

JOURNAL OF
French and Francophone Philosophy

REVUE DE LA
philosophie française et de langue française

Bandages

Kelly Oliver

Journal of French and Francophone Philosophy - Revue de la philosophie française et de langue française, Vol XXII, No 2 (2014) pp 70-83

Vol XXII, No 2 (2014)
ISSN 1936-6280 (print)
ISSN 2155-1162 (online)
DOI 10.5195/jffp.2014.664
www.jffp.org



This work is licensed under a Creative Commons Attribution-NonCommercial-No Derivative Works 3.0 United States License.



This journal is operated by the University Library System of the University of Pittsburgh as part of its D-Scribe Digital Publishing Program, and is co-sponsored by the University of Pittsburgh Press

Bandages

Kelly Oliver

Vanderbilt University

“The bandages signify death,” says Derrida, “the condemnation to death; when they fall away, out of use, undone, untied, untying, they signify, like a detached signifier, that the dead one is resuscitated.”¹ Like a detached signifier, indicating a metaphorical relationship between signification and the bandages. But, when we follow the metonymy of bandages in Derrida’s *The Death Penalty: Volume 1*, the bandages appear as the figure for figuration itself. More specifically, they are a sign that needs interpretation; a sign that the bandages are detached from the body; a sign that the word, or sign, is detached from the thing. Let’s begin by looking at where the bandages first appear in the seminar, to what they are attached and from what they are detached.

In the *First Session* (December 8, 1999 continued), Derrida begins where Jean Genet begins *Our Lady of the Flowers*, with a photograph from a newspaper of a condemned man named Weidmann, whose head is shown “swaddled in white bandages,” a picture that Derrida remembers seeing as a child. Discussing the passage from Genet, Derrida immediately focuses on the religious images and sacralization of the condemned that take us back to Christ’s execution on the cross. The sacred image of Christ on the cross reappears throughout the seminar, especially in Derrida’s discussions of the metaphors of Victor Hugo’s abolitionism. Derrida shows how the history of abolitionism, and the history of the death penalty, share the same theological underpinnings and the same attachment to a value beyond embodied finite life. The bandages, then, become the first sign that both sides of the debate are tied to religion, specifically Christianity. On the one hand, even the most secular abolitionist literature has religious undertones. And, on the other, the most rigorous philosophy cannot ground the death penalty without at least implicitly appealing to the sovereign authority of God. The death penalty and religion are bound together, represented by the bandages of the executed and resurrected Christ.

Derrida suggests that we follow the metonymy of the bandages to see the connection between Christ and images of condemned men ascending to

the gallows in Genet and in the 1958 film *Elevator to the Gallows*.² But we could just as well look to contemporary media, for example, to the portrayal of Troy Davis as a martyr whose spirituality lifted him above his impending execution, or to a recent editorial in *The Guardian* that described the condemned Dennis McGuire as Christlike with his arms spread out and bound to the gurney as if on the cross. We can follow the metonymy of these bindings, these straps attached to the table, as threads that lead from contemporary scenes of execution back to the execution of Christ.

Derrida describes Christ's bandages, lying empty by the tomb, as a signifier of both death and resurrection. He reads those empty bandages as a sign of the absent body as dead--or corpse--and gone—or resurrected. "Like a detached signifier," the bandages signify both death and the overcoming of death when they are "raised up, erected by a miracle, a divine miracle or a poetic miracle."³ Derrida focuses on the Gospel of John where Mary Magdalene sees the empty wrappings and asks Jesus, whom she supposes to be the gardener, where they have taken the body. In this moment, the bandages signal a threat "worse than death," the desecration or disappearance of Christ's body, which Derrida compares to the disappeared in Chile or South Africa. And yet in the Gospel, they also signal a promise, namely, the hope of the messianic miracle of Christ's coming and going and coming again, what Derrida cleverly calls the "Fort/Da-sein of Christ."⁴ In this moment, these dried leaves of linen are all the evidence Mary has to decipher what happened to the body, thus begins the mystery of the missing body, a thread we could follow up to scholastic debates over whether or not we will have bodies in heaven.

