

Proof

---

# Law's Hermeneutics: Other Investigations

---

Simone Glanert  
Fabien Girard

 **Routledge**  
Taylor & Francis Group  
LONDON AND NEW YORK

Proof

Proof

First published 2017  
by Routledge  
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

and by Routledge  
711 Third Avenue, New York, NY 10017

*Routledge is an imprint of the Taylor & Francis Group, an informa business*

© 2017 selection and editorial matter, Simone Glanert and Fabien Girard; individual chapters, the contributors

The right of Simone Glanert and Fabien Girard to be identified as the authors of the editorial material, and of the authors for their individual chapters, has been asserted in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

*Trademark notice:* Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

*British Library Cataloguing in Publication Data*

A catalogue record for this book is available from the British Library

*Library of Congress Cataloging in Publication Data*  
[CIP data]

ISBN: 978-1-138-12372-4 (hbk)  
ISBN: 978-1-315-64865-1 (ebk)

Typeset in Galliard  
by Keystroke, Neville Lodge, Tettenhall, Wolverhampton

Proof

## Chapter 9

**Derrida's Gadamer***Pierre Legrand*


---

There is [...] a dissemination [of meaning] that is irreducible to hermeneutics in the sense of Gadamer.

Jacques Derrida

While French, German or Italian philosophers consider that they practise 'philosophy', Anglophone philosophers deem them to be engaged in '*Continental philosophy*'. Approaching '*Continental philosophy*' as a discipline, one observes that, as is the case with other fields, it reveals a specific history. Indeed, in the words of intellectual historian Peter Gordon, '[i]nsofar as Continental philosophy today can still claim to be a coherent intellectual tradition, its identity is bound to history and is therefore burdened by the memory of events' (2010: 358). Some of Continental philosophy's milestones consist in celebrated disputations, arguably none as famous as the encounter between Ernst Cassirer and Martin Heidegger, a two-week philosophical conversation consisting of lectures and debates that took place in Davos, Switzerland, in March and April 1929. This *Auseinandersetzung* immediately assumed great philosophical significance and continues to be viewed in philosophical memory as a defining argumentative moment casting, on one hand, a world-view that posited the primacy of human agency and, on the other, an understanding of the human being confining him to a largely receptive position. In other words, Davos opposed the ideas of 'spontaneity' and 'thrownness' as they stood for two countervailing models of man and of the extent to which man is conditioned by his worldliness (Gordon 2010: 363),<sup>1</sup> as they epitomized two apprehensions of how much human finitude is to be envisaged as 'a permanent and incorrigible feature' of the constitutive condition of human being (ibid.: 76).

In the *Frankfurter Zeitung* dated 22 April 1929, a philosopher writing for the newspaper is said to have observed that the *Internationale Davoser Hochschulkurse*, the host organization, had staged 'not merely an academic quarrel between professors', but 'a confrontation between representative envoys of two epochs' – although the two speakers were in fact only fifteen years apart (ibid.: 329). Emmanuel Levinas, in attendance in Davos as a budding philosopher, recalled the

moment in spectacular terms: 'A young student could have the feeling that he was witnessing the creation and the end of the world' (Poirié 1987: 78). In the words of the late Professor of Philosophy and Judaic Studies Steven Schwarzschild (1924–1989), "Davos" was like a medieval morality-play, in which each of the two antagonists represented great ideas or virtues' ([no date]: 2). Gordon remarks that 'for several critics, the difference of historical and philosophical perspective was so immense that it prohibited genuine dialogue' (2010: 330). In this regard, he notes that 'each [philosopher] spoke a unique language with terminology so distinct as to defy the possibility of mutual translation' (ibid.: 189), while Levinas referred to 'an unsurpassable antinomy' (Poirié 1987: 77). Heidegger bore no small responsibility for this communicative impasse as he had basically redrafted the language of philosophy in ways that his critics would not hesitate to call 'abstruse' (Cassirer 1948: 187).<sup>2</sup>

