: An Interview”, (pp. 104-5)). This thinking of the death of the “what”, therefore, runs directly counter to the thinking of the *Jemeingkeit*.

The “one”, or “who”, in sovereignty, is up against the “thing”, “anybody”, or “what”: the individual and subjected being as opposed to the being-in-general of the living corpse. It is only the latter, it might be said, which unveils the true mechanisms of sovereignty. One recalls what Blanchot writes in *The Madness of the Day*: ‘As nobody, I was sovereign’, or what he writes over twenty years later, of how, in the non-experience and ‘extraordinary lightness’ of death, he felt what he could only describe as ‘sovereign elation’ (*ID*, 5).⁵⁰ Sovereignty is, for Blanchot, defined in terms of mortality, and vice versa: one achieves death only by understanding oneself as ‘sovereignly, extremely mortal’.⁵¹ Sade, Blanchot writes in ‘Literature and the Right to Death’, is the ‘writer par excellence’ because of his realisation that ‘death is sovereign, that freedom is death’, and that the ‘work of negation’ is, in itself, ‘absolute sovereignty’ (*LRD*, 321).

This is both the negative work of language, as discussed above—of how ‘writing aims to reach the point of powerlessness’, requiring ‘what Blanchot calls the nullification of oneself’—and of our own condition within sovereignty, we who consider ourselves non-fictional.⁵² Negativity is to be divested of subjectivity while also unsubjected. This is to a great extent discussed also in Bataille’s oeuvre, who exclaims, as quoted in the second epigraph, that ‘[s]overeignty is NOTHING’.⁵³ Bataille means the opposite of saying that nothing is sovereign, while at the same time, as Blanchot reads it, there could yet be hidden in this claim that which escapes it.

Pronounced thus the word “nothing” does not only imply the ruin of sovereignty, for sovereign ruin could still be a way for sovereignty to affirm itself by elevating and glorifying nothingness. [...]. But it may be that nothing is not at work here. Perhaps in its ostentatious trenchant form, it only hides what is hidden in what cannot be named

⁵⁰ Blanchot, *The Madness of the Day*, p. 9.

⁵¹ Blanchot, *Space of Literature*, p. 96.

⁵² Brogan, p. 182.

⁵³ Bataille, *The Accursed Share*, p. 256.

[only voiced], the neutral—the neutral which always neutralizes itself and which has about it nothing sovereign that has not already surrendered in advance.⁵⁴

This is the important question being asked here: is the nothingness of the exception only another form of sovereignty, one which lays bare its full extent, or is it a possible manifestation outside the schema of sovereignty? In terms of sovereignty, how does one attempt to describe the impossible contradiction of the human thing? There are some attempted answers in Bataille—after all, for him the subject ‘becomes *sovereign* in ceasing to be’, and, ‘[i]n order for Man to reveal himself ultimately to himself, he would have to die, but he would have to do it while living—watching himself ceasing to be’.^{55, 56} However, perhaps more so than even Bataille, it is Agamben who might help us pursue the matter further.⁵⁷

In *Homo Sacer*, Agamben thinks of these same questions, although his idea of the death penalty remains at best ambiguous and at worst misrepresentative, and will be taken into account shortly. Crucial here are his thoughts on the topology of the exception. Building on the works of Schmitt, Foucault, and Arendt, Agamben puts forward the figure of the *homo sacer*, a historical figure from Roman law who ‘*may be killed and yet not sacrificed*’ (and in many ways

⁵⁴ Blanchot, *The Writing of the Disaster*, p. 131.

⁵⁵ Bataille, *The Accursed Share*, p. 204.

⁵⁶ Georges Bataille, ‘Hegel, Death and Sacrifice’, trans. by Jonathan Strauss, *Yale French Studies*, 78 (1990), 9–28 (p. 19).

⁵⁷ Bataille has only been infrequently referred to throughout this thesis. Apart from, by and large, the constrictions of space and time, this is also because Bataille’s lexicon, which requires extensive clarification, would most likely have distracted us from the argument that is being proffered here. It would certainly not have been fruitless to discuss some of his overarching concepts: the inner experience and its economy (one close to that of the unexperienced experience); his readings of Hegel, which suggest that while Hegel momentarily grasped the crucial negation at the heart of man and language, death is ultimately historicised and thus consumed by dialectical synthesis; his conceptualisation of the *Acéphale*—and here the *beheaded* is particularly important—and his intellectual friendship with and proximity to Blanchot; or his ideas on community, poetry, negativity, and of course sovereignty. His thought is centrally important here if understood as a thinker ‘who wishes to shatter the composed rationality of the isolated individual’, and who finds ‘subjectivity [...] torn apart’ at ‘the limit of knowledge’ (Fred Botting and Scott Wilson, ‘Introduction: From Experience to Economy’, in *The Bataille Reader*, ed. by Fred Botting and Scott Wilson (Oxford and Malden: Blackwell Publishers Ltd., 1997), pp. 1–34 (pp. 1–2)). This is not to say there would not have been divergences between Bataille and what is presented here, specifically on the central concept of sacrifice, among other things. Apart from the works by Bataille quoted in this thesis, see also Benjamin Noys, *Georges Bataille—A Critical Introduction* (London: Pluto Press, 2000).

this finds its earlier analogue in the substitute king) which, in the present terms, may be considered to a certain extent as the citizen of the necropolis (*HS*, 8).

Let us work up to this last statement. As Agamben points out, the exception is what is excluded from the rule of law but which, simultaneously, can only exist within law, in a relation—albeit suspended—with the law which excludes it: ‘*The rule applies to the exception in no longer applying, in withdrawing from it*’ (*HS*, 18). The exception, therefore, is not outside the reach of the *droit de glaive* but, rather, *is* the realm of sovereignty itself. The sovereign, like the exception it creates and which creates it, is both inside and outside the juridical order; in not needing law to create it, and ‘having the legal power to suspend the validity of the law, [the sovereign] legally places himself outside the law’, enabling him to declare that “‘there is nothing outside the law’” (*HS*, 15). This logic of the inside/out applies also to Agamben’s (and Benjamin’s) thinking of violence as that which both establishes the law and which demolishes it: ‘the sovereign’, writes Agamben, is the point of indistinction between violence and law, the threshold on which violence passes over into law and law passes over into violence’ (*HS*, 32).

Thus, for Agamben, sovereignty ‘does not limit itself to distinguishing what is inside from what is outside but instead traces a threshold (the state of exception) between the two’, a topological “ordering” that is ‘above all a “taking of the outside,” an exception’, and which is thus ‘essentially unlocalizable’, a ‘fundamental ambiguity [...] that [...] necessarily acts against it as a principle of its infinite dislocation’ (*HS*, 19-20). As such, ‘Law is made of nothing but what it manages to capture inside itself through the inclusive exclusion of the *exceptio*’ (*HS*, 27).