Not recognizing Jesus's liminal body standing before her, neither alive nor resurrected, Mary asks: "What happened to the body?" She is trying to fathom the meaning of the empty bandages. She is weeping because she interprets those empty bandages as a bad sign, but Jesus reassures her that the bandages are a good sign, a sign of his resurrection to come, of his imminent ascendance unto God. In fact, it is only because the bandages are detached that they can signal resurrection. Like a detached signifier, the meaning of the bandages is ambiguous, or at least multivalent. Certainly this is the case with the bandages in Derrida's seminar, where he exploits their multiple meanings. The French verb *bander* means to band, to bandage, to blindfold, to tighten, and to get a hard on. And all of these meanings are operating in the seminar. And sometimes we see them pop up when we least expect. For example, in Derrida's analysis of religion, with its roots in the Latin *religio* meaning the ties that bind; or the recurring theme of fascination, from *fascio*, meaning to tense, tie, attach (in Italian it means bundle or rod, unity, the root of the word Fascism), *fasciola* is wrapping or bandage; or all of his talk of filiation and blood ties, *fils* [*fis*] meaning sons and *fil* meaning threads in French. So many threads to follow in this text,

opening onto so many promising interpretations, wrapped around the death penalty.

In the space of this essay, I don't have time to unpack all of these bandages, so I focus on the first time that they appear and more specifically on the timing of that first time, a first time, it turns out, that is repeated. I focus on an interruption of time lodged in these bandages, which is perhaps the sign of the very possibility of changing time, or of changing times. Once we start to unwrap these inaugural bandages, we encounter an odd moment in the seminar, a kind of liminal moment, dangling like a detached signifier, or a stutter, that interrupts the flow of the seminar, which is already not so much flowing as constantly interrupting itself. Derrida's style is one of interruption. He repeatedly interrupts his remarks by quoting very long passages allowing the voice of the other to penetrate his own, and subsequently interrupting them with his own remarks; in addition, sometimes he begins a session with a quotation, presented, as we might imagine, live in his own voice, as if they were his words, which of course they both are and are not. For example, session four begins with Derrida saying, "I vote for the pure, simple, and definitive abolition of the death penalty," which we find out are actually the words of Victor Hugo. The time of the seminar builds suspense as we wait to learn who is speaking. But that question--who is speaking--takes us back to Christ's tomb and the liminal figure of the undead Jesus, between condemnation and resurrection, between death and eternal life, unrecognizable, who comes along to interrupt Mary's reveries over the empty bandages.

The first instant, so to speak, of interruption, is the sudden appearance of the bandages at the very moment when Derrida takes up the question of why to begin a seminar on the death penalty with literature, presumably rather than with philosophy or legal discourse, or some other principles.⁵ Discussing the second apparition of the bandages in the Gospel of John, Derrida says:

The bandages do indeed appear; they are there all of a sudden; they leap into the light...the process is very remarkable (and if we had the leisure to do so [that is to say, if we had the time], ...we would meditate on this time of the bandages as the lodging made ready for literature, for an ascension without ascension, an elevation without elevation, an imminent but not yet accomplished resurrection.⁶

The bandages as interruption. They interrupt time. The bandages as the lodging made ready for literature. What could this mean? Like a detached signifier, those bandages house an alternative temporality, perhaps an alternative to either the redemptive time of resurrection or the clock time of condemnation. Between condemnation and resurrection lay the bandages, a

sign of an in between time, a time of interruption and repetition, an undead time, what Derrida calls a “singular time that does not belong to the ordinary unfolding of time.”⁷