Secondarily, the clash was one of personalities. Heidegger was a vehement, conflictual, passionate, at times lyrical thinker, already admired by many young German academics for his innovative readings of the philosophical tradition and for a style of interpretation that could turn a text somewhat violently on its head with a view to unearthing its (allegedly) concealed content. Also, Heidegger strongly defended his country roots, in effect holding the idiosyncratic view that 'only in the country side was genuine reflection truly possible' (Gordon 2010: 112). Whereas for Heidegger it seemed, as the academic saying goes in some quarters, that if it was not rude it was not worth it, Cassirer very much appeared in the garb of a wise old man set in the classical philosophical mode, a discreet and well-mannered thinker with more than a touch of patrician deméanour, a civilized humanist who exuded urbanity and espoused moderate and rationalist thought, a pacifist who eschewed polemics, an erudite whose blandness in fact went so far, it is reported to have been said with regret by Karl Jaspers, as to fail to inspire (ibid.: 86). Perhaps unsurprisingly, Cassirer, who valued philosophical amity, often indicated throughout the Davos encounter how ultimately similar Heidegger's views and his own actually were. Meanwhile, Heidegger, who did not seem to care for philosophical friends unless they were his disciples, incessantly emphasized the sharp differences between Cassirer and himself (ibid.: 346). As Schwarzschild perspicuously frames the matter, Davos pitted against one another 'the gentleman and the peasant-in-arms' ([no date]: 2).

Just over fifty years later, in April 1981, another highly consequential discussion took place, which again involved two European philosophical giants. Over three days, the Paris *Goethe-Institut* thus staged an argument under the banner 'Text and Interpretation' between Hans-Georg Gadamer (1900–2002), one of Heidegger's closest and most influential students, and Jacques Derrida (1930–2004), a thinker also deeply indebted to Heidegger but who, though readily acknowledging his intellectual dues (1972c: 18, 73; 1980a: 70), refused to style himself a disciple (2002a: 41), forged his distinctive intellectual path and transformed key Heideggerian insights along the way. Indeed, Derrida would refer to Heidegger as '[his] *contremaitre*' – that is, as the master against whom he

was thinking and writing in the very name of loyalty to Heideggerian contrarianism (1999a: 57, emphasis added): 'I am all the time in the process of disobeying a Heideggerian injunction that, nonetheless, I feel within me' (Janicaud 2001: 115).<sup>3</sup> In Paris, in line with the philosophical labels that had come to be attached to their work, Gadamer and Derrida were perceived to be presenting a confrontation between 'hermeneutics' and 'deconstruction' (Bertram 2002; Angehrn 2003; Kapsch 2010; Silverman 1994; Greisch 1977; Jankovic 2003).

On the occasion of their debate, Gadamer unmistakably appeared, like Cassirer half a century earlier, in the guise of the elderly, courteous, reasonable and consensual interlocutor. For his part, Derrida, three decades younger than his opponent, adopted the role of the philosophical firebrand who boldly, at times pugnaciously, questioned the eminent texts and chastised what he deemed their fustiness and the unduly conservative readings that were being made of them. A combative and contentious thinker boasting a huge following in academic ranks mainly in the United States but elsewhere also, a philosopher not at all adverse to literary or lyrical inflexions, Derrida was at pains to affirm his basic differences with his debater just as Heidegger had done in Davos. And Derrida very much remained an outsider from the standpoint of mainstream French philosophy, not unlike the way Heidegger had been marginal vis-à-vis classical German philosophy in the Cassirerian mould,<sup>4</sup> although it would be a mistake to overemphasize the analogies between the two philosophers. Quite apart from the fact that one was a Jew and the other a Nazi,<sup>5</sup> Derrida lived in something like self-imposed exile for all of his adult life and was a restless world traveller whose peripateticism could not have been at greater variance with Heidegger's determined sedentariness.

As in Davos, the Paris meeting was structured around presentations and conversations. Echoing the reactions to the Davos controversy, commentaries on the Paris encounter underline the notable character of a contest that went beyond mere philosophical disagreement to address 'two radically different interpretations of interpretation, of writing, even of language itself' (Michelfelder and Palmer 1989: 1). Also, writers such as Richard Bernstein and Jean Grondin remark how Gadamer and Derrida spoke such different languages that, in the end, '[a] genuine dialogue between [them] [. . .] never t[ook] place' (Bernstein 2002: 276); how there happened at best 'a dialogue of the deaf' (Grondin 2011b: 97) – an impasse just as had materialized in Davos. It cannot have helped that, like Heidegger, Derrida never seemed to hesitate in crafting neologisms that could leave even benevolent audiences baffled.

