



Position of the Sublime in the Derridean Deconstruction of Law

Yasanın Derridacı Dekonstrüksiyonunda Yüzeyin Vaziyeti

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Abstract

Jacques Derrida's reading of the topic of sublime is disseminated throughout his different texts such as *Glas* (1974) and *Truth in Painting* (1987) to a vast area of convergence between *topoi* such as its being *colossal* and *monstrous* or between examples from the Greek sculptures to monotheistic religions. Yet one *topos*, namely the law, is the utmost example of the sublime, where the opposite is also at stake: the position of the law exemplifies itself as the sublimity of the law. Here, by condensing on Derrida's reading of Kant's conception of sublime, and by locating its position in the deconstruction of law via the text of Kafka (*Before the Law*) that also Derrida gives access to, it is illustrated how the law itself presents itself as much as it is only re-presented *before the law*. When the law appears only in the frames of its representation, it is attested that that representation is tantamount to the representation of that which cannot be presented. The instance of this representation of law is its *position without existence*. In this position where the example precedes the law, the example of law becomes itself (for itself) the access as the accessory frame. It is then with the aid of Derrida's reading of Kantian *parergon* as frame that the sublime enters into the frames of the exemplarity. While sublime becomes example for the *parergon*, the *parergon*, it seems, does not yield itself as an example of the sublime. By the incision that Derrida operates in the Kantian texture of the sublime, it is remarked that nevertheless the sublime itself is posited (just as a *parergon* is posited too). That is, according to Derrida, where the position of the sublime offers itself both as the law of the sublime and the sublimity of the law. And that is, it will be proposed, how the position of the sublime becomes the example of the deconstruction of the law insofar as the deconstruction of the law becomes itself the example of a position of the possibility of justice.

Keywords: Jacques Derrida, Immanuel Kant, Deconstruction, Sublime, Parergon, Example.

Öz

Jacques Derrida'nın yüce başlığı altındaki okumaları *Glas* (1974) ve *Resimdeki Hakikat* (1987) gibi farklı metinlerinde *devasalık* ve *canavarımsılık* gibi mevzular arasındaki veya Grek heykelinden tek tanrılı dinlere kadar uzanan misaller arasındaki geniş kesişim alanlarına yayılır. Fakat bir mevzu, yani denebilir ki yasa, tersi vaziyetin de mümkün olduğunu, yani yücenin (yasaya) en önemli misal olduğunu gösterir: bu vaziyette yasanın vaz oluşu bizatihi yasanın yüceliği olarak misalini bulur. Burada, Derrida'nın Kant'ın yüce kavrayışını okumasında yoğunlaşarak, ve yücenin yasanın dekonstrüksiyonundaki vaziyetini yine Derrida'nın erişim sağladığı Kafka metni (*Yasanın Önünde*) vasıtasıyla konumlandırarak, yasanın kendisini nasıl sadece *yasanın önünde* yeniden-hazır kıldığı temsiliyeti kadarıyla huzura getirdiği örneklendirildi. Böylelikle görüldü ki, yasa sadece temsili çerçevesinde zuhur ettiğinde, temsiliyetin huzura gelemeyenin yeniden huzura gelişyle eşdeğer olduğu tasdik edilmiş olur. Yasanın bu temsiliyetinin kertes de onun *mevcut olmaksızın vaz oluşudur*. Temsili misalin yasayı öncelediği bu vaziyette, yasanın misali bizatihi (kendisi için)

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ilave bir çerçeve teşkil eder. Derrida'nın Kantçı *parergon*'u çerçeve olarak okuması tam da bu açıdan yücenin misalsiliğin çerçevesine dâhil olmasına katkıda bulunur. Yüce *parergon* için misal olurken, *parergon* ise kendisini yücenin bir misali olarak ele vermez gibi gözüktür. Derrida'nın Kantçı yücenin metin örgüsünde açtığı yarıkla, yücenin de yine bir şekilde (tıpkı *parergon*'un olduğu gibi) vaz olduğu fark edilir. Bu, Derrida'ya göre, yücenin vaziyetinin kendisini hem yücenin yasası hem de yasanın yüceliği kıldığı yerde olur. Ve yine bu, bu metnin sonunda önerilebileceği kadarıyla, yücenin vaziyetinin nasıl yasanın dekonstrüksiyonunun misali olduğu yasanın dekonstrüksiyonunun da bizatihi adaletin imkânını vaz etmenin misali olmasıyla alakalı olduğu miktarda öyledir.

Anahtar sözcükler: Jacques Derrida, Immanuel Kant, Dekonstrüksiyon, Yüce, Parergon, Misal.

Introduction: Position of the Topos

If the alterity of the other is posed, that is, only posed, does it not amount to the same, for example in the form of constituted "object", or of the "informed product" invested with meaning, etc.? From this point of view, I would even say that the alterity of the other inscribes in the relationship that which in no case can be "posed". Inscription, as I would define it in this respect, is not a simple position: it is rather by means of which every position is of itself differed and differentiated: inscription, mark, text and not only thesis or theme-inscription of the thesis. (Derrida, 1981, pp. 95-6)

The prospect of this paper is to re-instantiate the sublime throughout the impermeable and indiscernible zone that Jacques Derrida's reading of it presents, by proposing to dis-pose it in its relation to the deconstruction of law. As Derrida puts it out, this deconstruction of law, in which the foundation of the law is contaminated with the preserving of it presupposes, arises in the frames of the *sublime*. Therefore, we will try to direct our reading towards a deconstruction of law that has its position in the inscription of the sublime. And only insofar as it is within the frames of the examples and exemplarity that this inscription of the sublime will be posited in the deconstruction of law.