Biblical bandages show up again in Session Four when Derrida is discussing Blanchot’s “Literature and the Right to Death.” After making the debatable claim that Blanchot implicitly supports the death penalty, Derrida qualifies his analysis, not wanting to be “unjust” or “condemn” Blanchot’s text to death. This is when he brings up Lazarus as another figure whose bandages signal both death and resurrection. Again, those bandages are tied to literature—perhaps too tightly for Derrida’s taste—when Blanchot suggests that the object of literature is precisely what literature necessarily kills in order to exist, in other words, the thing as it exists before it is represented in language. “The language of literature is the search for this moment that precedes literature,” says Blanchot, an impossible moment, a time before time. The smelly body of Lazarus before he is resurrected, this is what literature seeks, the body in between death and resurrection. In the story of Lazarus, however, the bandages are still attached to the body, unlike the detached bandages at Christ’s tomb. So too, Blanchot insists that literature is attached to the body, the missing body, which can never be recovered as it was before its resurrection in language. Perhaps, then, Blanchot’s literary signifier is not detached enough from the body to offer the possibility of an alternative to the discourse of condemnation and resurrection with its redemptive temporality. With Lazarus, there is no mystery of the empty bandages, only the miracle of resurrection. Yes, literature can cling to the body. Yes, literature can proclaim its own truth and sovereignty. Yes, literature can support the death penalty. But, is there another possibility for literature, or if not literature, then the literary or poetic? What happens the signifier becomes detached, fluid, and multivalent?

Can the literary or poetic interrupt redemptive temporalities as well as clock time with its infinite division of time into discrete manageable moments? Is there a way in which the literary and poetic as detached signifiers offer a different time lodged in those bandages, the time between condemnation and resurrection, what Derrida calls “this singular time that does not belong to the ordinary unfolding of time,” “this time without time”?⁸ If, as Derrida suggests, there will always be condemnation, fueled at least in part by fantasies of resurrection, is there any time (or place) that resists being condemned to death and the phantasm of resurrection? And could the bandages as a detached signifier offer a clue to this alternate temporality?

How might the detached bandages signal an alternative to, or time in between, condemnation and resurrection? In their second appearance in the Gospel of John, they become a sign of an in between time for Christ’s body when it is already dead but not yet resurrected, a sort of undead Christ who

haunts his tomb like an apparition or a ghost. The bandages signify that Christ is dead, but no longer dead. We could say that he *will have been* condemned or he *will have been* resurrected, employing the future anterior tense, which reminds us that how we inherit the past determines how we live the future. This time of the future anterior is a time out of joint, always both too early and too late, which, we could say is the time of interpretation itself.

In psychoanalytic terms, we could say that our existence as interpretative beings, or beings who mean, is a living wound resulting from the trauma of this split between being and meaning. As compensation for the loss of being-- immediate and present--we have meaning, detached and absenting. This time of loss and compensation operates not according to linear clock time but rather to the time of repetition, the time of the drives, the time of Freud's condensation and displacement. This experience becomes incorporated into clock time, always with remainder, always incomplete, always with excess, as part of a story, a narrative that we tell and retell in order to make sense of things. Making sense of things both kills and resurrects those things, those bodies, which we attempt to grasp through meaning. And for better and worse, we are left holding empty bandages, detached signifiers, asking what they mean and where's the body. The time of interpretation, in between time, before we know what it means, the pile of bandages lying there, signaling something, but what? In Derrida's seminar, they come to signify the time of literature itself as a time of interruption, a singular time outside of normal calculable clock time.

From the very beginning literature appears as an interruption to philosophical justifications of capital punishment. In response to the question "Why, on the death penalty, begin with literature?", Derrida immediately presents a hypothesis: modern literature, in spite of its heterogeneity on the issue, is decidedly abolitionist.⁹ He is quick to point out that although there are many writers who take abolitionist stances, and others who do not, what is unique about literature is not just that its modern history includes abolitionists, but rather that its modern history is also essentially the history of "a desacralization" that breaks with biblical notions of forgiveness, and we might add, biblical notions of divine authority, sovereignty and truth.¹⁰ Derrida seems to link this desacralization with the birth of the novel and fiction, which, is associated with irony rather than the sacred and with self-referentiality rather than an appeal to a transcendent authority or God. With fiction, we could say that the signifier becomes detached from transcendent authority and transcendent sovereignty. Fiction destabilizes the proper or the properly philosophical principle.¹¹ Implied in Derrida's analysis is the bond between detaching the signifier from transcendent truth and abolishing the death penalty.

Can literature, or if not literature, then the literary or poetic interrupt both redemptive temporalities and clock time with its infinite division of

time into discrete manageable moments? Is there a way in which the literary or what Derrida calls poetic sovereignty operate as detached signifiers, offer a different time lodged in those bandages, the time between condemnation and resurrection? If, as Derrida suggests, there will always be condemnation, fueled at least in part by fantasies of resurrection, is there any time that resists being condemned to death and the phantasm of resurrection? And could the bandages as a detached signifier offer a clue to this alternate temporality?