Beyond the fact that '[t]he differences between Gadamer and Derrida – in temperament, vocabulary, style, and thematic concerns – seem so radical that one may despair of finding anything in common [. . .] we can say that both [were] passionately concerned with the subtleties of language and the interpretation of texts' (Bernstein 2002: 275). With respect to commonalities, one could readily add that by 1981 both philosophers had actively participated in the so-called 'linguistic turn' – that is, to put the matter as succinctly as one can, in a movement emphasizing the power of language that began in philosophy and spread through

the humanities, language's stated 'position of primacy in the inquiries we undertake and the ways we make sense of things and of ourselves' inscribing 'a fundamental break with methodologies and ontologies that for more than three centuries [had] privileged the internal mental states of a disembodied knowing subject' (Kompridis 2014: xv). And one could also mention that Gadamer and Derrida rejected the idea of the subject's unrestricted self-enactability that would exercise unalloyed authority over the world and engage in world-producing, object-determinative activity (Gadamer 1986a: 281; Derrida 1967b: 335). In the same vein, neither thinker was persuaded by the merits of method (Gadamer 1986a: 306; Derrida 1972a: 303) – indeed, the two philosophers remained unconvinced by anything smacking of programmability or calculability and deployed, more generally, anti-positivist and anti-scientistic stances. Incidentally, this accumulation of interfaces has led John Caputo, one of Derrida's most learned analysts, to praise deconstruction as a 'radical hermeneutics' (1987).

Yet these intersections, prompting Derrida himself to style hermeneutics as a form of deconstruction (1972b: 162–3), cannot dispel the disagreements that obtain concerning the primordial matters of alterity and textuality, some of which were on display in Paris not least because Derrida cast his conversation with Gadamer in a resolutely adversarial light, evoking the undisguised acerbity that Heidegger had visited on Cassirer. Although there is evidence that Gadamer had long been interested in Derrida (Grondin 2012: 377) – indeed, that he had been reading him as far back as 1962 (Grondin 2011a: 457, n. 1) – and further proof that he was willing to learn from Derrida (Grondin 2003: 116–8) with a view to questioning hermeneutics – for instance, by ultimately envisaging that hermeneutics may have been too sanguine as regards the feasibility of understanding and agreement (Gadamer 1988: 142) – Derrida neither intimated a disposition to reap from Gadamer nor any eagerness to investigate deconstruction hermeneutically – an 'asymmetry' that Grondin describes as 'blatant' (2011b: 101). Specifically, Derrida's talk at the *Goethe-Institut* did not address Gadamer's philosophy and refused to mention him at all (1981: 58–71).<sup>6</sup> Indeed, if one reviews Derrida's work from the time of his first publications in the mid-1960s up to the Paris debate, one observes that on the few occasions when hermeneutics made a noteworthy appearance, it was stigmatized as a sort of search engine destined to elucidate and fixate the real or true sense of texts, to bring to light through a brand of consensus somehow allowing the *interpretans* to reach the *interpretandum*,<sup>7</sup> a unitary, complete and stabilized meaning.

In his most caustic observations, Derrida thus decried hermeneutics as a 'basically traditional' venture (1972c: 118), 'sheltering behind a given and stable institution' (1990a: 424) and in thrall to the 'deciphering' or the 'decrypting of a meaning or a truth' (1972b: 392), to 'the true meaning of a text' (1978: 86), a 'discourse on truth' (1980a: 470). He attacked it as 'semantic' or 'formalistic' (1972c: 118; see also 1980a: 460), even assimilating it to an 'exegetical method' (1972c: 86). Chastising the fact that it idolized and idealized the text (1988: 29), that it postulated the existence of 'an accomplished signified' (1972c: 86), and