So the stance of this text will, instead of any opposition to a thesis of a standard reading, posit itself in the insistence of a lack of position at the textual instance of Derrida. This instance, as Derrida consistently underlines, is delineated by the alignment of the position itself in the lack it supposes. Supposedly, we will not ally this text to an opposed text of Derrida. Yet, it will nevertheless try to pose a *frame* in the Derridean conception of the undeconstructible law, where the sublime as an upstanding thesis will break with and cease to be a differential conception that Derrida offers. While Derrida does not take any position "before the law" standing right there in the place and space that it figures [*Dar-stellung*], he nonetheless gives a proposition of a law that is figured non-figuratively. A non-symbolic image of law that is all the same undeconstructible is also at play [*Spiel*] at the limit of Derridean intertextuality. This play is exemplary [*Beispiel*] in the way that Derrida exposes his examples as text — Kafka and Kant — in the text that is exemplary for us — *Force of Law* —. The play of example between these texts will be retreated here, in this text, as an example of play in which Derrida submits the sublime to the law of this game. Without trying to determine the right position of Derrida as a metaphysical *topos*, but also holding rightly to what upholds right in the textual space of an ontological topic, we will pause the pose of the framing of the question in a *topos* called (as the title confers): position of the sublime in the Derridean deconstruction of law.

Topos of the Position

At the frame, end, and limit of his text entitled "Parergon", which means literally supplementary work, and in which he reads Kant's *Critique of the Power of Judgment*, Derrida evokes an unexpected call for a remaining duty of his reading, a further reading which can be supplemented as a *hors-d'oeuvre* [*parergon*] to "Parergon" (as text) or as a *parergon* [embellishment] itself to a later text that would maybe constitute a *hors-d'oeuvre* [*addendum*] to this same text, and cautions: "It remains to be seen how the

dynamic (sublime) comes to the mathematical” (Derrida, 1987, p. 146)¹. Yet then he immediately passes over the explanation of dynamic sublime in terms of violence [*Gewalt*] and force, without even proposing a passage to what he just offered as a “remaining” work. So this work remains and stands for us, without any resolution, in a resolute distance — which is also very proximate to the Derridean corpus. This corpus, which waits in the margins of the text of *Truth In Painting* that “Parergon” constitutes a part, exposes itself in front of us as the remnant of a corpse which emerges as an *impossible* problem of the *potentiality* of the sublime. For, Derrida leaves us in the position of non-relief and unrest as the rest of the mathematical sublime gives its impossibility to relegate itself to a play (and namely, as Kantian lexicon suggests, spell and *Spiel*) of force and violence (p. 128-29). And, the casting out the spell of this remnant, finds its possibility in the traces of Derrida’s other texts such as *Force of Law* and *Before the Law*, where the position (of the law) is exposed.

The trace of this possibility is treated in different traits that give access to the position (of the sublime). To indicate the access to this position, without ever asking if we had access to this access (by receding from the *topos* of the sublime in order to cede momentarily to the *topos* of the position itself), the access as possibility can be situated at firsthand. In his reading of Walter Benjamin’s *Critique of Violence* [*Zur Kritik der Gewalt*], there comes a moment where Derrida warns us against the acceptance of the possibility as access. Citing himself, he says: “Deconstruction has never claimed to be... possible. And I would say that deconstruction loses nothing from admitting that it is impossible... For a deconstructive operation possibility would rather be the danger, the danger of becoming an available set of rule-governed procedures, methods, accessible approaches. The interest of deconstruction, of such force and desire as it may have, is a certain experience of the impossible: that is ...of the other — the experience of the other as the invention of the impossible, in other words, as the only possible invention” (Derrida, 2002, p. 265). Deconstruction thus supplies an inaccessible *topos* and site for the possibility of deconstruction, which is the impossibility of deconstruction itself. In *Force of Law*, this site finds its place in the impossible position of the law. There the law does not find its right site, or to put it rightly, finds its place proper to right by deconstructing its proper site in the confounded position that founding and preserving law have. That’s why, although there seems to be a founding difference between founding and preserving law that Benjamin describes, according to Derrida, they put out the lack of position that any law possess:

A foundation is a promise. Every positing (*Setzung*) permits and promises, posits ahead [*permet et pro-met*]; it posits by setting and by promising [*en mettant et en promettant*]. And even if a promise is not kept in fact, iterability inscribes the promise as guard in the most irruptive instant of foundation. Thus it inscribes the possibility of repetition at the heart of the originary. Better, or worse, it is inscribed in this law [*loi*] of iterability; it stands under its law or before its law [*sous sa loi ou devant sa loi*]. Consequently [*du coup*], there is no more pure foundation or pure position of law, and so a pure founding violence, than there is a purely preserving violence. Positing is already iterability, a call for self-preserving repetition. Preservation in its turn refounds, so that it can preserve what it claims to found. Thus there can be no rigorous opposition between positing and preserving, only what I will call (and Benjamin does not name it) a differential contamination between the two, with all the paradoxes that this may lead to. (2002, p. 272)