As Derrida writes in the margin of the typescript of Session One, “No philosophy against the death penalty,” which echoes his remarks in *For What Tomorrow* that “no philosophical discourse as such, and in its philosophical systematicity, has ever condemned the death penalty” and that therefore “an abolitionist discourse based on pure principle has yet to be elaborated.”¹² Using the hyperbolic rhetoric of “never before,” which makes uncanny appearances throughout his later work, Derrida claims that never before has a philosopher qua philosopher made a principled argument against the death penalty. Certainly, this “fact” would be a good reason to start an analysis of abolitionist discourse with literature.

But, I think that perhaps there is a deeper reason to begin with modern literature and not modern philosophy when it comes to the death penalty, a reason that revolves around those bandages as detached signifiers. Perhaps the literary and poetic, rather than literature as a discipline *per se*, could be modes of reading and writing, rather than a corpus. When writing becomes a corpus, it is dead, canonical, like a sovereignty based on principles. But, literary and poetic sovereignty, what Derrida calls in *The Beast and the Sovereign*, “poetic majesty”, might offer an alternative insofar as it demands ways of reading and writing that open up rather than close off possibilities. Yes, the literary and poetic can seduce, but as Derrida’s Blanchot argues it can never seduce absolutely; unlike philosophy, at its best, it seduces with its fluidity rather than its rigidity. Perhaps a certain poetic or literary sovereignty can resist the fantasy of sovereign mastery insofar as it requires interpretation and reinterpretation, insofar as it does not *erect*, or resurrect, itself as the one and only, the grand master, the sovereign truth or principle. Even if it makes those bandages stand out, stand erect, or band erect, as “*bander*” is translated in *Glas*, literature is unable to erect itself as the one true transcendental signifier attached to all others the way that philosophy has done.

Whereas modern literature—or perhaps I should say the literary or poetic—gives us figures and fantasies *as such*, wrapped up in so many bandages, suggesting both death and resurrection, but never, in fact, delivering either, modern philosophy mistakes the bandages for the body in itself. Simply put, if modern literature with the invention of the novel presents itself as fiction, philosophy presents itself as truth. Refusing to accept the multivalent mystery of the bandages, with their ambiguous

meanings, modern philosophy insists on finding the body in itself, stripped bare. Whereas modern literature with the birth of the novel gives an ironic view of true believers—think of Don Quixote—modern philosophers remain true believers. With their absolute faith in reason, modern philosophers from Descartes to Kant ground knowledge and right on reason. The sovereignty of God gives way—barely—to the sovereignty of reason. Paradoxically, reason operates according to strict scientific principles of accounting such as Descartes’s geometry, which divides space and time into infinite units, or Kant’s *lex talionis*, which demands a punishment equal to the crime, all the while being founded on intuition or unreason. Think of Descartes’s clear and distinct ideas or Kant’s claim that in the case of murder it is obvious that capital punishment is the right punishment.¹³ Indeed, the intuition that a death for a death is an absolute equivalence—that death, as Kant says, is the great equalizer—becomes both the prime example of *lex talionis* and its justification.¹⁴ In the case of murder, then, no rational calculation is needed because the punishment is obvious.¹⁵ Reasoning is unnecessary because it is obvious; reason based on intuition. Reason based on faith. Faith and knowledge, as Derrida suggests, are two sides of the same coin, or as Michael Naas puts it, two sides of the same sovereign.¹⁶ In sum, philosophy continues to look for the sovereign principle, the philosophical argument based on pure principles, that is to say, precisely the kind of argument Derrida insists is missing when it comes to the abolition of the death penalty.

If we accept Derrida’s claim that there is no principled philosophical argument against the death penalty, then it makes sense that he would look to literature for abolitionism. But, what if the principled argument itself is part and parcel of the logic of sovereignty that supports the death penalty? What if it is the true believers, on both sides of the debate, who threaten the worst violence? What if it is the belief in universal principles itself that gives rise to the most dangerous aspect of the most rigorous argument in favor of the death penalty? Of course, in the case of Kant, Derrida turns these very principles against Kant’s conclusion in favor of capital punishment to the point of suggesting that perhaps Kant’s argument is abolitionist after all insofar as the strictness of his criteria against self-interest and for equivalence are impossible. The principled argument, then, is always a deconstructible argument.