regretting an ‘appropriati[ng]’ (1988: 29), indeed a ‘totalizing’ (1987: 116) enterprise, what he called ‘hermeneutic mastery’ (1978: 110), Derrida castigated ‘the hermeneutic temptation’ (2005: 25) for its ‘sommambulism’ (1978: 104) or its ‘aestheticizing and obscurantist reaction’ (1978: 112) to the matter of interpretation. Condemning ‘the hermeneutic space of the question of truth’ (1978: 94), Derrida held that hermeneutics’s ‘default’ (2005: 25) cast a ‘veil’ (1978: 107) over the interpretive enterprise, that hermeneutics was like a piece of cloth that one had to ‘pierce’ (1978: 107). By the same token, in word-play expressly aimed at Friedrich Schleiermacher, a nineteenth-century German philosopher closely associated with hermeneutics’ modern revival, Derrida opposed ‘all veil-makers’ (1978: 108). Derrida’s stated goal was a ‘deconstruction of a certain hermeneutics’ (1990a: 454) – that is, of a hermeneutics that is ultimately certain of itself, ‘assured of its horizon’ (1978: 107), in search of ‘an only originary meaning’ (1986b: 50). In sum, Derrida advocated alterity or textuality’s resistance to ‘the hermeneutic exhaustion’ (1986b: 50), to a reading that would be definitive, complete, exhaustive – to an interpretation that would be *fixed*.

These determinedly unconciliatory accounts of hermeneutics over the years would plausibly have to do with the fact, as Grondin surmises, that throughout the 1960s and 1970s Gadamer’s work was largely unknown in France where the idea of ‘hermeneutics’ rather evoked Paul Ricœur. Indeed, Derrida was Ricœur’s assistant at the Sorbonne in the early 1960s and debated with him in Montreal in 1971 (Grondin 2012: 361, n. 12). To the extent that Ricœur’s hermeneutics is more structuralist and more methodical than Gadamer’s, more exegetical also, that it insists more upon the autonomy of the text (thereby de-emphasizing the role of history), that it is more directed towards recovery of meaning and that it is particularly attuned to the idea of ‘conciliation’, not to mention the fact that it discloses a transcendental dimension,<sup>8</sup> one can imagine how Derrida, not having yet familiarized himself with Gadamer’s publications, might have too hastily concluded that hermeneutics was hermeneutics, whether the particular model bore the signature ‘Ricœur’ or ‘Gadamer’.<sup>9</sup> Interestingly, Gadamer himself thought that Derrida’s critique of hermeneutics was very much a commentary on Ricœur’s philosophy (Risser 1989: 179).

Be that as it may, it is a highly sceptical view of hermeneutics that Derrida took with him to the Paris *Goethe-Institut* in April 1981, a re-presentation Grondin has branded a ‘caricature’ (1999: 14) – another commentator going one step further and depicting Derrida’s understanding as an ‘appalling caricature’ (Davis 2010: 33). Yet one can find passages in Gadamer’s Paris intervention (as indeed in his foremost *Wahrheit und Methode* or in his other writings) that, once his ‘torturous formulations’ have been elucidated (Vandeveldt 2010: 294), lend credence to Derrida’s critique. For example, in Paris Gadamer did say that ultimately in interpretation ‘[t]he interpreter [. . .] vanishes, and the text speaks’ (1983: 360), that ‘[t]he interpreter has no other function than this, to vanish completely into the realization of understanding’ (ibid.: 350). He did maintain also that ‘[t]he

discourse of the interpreter is therefore not a text, but *serves* a text' (ibid.: 350, emphasis original). And in *Wahrheit und Methode*, Gadamer does contend that 'one means *to understand the text itself*' (1986a: 392, emphasis original) and that a text is to be understood 'appropriately' (ibid.: 314). Moreover, he does write of the 'hermeneutic challenge' in terms of 'strangeness and its conquest' (ibid.: 391), adding that one is 'to appropriate what is said in the text' (ibid.: 392). Elsewhere, Gadamer mentions 'the unity of meaning that belongs to the text' (1986b: 428), insists that 'univocity inheres of necessity to all discourse' (ibid.: 429), considers that '[e]very possibility of double understanding is an offense' (1983: 359) and gestures towards the idea of interpretation as 'correctness' (1986b: 440).

