

For A Justice To Come

An Interview with Jacques Derrida

The BRussells Tribunal is a commission of inquiry into the “New Imperial Order”, and more particularly into the “Project for A New American Century” (PNAC), the neo-conservative think tank that has inspired the Bush government’s war logic. The co-signatories of the PNAC “mission statement” include Dick Cheney, Donald Rumsfeld and Paul Wolfowitz. The programme of this Think tank is to promote planetary hegemony on the basis of a supertechnological army, to prevent the emergence of a rival super-power and to take pre-emptive action against all those who threaten American interests. The BRussells Tribunal will be held in Brussels from April 14 through 17. One of the greatest living philosophers, Jacques Derrida, who suffers from cancer and is unable to attend the tribunal, has invited the project’s initiator, Lieven De Caeter, to his house for an interview.

Lieven De Cauter: While thanking you for your generosity—why have you decided to grant us this interview on our initiative, the “BRussells Tribunal”?

Jacques Derrida: First of all I wanted to salute your initiative in its principle: to resuscitate the tradition of a Russell Tribunal is symbolically an important and necessary thing to do today. I believe that, in its principle, it is a good thing for the world, even if only in that it feeds the geopolitical reflection of all citizens of the world. I am even more convinced of this necessity in light of the fact that, for a number of years now, we have witnessed an increased interest in the working, in the constitution of international institutions, institutions of international law which, beyond the sovereignty of States, judge heads of State, generals. Not yet States as such, precisely, but persons responsible for, or suspected of being responsible for, war crimes, crimes against humanity—ø ne could mention the case of Pinochet, despite its ambiguity, or of Milosevic. At any rate, heads of State have to appear as such before an International Criminal Court, for instance, which has a recognised status in international law, despite all the difficulties you know: the American, French, Israeli reservations. Nonetheless this tribunal exists, and even if it is still faltering, weak and problematic in the execution of its sanctions, it exists as a recognised phenomenon of international law.

Your project, if I understand it correctly, is not of the same type, even if it is inspired by the same spirit. It does not have a juridical or judicial status recognised by any State, and it consequently remains a private initiative. Citizens of different countries have agreed among each other to conduct, as honestly as possible, an inquiry into a policy, into a political project and its execution. The point is not to reach a verdict resulting in sanctions but to raise or to sharpen the vigilance of the citizens of the world, in the first place that of the responsible parties you propose to judge. That can have a symbolic weight in which I believe, an exemplary symbolic weight.

That is why, even though I do not feel involved in the actual experience you intend to set up, I think it is very important to underscore that the case you are about to examine—which is evidently a massive and extremely serious case—is only one case among many. In the logic of your project, other policies, other political or military staff, other countries, other statesmen can also be brought to be judged in the same manner, or to be associated with this case. Personally, I have a critical attitude towards the Bush administration and its project, its attack on Iraq, and the conditions in which this has come about in a unilateral fashion, in spite of official protestations from European countries including France, in violation of the rules of the United Nations and the Security Council... But notwithstanding this criticism — which I have expressed in public, by the way — I would not wish for the United States in general to have to appear before such a tribunal. I would want to distinguish a number of forces within the United States that have opposed the policy on Iraq as firmly as in Europe. This policy does not involve the American people in general, nor even the American State, but a phase in American politics which, for that matter, is about to be questioned again in the run-up to the presidential elections. Perhaps there will be a change, at least partially, in the United States itself, so I would encourage you to be prudent as regards the target of the accusation.

LDC: That is why we have directed our attention not to the government in general but more particularly to the Project for the New American Century, the think tank which has issued all these extreme ideas of unilateralism, hegemony, militarisation of the world, ...

JD: Where there is an explicit political project which declares its hegemonic intent and proposes to put everything into place to accomplish this, there one can, in effect, level accusations, protest in the name of international law and existing institutions, in their spirit and in their letter. I am thinking as much of the United Nations as of the Security Council, which are respectable institutions, but whose structure, charter, procedures need to be reformed, especially the Security Council. The crisis that has been unfolding confirms this: these international institutions really need to be reformed. And here I would naturally plead for a radical transformation — I don't know whether this will come about in the short run — which would call into question even the Charter, that is to say the respect for the sovereignties of the nation-states and the non-divisibility of sovereignties. There is a contradiction between the respect for human rights in general, also part of the Charter, and the respect for the sovereignty of the nation-state. The States are in effect represented as States in the United Nations and a fortiori in the Security Council, which gathers together the victors of the last war. All this calls for a profound transformation. I would insist that it should be a transformation and not a destruction, for I believe in the spirit of the United Nations.