If, as he suggests in *For What Tomorrow*, Derrida is looking for a non-deconstructible abolitionism, perhaps what he shows is that there is not one. Paradoxically, the only philosophical argument for abolition that is immune to deconstruction would be a deconstructive argument, but only when it is always deconstructing itself. There is no properly philosophical argument against the death penalty and even if there were, it would necessarily follow from the same logic supporting the scaffolding of the death penalty. The only properly philosophical abolitionism, then, is not proper at all, but

rather the ongoing deconstruction of both principles and arguments on both sides of the debate over what is right. In order to dismantle the scaffolding of the death penalty, sovereign principles on both sides must be deconstructed. Derrida's *The Death Penalty Volume 1*, shows this much, even if it doesn't say so explicitly.

Here is an outline of some of Derrida's implicit, if not explicit, arguments against the death penalty:

1. Insofar as the sovereignty of the sovereign is groundless unless grounded on God, there is no non-theological, that is to say strictly legal or political, grounding for the state's right to give life or death. Political sovereignty is thus grounded on theological sovereignty, which breaches any attempts to separate Church and State. The upshot is that the state cannot ground its authority to give and take life except by appealing to a higher power.
2. The law cannot ground itself legally. The death penalty is not only the prime example of this illegitimate and auto-immune logic whereby the force of law or sovereignty—"might makes right"—is its only "principle," but also the death penalty is the keystone, the weld, the cement that holds it together. Again, the law necessarily appeals to an extra-legal justification for the death penalty, which it legitimates through force. The law itself cannot provide an internally coherent argument for capital punishment. For example, the law cannot prohibit killing and then give itself the legal right to kill. Alternatively, the law cannot justify its own killing without justifying killing more generally.
3. Thus, there is a contradiction at the heart of the principle that argues for the death penalty on the basis of the sanctity of human life—whoever kills should be killed. This principle operates according to an auto-immune logic which destroys itself when the state itself violates the sanctity of human life by killing. On this logic, the death penalty can only be justified as an exception, in which case the law against killing is suspended in the name of law. On the other hand, if the death penalty is grounded on the exclusively human right to give death, it falls prey to the same auto-immune logic. The right to death becomes "the law that gives birth to law," that is, once again, to say, it becomes the extra-legal force of law. In sum, there is a contradiction at the heart of legal capital punishment. The performative force of law, that is to say sovereignty's

claim to the right to give life and death, is always outside of the law, extra-legal, illegal, or outlaw.

4. Moreover, abolition may be a cover for the illegitimacy of sovereignty's claims to control the lives and deaths of its citizens, since the death penalty is the most brazen example; without it, sovereignty more easily gets away with its "might makes right" in the name of democracy, freedom, security, etc. This is to say, abolition of the death penalty may operate to conceal the myriad ways in which the state sentences individuals and populations to death apart from executing them, for example, through inadequate health care, poverty, or imprisonment.

Of course, Derrida complicates matters by demonstrating that even modern secular abolitionist literature cannot escape religious imagery and appeals to sovereignty, authority and truth, or a beyond life. That is to say that it cannot escape identifying the value of human life with something beyond this earthly embodied finite existence. In other words, even secular literature cannot resist the appeal of fantasies of controlling or overcoming death through, among other things, resurrection. Redemptive time makes its way into literature. In addition, as if to add insult to injury, secular humanism appeals to science as an alternative to redemptive temporality, but still in the service of the death penalty. These humanists, such as Dr. Guillotin, put their faith in science to provide an instant, and therefore humane and pain free, death that justifies the continued use of capital punishment. Throughout *The Death Penalty, volume 1*, Derrida suggests that the ultimate cruelty of the death penalty is that it disavows earthly embodied finite existence and attempts to master the time of death, not just through fantasies of resurrection but also with machines, like the guillotine, that divide time into moments so infinitesimal that they seemingly do not take any time at all.