There is no position of law proper. There is neither any right [*droit*] position of the law [*le droit*] proper to itself. It follows that there can be no promise concerning the law as any promise would be an unright promise. Yet it is this impossibility that renders the deconstruction of law possible. For, if, as Derrida

¹ Even at the outset of the pages related to *parergon*, Derrida asks: “The exposition begins with the group of the two *mathematical* categories (*quantity and quality*). Why not begin with the two *dynamic* categories (*relation and modality*)?” (Derrida, 1987, 74). For he later clarifies how this bifurcation between mathematical and dynamic relates to *Critique of Pure Reason*. Accordingly, they are “imported” from categories of quantity and quality, which are *mathematical* categories, and from relation and modality, which are *dynamic* categories (84).

puts it out, justice is not to be confounded with law (p. 244), the very impossibility of law gives the possibility of deconstruction. The possibility of deconstruction exposes itself as the undeconstructibility of justice. It is the deconstruction of an impossible law that gives the possibility of justice. So, although it does not clearly give an account of a successful access to the positive position of law, the Derridean position about the law yields us an indication of what would be called “undeconstructible”: “1. The deconstructibility of law (for example) makes deconstruction possible. 2. The undeconstructibility of justice also makes deconstruction possible, indeed is inseparable from [*se confond avec*] it. 3. Consequence: Deconstruction takes place in the interval that separates the undeconstructibility of justice from the deconstructibility of law. Deconstruction is possible as an experience of the impossible, there where, even if it does not exist, if it is not present, not yet or never, there is justice [*il y a la justice*]” (p. 243).

So the justice is possible. But when Derrida asserts that “the justice is the experience of the impossible” (p. 244) too, it does not contradict itself in the sense that it creates its utmost aporia between the possibility and impossibility. Were there however be an aporia, it would be the one that Derrida insists to assume in the text, which itself gives the *différance* between *the law* [*la loi*] and law [*le droit*], and which constructs the possibility of (a) justice. It is this insistence that Derrida “reserves” and *deposits* for the possibility of deconstruction although it *deposes* the undeconstructible law from its *position*. Derrida says: “I want to insist at once to *reserve* the possibility of a justice, indeed of a law [*loi*] that not only exceeds or contradicts law [*le droit*] but also, perhaps, has no relation to law, or maintains such a strange relation to it that it may just as well demand law as exclude it” (p. 243). Yet, if Derrida *deposes* this position of the undeconstructible law, then we, by referring to a difference in the terminology, will use the same verb *to depose*, to *depose* in the legal terminology of testifying, in order to testify to another sense. With-*out*² the sense of this deposition, it would be impossible to testify to something like the deconstructibility of law as the experience of an impossible justice. With and throughout the insistence of this deconstructive aporia, maybe one can testify to an un-deposable position of law — or one can *depose* any non testifiable, *unattestable* position of law.

Position of Law

Unattestable, unattainable, or inaccessible, this law gives itself in an accessory way. In other words, there is no way to penetrate to the law itself, except what is accessory to the law, namely except its example. Law, in the example of its penetrability, gives us access through what is exceptional, what is supplemented and even what is accessory to itself. The example of penetrability finds its example, in the text of Derrida, via Kafka. In this respect, the example of *Vor dem Gesetz* [*Before the Law*] is the example of example that sets out and installs us [*setzen*] to its literary scene as the *topos* of the example of law. “One cannot reach the law, and in order to have a rapport of respect with it, one *must not* have a rapport with the law, *one must interrupt the relation*. One must *enter into relation* only with the law’s representatives, its examples, its guardians” (Derrida, 1992, pp. 203-04).

The setting of this *Setzung* [law] precedes all the other accessory metaphors. The metaphor, which is the door in front of us that limits us from the law, is the door itself. It is the difference between the law and

² It seems that there is no “without” without “with”. That is what one of the topics of the *Parergon* tells: “The *Sans* of the Pure Cut” [*sans*, in English “without”, being here one of the phonetic equivalents of what one hears by it, e.g. *sang* (blood) or *sens* (direction)] . Although in Kant vague beauty [*pulchritudo vaga*] is defined by its non-adherence to any telos [*zweck*], its telos would be to be without any telos — what Kant calls *zweckmässigkeit ohne zweck*. This is same also for the adherent beauty too. That’s why “the *telos* of the two beauties would be the *sans*: the nonpresentation of the *telos*” (Derrida, 1987, p. 101). Yet, there would be another relation yet to present: By the same token this two different kind of beauties, *pulchritudo vaga* and *pulchritudo adhaerens*, have a “suspending relation”, “a relation in the mode of “nonrelation”: “And yet this break of contact, this very separation constitutes a limit, a blank, the thickness of a blank — a frame, if you like — which by suspending the relation, puts them in relation in the mode of nonrelation, reproducing here *at the same time* the freedom of vague beauty and the adherence of adherent beauty” (p. 100). Whence we re-late “with” with “out” by writing with a dash line/lace/ as: “with-*out*”.