LDC: So you still remain within the vision of Kant...

JD: At least in the spirit of Kant, for I also have some questions concerning the Kantian concept of cosmopolitanism.¹ It is in this perspective that I believe initiatives such as yours (or analogous initiatives) are symbolically very important to raise consciousness about these necessary transformations. This will have — at least that is what I hope — the symbolic value of a call to reflection we are in need of, and which the States are not taking care of, which not even institutions like the International Criminal Court are taking care of.

LDC: If I may allow myself one specification: we are part of a whole network called “World Tribunal on Iraq”. There will be sessions in Hiroshima, Tokyo, Mexico, New York, London, and Istanbul. In London, and there the link between the International Criminal Court and the moral tribunal is very strong, those in charge of the Tribunal on Iraq have, together with specialists, assembled a dossier to investigate whether Blair (who has recognised the International Criminal Court) has broken international law. By all evidence, there is a considerable consensus among specialists to say that this war is a transgression, it is an “aggressive war” in the technical sense of the term as used in the charter of the UN, since there was no imminent threat to the territory of the countries involved. The upshot of this inquiry is that they have submitted a dossier to the International Criminal Court in The Hague. Similarly in Copenhagen, since Denmark is part of the coalition. So it’s possible that our moral initiative may be transformed, in some of its components, into a juridical procedure strictly speaking.

JD: That would be desirable, evidently! But the probability that this would come about seems low, for there would be too many States who would oppose your initiative becoming institutional and generally judicial, and not just the United States. Yet if this doesn’t come about, that does not mean your project is destined to ineffectiveness. On the contrary. I believe in its considerable symbolic effectiveness in the public domain. The fact that it is said, published, even if it isn’t followed by a judgement in the strictly judicial sense, let alone actual sanctions, can have considerable symbolical impact on the political consciousness of the citizens, a relayed, deferred effect, but one that raises high expectations. I would hope that you would treat those you accuse justly, that yours would be an undertaking of true integrity, devoid of preliminary positioning, without preconditions, that everything would be done in serenity and justice, that the responsible parties would be accurately identified, that you would not go over the top and that you would not exclude other procedures of the same type in the future. I would not want this procedure to serve as an excuse for not conducting other procedures that are just as necessary concerning other countries, other policies, whether they be European or not. I would even wish that the exemplary character of your initiative would lead to a lasting, if not a permanent instance.

I believe that it would be perceived as being more just if you didn’t commit yourself to this target as if it were the only possible target, notably because, as you are aware, in this aggression against Iraq, American responsibility was naturally decisive but it didn’t come about without complex complicities from many other quarters. We are dealing with a knot of nearly inextricable co-responsibilities. I would hope that this would be clearly taken into account and that it wouldn’t be the accusation of one man only. Even if he is an ideologue, someone who has given the hegemony project a particularly readable form, he has not done it on his own, he cannot have imposed it on non-consenting people. So the contours of the accused, of the suspect or the suspects, are very hard to determine.

LDC: Yes, that is one of the reasons why we have abandoned the strictly juridical format. One of the disadvantages of the juridical format is that you can only target persons. Whereas we want to take aim at a system, a systemic logic. We name the accused (Cheney, Wolfowitz, Rumsfeld) to show people we’re not talking about phantoms, but we take aim at the PNAC as a set of performative discourses, that is to say plans to achieve something, intentions to be translated into action. Our difficulty is also one of communication: communicating to people that PNAC exists and that it is important to spread this knowledge, is already a job in itself.