The question becomes how to interrupt both redemptive temporality and mechanized clock time insofar as they are put into the service of the death penalty. Fantasies of redemption through resurrection trade this life for the next and sacrifice finitude to eternal life, while the Cartesian notion of time as infinitely divisible into discrete moments perpetuates the fantasy of instant death. Both the time of resurrection and the time of instant death stand opposed to the time of life as lived, embodied and finite. Both are attempts to control what cannot be controlled, namely, life and death. The fantasies of eternal life and infinitely divisible instants are constantly trying to override what Derrida calls "the principle of indetermination," by determining the time of death and the certainty of an afterlife. The principle of indetermination, as we will see, is a strange principle, an unprincipled principle, the interruption of all principled principles.

“Like a detached signifier,” this phrase is itself dangling in Derrida’s first session like a temptation or mystery, seemingly detached from his musings on those bandages wrapped around the heads or bodies of the condemned. At this very point in the text, an editorial note tells the reader that the first session ended one sentence after the passage with which I began, when Derrida runs out of time and stops, seemingly abruptly. The end of the lecture comes where he does not expect it, when the clock signals time is up. In a sense, Derrida interrupts himself to stop the lecture before he is finished.

These bandages, then, also flag an odd moment, a sort of limbo, between the time of the body speaking and the pages that now signal the absence of that body—Derrida’s body—as both dead and yet haunting the text with his “notes to self,” so to speak, and various stage cues to guide his performance. These bandages mark a time out of joint, a disjunction, an interruption, which signal both the absent body of our author and his presence insofar as it haunts the dry leaves of the book, which he both wrote and never wrote.¹⁷ The leaves of this published book, and phrases, “like a detached signifier” are like the bandages, like the scraps, that make us ask where the body is. This moment makes apparent the way in which Derrida’s execution, his performance, is subjected to the clock, which determines its end.

Yet, the bandages also mark a repetition. Derrida repeated *verbatim* the last paragraph of what he presented in the first session at the opening of the next session, thus repeating “The bandages envelop, attach, they tie but also become detached: They become untied from the body proper.” The editors call this a “disjunction” between the recordings and the typescript when the performance of the seminars was out of sync with Derrida’s written versions of the seminars up until the third session.¹⁸ Suspended, then, between what appears in the published text as the “first session” and what appears as the “*first session continued*,” which is really between the first and the second meeting of the seminar, are these bandages whose repetition shows up on the recordings but is missing, in the published text. In this book with twelve chapters but only eleven sessions, and two sessions “ones,” time is out of joint. This is an odd way of counting, the *First Session Continued* as something in between session one and session two, its strange status operating like an interruption of the twelve hour clock, and eventually stopping the seminar with the eleventh, the eleventh hour, signaling that time is running out, the eleventh hour when that call from the governor might come to interrupt the execution and stop the hands of the clock ticking mechanically toward the time of death of the condemned.

This accident of the clock-- Derrida ran out of time to read all of his lecture notes—points to some of the most fascinating parts of *The Death Penalty* seminars, namely Derrida’s discussion of time, the death penalty’s attempt to control time and end finitude, and the cruelty of the clock as the

last and most brutal stroke of state sponsored killing machines. It becomes clear throughout the seminars that for Derrida, it's about time.

This time between Derrida's execution of the lecture and the book that is left like so many dried pieces of linen is perhaps the lodgings for an abolitionist literature that interrupts the discourse of the death penalty, not by providing that much awaited and sought after "principled" or properly philosophical argument against the death penalty, but rather by "deconstructing" the death penalty with and against the possibility of principled or properly philosophical arguments. In other words, in this text, literature appears as an interruption in the discourse of the death penalty that, like the bandages, reveals the impossibility of a principled argument against the death penalty. If, as he suggests in *For What Tomorrow*, Derrida is looking for a nondeconstructible abolitionism, perhaps what he shows is that one does not exist. There is no properly philosophical principled argument against the death penalty, and even if there were, it would necessarily follow from the same logic supporting the scaffolding of the death penalty. The only properly philosophical abolitionism, then, is not proper at all, but rather the ongoing deconstruction of both principles and arguments on both sides of the debate over what is right. Derrida's execution of *The Death Penalty: Volume 1*, shows as much, even if it doesn't say so.