Agamben describes this inclusive exclusion as abandonment or *ban*, ‘the pure form of reference to something in general, which is to say, the simple positing of relation with the nonrelational’—or, at least, ‘to something *presupposed* as nonrelational’—and its infinite

dislocation reflects ‘the originary structure in which law refers to life and includes it in itself by suspending it’ (*HS*, 28, 109-10, 29). This banned or suspended life—beyond both political *bios* and natural *zoē*—is the bare life of the *homo sacer*, ‘the originary figure of life taken into the sovereign ban’, a life that can only be described as ‘bare, *anonymous* life’, the life of a corpse (*HS*, 83, 124).⁵⁸ As Agamben writes, ‘the production of bare life is the originary activity of sovereignty’, and ‘[t]he sacredness of life, which is invoked today as an absolutely fundamental right in opposition to sovereign power, in fact originally expresses both life’s subjection to a power over death and life’s irreparable exposure in the relation of abandonment’ (*HS*, 83). It is thus ‘[n]ot simple natural life, but life exposed to death (bare or sacred life) [that] is the originary political element’ (*HS*, 88).

In sum:

Sovereignty [...] presents itself as an incorporation of the state of nature in society, or, if one prefers, as a state of indistinction between nature [*zoē*] and culture [*bios*], between violence and law [...]. The state of exception is thus not so much a spatiotemporal suspension as a complex topological figure in which not only the exception and the rule but also the state of nature and law, outside and inside, pass through one another (*HS*, 35-37).

This is, then, the act of the sovereign *nomos*: in always taking inside what is outside, it ‘always already contains its own virtual rupture’, and its topology is never settled (*HS*, 37). It is that

⁵⁸ Emphasis added. Agamben makes the interesting point that ‘Homeric Greek does not even know a term to designate the living body. The term *sōma*, which appears in later epochs as a good equivalent to our term “life,” originally meant only “corpse”’ (*HS*, p. 66). This lack of individual life will continue to inform Agamben’s work, who, in the sequel to *HS*, describes this reduction to anonymity, in terms of the USA Patriot act, as the production of ‘a legally unnameable and unclassifiable being’. Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago and London: University of Chicago Press, 2005), p. 3.

which ‘achieves the paradoxical union of these opposites’—most fundamentally, life and death—necessitating them to persist through paradox without synthesis (*HS*, 31).

But, Agamben asks, ‘[w]hat is the status of the living body that seems no longer to belong to the world of the living?’ (*HS*, 97). The resurrected condemned man of our thought experiment—he who lives a suspended life inside and outside law, who having been executed is thus banned from both life and death—is then a prime exemplification of Agamben’s answer to the question, which he terms *subiectus superaneus*:

[H]e who will appear later [...], according to a curious oxymoron, as the new sovereign subject (*subiectus superaneus*, in other words, what is below and, at the same time, most *elevated*) can only be constituted as such through the repetition of the sovereign exception and the isolation of *corpus*, bare life, in himself (*HS*, 124).⁵⁹

This is *The Instant*’s ‘sovereign *elation*’, where bare life—as anonymous being, being-in-general—is, most lucidly, the life of sovereignty itself. Indeed, the term “sovereign subject” conjoins (without equating) the undying *homo sacer* with sovereignty, the clearest feature of which being ‘its perpetual nature’; one here sees, therefore, ‘the body of the sovereign and the body of *homo sacer* enter into a zone of indistinction in which they can no longer be told apart’, just as with the corpses of Antigone and Creon (*HS*, 94, 96). This paradox of the sovereign subject—the subject as sovereign, the sovereign as subject—may also be inverted, as perhaps was intimated by Hugo’s nameless protagonist when he asks: ‘if these dead return, in what form do they return? [...] Does the head or the body turn into a ghost?’. This possible inversion is noteworthy. In this land of the dead, is it also the case of the body (subject) *without* its head (sovereign), and the head *without* its body?

⁵⁹ Emphasis added.

We will soon return to the possibilities of this inversion within the pressing context of the death penalty, but one last point must here be made in relation to Agamben's figure as one more archetypal than archaic. Indeed, one might say that, in Agamben's conception of sovereignty, it is not that the exception creates the rule but, rather, that the exception *is* the rule, a figuration that is more the exceptionalisation of the norm than the normalisation of the exception. With the mechanisms of sovereignty being the very operations of sociality, 'human life is thus included in the political order in being exposed to an unconditional capacity to be killed' (*HS*, 85). By its very nature, 'the "juridically empty" space of the exception [...] has transgressed its spatiotemporal boundaries and now, overflowing outside them, is starting to coincide with the normal order'; as he goes on to say, '[e]verywhere on Earth men live today in the ban of a law [...]. But this is precisely the structure of the sovereign relation', and so '[b]are life [...] now dwells in the biological body of every living being' (*HS*, 38, 51, 140). Our 'mere "capacity to be killed"' is therefore what leads Agamben to state that, ultimately, 'we are all virtually *homines sacri*', and that 'biopolitics necessarily turns into thanatopolitics' (*HS*, 114-15, 142).⁶⁰

From what we have recapitulated of Agamben thus far, the figure that has here been termed the "human thing" seems to map perfectly onto that of the *homo sacer*, and this on several points. The simultaneous immortality and shared death of bare life and political sovereign, for instance, is both the murder of the abattoir (the commoners were not animals, *zoē*, but, being slaughtered, were not killed as citizens either) as well as assassination—which as we have seen, when they happen simultaneously, collapse into the idea of execution. What survives (without surviving) in this shared death is, writes Agamben, 'a paradoxical being, who, while seeming to lead a normal life, in fact exists on a threshold that belongs neither to the world of the living nor to the world of the dead: he is a living dead man', one 'belonging to the world of the

⁶⁰ Agamben explains this point also through the *patria potestas*. See *HS*, pp. 89-90. He states this most clearly in one of his concluding statements, inverting Freud: "Where there is a People, there will be bare life" (*HS*, 179).

deceased’ and thus ‘a living pledge to his subjection to a power of death’. His death is ‘a *missing* death’, with all the resonances discussed earlier.⁶¹ It is a condition ‘incompatible with the human world’, and, ‘[i]n every case, sacred life [living death] cannot dwell in the city of men’. (*HS*, 99-101). This is no longer the *polis* but ‘the no-man’s-land between the home and the city’; in other words, the necropolis (*HS*, 90).

Furthermore, this necropolis which we all inhabit—in all of us being condemned at the mark of sociality, in all of us being virtually *homines sacri*, dying before being born—is the death penalty’s overflowing of its spatiotemporal boundaries, maintaining us in our unexperienced experience of death. With death, it is not the case that there can be no relation, but rather that there is a relationality in the form of a ban, a ‘relation with the nonrelational’ that brings out only ‘something in general’—that is, anonymous being. The topology of this relation, like the position of the fragmented Neuter, is neither inside nor outside but ‘radically exterior’, and the neutral interruption of the Third, who dies in-stead with the anonymous motions of the impassable *il y a* or *chora*, is the ‘virtual rupture’ that is a necessary part of the contradictory mechanisms of the death penalty; ‘the machine turns against itself’, and its movements are always contra-temporal. Even language, argues Agamben, ‘holds man in its ban’ (*HS*, 50). ‘Language’, he states, ‘is the sovereign who, in a permanent state of exception, declares that there is nothing outside language and that language is always beyond itself’ (*HS*, 21).

