

NEGOTIATIONS

*Interventions and Interviews, 1971-2001*

*Jacques Derrida*  
Edited, Translated, and  
with an Introduction  
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Upon reflection, I said to myself that, if I had the time and the strength to do it, I would like to try the experiment, at least to put to the test here those conceptual schemes—such as a critical problematic of “speech acts,” a theory of “performative” writing, of the signature, of the contract, of the proper names of political and academic institutions—that had already proved useful elsewhere, with what are called other *objets*, whether “philosophical” or “literary” texts. Basically, I said to myself: if I had the time or the strength, I would have liked, if not to try a juridical-political study of the two texts and the two events that are marked in them—(a task inaccessible to me), then at least to sharpen, in a preliminary way and using these texts as an example, many questions that have been elaborated elsewhere on an apparently less political corpus. And out of all these questions, the only one I will retain for the occasion, this afternoon at a university in Virginia—that has just celebrated, more appropriately than anywhere else, the bicentennial of the Declaration of Independence (already setting the tone for the celebration of another anniversary or birthday around which we will turn shortly)—is this one: *who signs, and with what so-called proper name, the declarative act that founds an institution?*

Such an act does not come back to a constative or descriptive discourse. It performs, it accomplishes, it does what it says it does: this at least would be its intentional structure. Such an act does not have the same relation to its presumed signer—to whatever subject (individual or collective) engages itself in producing it—as a text of the “constative” type, if in all rigor there are any “constative” texts and if one could come across them in “science,” in “philosophy,” or in “literature.” The declaration that founds an institution, a constitution, or a state, requires that a signer engage him- or herself. The signature maintains a link with the instituting act, as an act of language and an act of writing, a link that has absolutely nothing of the empirical accident about it. This attachment does not allow itself to be reduced—not as easily, in any case, as it does in a scientific text, where the value of the utterance is separated, or cuts itself off, from the name of its author without essential risk, and, indeed, must be able to do so in order to lay claim to objectivity. Although in principle an institution—in its history and in its tradition, in its offices [*permanence*] and thus in its very institutionality—must render itself independent of the empirical individuals who have

## Declarations of Independence

It is better that you know right away: I am not going to keep my promise.

I beg your pardon, but it will be impossible for me to speak to you this afternoon, even indirectly, about what it was that I was engaged to discuss. Very sincerely, I would have liked to be able to do so.

But, because I would rather not simply remain silent about what I should have spoken to you about, I will say a word about it in the form of an excuse. I will speak to you, then, a little about what I will not speak to you about and about what I would have wanted—because I ought—to have spoken about.

Still, it remains that I fully intend to discuss with you—at least you will be able to confirm this—the promise, the contract, the engagement, the signature, and even that which always presupposes them in a strange way: the presentation of excuses.

In honoring me with his invitation, Roger Shattuck proposed that I try (here of all places) a “textual” analysis, at once philosophical and literary, of the Declaration of Independence and the Declaration of the Rights of Man. In short, an exercise in comparative literature, one that would treat unusual objects for specialized departments in this improbable discipline of “comparative literature.”

At first I was astonished. An intimidating proposition. Nothing had prepared me for it. No previous work had led me along the path of such analyses, whose interest and necessity obviously impose themselves.

taken part in its production, although it has in a certain way to mourn them or resign itself to their loss, even and especially if it commemorates them, it turns out, precisely by reason of the structure of instituting language, that the founding act of an institution—the act as archive as well as the act as performance—*must maintain within itself the signature.*

But just whose signature exactly? Who is the actual signer of such acts? And what does actual [*effectif*] mean? The same question spreads or propagates itself in a chain reaction through all the concepts affected by the same rumbling: "act," "performative," "signature," the "present," "I" and "we," etc.