us, those who are before the law. The door is the *différance* itself according to Derrida. It is the site and *topos* of *différance* in which the two “opposed” (p. 200) characters of Kafka, the peasant and the guardian are, according to Derrida, predisposed and “supposed” in a position that does not permit them to penetrate the law (p. 200). It is the *topos* of *féranche*, transference, transport, rapport, relation and reference that does the difference between what is inaccessible as the law and the inaccessible as the access itself: “What is deferred forever till death is entry to the law itself, which is nothing other than that which dictates the delay. The law prohibits by interfering with and deferring the “ferance” [*féranche*], the reference, the rapport, the relation. What *must not* and cannot be approached is the origin of *différance*: It must not be presented or represented and above all not penetrated” (p. 205). Thus, the position of law is the inaccessible itself as the deposition of any position *qua* law [*Absetzen der Setzung als Gesetz*]. There is not any site of an accessible position. There is only the open door to the law as that which is accessory to any predisposed opposition. There is this door, and nothing else. This door is that which is, but that which does not exist. We are given a door. *Es gibt eine Tür*. The law of the door is that it does not permit the entrance to law. The prohibition of law is the non-permission to promise any entrance to law. The door as the site of this non-permission becomes the law that prohibits the law. This law is a “pre-judice [*préjugé*]” in the sense that it suspends any judgment to come. “There is some law, some law *which is not there but which is (given) [il y a]*” (p. 205)³. Hence, there is law without existing. *There is law without existence*.

So, where is this law, which is without existence, without neither being there [*Da-sein*]? Derrida reminds us what Lyotard says about transcendence: “The transcendence is empty” (Derrida, 1985, p. 126), and adds that this emptiness is “*a-topic [atopique]*” (1992, p. 208), which brings us to the annulment of any place, even of any event (p. 208). Derrida refers to one of his most important concepts, *hymen*, to push us toward a more impenetrable zone. This hymen is not only the event that tells the advent of an impossible event of penetrating, but also the impenetrability of the text that restricts itself to the impossibility of its own impermeability. The text itself, the text which is the door and entrance [*Eingang*] (p. 210), becomes, according to Derrida, stripped from all of its references, a difference which does not allow us to enter inside — only to retain its own event as reference. The text (of the story — or re-citation [*récit*]) as the event of eventness of a non-arriving event (p. 199)⁴, is in the first instance an *opus*, an *ergon*, a work, literary or not — which is not a decidable point for Derrida —, which this impermeable frame that is neither outside nor inside the text or work is:

If we subtract from this text all the elements which could belong to another register [...], we vaguely feel that what is *at work* in this text retains an essential rapport with the play of framing and the paradoxical logic of boundaries, which introduces a kind of perturbation in the “normal” system of reference, while simultaneously *revealing* an essential structure of referentiality. It is an obscure revelation of referentiality which does not make reference, which does not refer, any more than the eventness of event is itself an event. (Derrida, 1992, p. 213)

Enframing the Sublime

Where is the work, frame of the work, even framework, or to put it rightly, yet maybe without due justice, *parergon*? Which field does this frame enframe? Derrida claims about the literary field that *Before the Law* is supposed to appertain that “the work, the opus, does not claim to the field, it is the transformer of the field” (p. 215). Thus there we are in the transference between frames. And so do we transfer the frame from *Vor dem Gesetz* to *The Critique of the Power of Judgment*, without losing our reference, Derrida. Transforming the site, the formation of the frame in the example of Kafka’s story may not seem to allow us to install the text of Kafka as far as it concerns the sublime. Yet, Derrida has already been remarked this

³ Our translation — in the English translation: “There is some law, some law which is not there but which exists...”. [*Il y a de la loi, de la loi qui n’est pas là mais qu’il y a*] (Derrida, 1985, p. 126)]

⁴ “Pure event where nothing happens” (Derrida, 1992, p. 199).

special aspect of Kafka's text with respect to sublime: "This could give rise to the problem of exemplarity, particularly in Kant's notion of 'respect': This is only the *effect* of the law, Kant emphasizes, it is due only to the law and appears to answer a summons only *before the law*, it addresses persons only insofar as they give the example of the fact that a law can be respected" (p. 196). In another place in his text, Derrida reminds us that "two other motifs among those pointing to Kafka's story caught my attention: the motif of height and the sublime that plays an essential role in it, and the motif of guarding and the guardian" (pp. 190-91). Then it is Kafka itself who paves the way for the Sublime position before the law. If the respect for the law can be exemplary in Kant, it is no less exemplary in Kafka's story concerning the guardian who is the only access to law as its example. So, the respect that we had before the law transformed its frame to an aspect of the sublime⁵.