JD: Of course. And for that reason, it is important that matters are partly personalised and partly developed at the level of the system, of the principles, the concept, where this system, these principles,

¹ Derrida alludes to his reflection on Kant and his idea of a ‘Völkerbund’ (alliance of peoples) in *Voyous* [Rogues], pp. 118-25.

these concepts violate international laws which must be both respected and perhaps also changed. This is where you will not be able to avoid talking about sovereignty, about the crisis of sovereignty, about the necessary division or delimitation of sovereignty. Personally, when I have to take a position on this vast issue of sovereignty, of what I call its necessary deconstruction, I am very cautious. I believe it is necessary, by way of a philosophical, historical analysis, to deconstruct the political theology of sovereignty. It's an enormous philosophical task, requiring the re-reading of everything, from Kant to Bodin, from Hobbes to Schmitt. But at the same time you shouldn't think that you must fight for the dissolution pure and simple of all sovereignty: that is neither realistic nor desirable. There are effects of sovereignty which in my view are still politically useful in the fight against certain forces or international concentrations of forces that sneer at sovereignty.

In the present case, we have precisely the convergence of the arrogant and hegemonic assertion of a sovereign Nation-State with a gathering of global economic forces, involving all kinds of transactions and complications in which China, Russia and many countries of the Middle East are equally mixed up. This is where matters become very hard to disentangle. I believe that sometimes the reclamation of sovereignty should not necessarily be denounced or criticised, it depends on the situation.

LDC: As you have clearly demonstrated in *Voyous* [Rogues], in deconstructing the term, there is no democracy without "crazy": a certain power, and even force, is required.

JD: Absolutely. You can also talk of the sovereignty of the citizen, who votes in a sovereign fashion, so you need to be very cautious. In my view, the interesting thing about your project is in taking up or pursuing this reflection starting from an actual case which takes a specific form: military, strategic, economic, etc. It is very important to develop such reflection on a case, but this reflection requires considerable time and must accompany the entire geopolitical process in decades to come. It is not just as a Frenchman, European or citizen of the world but also as a philosopher concerned to see these questions developed that I find your attempt interesting and necessary. It will provide an opportunity for others, many others I hope, to adopt a position with regard to your efforts, to reflect, possibly to oppose you, or to join you, but this can only be beneficial for the political reflection we are in need of.

LDC: I was amazed by the definition you give in *The Concept of September 11*: a philosopher, you say, is someone who deals with this transition towards political and international institutions to come. That is a very political definition of the philosopher.

JD: What I wanted to convey is that it won't necessarily be the professional philosophers who will deal with this. The lawyer or the politician who takes charge of these questions will be the philosopher of tomorrow. Sometimes, politicians or lawyers are more able to philosophically think these questions through than professional academic philosophers, even though there are a few within the University dealing with this. At any rate, philosophy today, or the duty of philosophy, is to think this in action, by doing something.

LDC: I would like to return to this notion of sovereignty. Is not the New Imperial Order which names "Rogue States" a State of exception? You speak in *Voyous* about the concept of the auto-immunity of democracy: democracy, at certain critical moments, believes it must suspend itself to defend democracy. This is what is happening in the United States now, both in its domestic policy and in its foreign policy. The ideology of the PNAC, and therefore of the Bush administration, is exactly that.

JD: The exception is the translation, the criterion of sovereignty, as was noted by Carl Schmitt (whom I have also criticised, one must be very cautious when one talks about Carl Schmitt, I have written some chapters on Carl Schmitt in *The Politics of Friendship* where I take him seriously and where I criticise him and I would not want my reflection on Schmitt to be seen as an endorsement of either his theses or his history). Sovereign is he who decides on the exception. Exception and sovereignty go hand in hand here. In the same way that democracy, at times, threatens or suspends itself, so sovereignty consists in giving oneself the right to suspend the law. That is the definition of the sovereign: he makes the law, he is above the law, he can suspend the law. That is what the United States has done, on the one hand when they trespassed against their own commitments with regard to the UN and the Security Council, and on the other hand, within the country itself, by threatening American democracy to a certain extent, that is to say by introducing exceptional police and judicial procedures. I am not only thinking of the Guantanamo prisoners but also of the Patriot Act: from its introduction, the FBI has carried out

inquisitorial procedures of intimidation which have been denounced by the Americans themselves, notably by lawyers, as being in breach of the Constitution and of democracy.