The anonymous and choral topology of the always-exceptionalised rule—being ‘essentially unlocalizable’ and infinitely dislocated—thus displaces any level of certainty imbued in the preposition “towards” (as in, being-*towards*-death) and the either/or of “here” or “there” (as in, *Da-sein*). In turn, this presence of absence that is not pure negation, but rather the neutral, is an excess of identity (one that exceeds the being-mortal of the human, the *Da-sein*) that is also

⁶¹ Emphasis added.

identity's complete lack: where the condemned is doubled—i.e., exceeded and eradicated—not only in the sovereign (as in the *Kampf*, as in *subiectus superaneus*) but also through the Third who dies in-stead (outstripping the “I”, the “my” of “my death”). What remains from all this is the fundamental ambiguity of *remains*, the human thing as human remains: fragments of dead men walking, living corpses, living the relational death one has always-already died before being born.

Putting to one side our suspicion that Agamben has read Blanchot much more closely than he lets on, we must ask ourselves whether all that has been said so far necessarily or solely culminates in Agamben's own vision of sovereignty, which ultimately endorses Heidegger's Dasein as well as suggests that an escape from sovereignty is unthinkable. An answer contradicting these tenets may here be proffered in examining more closely what Agamben says of the death penalty proper, and from this we may begin to determine the postsovereign gestures of the literature of the death penalty that shall make for the concluding thought of this entire study.

The ultimate ‘zone of irreducible indistinction’, for Agamben, is not death row but the camp (*HS*, 9). It is ‘the pure, absolute, and impassable biopolitical space [which in Agamben's use of the term means *thanatopolitical* space] (insofar as it is founded solely on the state of exception)’, and appears ‘as the hidden paradigm of the political space of modernity’ (*HS*, 123). It is where ‘bare life and the juridical rule enter into a threshold of indistinction’, a “place” which ‘decisively signals the political space of modernity itself’, ‘the new biopolitical *nomos* of the planet’ (*HS*, 174, 176)

While it is clear that Agamben tries to separate those condemned to death from ‘[t]he bare life into which the camp's inhabitants were transformed’, it is not so clear as to where the line of separation is (*HS*, 171). For the most part, the state of the condemned man can be read alongside

the figure of the *homo sacer*. Similarly to what has been done here, Agamben differentiates the camp from the prison based on the state of exception, and, when talking of VPs, he describes them as ‘persons sentenced to death or detained in a camp, the entry into which meant the definitive exclusion from the political community’, and thus ‘situated in a limit zone between life and death, inside and outside, in which they were no longer anything but bare life’. (*HS*, 159; see *HS* 20). He goes on:

Those who are sentenced to death and those who dwell in the camps are thus in some way unconsciously assimilated to *homines sacres*, to a life that may be killed without the commission of homicide. Like the fence in the camp, *the interval* [the limbo, abeyance] *between the death sentence and execution delimits an extratemporal and extraterritorial threshold in which the human body is separated from its normal political status and abandoned, in a state of exception, to the most extreme misfortunes* (*HS*, 159).⁶²

Despite the clear equivalence drawn here, Agamben refutes it elsewhere, and this on the basis of the *homo sacer* as that which cannot be sacrificed. Despite saying, *contra* Bataille, that ‘[t]he dimension of bare life that constitutes the immediate referent of sovereign violence is more original than the opposition of the sacrificeable and the unsacrificeable’, the killing of *homo sacer*, Agamben states explicitly, ‘constitutes [...] neither capital punishment nor a sacrifice, but simply the actualization of a mere “capacity to be killed”’ (*HS*, 113-14). And later, through his discussion of the neomort—‘an extreme embodiment of the *homo sacer*’—he says that ‘what is at stake is, once again, the definition of a life that may be killed without the commission of homicide’, and which is, ‘like the *homo sacer*, “unsacrificeable,” in the sense that it obviously could not be put to death following a death sentence’ (*HS*, 165).

⁶² Emphasis added.

Indeed, in the figure of the werewolf—‘a monstrous hybrid of human and animal, divided between the forest and the city’, which Agamben says ‘corresponds perfectly to the state of the exception’—there might be heard Kant’s declaration that the condemned man ‘turns himself into a thing’ and ‘can be treated by others as an animal or a thing; he can be dealt with like a horse or a dog, for he is no longer a man’ (*HS*, 105, 107).⁶³ Such sentiments go unnoticed, despite Agamben’s frequent reliance on Kant, in the former’s efforts to exceptionalise the topology of the camp beyond all else. Thus, in Agamben’s thoughts, sovereignty and condemnation seem to be to some degree separated due to the unsacrificeability of the *homo sacer*: ‘sacred life’, he states, ‘may be killed by anyone without committing homicide, but never submitted to sanctioned forms of execution’ (*HS*, 103).

It is not the intention here to replace the already inchoate space of the camp with that of death row, ascribing some hierarchy of disaster. Rather, what is being argued here is that, in allowing the death penalty its revelation of bare life that is not named *homo sacer*, one might be led deeper into the non-ontological topography of humanity than the *homo sacer* allows. It also puts into question Agamben’s support of Heideggerian Dasein despite thinking a relation with death, which Heidegger categorically says is intolerable. This is, therefore, why the term “human thing” is here retained in favour of Agamben’s figure: it allows us to put to question the order of *being* itself. In short, the human thing, unlike the *homo sacer*, affords a conceptual space where the human can indeed be separated from sovereignty, which, in Agamben, is what is proper and inalienable to man.

⁶³ Derrida’s slightly later musings on the *loup* and its relation to sovereignty in *The Beast and the Sovereign* (especially the first volume) can be made to correspond, at least to some extent, to Agamben’s meditations on the figure of the werewolf, where ‘sovereign and beast seem to have in common their being-outside-the-law’, with ‘the beast being the sovereign, the sovereign being the beast’ (*BSI*, 17, 32). Derrida makes direct, contentious, and only very fleeting references to Agamben in these seminars (see *BSI*, 92).

Agamben is most clear regarding ontology when responding to Antonio Negri's *Insurgencies: Constituent Power and the Modern State*, of which he writes how '[t]he problem [of sovereignty and the state of exception] is [here] moved from political philosophy to first philosophy (or, if one likes, politics is returned to its ontological position)' (*HS*, 44). Only through such a move, he continues, may we begin to think the impossible impossibility.

[Re-viewing politics through ontology creates the possibility of thinking] a constituting power wholly released from the sovereign ban. Until a new and coherent ontology of potentiality (beyond the steps that have been made in this direction by Spinoza, Nietzsche, and Heidegger) has replaced the ontology founded on the primacy of actuality and its relation to potentiality, a political theory freed from the aporias of sovereignty remains unthinkable (*HS*, 44).

Does the literature of the death penalty think the unthinkable, that is, a post- or non-ontology? This question may, by its very wording, be unanswerable, for to think the unthinkable would be to make present its impossibility. It may also be too presumptuous to state that we have already arrived at a space of freedom from aporetic sovereignty, for the unthinkable, here, would be 'a completely new politics—that is, a politics no longer founded on the *exceptio* of bare life', an end of the exception that is not the route of the exceptionalisation of the norm (*HS*, 11). As such, our discussion of the fact that we are all condemned at the point of sociality, and that the sovereign is himself a living corpse, would in this manner only reinforce sovereignty rather than pushing towards some-thing post-sovereign. 'Only if it is possible', Agamben continues, 'to think the Being of abandonment beyond every idea of law [...] will we have moved out of the paradox of sovereignty toward a politics freed from every ban', and this would imply 'nothing less than thinking ontology and politics beyond every figure of relation, beyond even the limit relation that is the sovereign ban' (*HS*, 47, 59). In this vein, he

ends on a note with only ambiguous promises of success: ‘only if we understand the theoretical implications of bare life will we be able to solve the enigma of ontology’ (*HS*, 183).