Maybe that is because, as Derrida indicates while referring to Kant, that examples precede law. Would not it be tantamount to say that accessory frames precede the sublime? Inasmuch as it is not a problem of *preceding*, but of an *acceding*, the relation between the frame, namely *parergon*, and the sublime becomes intertwined — as much as the example of colons installed in the painting which pictures these colons ornamented in the figure of human bodies as a frame to a building are themselves intertwined⁶. Then, according to Derrida, the sublime becomes the example of the example insofar as the frame supports and erects the colons: "Framing always supports and contains that which, by itself, collapses forthwith *parergon*" (Derrida, 1987, p. 79). But while it is so, it is not only due to an example. If the framing frames that which escapes the frame, it is because the sublime as that which is defined to be exceeding the imagination is, in respect of one of its aspects, namely the mathematical, trapped and enframed by what constitutes the frame, namely the figure. The figuration without figure, that Jean-Luc Nancy coins as a description of the sublime (Nancy, 1993, p. 41-3), becomes, instead of a nonfigurative fugue of an event of dynamic sublime, the formative and enframing [*Gestell*] installation [*Stellung*] of the colossal space in the mathematical abyss of the sublime. The figure escapes, but, as it were, the *fige-ure* [frozen-frame] remains. It is to say that, the remnant of a dynamic sublime is framed in the gap and lack that the Derridean text opens⁷. The existence of the dynamic sublime, in its meaning which is near to that of Aristotelean *adunamia*-impotentiality (Derrida, 1987, p. 80), is trapped in the framework of the work/*ergon/oeuvre/* that postpones the sublime law by means of the suspension that mathematical sublime makes. For, explaining why the so-called Kantian distinction between the column (in the example of work of art) appertaining to the field of the beautiful and the colossal appertaining to the field of the sublime cannot be maintained, Derrida tells us that "it is in the space of the mathematical sublime that the column and the colossal rise up, and the problem of cise" (p. 134). And he asserts also that "one can hardly speak of an *opposition* between the beautiful and the sublime" (p. 127), while taking note of the distinction between the possibility of a framing of the sublime, or *parergon*

⁵ One may even say that the respect as an example reframed its sublime status in the guardian as the specter of law.

⁶ "And what about a frame framing a painting representing a building surrounded by columns in clothed human form?" (Derrida, 1987, p. 60).

⁷ One of the most abyssal passages from *Truth in Painting* aporetically poses that gap already in between *ergon* and *parergon*: "the self-protection-of-the-work, of *energeia* which becomes *ergon* only as (from) *parergon*: not against free and full and pure and unfettered energy (pure act and total presence of *energeia*, the Aristotelian prime mover) but against what is *lacking* in it; not against the lack as a posable or opposable negative, a substantial emptiness, a determinable and bordered absence (still verifiable essence and presence) but against the impossibility of *arresting différence* in its contour, of arraigining the heterogeneous (*différance*) in a pose, of localizing, even in a meta-empirical way, what metaphysics calls, as we have just seen, *lack*, of making it come back, equal or similar to itself (*adaequatio-homoiosis*), to its proper place, according to a proper trajectory, preferably circular (castration as truth) Although apparently opposed — or because opposed — these two *bordering* determinations of what the *parergon* is working against (the operation of free energy and of pure productivity or the operation of the essential lack) are *the same* (metaphysical)" (Derrida, 1987, p. 60).

as column, and the impossibility of a *parergon* for the sublime (p. 127). Then it appears, only the dynamic sublime, if it is not converted to the mathematical sublime, can be detached from the *parergon*⁸.

Yet, this detachment seems to be impossible according to the structure of the *parergon*. For Kant warns us that “all forms of object of sense is either figure [*Gestalt*] or play [*Spiel*]” (p. 52), explains Derrida by adding further that, as the judgment of beauty must be disinterested from any satisfaction attained from the empirical delight [*Wohlgefallen*], namely to a fall to charm and attraction [*Reiz*], the existence of the object of our taste (for the judgment on the beauty) must not be taken into account. Yet, this attraction [*Reiz*] is etymologically approximate also to an elevation [*Aufriss*] or a repulsion [*Riss*] towards what is elevated. The pleasure, as Derrida points out, is found both on the judgment on the beauty and sublime because of this *double bind* of attraction/repulsion (p. 129). Yet the pleasure on the sublime is negative. It is not positive. For, according to Kant, the sublime pleases immediately by its opposition [*Widerstand*] to the interest of the senses, because “the sublime cannot inhabit any sensible form” (p. 131).

We testify here to the equalization of the senses with the positive. But the sublime is in opposition to senses. In a different position to senses. It is, also, opposed to a positive pleasure of what beauty gives through the formation of *parergon*. Then, one wonders what the position of *parergon* that offers positive pleasure in the judgment of beauty is. “Where is the *parergon*” (p. 71), where does the positive taste come from? These are the questions one ventures to ask with Derrida then. Later on the text, after a while then, with the adequation of frame to position and opposition, “Position: opposition: frame” (p. 75), we witness the same kind of formula proposed for the law. “There is frame, but the frame *does not exist*” (p. 81). It will be once more formulated concerning the *sans* [without] of the pure cut: “The *sans* is not visible, sensible, perceptible, it does not exist. And yet *there is some of it* and it is beautiful” (p. 90). Then the existence does not appertain to the site of the beautiful. Yet, the frame, *parergon* has a position. Then the *parergon*, as much as the judgment of beauty, which gives “a law without concept” (p. 94), is a position without existence. Then one can say: *There is a law for the beautiful, but it does not exist*. As to the sublime, we know that it is a judgment without object, for there is no sublime object, but only examples of it as objects. So, does the sublime have a position, or an existence?