Prudence imposes itself here, as does attention to detail. Let us distinguish between several instances within the moment of your Declaration. Take, for example, Jefferson, the "draftsman" of the project or draft of the Declaration, of the "Draft," the facsimile of which I have before my eyes. No one would take him for the true signer of the Declaration. *By right*, he writes but he does not sign. Jefferson represents the representatives who have delegated to him the task of drawing up what they knew *they* wanted to say. He was not responsible for *writing*, in the productive or initiating sense of the term, only for *drawing up*, as one says of a secretary that he or she draws up a *letter*, of which the spirit has been breathed into him or her, or even the content dictated. Moreover, after having thus drawn up a project or draft, a sketch, Jefferson had to submit it to those whom, for a time, he *represented* and who are themselves *representatives*, namely the "representatives of the United States in General Congress assembled." These "representatives," of whom Jefferson represents a sort of advance-pen, will have the right to revise, to correct, and to ratify the project or draft of the Declaration.

Shall we say, for all that, that they are the ultimate signers?

You know what scrutiny and examination this letter, this literal Declaration in its first state, underwent, how long it remained and deferred, undelivered, in suffering between all those representative instances, and with what suspense or suffering Jefferson paid for it. As if he had secretly dreamed of signing all alone.

As for the "representatives" themselves, they do not sign, either. In principle at least, because the right is divided here. In fact, they sign; by right, they sign for themselves but also "for" others. They have been del-

egated the authority or the power of attorney to sign [*ils ont delegation on procuration de signature*]. They speak, "declare," declare themselves and sign "in the name of . . .": "We, therefore, the representatives of the United States of America in General Congress assembled, do in the name and by the authority of the good people of these . . . that as free and independent states. . ."

By right, the signer is, thus, the people, the "good" people (a decisive detail because it guarantees the value of the intention and the signature, but we will see further along on what, and on whom such a guarantee is founded or founds itself). It is the "good people" who declare themselves free and independent by the relay of their representatives and of their representatives of representatives. One cannot decide—and this is the interesting thing, the force and "coup de force" of such a declarative act—whether independence is stated or produced by this utterance. We have not finished following the chain of these representatives of representatives and doing so further complicates this necessary undecidability. Is it that the good people have already freed themselves in fact and are only stating the fact of this emancipation in [*par*] the Declaration? Or is it rather that they free themselves at the instant of and by [*par*] the signature of this Declaration? It is not a question here of an obscurity or of a difficulty of interpretation, of a problematic on the way to its (re)solution. It is not a question of a difficult analysis that would fail in the face of the structure of the acts involved and the overdetermined temporality of the events. This obscurity, this undecidability between, let us say, a performative structure and a constative structure, is *required* to produce the sought-after effect. It is essential to the very positing or position of a right as such, whether one is speaking here of hypocrisy, of equivocation, of undecidability, or of fiction. I would even go so far as to say that every signature finds itself thus affected.

Here, then, are the "good people" who engage themselves and engage only themselves in signing, in having their own declaration signed. The "we" of the Declaration speaks "in the name of the people."

But these people do not exist. They do *not* exist as an entity, the entity does *not* exist *before* this declaration, not *as such*. If it gives birth to itself, as free and independent subject, as possible signer, this can hold only in the act of the signature. The signature invents the signer. This

signer can only authorize him- or herself to sign once he or she has come to the end—if one can say this of his or her own signature in a sort of fabulous retroactivity. That first signature authorizes him or her to sign. This happens every day, but it is fabulous—every time I evoke this type of event I think of Francis Ponge's "Fable": "By the word *by* commences then this text / Of which the first line states the truth [*Par le mot par commence donc ce texte / Dont la première ligne dit la vérité*]."

In signing, the people say—and do what they say they do, but they do so by differing or deferring themselves through [*différant par*] the intervention of their representatives, whose representivity is fully legitimated only by the signature, thus after the fact or belatedly—henceforth, I have the right to sign, in truth I will already have had it since I was able to give it to myself. I will have given myself a name and an "ability" or a "power," understood in the sense of power- or ability-to-sign by delegation of signature. But this future perfect, the proper tense for this "coup de droit" (as one would say, "coup de force"), should not be declared, mentioned, taken into account. It is as though it did not exist.