This ‘Being of abandonment beyond every idea or law’ has here been named the living corpse of the necropolis, and in this naming there has indeed been an investigation into its ‘theoretical implications’. Foucault’s words hearken us to this: ‘If Man is dead, everything is possible!’— and that includes the thinking of postsovereignty that does not merely either reaffirm sovereignty or reconfigure its superficial aspects.⁶⁴ It is interesting that one of the figures Agamben specifies as (nearly) discharging the power of sovereignty and thinking beyond it is Melville’s Bartleby, who, through his indifference, ‘push[es] the aporia of sovereignty to the limit’ despite not ‘completely freeing [himself] from its ban’ (*HS*, 48). Keeping this in mind, we might thus be able to give a different inflection to an earlier concept of Agamben’s as explored in *The Coming Community*: that of the “whatever being”.

The relation between “whatever being” and *homo sacer* converges and diverges at several key moments. While Bartleby is, for example, used in the same context here as in *Homo Sacer* (that is, contextualised by Aristotelian actuality and potential to be and to not-be, vis-à-vis thinking beyond Being), the two works diverge significantly: for instance, on the fact that limbo (later the ‘interval’ of the camp fence, or the time between condemnation and execution), with its ‘impassable’ bodies, would only be a persistence of ‘natural joy’; the lack of distinction between the example and the exception; his notions of good and evil, the demonic, the ethical, ease, and the “whatever being’s” lovability as opposed to its total destitution.⁶⁵

⁶⁴ Foucault, interviewed by Pierre Dumayet on television after his publication of *Les mots et les choses*. See ‘Michel Foucault à propos du livre “Les mots et les choses”’, online video recording, *Institut National de l’Audiovisuel*, 15 June 1966. <<https://www.ina.fr/video/i05059752/michel-foucault-a-propos-du-livre-les-mots-et-les--video.html>> [accessed 1 September 2019]. Indeed, it is against the invention of the apotheosis of Man as being-towards-death that this thesis, with Blanchot, situates itself.

⁶⁵ Giorgio Agamben, *The Coming Community*, trans. Michael Hardt (Minneapolis: Minnesota University Press, 2009), p. 5. On Bartleby, see pp. 35-37.

“Whatever being” is what is neither general nor particular. Being the ‘matheme of singularity’, prior to the *principium individuationis* (which may be read on the lines of Levinasian hypostasis), it is where ‘pure singularities communicate only in the empty space [*chora*] of the example, without being tied by any common property, by any identity’.⁶⁶ The communication of these pure singularities, like the voices Cincinnatus hears after the collapse of life and world, does not constitute presence. Rather, ‘here is the idea’, writes Agamben, ‘of an *inessential* commonality, a solidarity that in no way concerns an essence. *Taking-place, the communication of singularities in the attribute of extension, does not unite them in essence, but scatters them in existence*’.⁶⁷ The whatever being that populates this community is ‘[n]either generic nor individual, neither an image of the divinity nor an animal form’.⁶⁸ This community of “whatever being”—which gains additional nuances of indifference when translated into English, ones which are not present in the original *essere qualunque*—relates to all that has been said so far, namely: the ‘undecided, or, in a very rigorous sense, “vague”’ condition of living on;⁶⁹ Kant’s paradoxical ‘animal society’; the chain-gang and the notion of bestiality; the hollow men who are standing alone yet ‘leaning together’ and ‘grop[ing] together’; and so on.^{70, 71} While this may also return us to the werewolf, Agamben argues, crucially, that death is ‘the ultimate frustration of individuality’ and reveals life ‘in all its nakedness’:

[I]f instead of continuing to search for a proper identity in the already improper and senseless form of individuality, humans were to succeed in belonging to the impropriety

⁶⁶ Agamben, *Coming Community*, pp. 17, 10-11.

⁶⁷ *Ibid.*, pp. 18-19.

⁶⁸ *Ibid.*, p. 48.

⁶⁹ Emphasis added.

⁷⁰ T.S. Eliot, ‘The Hollow Men’, pp. 79, 81.

⁷¹ An extended discussion could here be had on the human thing and what Derrida says of the ‘undecidable figure of the marionette as life *and* death, life-death’ (*BSI*, 256). The marionette is a ‘living “being” that perhaps “is” not—a *living without being*’, that which is the ‘inhuman *what*’, and not a *who*, ‘[n]either animal nor human’, where there is a ‘being-at-home-with-the-other’, who is neither guest nor host, in the multiple and impossible polis, a ‘multipli-city’ (*BSI*, 219, 222, 205, 201). Indeed, the human thing of the present discussion is an elaboration, interrogation, and deepening of Derrida’s marionette which Derrida ultimately leaves vague (and this not only because of the vagueness necessitated by such a figure of the neither/nor).

as such, in making of the proper being-thus not an identity and an individual property but a singularity without identity, a common and absolutely exposed singularity—if humans could, that is, not be-thus in this or that particular biography, but be only *the* thus, their singular exteriority and their face, then they would for the first time enter into a community without presuppositions and without subjects, into a communication without the incommunicable.⁷²

Here, it seems, Agamben desires the impropriety of death, the divestment of individuality, the anonymous and multiple face (in effect, facelessness)—and this is certainly not a desire for the Jewish prisoner of the camp, the anonymous *homo sacer* who knows only sovereignty. This lack of ‘particular biography’, allowing us to hear the rustles of autothanatography, is certainly different from what Agamben intimates is the tragic inescapability of sovereignty. This is a community that is ‘incommunicable’ rather than “unthinkable”, a community ‘without presuppositions and without subjects’, communal but nonetheless non-social and thus also without sovereign. As Blanchot writes in *The Unavowable Community*, ‘[t]his community is not the place of Sovereignty’.⁷³

Here is the neither/nor—neither head nor body, inside nor outside, here nor there, being nor non-being. On this Agamben would say: ‘negative (or mystical) theology, with its “neither... nor...” [...] is not outside theology and can actually be shown to function as the principle grounding the possibility in general of anything like a theology’ (*HS*, 17). It is with this logic, too, that Agamben accepts Heidegger’s *Dasein* with its potentiality not-to be.⁷⁴ To this, one

⁷² Agamben, *Coming Community*, pp. 64-65.

⁷³ Maurice Blanchot, *The Unavowable Community*, trans. by Pierre Joris (Barrytown: Station Hill Press, 1998), p. 12.