It becomes clear throughout the seminars that for Derrida, it's about time. The cruelty of the death penalty is about time; more specifically, it results from a notion of time that can be measured by the clock, a divisible notion of time measured in units, akin to the measurement of units of various drugs now used in lethal injections in the US. Derrida says, ". . . what we rebel against when we rebel against the death penalty is not death, or even the fact of killing ... it is against the calculating decision, not so much the 'you will die'but ... you will die on such a such a day, at such and such an hour, in that calculable place, and from blows delivered by several machines, the worst of which is perhaps neither the guillotine nor the syringe, but the clock..."¹⁹ The clock, then, is part and parcel of the machinery of death and perhaps its most dangerous part. The death penalty kills the condemned, but the logic of the death penalty kills time.

By cutting up and killing time, this Cartesian logic of divisible units and calculation guarantees that the death penalty will continue even after it is abolished. This logic undergirds the fantasy that we can make clean cuts between indemnity and condemnation, between humane and cruel, between alive and dead. This logic of divisibility reassures us that we can accurately make the cut where it belongs and thereby control the process of death. And this fantasy of control and sovereignty guarantees that, as Derrida says, "the death penalty will survive, it will have other lives in front of it, and other lives to sink its teeth into."²⁰ It's just a matter of time.

The logic of calculation kills time in at least two ways. First, by setting the time of death, the death penalty denies the finitude of embodied existence. The death penalty operates with the fantasy that we can control the time of death and thereby perhaps death itself. Second, the modern institution of capital punishment, which originates with the invention of the guillotine as a more humane way to kill, divides time into discrete moments in order to control the time of death down to the instant of death, wherein instantaneity becomes the criteria for pain-free and cruelty-free death, such that Derrida says “the guillotine is not just a killer, it’s a painkiller.”²¹ It kills pain, by killing time, by offering instantaneous death. The supposed lack of time that the condemned spends dying is what makes the execution not cruel. This reasoning holds that if we can identify and locate the instant of death and make it take no time, then death is humane.

The same could be said of lethal injection in the United States, where the goal seems to be rendering the condemned unconscious and then killing him quickly, as if in his sleep. The significance of reducing the time spent dying and offering instant death is evidenced by reports of so-called “botched” executions. A “botched” execution takes time, whereas a first-rate execution takes no time at all. “Botched,” then, does not refer to execution itself since in nearly all of these cases the condemned ends up dead, but rather to the time that it takes for the condemned to die. His suffering, or the cruelty of the punishment, is measured in the number of minutes it takes, which is why central to every news report of a “botched” execution is the exact number of minutes that it took for the condemned to die. For example, most recently, Joseph Rudolph Wood in Arizona, 1 hour and 57 minutes; Clayton Lockett in Oklahoma, 43 minutes; Dennis McGuire in Ohio, 25 minutes; William Happ in Florida, 14 minutes, etc.²²

A so-called “botched” execution reminds us that we cannot control the time of death and moreover that dying takes time. Even as cruelty is measured in clock time, botched execution pulls back the blinds on our inability to give instant pain free death, our inability to kill time. In this regard, last month when the wardens pulled the curtains on the windows around the death chamber when Clayton Lockett’s execution went wrong, those blinds both covered up what was going on behind them and revealed our inability to control death or the time of death. These curtains around the death chamber act as bandages, blindfolds, which cover over cruelty as part of what Derrida calls the anesthetic logic of contemporary capital punishment. And yet, as Derrida asks, speaking again of Christ, how do we measure the agony of the condemned? As the minutes ticking away in every botched execution pull back the blinds on the inadequacy of measuring suffering in terms of clock time, they point back to the incalculable time of the empty bandages, the time of interruption, the 11th hour, that promises to stop the clock before it’s too late.

¹ Jacques Derrida, *The Death Penalty Seminar, volume one*, trans. Peggy Kamuf (Chicago: The University of Chicago Press, 2014), 34. Cited henceforth as DPS.

² Derrida, *Death Penalty Seminar*, 33.

³ Derrida, *Death Penalty Seminar*, 34.

⁴ Derrida, *Death Penalty Seminar*, 37.

⁵ Derrida, *Death Penalty Seminar*, 29.