There was no signer, by right, before the text of the Declaration, which itself remains the producer and guarantor of its own signature. With this fabulous event, with this fable that implies the structure of the trace and is indeed only possible by means of the inadequation of a present to itself, a signature gives itself a name. It opens *for itself* a line of credit, *its own credit for itself to itself*. The *self* rises forth here in all cases (nominative, dative, accusative) as soon as a signature gives or extends credit to itself, in a single "coup de force," which is also a stroke [*coup*] of writing, as the right to writing. The "coup de force" makes right, founds right or law, gives right, *brings the law to the light of day, gives both birth and day to the law* [donne le jour à la loi]. Brings the law to the light of day, gives both birth and day to the law: read *The Madness of the Day* by Maurice Blanchot.

That this unheard-of thing should also be an everyday occurrence should not make us forget the singular context of this act. In this case, another state signature had to be erased by "dissolving" the links of colonial paternity or maternity. This is confirmed in reading: this "dissolution," too, involves both constation and performance, indissociably mixed. The signature of every American citizen today depends, in fact

and by right, on this indispensable confusion. The constitution and the laws of your country somehow guarantee the signature, as they guarantee your passport and the circulation of subjects and of seals foreign to this country, of letters, of promises, of marriages, of checks—all of which may be given occasion or asylum or right.

And yet. And yet another instance still holds itself back behind the scenes. Another "subjectivity" is still coming to sign, in order to guarantee it, this production of signature. In short, there are only countersignatures in this process. There is a differential process here because there is a countersignature, but everything should concentrate itself in the *simulacrum of the instant*. It is still "in the name of" that the "good people" of America call *themselves* and declare *themselves* independent at the moment at which they invent (for) themselves a signing identity. They sign in the name of the laws of nature and in the name of God. They *pose* or *posit* their institutional laws on the foundation of natural laws and by the same "coup" (the interpretive "coup de force") in the name of God, creator of nature. He comes, in effect, to guarantee the rectitude of popular intentions, the unity and goodness of the people. He founds natural laws, and thus the whole game that tends to present performative utterances, as constative utterances.

Do I dare, here in Charlottesville, recall the *incipit* of your Declaration? "When, in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of Nature and Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to separation. We hold these truths to be self-evident: that all men are created equal; that they are endowed by their creator with inalienable Rights. . . ." And finally: "We therefore the Representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do in the Name and by the authority of the good People of these Colonies solemnly *publish and declare*, that these united Colonies are and of right ought to be *free and independent states*."

"Are and ought to be"; the *and* articulates and conjoins here the two discursive modalities, the *to be* and the *ought to be*, the constation

Did he succeed? I would not venture to decide. You heard the story before I did. Franklin wants to console Jefferson about the "mutilation" (the word is not my own). He tells him a story about a hatter. He (the hatter) had first imagined a signboard for his shop: the image of a hat and, beneath it, an inscription: "John Thompson, hatter, makes and sells hats for ready money." A friend suggests that he erase "hatter": what good is it, anyway, since "makes hats" is explicit enough? Another friend proposes that he remove "makes hats," since the buyer could not care less who makes the hats as long as he likes them. This "deletion" is particularly interesting—it deletes the signing mark of the producer. The third friend—it is always friends who urge the erasure—suggests that he economize on "for ready money," because custom at the time demanded that one pay "cash"; then, in the same movement, that he erase "sells hats," as only an idiot would believe that the hats were to be given away. Finally, the signboard bears only an image and, under the iconic sign in the shape of a hat, a proper name, John Thompson. Nothing else. One might just as well have imagined other businesses and the proper name inscribed under an umbrella, or even on a pair of shoes.