⁷⁴ See *HS*, pp. 48, 59, 153.

may respond with the indifference of the instant, that which reads also as the instance, the example, ‘an instance (without stance, a “without” without negativity)’.⁷⁵

Indifference is the manner of whatever being. This indifferent being ‘is not, in terms of the division that dominates Western ontology, either an essence or an existence, but a *manner of rising forth*; not a being that is *in* this or that mode, but a being that is *its* mode of being’.⁷⁶ Here is, as Leslie Hill writes, a “we” without a “we”, inassimilable into any communal “us”.⁷⁷ Or, as Mark C. Taylor writes with reference to Blanchot’s unavowable community: ‘In the cemetery, *we are together as alone in a community without community*’.⁷⁸ Or else, Levinas’s *le tiers* as a ‘collectivity that is not communion’; Derrida’s marionettes, or the crypt as what ‘must necessarily incorporate more than one’; or, indeed, the etymology of “thing” as “assembly”. Whatever being is ‘purely linguistic being’—that is, neutral—and its position is only the example, not the exemplary.⁷⁹ Its being is perfectly common, and here one can only have a death equally as common, irreparably unworking the syntagm of “my death”.⁸⁰ It is, for Agamben, an ‘empty and indeterminate totality [...] indeterminable to a concept’, a quasi-concept; it is, moreover, ‘a singularity plus an empty space’ which allows for substitution—dying in-stead—to reveal the human as living with death itself.⁸¹

It seems that in whatever being we find a state analogous to the *homo sacer* but which has shed or sloughed off one if its presumed essential features, its political mode, by means of its sheer indifference to and lack of individual identity within it. In the death which is not mine, ‘the pure abandon of all that’ abandons even the ban. Although the Agamben of *Homo Sacer* would disagree with this interpretation (claiming indifference is not quite enough)—and perhaps even

⁷⁵ Derrida and Nancy, “Eating Well”, (pp. 99-100).

⁷⁶ Agamben, *Coming Community*, p. 29.

⁷⁷ Leslie Hill, “Not In Our Name”: Blanchot, Politics, the Neuter’, *Paragraph*, 30(3) (2007), 141-159 (p. 142).

⁷⁸ Taylor, p. 22.

⁷⁹ Agamben, *Coming Community*, p. 10.

⁸⁰ *Ibid.*, p. 29.

⁸¹ *Ibid.*, p. 67. See also pp. 23-25.

the Agamben of *The Coming Community*, who identifies a culmination of whatever being in the *homo sacer*—might we nonetheless see Agamben return to this disastrous indifference, at the end of *Homo Sacer*, with the figure of the *Muselmann*? A figure whose instincts, Agamben writes, ‘are cancelled along with his reason’, and who moves ‘in absolute indistinction’ with a manner ‘which does not register any difference’ and ‘might perhaps be a silent form of resistance’ (*HS*, 185)?

In “whatever being” we see, therefore, a more accurate (non-)localisation of the condition of the human thing—and its ontological topography—than what is afforded by the *homo sacer*. Despite their disparate contexts, “whatever being” emerges as yet another synonym for the neutral place that is the irremissible *il y a* or *chora*, here presented under the umbrella term of “necropolis”.⁸² Whatever being, divested of its properties, is what Blanchot would describe as ‘to be without being’. In its characterisation through the manner of indifference, we see here all relationality decompose (except that of the relation with death, which creates and necessitates such indifference). Whether the law withdraws or not from the state of exception, whether it claims for inside itself that which was outside, thus rendering it radically exterior—it is neither here nor there. Such indifference is perhaps the only manner of resistance to the oeuvre of sovereignty, a resistance that does not come from anywhere—neither inside, outside, nor at the threshold, trembling through the negative relation of the neither/nor—because it comes from death. From this non-place of ‘infinite resistance’ there comes an *indifferent resistance*, a resistance that does not care how or whether it resists because it is already dead.⁸³

⁸² While there is no *Stimmung*, as such, attributed to the *chora*, that of the *il y a* is specifically horror, and not indifference. One must keep in mind that the *il y a* as understood here is impassable, and thus there can be no horror from a Being that never arrives.

⁸³ Here are clear resonances with some forms of contemporary resistance, for instance: (i) the Zapatista movement, the members of which participate in a ‘[r]esistant subjectivity [that] is in a sense already dead, a posthumous subjectivity’, who describe themselves as “‘the nameless, the always dead’” and whose death is an indifferent and “‘useless death’” (Howard Caygill, *On Resistance: A Philosophy of Defiance* (London and New York: Bloomsbury, 2013), pp. 98, 127, 112); (ii) the Turkish death fasters and self-immolators, whose forms of necroresistance directly (and thanatopolitically) respond to, and take power away from, ‘the sovereign power of life and death’, thinking instead of an ‘alternative [to] sovereignty’ (Banu Bargu, *Starve and Immolate: The*

Indifference is neither actual nor potential; an indifferent resistance neither works nor wears the habit in its inhabituality. There is no tragedy here, for there is neither identification nor identity; only the disaster of the unidentifiable.⁸⁴ This is what the tragic *homo sacer* is incapable of, for it is immersed only in the *polis*, but not the human thing, citizen of the necropolis.

This resistance is not laborious resistance, neither positive nor negative, for its domain is not (Hegelian) work, impossible in the all-encompassing context of the death penalty, which strips us of our very habit, but (Blanchovian) unworking, *désœuvrement*.⁸⁵ The neutral voice of the human thing has thus always spoken in the key of resistance, an ‘affirmative powerlessness or non-power’, the work of death that is always an unworking.⁸⁶ Its language is not meaningful—while the citizen of the necropolis lives ‘*the life that endures death and maintains itself in it*’ (*LRD*, 336), its voice does not, as Agamben rightly reads Hegel’s dialectic, ‘[have] the “magical power” that “converts the negative into being”’.⁸⁷ The voice of neuter-thanatography is not Saying anything at all. This is not the subjective ‘power of the negative’, the historical life that, as Critchley writes, ‘consists in the emergence of new, true objects for consciousness through the labour of negation’.⁸⁸ In being unworked, this resistance is always disastrous: it is

Politics of Human Weapons (New York: Columbia University Press, 2014), pp. 27, 2). It should be noted that the specific idea of wilful self-destruction highlighted in the latter example is not what is being explored here; rather, this is the transgression first identified through *Antigone*; that is, the transgression that is the refusal to participate in *presence* or the *made-to-be* and instead remain within the *neither/nor*.

⁸⁴ Cf. Bataille, ‘Hegel, Death and Sacrifice’, p. 20: ‘In tragedy, at least, it is a question of our identifying of some character who dies, and of believing that we die, although we are alive’.

⁸⁵ See Pierre Joris, ‘Translator’s Preface’, in *The Unavowable Community*, pp. xi-xxv (pp. xxii-xxv). See also *The Unavowable Community*, pp. 10-11, 24-26. Blanchot quotes a crucial sentence from Bataille: “‘If the community is revealed by the death of the other person, it is because death itself is the true community of mortal beings: their impossible communion’” (p. 10-11).

⁸⁶ Hill, p. 154.

⁸⁷ Giorgio Agamben, *Language and Death: The Place of Negativity*, trans. by Karen E. Pinkus and Michael Hardt (Minneapolis and Oxford: Minneapolis University Press, 1991), p. 46. The original Hegelian quote under discussion here is taken from the ‘Preface’ to the *Phenomenology*, p. 19. Derrida (see *BSII*, 152-4) ignores this point when reading this same passage from Hegel, despite the acknowledgement that enduring death within life—a life that is somehow maintained—would be a power over death, a putting to *work* of death, or at the very least the transformation of death from impossibility to concept (on this, Blanchot writes very clearly: see *The Writing of the Disaster*, p. 68).