⁶ Derrida, *Death Penalty Seminar*, 39.

⁷ Derrida, *Death Penalty Seminar*, 37.

⁸ Ibid.

⁹ Michael Naas has argued that among other reasons, Derrida turns to literature “and to the two camps within it,” because “there is no similar division of camps in philosophy,” which “will have spoken in favor of it with a single voice” (Naas “Remarks on Session 4 of Jacques Derrida’s Seminar Death Penalty,” 1). See “The Philosophy and Literature of the Death Penalty: Two Sides of the Same Sovereign,” *The Southern Journal of Philosophy*, vol 50, no 1 (2012): 39-55.

¹⁰ See Derrida, *Death Penalty Seminar*, 30.

¹¹ This is inspired by Rowena Braddock’s, “Derrida Today” talk, New York, May 2014.

¹² See Derrida, *Death Penalty Seminar*, 17 note 25; see also *For What Tomorrow?*, trans. Jeff Fort (Stanford: Stanford University Press, 2004), 88.

¹³ “We are rational to the extent that we have the death penalty, and we are not yet rational to the extent that we need to have the death penalty” (Geoffrey Bennington, “Rigor, or stupid, uselessness,” *The Southern Journal of Philosophy*, vol. 50, no 1. (2012): 35).

¹⁴ “There would be no more law, and above all no criminal law, without the mechanism of the death penalty, which is thus its condition of possibility, its *transcendental*, if you like (at once *internal*, included: the death penalty is an element of criminal law, one punishment among others, a bit more severe to be sure; and *external*, excluded: a foundation, a condition of possibility, an origin, a non-serial exemplarity, a hyperbolic, a more and other than a penalty). It is this, the death penalty’s paradoxical effect of transcendentalization, that a consistent abolitionism must take on” (Derrida, *For What Tomorrow?*, 142).

¹⁵ Geoffrey Bennington astutely describes this paradox in “Rigor, or stupid, uselessness.”

¹⁶ See Michael Naas, “Remarks on Session 4 of Jacques Derrida’s Seminar Death Penalty.”

¹⁷ We might even say that this paragraph on the bandages, suspended in between two sessions, repeated twice in the seminar, has something in common with those detached bandages, repeated twice in the Gospel of John, that signal a time in between death and resurrection when Christ’s missing body appears as an apparition of sorts to the weeping Mary. This suspension or disjunction of time between the performance and the text, and between the recording and the typescript, that like Mary, sends the reader looking for the missing body, but neither the dead body, the corpse, nor the resurrected body, the corpus, but the living bleeding breathing body speaking the words that we are left to read, except for the few who have access to the recordings. Perhaps Derrida is right to suggest that Christology haunts all of Western philosophy and literature. Since this line of thought binds together the missing body of our author, Derrida, and the missing body of Christ from the Gospels. The bandages seem to tie them together.

¹⁸ Derrida, *Death Penalty Seminar*, 28.

¹⁹ Derrida, *Death Penalty Seminar*, 256.

²⁰ Derrida, *Death Penalty Seminar*, 282-3.

²¹ Derrida, *Death Penalty Seminar*, 226.

²² Eckholm, Erik. “One Execution Botched, Oklahoma Delays the Next.” *New York Times*. April 29, 2014. New York, NY. <http://www.nytimes.com/2014/04/30/us/oklahoma-executions.html>; Goode, Erica. “After a Prolonged Execution in Ohio, Questions Over ‘Cruel and Unusual.’” *The New York Times*, January 17, 2014. <http://www.nytimes.com/2014/01/18/us/prolonged-execution-prompts-debate-over-death-penalty-methods.html>. Associated Press. “Oklahoma Executes Man in Convenience Store Killing.” *The Oklahoman*. January 9, 2014. Oklahoma City, OK. <http://newsok.com/oklahoma-executes-man-in-convenience-store-killing/article/feed/636623>. Reuters and Daily Mail Reporters. “Florida Executes Murderer Using Untried Lethal Injection Drug.” *Daily Mail*, October 15, 2013. <http://www.dailymail.co.uk/news/article-2462115/William-Happ-executed-Florida-executes-murderer-using-untried-lethal-injection-drug.html>.