Having said that, to be fair, we must recall that the United States is after all a democracy. Bush, who was elected with the narrowest of margins, risks losing the next elections: he is only sovereign for four years. It is a very legalistic country rich in displays of political liberty which would not be tolerated in a good many other countries. I am not only thinking of countries known to be non-democratic but also of our own Western European democracies. In the United States, when I saw those massive marches against the imminent war in Iraq, in front of the White House, right by Bush's offices, I said to myself that if in France protesters assembled in their thousands and marched in front of the Elysée in a similar situation, that would not be tolerated. To be fair, we must take into account this contradiction within American democracy — on the one hand, auto-immunity: democracy destroys itself in protecting itself; but on the other hand, we must take into account the fact that this hegemonic tendency is also a crisis of hegemony. The United States, to my mind, convulses upon its hegemony at a time when it is in crisis, precarious. There is no contradiction between the hegemonic drive and crisis. The United States realises all too well that within the next few years, both China and Russia will have begun to weigh in. The oil stories which have naturally determined the Iraq episode are linked to long-term forecasts notably concerning China: China's oil supply, control over oil in the Middle East... all of this indicates that hegemony is as much under threat as it is manifest and arrogant.

It is an extremely complex situation, which is why I am bound to say it should not be a matter of blanket accusations or denunciations levelled against the United States, but that we should take stock of all that is critical in American political life. There are forces in the United States that fight the Bush administration, alliances should be formed with these forces, their existence recognised. At times they express their criticism in ways much more radical than in Europe. But there is evidently — and I suppose you will discuss this in your commission of inquiry — the enormous problem of the media, of control of the media, of the media power which has accompanied this entire history in a decisive manner, from September 11 to the invasion of Iraq, an invasion which, by the way, in my opinion was already scheduled well before September 11.

LDC: Yes, as a matter of fact that is one of the things that need to be proven. The PNAC, in 2000, writes: “the United States has for decades sought to play a more permanent role in Gulf regional security. While the unresolved conflict with Iraq provides the immediate justification, the need for a substantial American force presence in the Gulf transcends the issue of the regime of Saddam Hussein.” They write this in September 2000: it was already decided, all the rest was just an alibi.

JD: I have had this debate in public with Baudrillard, who said that the aggression against Iraq — which was then being prepared— was a direct consequence of September 11. I opposed that thesis, I said that I thought it would take place anyway, that the premises had been in place for a long time already, and that the two sequences can be dissociated, to a certain extent. The day when this history will be written, when the documents are made public, it will become clear that September 11 was preceded by highly complicated underhand negotiations, often in Europe, on the subject of petrol pipe-line passage, at a time when the petrol clan was in power. There were intrigues and threats, and it is not impossible to think that one day it will be discovered that it was really the Bush clan that was targetted rather than the country, the America of Clinton. But we shouldn't stop at petrol: there are numerous other strategic geopolitical stakes, among them the tensions with China, Europe, Russia. Alliances with the United States, variable as ever, since it has attacked those who they have supported for a very long time. Iraq was an ally of the United States as of France: all of this is part of diplomatic inconstancy, hypocritical from end to end, and not only on the part of the United States. There are many more stakes than petrol alone, especially since petrol is a matter of only a few more decades: there won't be any oil left in 50 years! We must take the petrol question into account, but we shouldn't devote all our attention and analysis to it. There are military questions, passing through territorial questions of occupation and control. But military power is not only a territorial power, we know that now, it also passes through non-territorialised controls, techno-communicational channels etc. All of this has to be taken into account.

LDC: And Israel?

JD: Many have said that the American-Israeli alliance or the support the United States give to Israel is not unrelated to this intervention in Iraq. I believe this is true to some extent. But here too matters are very complicated, because even if the current Israeli government—and here I would take the same precautions as for the United States: there are Israelis in Israel who fight Sharon — has indeed congratulated itself officially and in public on the aggression against Iraq, the freedom this may have apparently given Israel in its offensive initiatives of colonisation and repression is very ambiguous. Here too we could speak of auto-immunity: it's very contradictory, because at the same time this has aggravated Palestinian terrorism, intensified or reawakened symptoms of anti-semitism across Europe...