⁸⁸ Critchley, *Very Little... Almost Nothing*, p. 61.

a resistance that is ‘the interruption of history and destiny [...], which is what Blanchot means by disaster’.⁸⁹

In this interruption called dying in-stead, sovereignty itself is suspended. This is a resistance through death. Politics is always, as Agamben has shown us, a politics of death; but death ultimately kills even the possibilities of necropolitics. Crucially, then, the voice of the human thing is, as Hill writes:

an interruption of possibility, a deferral or difference that, like a caesura, voiced in the neuter, and irreducible to any opposition between immanence and transcendence, divide[s] the origin from itself, put[s] immediacy at a distance, ruin[s] all prospect of foundation, *and revoke[s] the supremacy of sovereignty as such.*⁹⁰

In *The Beast and the Sovereign* seminars, Derrida characterises sovereignty as that which ‘causes fear, and fear makes the sovereign’—it is thus terror (with its echoes of the guillotine) that is ‘the essential manifestation of sovereignty’; defined as such, fear is ‘proper to mankind’, and ‘[l]ife lives in fear’ (*BSI*, 40-41). Metaphorically losing one’s head, however, is not the same as literally having it detached; while one can be afraid in life, it is impossible in death. In fact, the condition of sovereignty, Derrida continues, ‘lasts only as long as law, sovereignty, and the state are able to *protect* fearful subjects against what is causing them fear’, and if sovereignty itself constitutes the community of its subjects, they can never be protected from itself (*BSI*, 42).

This is one more way of understanding society as that which is founded in the death penalty; what is here being added is that such a society necessarily goes beyond its foundation, undoing what creates it. In not being able to be protected from the death penalty that founds the

⁸⁹ Brogan, 192.

⁹⁰ Hill, pp. 151-52. Emphasis added. Here she is discussing Pindar’s fragment ‘Das Höchste’ and Hölderlin’s, Schmitt’s, and Blanchot’s translations and discussions of it.

community—indeed, it is the very thing that also annuls it—sovereign subjectivity must necessarily come undone. As Schmitt writes, ‘the ‘*protego ergo oblige* is the *cogito ergo sum* of the state’ and, with the death penalty having killed us before we are born, the unravelling of sovereign protection unravels the human *cogito* that belongs to the political subject.⁹¹ As Derrida explains:

“I protect you” means, for the state, I oblige you, you are my subject, I subject you. Being the subject of one’s fear and being the subject of the law or the state, being obliged to obey the state as one obeys one’s fear, are at bottom the same thing (*BSI*, 43).

Protection is, then, ‘the essential function of the state’, and this the state always fails through its very existence as first and foremost human society (*BSI*, 46). What emerges in this failure, then, is a lack of fear (and pity, and tragedy)—an indifference belonging to the human of the necropolis. In, like Antigone, not being able to oblige in having always-already been executed, we are then in the post-mortal realm of the post-subject that is at once the post-sovereign.

What this means, then, is that the human thing is ultimately the possibility of a beyond the political that is not merely the apolitical. While Agamben believes that sovereignty is what is proper and inalienable to the human being, in this thesis’s understanding of death as more sovereign than any sovereignty there is found, speaking but not understood, acknowledged but not recognised, the human thing.⁹²

⁹¹ Carl Schmitt, ‘The Concept of the Political’, trans. by George Schwab, in *The Concept of the Political—Expanded Edition*, pp. 19-79 (p. 52). Here Schmitt is quoting Thomas Hobbes, and the thoughts of Agamben and Derrida as quoted in this chapter also bear multiple and overt references to Hobbes; the centrality of his thought on sovereignty, obligation, and punishment cannot be understated. See Thomas Hobbes, *Leviathan*, ed. by J.C.A. Gaskin (Oxford, New York: Oxford University Press, 2008). See also Arthur Bradley, ‘Jus Puniendi: La questione della pena in Foucault, Agamben ed Esposito’, in *Teologie e Politica: Genealogia e Attualità*, ed. by Elettra Stimilli (Roma: Quodlibet, 2019), pp. 105-26.

⁹² Indeed, Derrida, in these same lectures, also makes evident that he does not believe sovereignty to be the “proper” of mankind, and that sovereignty can be successfully deconstructed: ‘Sovereignty is a *posited law*, a thesis or prosthesis, and not a natural given’ (*BSI*, 77). On this, see also *BSI*, 57, 75, 138.

This is the political elsewhere that Butler finds in *Antigone*, and which this thesis has explored through several other living corpses. This other-than-political does not make of the human thing a new sovereign figure, and this through the negative topography of the neither/nor maintained in relational death. Thinking of an(-)other politics, one recalls Derrida who, speaking of animal society, maintains that one cannot conclude ‘that there is *politics* and especially *sovereignty* in communities of non-human living beings. “Social animal” does not necessarily mean “political animal”’ (*BSI*, 16).

This ‘being without a city’, a wholly different condition from the ‘being-political of the living being called man’, requires us to think otherwise, beyond this ‘*living being* called man’ (*BSI*, 25).⁹³ It is where the “who” becomes a “what”, where it is impossible to define one as “oneself”; in short, the end of the *ipsissimus* of the mortal self, the end of the ‘sovereignty of the responsible human Me’ (*BSI*, 183). What is required in thinking the human thing is thus a ‘repoliticization’, in Derrida’s words, or more accurately a depoliticisation that is not Schmittian but thanatopolitical, an end of a politics of the living and living politics itself. Here is the ‘ambivalent specter of death that remains inassimilable and incomprehensible within sovereignty’s hermetically self-referential discourse’.

As stated earlier, what remains are remains, ‘something even below the [beast]’ that is the werewolf-sovereign, not poor in world (*weltarm*) but, like Cincinnatus and the rest of the dead men walking, worldless (*weltlos*).⁹⁴ This something is like a stone, for instance, or a corpse: ‘the inanimate, the lifeless [...], what cannot even die’ (*BSII*, 113). If ‘the *autos* is indissociable from what happens *in the world*’, then exiting the world entails exiting also the *autos*, residing with the epilogic thanatography of the neutral, the indifferent (*BSII*, 88). This is being-in-

⁹³ Foucault too stresses how the sovereign rules ‘over men insofar as they are living beings’ (*Society Must Be Defended*, p. 247).

⁹⁴ Here Derrida’s discussion of Heidegger’s three definitions (*weltlos* for the thing, *weltarm* for the animal, and *weltbildend* for the human being) is being kept in view, which he discusses throughout *BSII*.

general, the anonymous and unavowable whatever community, beyond the being-mortal that for Heidegger defines the human.

‘Whatever singularity has no identity’, continues Agamben; ‘it is not determinate with respect to a concept, but neither is it simply indeterminate; rather it is determined only through its relation to an *idea*, that is, to the totality of its possibilities’.⁹⁵ This quasi-conceptual state is the possibility intimated by the literature of the death penalty: an understanding of death that moves the human away from political life, that is, both politics and life. The human thing is the ellipsis following “there is...”. It is neither determinable nor indeterminable, neither sovereign nor subject, but rather effortlessly decomposing, naked yet faceless and fundamentally incommunicable in its stygian relation with death, thus opening up what Agamben remains unsure of in *Homo Sacer*: the possibility of a political relation without a ban, where there persists the human without being.

As such, the fragmentary and unavowable community of human things may still be said to be “coming”, for it is never present, but only insofar as one also understands with this that which, as Blanchot writes, ‘never comes, except arbitrarily, or has always already come’, in the indifferent manner of ‘the coming of what does not come, of what would come without an arrival, *outside of Being and as though adrift*’.⁹⁶ In other words, this is the being-in-abeyance that literature allows us to glimpse and, in so doing, frees us from the tyranny of the self, the subject, the human being.