If we follow Derrida, we will maybe get closer to the limit, frame and line of demarcation that this question traces: “Questions can also be *parergonal*. Here it is” (p. 135). But the *parergon* itself does not lend itself in the problem of existence, because the *parergon* itself as the limit-being of the frame cannot inhabit any existence whatsoever. *Parergon* as limit does not exist, “for the limit does not exist. Even if *there is some*, the cise of this broaching does not exist, it never begins, anywhere” (p. 145). The question as *parergon* does not exist — that is maybe why in French one pose questions *en posant des questions*. Only by posing the question of the *position* of the sublime in the frames of the *parergonality*, it can already be stated that “there can be sublime in art”, but “there cannot, it seems, be a *parergon* for the sublime” (p. 127).

For example the colossal, as an aspect of the sublime, cannot be conceptualized in any form, and so it is borderless; that’s why there cannot be a *parergon* for the colossal: “The colossal excludes the *parergon*. First of all because it is not a work, an *ergon*, and then the infinite is presented in it and the infinite cannot be bordered” (p. 128). In it, the infinity as that which is unrepresentable is presented. This “privileged presentation of sublime” presents the unmeasurable, because it “has the measure of this unmeasure, of this violent incommensurability” (p. 129). That is where the question of the mathematical sublime appears.

The presentation of the unrepresentable that the sublime offers is due the difference between *magnitudo* and *quantitas* that Kant makes. Sublime, which is absolutely large, is about magnitude, *magnitudo* which cannot be measured quantitatively in *quantitas* (p. 135). That is why, according to Derrida, “it is in the space

⁸ It is of utmost importance not to forget that Derrida keeps intact Kantian separation between dynamic and mathematical categories on the topos of *parergon*, this time for Sublime. He reminds that consistently: “Like that of the beautiful, the analytic of the sublime proceeds within the frame of the analytic of judgment imported from the *Critique* of pure theoretical reason (quantity, quality, relation, modality)” (Derrida, 1987, 134). Cf. *supra* here, footnote 1.

of the mathematical sublime that the column and the colossal rise up. And the problem of cise⁹” (p. 134). And that is why also Derrida raises the question about the representation, by means of the quantitative terms, of that which cannot be quantitatively represented: “why call magnitude or ‘absolutely large’ that which is no longer a quantity? Why this reference, still, to a cise in space?” (p. 136).

This question is an incommensurable question too. For it is also the question on that which cannot be questioned: namely the presentation of the unrepresentable that the sublime represents. So the question takes the form of a presentation of itself in an unrepresentable position. This maybe makes violence to the question. But it is insofar a question of force and violence, at least the position of the question in these frames will be commensurate to its formulation. The formulation of the question as the incommensurability of the measure turns itself to the incalculability of the magnitude which is offered by imagination. Imagination makes (the) violence, by a power of the magnitude — and the incommensurability, or the difference (even the *différance*) between the power of the magnitude and the violence of it to the quantitative calculation:

The imagination turns this violence against itself, it mutilates itself, ties itself, binds itself, sacrifices itself and conceals itself, gashes itself [*s'entaille*] and robs itself. This is the place where the notion of sacrifice operates thematically inside the third Critique - and we've been constantly on its tracks. But this mutilating and sacrificial violence organizes the expropriation within a calculation; and the exchange which ensues is precisely *the law of the sublime as much as the sublimity of the law*. The imagination gains by what it loses. It gains by losing. The imagination organizes the theft (*Beraubung*) of its own freedom, it lets itself be commanded by a law other than that of the empirical use which determines it with a view to an end. But by this violent renunciation, it gains in extension (*Erweiterung*) and in power (*Macht*). This potency is greater than what it sacrifices, and although the foundation remains hidden from it, the imagination has the feeling of sacrifice and theft at the same time as that of the cause (*Ursache*) to which it submits. (1987, p. 131)

The difference between the power of the presentation and the violence done by it to its own foundation is, one may say, the difference between *the law of sublime* and *the sublimity of law*¹⁰. And this difference

⁹ “Cise” as is in the text. The term does not appear to exist in itself neither in French nor in English. Rather, it is included in *préciser*, meaning “to make precise”; or in *ciseau*, “scissors”. Derrida seems to make allusion to its etymological connotation, which is *caedere*, “to cut”.

¹⁰ When Jean-Luc Nancy joins to “this recent fashion of the sublime” in order to offer an answer to what is offered in Sublime, his first explanation is a plane one: “the offering itself” (Nancy, 1993, p. 211). Further in the article *The Sublime Offering*, this offering is understood through the faculty of imagination. If, in the sublime feeling, the faculty of imagination “schematizes without a concept”, it would mean that it presents “nothing other than itself, presenting the faculty of presentation in its free play, that is, again, presenting the one presenting, or *representing*, absolutely” (p. 217). Here, one would have been too quick to reduce *representing* to representation, if one would have understood representation as the presentation of that which is present. Yet, in the free play of the faculty of imagination, what is presented is the faculty of presentation itself as that which can present nothing but itself – itself as the *act of presenting*. It is “no more a matter of (re)presentation”, it is what Nancy calls “offering” (p. 225). What matters is “the nonfigurable”, “the nonpresentable”: “One (re)presents its nonpresentability” (p. 229). The “syncopated” imagination which goes beyond its limits, with reaches to what is unimaginable, offers itself as the syncopated image of itself, in its non(re)presentability. It is “a syncopation in the feeling” (p. 233); “*sensibility of the fading of the sensible*” (p. 234).