It's very complicated, for if it is true that the Americans support Israel — just like the majority of European countries, with different political modulations - , the best American allies of Sharon's policy, that is to say the most offensive policy of all Israeli governments, are not only the American Jewish community but also the Christian fundamentalists. These are often the most pro-Israeli of all Americans, at times even more so than certain American Jews. I'm not sure it will turn out to have been in Israel's best interest that this form of aggression against Iraq has come about. The future will tell. Even Sharon meets with opposition in his own government nowadays, in his own majority, because he claims to withdraw from the Gaza colonies. The difficulty of a project such as yours, however just and magnificent it may be in its principle, is that it must cautiously take this complexity into account, that it must try not to be unfair to any of the parties. That is one of the reasons why I insist in confirming my solidarity in principle. Unable to participate effectively in the inquiry and in the development of the judgement because of my illness, I prefer to restrict myself for now to this agreement in principle, but I will not hesitate to applaud you afterwards, if I find you have conducted matters well!

LDC: Your statements are limpid and will serve as drink for many who are thirsty (for justice, for instance). Thank you very much. By way of post-script: let us speak of messianism for a minute or so. That is to say of "the weak force", which refers to Benjamin and which you evoke in the "Prière d'insérer", the preface to *Voyous*. Allow me to quote from it: "This vulnerable force, this force without power exposes to what or who is coming, and coming to affect it (...) What affirms itself here would be a messianic act of faith—irreligious and without messianism. (...) This site is neither soil nor foundation. It is nonetheless there that the call for a thought of the event *to come* will take root: of democracy to come, of reason to come. All hopes will put their trust in this call, certainly, but the call will remain, in itself, without hope. Not desperate but alien to teleology, to the expectancy and the *benefit* [salut] of salvation. Not alien to the *salvation* [salut] of the other, nor alien to the farewell or to justice, but still rebellious towards the economy of redemption."... I thought this very beautiful. Almost a prayer to insert — into the everyday, into our project. What is it, this messianism without religion?

JD: The weak force indeed refers to the interpretation of Benjamin, but it is not exactly mine. It is what I call "messianicity without messianism": I would say that today, one of the incarnations, one of the implementations of this messianicity, of this messianism without religion, may be found in the alter-globalisation movements. Movements that are still heterogeneous, still somewhat unformed, full of contradictions, but that gather together the weak of the earth, all those who feel themselves crushed by the economic hegemonies, by the liberal market, by sovereignism, etc. I believe it is these weak who will prove to be strongest in the end and who represent the future. Even though I am not a militant involved in these movements, I place my bet on the weak force of those alter-globalisation movements, who will have to explain themselves, to unravel their contradictions, but who march against all the hegemonic organisations of the world. Not just the United States, also the International Monetary Fund, the G8, all those organised hegemonies of the rich countries, the strong and powerful countries, of which Europe is part. It is these alter-globalisation movements that offer one of the best figures of what I would call messianicity without messianism, that is to say a messianicity that does not belong to any determined religion. The conflict with Iraq involved numerous religious elements, from all sides—from the Christian side as well as from the Muslim side. What I call messianicity without messianism is a call, a promise of an independent future for what is to come, and which comes like every messiah in the shape of peace and justice, a promise independent of religion, that is to say universal. A promise independent of the three religions when they oppose each other, since in fact it is a war between three Abrahamic religions. A promise beyond the Abrahamic religions, universal, without relation to revelations or to the history of religions. My intent here is not anti-religious, it is not a matter of waging war on the religious messianisms properly speaking, that is to say Judaic, Christian, Islamic. But it is a matter of marking a place where these messianisms are exceeded by messianicity, that is to say by that waiting without waiting, without horizon for the event to come, the democracy to come with all its

contradictions. And I believe we must seek today, very cautiously, to give force and form to this messianicity, without giving in to the old concepts of politics (sovereignism, territorialised nation-state), without giving in to the Churches or to the religious powers, theologico-political or theocratic of all orders, whether they be the theocracies of the Islamic Middle East, or whether they be, disguised, the theocracies of the West. (In spite of everything, Europe, France especially, but also the United States are secular in principle in their Constitutions. I recently heard a journalist say to an American: “how do you explain that Bush always says ‘God bless America’, that the President swears on the Bible, etc.” and the American replied: “don’t lecture us on secularity for we put the separation of Church and State into our Constitution long before you did”, that the State was not under the control of any religion whatsoever, which does not stop Christian domination from exerting itself, but there too it is imperative to be very cautious). Messianicity without messianism, that is: independence in respect of religion in general. A faith without religion in some sort.

Transcribed by Mäiwenn Furic
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