⁹⁵ Agamben, *Coming Community*, p. 67.

⁹⁶ Blanchot, ‘Who?’, p. 59. Emphasis added.

Conclusion: The Death of Me

The title of this thesis is quite obviously both tongue-in-cheek and self-referential, for unravelling the human is no easy task and required of me, as Derrida had warned, some amount of courage.¹ However, I have tried to encapsulate within it, at least, the core meaning of what has been said here: that is, that “the death of me” is not only the death of *a* subject but the death of *the* subject, the death of any-one who can say “me” and “my death”.

Reversing the syntagm of “my death” reveals how it is, apparently, always something or someone else that is the death of me, and often this is left to the future. “He will be the death of me”, as the idiom goes, and this I could say of a neighbour or colleague who is being particularly difficult. I am not dead, not yet, but I will die if they keep on being so difficult. This is all a bit hyperbolic, of course, and perhaps one should try and work things out, but it is indeed an odd phrase. Moreover, I cannot for the life of me work out whether that other turn of phrase—“I cannot for the life of me”—stands in direct contrast to or happy agreement with “the death of me”.

On one level, this peculiar saying—“will be the death of me”—has here been supported: it is only through sociality and the Other, as I have argued, that the relation to death is revealed. Yet I have, on the other hand, contested this supposed futurity of death. Of course, Epicurus, Levinas, and others like them—those who would forever disassociate self from death—would agree that something can only be the death of me in the future, for I (so long as I am an “I”) am never dead. Heidegger might at first seem diametrically opposed to this, maintaining as he does that life is what it is only because we are marked by death at every moment—hence why the defining characteristic of the human being, for him, is mortality—but there nonetheless remains in Heidegger’s thought a strict disassociation between the “I” and its corpse. The

¹ See *BSII*, 147.

preposition “towards” betrays a distinct and impermeable separation between being and non-being, and so there is no relation to death *as such* in this supposed ownmost death that is mine-every-time. On this Derrida notes that, perhaps:

contrary to what Heidegger says, we did remain beasts [i.e. not mortal humans] who do not have the power to die, to whom death as such never appears, dying remaining, as Blanchot often complains, impossible, alas. No, insists Heidegger, you have to become mortal. But at bottom, is this not pretty much the same thing? Living death beyond life, live to death, living death, etc. This is perhaps the same circle (*BSII*, 124).

It seems Blanchot is the one to turn to when one tries to imagine a non- or beyond-mortal, when one tries to understand the condition of the condemned human as the “what” which is already dead, where self and death collide and yet where there remains absent the immortal being-present of the “towards” once death is already in the past. It is Blanchot who, in Derrida’s words, ‘never ceased dwelling in these places that are uninhabitable for thought’, be it the ‘question of the impossible and of the possibility of the impossible, or be it the fictional, even literary space that accepts the living of death, becoming living dead’ (*BSII*, 180). This is why the literary fiction of the death penalty, starting from Blanchot’s own, has here been read beyond the more obvious arguments around condemnation, and beyond even the psychoanalytic—which maintains at heart a belief in subjectivity—when it comes to imagining our own corpses. After all, even Freud, as Derrida says, would suggest ‘that the relation to our death is not representable, and that each time we try to represent our own deaths to ourselves, we continue to be there as spectators, observers, voyeurs’—in short, this is ‘another way of

saying, against Heidegger, that we never have any access to our own death *as such*' (*BSII*, 157).²

But Antigone, Pablo Ibbieta, Cincinnatus, and all the unnameable rest have allowed us to traverse the path Blanchot has trodden, beyond even Derrida who—despite thinking through ipseity via hauntology, life-death, the unexperienced experience, the *tout autre*, the deconstruction of the borders of death, and so on—upholds the dividing wall of death and deposes the “I” without annulling its gift of death. Blanchot allows us to look not only beyond the fundamental definition of the human as mortal, but also, intricately woven with this, the sovereignty of its Dasein. As such, there is indeed here figured a relation to death *as such*.

When one finds oneself a dead man walking, condemned to death by the sovereign power that can only oblige and subject because it protects, there is a simultaneous interruption—an in(de)finite, in(de)terminable suspension made most evident through dying in-stead—of both the human as “ontological subject” (i.e. “mortal being”) as well as “political subject”. This cessation would be, in every other case, merely death; what is troubling in the case of condemnation, however, is its time of limbo, of abeyance, between this experience of death and proper, bodily death. It is, therefore, a death that is lived, one which characterises the living corpse as that which survives without surviving, that lives on as a ‘laggard shadow’ in ‘that second, that syncope’, in ‘the pause, the hiatus, when the heart is like a feather’, with an ‘extraordinary lightness’ or ‘abeyance’. This silence is what Heidegger’s ontology speaks over.

In this instantaneous meeting of being and non-being, it cannot be said that the living corpse is both “being” and “non-being”, for that would be the magical Hegelian ‘life that endures death and maintains itself in it’, or the Heideggerian relation to death *as such* that somehow

² Derrida here refers to a particular work of Freud’s. See Sigmund Freud, ‘Our Attitude towards Death’, in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Vol. XIV (1914-1916)*, ed. and trans. by James Strachey, Anna Freud, Alix Strachey, and Alan Tyson (London: Vintage, 2001), pp. 289-300.

nonetheless permits us to participate in the presence of the present (his overcoming of metaphysics). If we are not to put death to death—that is, if we are to acknowledge the sovereignty of death beyond any other kind of sovereignty (of the mortal *ipsissimus*, of political being headed and beheaded by the sovereign)—then one must, thanatopolitically, see this living corpse as that which is *neither* being *nor* non-being. This is the impossible beyond of ontological thought that Derrida rightly says Blanchot dwells in. Indeed, Blanchot's thought endlessly and in diverse ways circles that question, much heavier than any feather, of what it is 'to be without being'.

This is why the Blanchovian Neuter has here been examined through diverse literary figures who all inhabit the uninhabitable, that is, the topographical yet unmappable spaces of the *chora*, *il y a*, neutrality, and *whatever being* that keep as banished the anonymous existence of the neither/nor that populates their placelessness. This population, crucially, reminds us how the neutral is not the singular (and nor the plural). While the erasure of ontological selfhood necessarily dissolves with it the figure of the (ethical) Other—for if Levinas says there is no One without the Other, the facelessness of death reveals there can be no Other without the One—there remains the sociality of the Third that interrupts the dialectical closure of sovereign and condemned, Lord and Bondsman, face to face—and thus reveals a death penalty that spills beyond the confines of the self as that which is the foundation of human society. The limbo seemingly reserved for death row escapes its cells, and this is the communal and social necropolis that is politically otherwise and elsewhere, a being-without-polis that is not actively apolitical but which, rather, passively and indifferently *dwells* and *decomposes*. Here is the differently-politicised human that speaks neither politically nor apolitically through a resistance the name of which is death.

And yet in death, as evidenced by the conscious decision I have made here in these concluding thoughts to speak in the first person—despite my upholding of the extermination of the “I”—

there remains... something, and this something speaks on. Here termed the human thing, this is what is '[n]either generic nor individual, neither an image of the divinity nor an animal form'—and so not reducible to the figure of the animal that is also the sovereign. This is an assembly of self in death one may characterise but not define, one which must always be left as the example (as whatever) and never the exemplary. As Derrida explains in *The Beast and The Sovereign* seminars, following what Blanchot wrote around a decade earlier, this is the unidentifiable nature of “what”.