What made itself felt without presenting itself by means of the syncopated rhythm of Nancy’s texts, is presented later *via* unfading of the fading sensibility, by the presentation of what is at the beginning explained as “the offering itself” (p. 238). Nancy exhibits the *sublime feeling* in that it *presents the nonpresentable* (p. 237). The sublime is *offered in the feeling, to the feeling*. The offering which is not installed in presence is *suspended* in the limits of imagination. For the imagination is offered to itself, it is sacrificed [*geopfert*] (p. 237). The gift [*don*] of sublime is that imagination offers-gives [*donner*] itself to itself, it sacrifices itself by offering the limits of itself, by making them feel to as the

may be commensurable (in an incommensurable distance) to that between force and *force of law*, between force and violence. And Derrida, before reaching to the limit of his text, poses this difference (which is also in the abyss that the incommensurability of that which the power of judgment offers to the capacity of the reason in order to calculate and to present it creates) in the gap and space that mathematical and dynamic sublime have. And after warning that “It remains to be seen how the dynamic (sublime) comes to the

sublime feeling. By offering, it gives itself only in syncopation, by syncopating the *giving* itself. In it, what is offered is the *abandonment* of offering itself in order to offer what can be offered only by suspending the gift and giving itself.

This suspension of the gift, this suspension of the presentation in the presenting itself is given by the law. The law is also about suspension, withdrawal, and abstention. This law, or as Kant put it exactly, one of the “most sublime” *example* of the sublime as it can be found in the Jewish law on representation, is a commandment to comply in order to take a “distance” from representation (p. 241). This “distance”, says Nancy by emphasizing what Kant wrote, presupposes a “withdrawn or separated presentation” [*abgezogen, abgesondert*]: “This presentation is the commandment, the law that commands the abstention from images. The commandment, as such, is itself a form, a presentation, a style” (p. 241).

So, it seems that the example of the sublime feeling, the example of the presentation of the unimaginable is given by means of the law that presents the withdrawal and abstention from the images – this law that suspends the images in order to present an image of what the suspension of imagination should be. The presentation of the unimaginable, the presentation of the unrepresentable is presented by the example on the law of the unimaginable. The suspension of the images as the law is presented as an example of what the sublime feeling can offer. Thus, if this syncopated feeling offers only by suspending the offering itself, it does not only mean that what is offered in this feeling as the suspension of the presentation is offered by the example of the law of the suspension of (re)presentation – namely image –; but it also means that the suspension, of which the example is offered in the law, is the suspension of the law itself insofar as the law of the presentation of the unrepresentable is given as an example, not as “the law of the sublime”.

If there is a distancing in the presentation that the *sublime feeling* offers, if this offering is itself a distancing of the gift from the giving itself, if the faculty of presentation sacrifices itself — only insofar as to present itself to itself —, that is also valid for the law itself. The law that is offered by the example of the sublime is the distancing of law from itself in order to give itself as example. The sublime law is the distance of law from itself in order to present the unrepresentable by means of the suspension of the presentation. That is why Jean-François Lyotard recalls how this sublime feeling, which has a “supra-sensible destination”, namely a moral destination, is “very obscure” for Kant (Lyotard, 1991, p. 272). This feeling is not moral, it possesses a moral destination, a need, and “aptitude” towards moral feeling (p. 274).

So, how are we to understand this moral aptitude that sublime feeling obscurely evokes with regards to law itself? When Jacob Rogozinski mentions that it is not sufficient to say that “the truth of law is asserted in the donation of this law” (Rogozinski, 1999, p. 98), he warned that “it is by a *violent* [emphasis mine] caesura that one should tear oneself away from the communal morality in order to welcome Law” (p. 98). According to Rogozinski, this is the “auto-donation” of law, in its paradox, when especially Kant overtly emphasizes that “it imposes itself to us by itself” (p. 91). This auto-donation is paradoxical because the law presents itself in an “imperative mode” (p. 100). And the “enigma of law” presents itself in the violence that the law inflicts to itself, presupposed in the law itself — through the obligation/violence that it possesses: “Evil, in its most radical form, will not bring itself further to the particular violation of a universal rule that the subject acknowledges while violating it: it will accomplish itself under the guise of duty, *in the name of law*” (p. 101). Yet when we find out again with Rogozinski that this violence is also the possibility for “a re-foundation of an ethics of law” (Rogozinski, 1996, p. 15) and that “it is not a question of refuting or moving apart from the Kantian ethics, but of surpassing it by radicalizing it by a paradoxical fidelity to its project” (p. 22), one will not be surprised to encounter it in “an abyss of difference” (p. 45), where “deconstruction, needs repetition, reconstruction of ethics” (p. 50). And only insofar the exemplarity of the law coincides with the sublimity of the law that this reconstruction can become possible For Rogozinski (just as, if one may say, it is the case for Derrida), because that is what sublime is: “the truth and the gift/donation of law” (p. 141). For Derrida too, this law, which in the sublime finds itself in an incommensurable “abyss” (Derrida, 1987, p. 129) is the abyss of difference when it has, by means of metonymy, the name of law, or being: “under the metonymy maybe (the law, another name for being, being, another name for the law; in both case, the transcendent, as Heidegger says about being) is hidden and guards itself the abyss of a difference” (Derrida, 1985, p. 124).

mathematical”, adds that “for aesthetic judgment, the *dynamic* sublime of nature is given in the difference between force and potency, when force (*Macht*) has not the force to exercise its potency or its violence (*Gewalt*): on us. And force becomes potency only by winning out over the resistance of another force” (p. 146). This difference, therefore, is what it remains to be seen.