During the three days of the Paris meeting, Derrida's long-standing writerly defiance towards hermeneutics – his objection *ad rem*, so to speak – took an *in personam* twist in focusing on Gadamer as the placeholder of what he, Derrida, thought hermeneutics to be and of everything that he, Derrida, saw as being inadmissible about hermeneutics. Interpretations of Derrida's behaviour on the Paris stage vary. At best, it is said that he refused to involve himself in a conversation worthy of the name with Gadamer. At worst, it is reported that he displayed 'aggressivity' towards Gadamer – which, incidentally, is the view Derrida's first significant biographer holds, although he invokes an accumulation of serious personal and professional problems as mitigating factors (Peeters 2010: 402–3). In any event, Derrida used his Paris forum to make a formal intervention that pointedly ignored hermeneutics in general and, as I have indicated, avoided Gadamer's views in particular as if these simply did not deserve his attention. Instead, Derrida talked about Heidegger's reading of Nietzsche (Derrida 1981: 58–71). Derrida then took advantage of the roundtable discussion to launch a frontal attack on Gadamer's most primordial assumptions. This dual approach, indifference and belligerence – or was it 'petulan[ce]' squared (Davis 2010: 34)? – left Gadamer at once perplexed and irritated (Grondin 2011b: 103).

Derrida's express challenge to Gadamer took the form of three 'questions' (I use quotation marks advisedly for the record shows that these 'questions' consisted largely of statements). Derrida's three-pronged retort addressed the following issues.

First, Derrida rejected Gadamer's basic idea that interlocutors must 'have the goodwill to understand one another' (Gadamer 1983: 343). For Derrida, the idea of the 'will', no matter how 'good', is not a secure, self-evident postulate in as much as it cannot be dissociated from a Nietzschean will to power and from a Kantian metaphysics of the subject, a subjectivism that, in the end, would be unacceptably self-affirmative and all-determinative. Pursuant to Derrida, hermeneutics is therefore devoted, more or less consciously, more or less openly, to a strategy of arraignment or of appropriation of the other, an instrumentalization that he cannot countenance. Derrida thus earnestly disagrees as Gadamer impels one '[t]o recognize one's own in the foreign' and claims that 'to become at home in [the foreign] is the basic movement of spirit' (Gadamer 1986a: 19–20). Not

only is this projection of the self into the other in vain – ‘there are only islands’, says Derrida (2002c: 31) – but it is reprehensible to the extent that it would structure an appropriation of the other, that it would marshal knowledge of the other with a view, finally, to assimilating it to the self so as to achieve, say, a deeper knowledge of the self. For Derrida, a manifestation of the will to appropriate and assimilate the other to the self is tantamount to what he calls an ‘interpretive totalization’ and, as such, inadmissible (1986b: 50). And Gadamer’s ‘will’ cannot be justified because it would pertain to ‘goodwill’. According to Derrida, Gadamer’s motions simply do not acknowledge the recognition and the respect that are owed alterity or textuality as a matter of justice. Rather, they enact ‘the oppression and the totalitarianism of the same’ (Derrida 1967b: 136).

Second, Derrida objected to Gadamer’s key idea of ‘dialogue’ and to the accord it pursues that it assumes to be realizable, though ‘mirac[ulously]’ (Gadamer 1986a: 297, 316 and 347). For Derrida, ‘dialogue’ supposes that two interlocutors, or an interpreter and a text, are speaking the same language. However, Derrida argues, the language one hears or reads is always already *another* language. And there is, there can be, no bridge across languages: each language is ‘monologue’; it speaks ‘*lonesomely*’ (Heidegger 1959: 265, emphasis original).<sup>10</sup> To use Derrida’s own illustrations, ‘Pierre’ is not ‘Peter’ (1998b: 209) and ‘*deux*’ is not ‘two’, which is not ‘*zwei*’ (2002b: 241, emphasis modified). In effect, Derrida challenges the idea of ‘translatability’, arguably the *raison d’être* of the hermeneutic enterprise, by claiming for instance that ‘my here-now is absolutely untranslatable and [. . .] the world in which I speak is absolutely heterogeneous’; he adds that ‘[b]etween two “here”, there is a properly infinite irreducibility, an infinite heterogeneity’ (1998a: 247). Whereas Gadamer holds that ‘[s]trangeness, that which makes a text incomprehensible, must be suppressed by the interpreter’ (1983: 350), Derrida takes the view that ‘the difference between one world and the other will always remain unsurpassable’ (2002b: 31) and accepts that the other – for example, the text – will, agonistically, be the enduring repository of a secret, a ‘singularity forever encrypted’ (2003a: 41), permanently inaccessible in its withdrawal from presence, a ‘radical resistance to the light of phenomenality’ (Derrida and Ferraris 1997: 51).<sup>11</sup> ‘What guides me’, remarks Derrida, ‘is always untranslatability’ (2004b: 26) – an observation that is not without recalling Beckett as the playwright exclaims, ‘what is the word? What the wrong word?’ (1989: 51).