“What,” the “what”: one can call that the thing, the *res*, or the nothing [*rien*] of the thing, a thing that is not someone, neither a subject nor a self, nor a consciousness, nor a human being, nor a *Dasein*, the thing that does not think, does not speak and does nothing, the thing that remains silent [*coite*], if you want to play on this homonym whereby the *quoi* remains *coi* (c.o.i.), i.e. mute and immobile, a tranquil force, and *coite*, *coite* meaning not *coitus* [*coit*] but coming from *quietus*, which means “at rest, tranquil, impassive” (*BSI*, 199).

It is notable that Derrida characterises ‘the becoming-thing of the person’ (even if the thing, in truth, is always unbecoming rather than becoming, and, as we have seen, does indeed speak and resist ‘in the name of death’) as ‘tranquil’ (*BSI*, 199). It recalls the notion of equipollence as popularised through Sextus Empiricus’s *Outlines of Scepticism*, whereby ‘[t]he sceptical persuasion’ suspends all judgements between oppositions and leads one ‘afterwards to tranquillity’.³ This ‘[s]uspension of judgement is a standstill of the intellect, owing to which we neither reject nor posit anything’, whereby ‘[b]y “opposed accounts” we do not necessarily have in mind affirmation and negation’—and this, indeed, is the realm of the neither/nor.⁴ This

³ Sextus Empiricus, *Outlines of Scepticism*, ed. Julia Annas and Jonathan Barnes (Cambridge and New York: Cambridge University Press, 2007), p. 4.

⁴ *Ibid.*, p. 5.

impassivity, a lack of the tragic, is the indifference of the community of the human thing, which neither affirms nor negates—but rather tranquilly resists affirming and negating—both human Dasein and what some, like Agamben, would consider its essential and inalienable political mode.⁵

‘Such is the last ambiguity’, Blanchot writes, ‘it vanishes if it awakens; it perishes if it comes to light’; the condition of the fragmentary and unidentifiable human thing ‘is to be *buried alive*, and in that it is indeed its own symbol, symbolized by what it symbolizes: death that is life, that is death as soon as it survives’.⁶ This Blanchot writes, in ‘The Language of Fiction’, specifically with Kafka’s works in mind, in which ‘heroes are engaged in an intermediate moment between life and death’, wandering through ‘the strange condition of the dead who do not die’ where ‘[t]he passage from yes to no, from no to yes, is the rule’.⁷

Blanchot does not here specifically write of Kafka’s ‘In the Penal Colony’, but the tale comes to mind when speaking of fiction and the relational death of condemnation. In the short story, a soldier is ‘condemned to death for disobedience and insulting behaviour to a superior’, except that, despite being watched over by another soldier and in chains, he does not know he has been condemned.⁸ He “‘has had no chance of putting up a defense’”, and is to be executed with a complex and ingenuous apparatus the shape of which itself “‘corresponds to the human form’” and which is to write the sentence upon the condemned’s body with sharp and calligraphic needles.⁹ The diplomat who is made to witness the execution is told by the presiding officer that the killing takes around twelve hours, midway through which the condemned’s face will reveal, as has always happened, a visible ‘enlightenment’,

⁵ In this context of neither affirmation nor negation, one might appreciate the linguistic fact that “impassivity” is often synonymous with “passivity” despite the prefix.

⁶ Maurice Blanchot, ‘The Language of Fiction’, in *The Work of Fire*, pp. 74-84 (p. 84).

⁷ *Ibid.*, pp. 81-83.

⁸ Franz Kafka, ‘In the Penal Colony’, trans. by Willa and Edwin Muir, in *The Complete Short Stories of Franz Kafka*, ed. by Nahum N. Glatzer (London: Vintage, 2005), pp. 140-167 (p. 140).

⁹ *Ibid.*, (pp. 145-46).

‘transfiguration’, and ‘radiance’.¹⁰ Yet the visitor—whose views are held in high esteem by the colony’s commandant—makes it known to the officer that he thinks ‘the inhumanity of the execution [is] undeniable’, and the latter, in despair at the knowledge that his commander will use this testimony to destroy his beloved machine, frees the condemned and takes his place.¹¹ He is seeking the enlightenment he has seen granted only to the condemned, but the machine, old and dilapidated, breaks down, not writing anything with its needles but only repeatedly jabbing, and the officer lies dead.

If there were time, it would be fruitful to read this story through the ontological significations of the death penalty as read here: the fact that the sentence of condemnation comes only after the state of condemnation itself; our inability to escape our sentence or actively defend against it; the machinery of the death penalty itself having the form of the human, for it is the most human thing; the death machine being itself condemned to death; the beatitude of the condemned’s face, bathed in what Blanchot would describe as ‘extraordinary lightness’; the unnamed soldier who accompanies the protagonists as the third, or even the fourth; the twelve-hour execution, when one is very much living death; the dying in-stead, where death is taken and not given and where the one who condemns is also condemned; the inhumanity revealed beyond the human being. And so on—these stories are told time and again.

What I wish to focus on here, however, is how Kafka figures the act of writing and its ties to death. This has already been more overtly discussed in the last chapter (and Blanchot writes much more extensively about this in several of his works, alongside many other thinkers), but it leads us here to reflect on a certain impossibility of understanding. Being shown a draft or manuscript of the sentence to be corporeally inscribed, the diplomat can only see an unreadable

¹⁰ Kafka, (pp. 150, 154).

¹¹ *Ibid.*, (p. 151).

‘labyrinth of lines crossing and recrossing each other’.¹² Despite the promise of elegant though lethal narration, the machine manages only to jab and kill, not write. In the end, there was not, for anyone involved, any ‘promised redemption’.¹³

This hearkens back to an almost throwaway remark I made in the last chapter on the impossibility of *poiesis*, of producing either the narrative that autothanatography paradoxically maintains or the “I” that lives it. Here, with Kafka’s story, comes a reading that presents the unreadable, both in drafted plans and in its execution (in both senses). Kafka’s parabolic story, then, focuses not on the work of literature but rather the constant unworking of the literary—that which unworks the literary and what the literary itself unworks. What is unworked is the human. The death sentence is illegible, only a murmur or a rustle, as fragmented and unproductive as the multiple disconnected and irregular jabs on the officer’s corpse.

Here, alongside all the other literary works examined in this study (and many more that have not), is what I call the thanatoliterary, a literature that escapes all narrative and provides us only with an epilogue we cannot read: a human neither here nor there, neither with the living nor with the dead, neither being nor non-being. We are thus ‘no more than nothing’. It is inevitable that at the heart of the thanatoliterary is death, for that is where all readings end to then begin. Literature thus delivers the non-sentence: the relational death and the condition of the human thing. This of course can have other names too: queer being, for instance, or posthuman being in some of its most literal senses, or else the Unnameable, or Degree Zero. Ultimately, the literature of the death penalty reveals that the human being, whose life starts with birth and ends with death, and about which we endlessly theorise and philosophise, is itself a fiction.

¹² Kafka, (p. 148).

¹³ *Ibid.*, (p. 166).

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