Conclusion: Position of the Sublime

This difference, the difference of violence to force, is not distant from the *différance* of the founding violence of the law. If the dynamic sublime cannot be separated from the mathematical sublime, and if *Gewalt* cannot be separated from *Macht*, that is because *Gewalt* as (having the meaning of) both force and violence cannot be separated from the law — though being in the *différance* with it. *The law of sublime* too, for this reason, cannot be separated from *the sublimity of law*. The law of sublime is its position as that which cannot be posited as such. As to *the sublimity of law*, it is that which posits the law as example. (In order) to put it in the way (and example) that Kant offers, we have the examples of sublime laws.

According to Kant, “if someone calls the sight of the starry heavens *sublime*”, it is because in it we “posit the sublimity” (Kant, 2000, p. 152). But what would it be exactly *to posit* the sublimity? It would, maybe, as the exemplification of the law in its sublimity, be such that Kant gives examples of it in the divine law: one for the “sublime passage of the Jewish Book of the Law” (that “Mohammedanism inspired”) (p. 156), one for the “Inscription over the temple of *Isis*” (p. 194). So it seems as if *to posit* the law is to give an *example* of it. And it is no coincidence that in the *Critique of the Practical Reason* Kant insists on the importance of the exemplarity of the law. It is towards the examples [*Beispiele*] (as practicability) of the application of the moral law that one respects (Kant, 2015, p. 64). And it is only by respect for the moral law that one feels the obligation to obey it. And if to obey such law is a moral duty, it is because this duty is exemplified under noble and *sublime* acts as examples (p. 70). When Kant reverberates this by saying “*Duty!* Sublime and mighty name” (p. 71), we learn also that the respect for the law is procured by the examples [*Exempel*] that “posit” this sublimity as duty, positing [*Aufstellen*] basically a law [*Gesetz*] that cannot find access [*Eingang*] by itself (p. 71)¹¹, except its examples. So the sublimity of the law is posited, and it is posited only through examples.

In the unpublished seminar *Le respect* (1980-81)¹², after a passage devoted to the importance of guarding [*garder, wahren*] and its relation to truth [*Wahrheit*] in the philosophy of Kant, and after a meticulous reading of the last pages of the *Critique of the Practical Reason* where all the importance of the pure practical reason is measured on the grounds of the examples that are derived from the mathematico-physical sciences (such that, in their negativity, they must *guard* us and *warn* us about the bewildering admiration [*Bewunderung*] towards the religious fanaticism [*Schwärmerei*] and *astrological superstition*; and in their positivity, they must offer the example of the scientific methodology to follow), Derrida, without forgetting to underline this peculiarity of “philosophy as guardian” in the original German text of Kant [*Aufbewahrerin*] (p. 8) (and without forgetting also the metaphor of “*Enge Pforte* [*la porte étroite*]”, namely *narrow door*, that is used exactly by Kant), gives for us, maybe, the example of this *guardian* that will open up the way (though perhaps via a *narrow door*), through one K. (as abbreviated by Derrida in the seminar) to another K. — through Kant to Kafka:

¹¹ Cf. (Kant, 1913, p. 86).

¹² All the citations made from this seminar and other French sources are translated by me.

If I insist too much on this problem of exemplarity, it is surely for the reasons that I have just indicated, that is to say that respect is addressed to persons only as examples, and that, in a very peculiar meaning, which is, not example to follow but example of the possibility or practicability of the moral law; but more radically, the locus of the example seems to me to situate deep inside the instance of the guard in which we have been involved quite for a time. If the guard is the possibility of the truth, if the guard, as truth or truth of the truth, is not then any empirical or ontical signification whatsoever, the philosophy as the guardian of the truth, as that which is capable of operating the purification and guarding the purity and authenticity [*Echtheit*] of the moral law, the philosophy is justly the guardian of that which guards itself and just as it is essentially the science of the example, relation of knowledge to the example in every sense, to every sense of *Beispiel* and *Exempel*, one can say of the exemplarity that it is the form itself of the guard. (p. 12)

Exemplarity as the form of the guard, and example as the guardian become this *narrow door* through which the law is posited, though without existence. And if in Kant, *before the law* there are only the examples of the law as the ones to be respected in order to feel the sublimity of the law in form of duty, it is also because in Kafka's *Before the Law*, there are only instances of the law as guardians who exemplify the law ("one must *enter into relation* only with the law's representatives, its examples, its guardians" (Derrida, 1992, pp. 203-04)). The door of the law that is given [*il y a*] as metaphor is also the narrow door that is given [*donnée*] as example. So much so that the law cannot be posited unless, in its sublime position, it is given by the examples that guard over it. Yet, one must be warned — and it seems that it is, if such a thing may be posited (without existence) by the force that Derridean deconstruction gives, our duty to take guard about it — that those examples are not only the negative examples that serve to deconstruct the law. For, it may be posited, the position of the sublime in the Derridean deconstruction of law itself cannot be accessible without the exemplarity of that narrow door through which the position of the possibility of justice is exemplified too.

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