Crucially, Derrida feels no need to regret this epistemic gap, quite to the contrary in fact, since any conciliation, whether on the basis of a Gadamerian gathering or after a Hegelian fashion, say, through appeasement or mediation, involves a totalization, which must entail an assimilation of the other to the self and therefore the other’s ultimate effacement. As he writes that ‘it must be that at some point the other remains as other’, that ‘if he is the other he is other’ (1986a: 82), Derrida unreservedly maintains that any elimination of the other must be infinitely deferred. For Derrida, it is indeed key that the self, far from seeking to assimilate the other, ought to ‘keep a close watch on the

otherness of the other' (2000: 218). In sum, incommensurability appositely acts to safeguard alterity's very existence and to grant it a future as a focus of interpretation. It follows that Derrida himself values his enisled condition, that he dislikes both the word 'community' – it 'sickens' him (Peeters 2010: 361) – and the entity itself (Derrida 1992: 366). Like Beckett again, he believes that 'all groups are horrible' (Beckett 1939: 660), be they linguistic, national, political, philosophical or literary (Derrida and Ferraris 1997: 25).

Conversely, according to Gadamer:

One must search the word and one can find the word that will reach the other person; one can even learn the strangeness of the language of the other, of his [language]. One can cross over into the language of others in order to reach the other. All of this, language as language can achieve it.

(1985: 364)

Arguably, Gadamer thus purports to expunge singularity: 'The interpreter of texts, like the interpreter of divine or human discourse, has to [. . .] make appropriation possible' (1965: 419), with a view to ensuring that 'in the end, understanding succeeds again and again' (Gadamer 1986a: 221). But Derrida refutes this Gadamerian/Hegelian 'fusion of horizons', or '*Horizontverschmelzung*' (literally, 'horizon-melting'), that hermeneutics pursues even if the other is remarkably different (Rosen 1997: 207–18).<sup>12</sup> As Derrida makes sense of the matter, the Gadamerian '*Aufhebung*' – which, Gadamer himself insisted, is a lesser '*Aufhebung*' than Hegel's on account of the (Heideggerian) insight that the coming to language of being never reaches completion (Eberhard 2004: 104–5) – suggests that the differentiation of horizons is merely a transitory phase destined to 'sublate' itself in agreement. Meanwhile, Derrida asserts that sameness between *interpretans* and *interpretandum* cannot be envisaged (not even as a 'miracle', to use Gadamer's word once more).<sup>13</sup> There is only 'iterability' (even what is repeated is never the same) and 'differance' (even what signifies or is signified never has a fixed or fixable meaning) – two idiosyncratic and transversal notions within deconstruction that allow one to open oneself to the idea of the singularity of the other or of the text and to the further idea of the strangeness of the other or of the text – that is, to the decolonization of difference coercitively assimilated to sameness. Any contention in favour of a 'fusion of horizons' betrays interpretive confusion.