The legend says nothing about Jefferson's reaction. I imagine it as strongly undecided. The story reflected his unhappiness but also his greatest desire. Taken as a whole, a complete and total erasure of his text would have been better, leaving in place, under a map of the United States, only the nudity of his proper name: instituting text, founding act, and signing energy. Precisely in the place of the last instance where God—who had nothing to do with any of this and, having repented God-knows-whom-or-what in the interest of all those nice people, no doubt could not care less—alone will have signed. His own declaration of independence. In order, neither more nor less, to make a statement of it [*en faire état*].

The question remains: How is a state made or founded, how does a state make or found itself? And independence? And the autonomy of one that both gives itself and signs its own law? Who signs all of these authorizations to sign?

I will not, in spite of my promise, engage myself on this path today. Making it easier on myself, falling back on subjects that are closer, if not more familiar to me, I will speak to you of Nietzsche: of his

and the prescription, the fact and the right. *And* is God: at once creator of nature and judge, supreme judge of what is (the state of the world) and of what relates to what ought to be (the rectitude of our intentions). The instance of judgment, at the level of the supreme judge, is the last instance for saying the fact *and* the law. One can understand this Declaration as a vibrant act of faith, as a hypocrisy indispensable to a political-military-economic, etc., "coup de force," or more simply, more economically, as the analytic and consequential deployment of a tautology: for this Declaration to have a meaning *and* an effect, there must be a last instance. God is the name—the best one—for this last instance and this ultimate signature. Not only the best one in a determined context (such and such a nation, such and such religion, etc.), but the name of the best name in general. Now, this (best) name *ought to be* a proper name. God is the best proper name, the very best proper name [*Dieu est le nom propre le meilleur*]. One could not replace "God" with "the best proper name [*le meilleur nom propre*]."

Jefferson knew this.

Secretary and draftsman, he represents. He represents the "representatives" who are the representatives of the people in whose name they speak: the people themselves authorizing themselves and authorizing their representatives (in addition to the rectitude of their intentions) in the name of the laws of nature that are inscribed in the name of God, judge and creator.

If he knew all this, why did he suffer so? What did he suffer from, this representative of representatives who themselves represent to infinity, up to God, other representative instances?

It would appear that he suffered because he clung to his text. It was very hard for him to see it, to see *himself* corrected, emended, "improved," shortened, especially by his colleagues. A feeling of wounding and of mutilation should be inconceivable for someone who knows not to write in his own name, his proper name, but *simply by representation* and in place of another. If the wound is not erased in the delegation, it is because things are not so simple, neither the structure of the representation nor the procurement of the signature.

Someone, let us call him *Jefferson* (but why not *God?*), desired that the institution of the American people should be, by the same token, the erection of his proper name. A name of state.

names, of his signatures, of the thoughts he had for the institution, the state, academic and state apparatuses, "academic freedom," declarations of independence, signs, signboards, and teaching assignments [*signes, enseignes, et enseignements*]. Nietzsche today, in short, in Charlottesville, to celebrate some birthdays.<sup>2</sup>

Translated by Tom Keenan and Tom Pepper



### What I Would Have Said . . .

I have kept silent throughout the colloquium, it is true, but one cannot therefore conclude that I was merely in attendance. I have also participated. Having been invited, I came here, thus signaling an approval and solidarity in principle. If I have remained silent, it is indeed because I have remained . . . constantly interested by what I was hearing and no less so by what I was observing. And yet I was not able to take the floor or thought I had better not, neither within the group "Creation and Changing Society" nor in the plenary session, even when I was explicitly invited to do so.

Why? Because I do not want my silence to acquire an equivocal meaning, I will try to give my reasons, also what I would have sketched out if I had spoken for the several minutes to which it was indeed reasonable (but that is a first problem) to limit the time of each presentation. I will thus take as my rule here that I must not exceed that dimension. Formal consequence: aphorism or ellipsis, the improvisation of a "sketch": in short, a telegram, ten words or ten minutes.

### I

"We" were the hosts; therefore, we had to give the floor first of all to our foreign guests (moreover, this had been suggested to us, and it was a good idea). Something was thereby freed up—time, the margin, or the heart of hearts—for a teeming mass of questions about the place and time