Although Gadamer refers to 'the meaning of the text' as 'the thing itself' (1986a: 469), for Derrida there is neither *the* meaning nor *the* text – the other can never be shown 'as such' or 'in and of itself' (2003b: 198) – and 'equivocity is in fact always irreducible' (1954: 106): 'Of no text can one say that one knows what it contains and what it does not contain' (1980b: 51–2). Still in Derrida's own words, 'the self-identity of the signified is always withdrawing and displacing itself' (1967a: 72). Meaning exists but as infinite dissemination, as a tropological structure infinitely circulating through the advent of supplementary sense at every

turn (1972a: 290). And the way meaning undergoes an infinite process of dissemination because of how the other is structured, on account of a 'structural necessity inscribed in the text' (Derrida *ibid.*: 252), lies at the heart of Derrida's interpretive strategy. There is 'the endless multiplication of folds, unfoldings, foldouts, foldures, folders, and manifolds' (*ibid.*: 301), the possibility of 'the incessant supplement of an extra turn' (*ibid.*: 290): meaning can never be contained, finished or framed; it does not have borders. In Derrida's language, to deconstruct is to discern '*plus d'une langue*', which means, as one reads the other or the text, to disclose at once more than one language only and no more of one language only (1988: 38, emphasis original). Observe that this basic motion of heteronomic confidence is enacted productively: 'Deconstruction always presupposes affirmation [. . .]. [. . .] [D]econstruction is, in itself, a positive response to an alterity that necessarily calls, summons or motivates it. Deconstruction is therefore vocation – a response to a call' (Derrida 1995: 167–8).

Reacting to Gadamer's configuration of reconciliation and coherence as key interpretive values, Bernstein notes that '[i]n the fusion of horizons, there is a tendency to gloss over the heterogeneities and abysses that confront us' (2002: 281). And responding to Gadamer's 'commit[ment] to the notion that understanding is always in principle possible', to his view that beneath the differences that separate individuals there is to be found a commonality making mediation possible, Monica Vilhauer sounds a thoughtful warning (2010: 89, 87–91). This is why Derrida is more preoccupied with misunderstandings and takes the view that 'we never quite achieve the moments [*sic*] of coherence and fusion that is the aim of hermeneutics' (Bernstein 2002: 277). Indeed, he finds that the logic of *similarization* is 'deeply imperialistic' (*ibid.*). Along the way, the interpreter fails to do justice to the singularity of the other. For Derrida, there is – and there must be – the other's untameable singularity. Again, the epistemic stakes concern recognition, respect and justice. Note that according to Derrida, difference, which is irreducible as long as there is more than one (1990b: 253), means – a point he expressly made in Paris – that 'the experience [of the] "well understood" in dialogue or the success of confirmation' (Derrida 1984: 343) is utopian. To be sure, the very notion of 'dialogue' is a key trope in Gadamer's theory. Thus, Gadamer writes that '[l]anguage is dialogue' (1992: 369) and that 'language has its true being only in dialogue' (1986a: 449) – in German, the relevant passages read '*Sprache ist Gespräch*' and '*die Sprache [hat] erst im Gespräch [. . .] ihr eigentliches Sein*'. For Derrida, however, 'dialogue' assumes that two interlocutors, or an interlocutor and a text, are speaking the same language. But in fact, he argues, the language one hears or reads is always already *another* language so that one is better advised to talk of a 'negotiation' (Derrida 1986a: 85).<sup>14</sup> The only approach to alterity that can be had is not dialogue and consensus, but negotiation and dissensus – two terms that, meaningfully, incorporate the idea of 'power' (*ibid.*).<sup>15</sup> Only this economy of negotiation, this other economy, captures untranslatability as the negative moment necessary to the recognition and to the survival of the idiomatic that exceeds one's grasp, and that must, to

which one's response can therefore be neither passive reproduction nor simple meaning transfer.

It is not, as can be too readily accepted, that Derrida is not concerned with the idea of 'fidelity'. Indeed, he writes how '[reading] cannot legitimately transgress the text toward something else than itself' (1967a: 222). For Derrida:

The text of the other must be read, mercilessly interrogated but therefore respected and, primarily so, in the body of its letter. I can interrogate, contradict, attack, or simply deconstruct a logic of the text that came before me, in front of me, but I cannot and must not change it.

(2001: 373–4)

And Derrida refers to 'the law of the other text, [. . .] its injunction, [. . .] its signature' (1998a: 262). Again, though, according to him, there never is the immediate, full presence of the text – of the other – there, before one, as object. Such presence is a mirage. Interpretation is therefore fated to '*produce*' a 'signifying structure' (ibid.: 227, emphasis original). It ensues that interpretation is 'active' – that it *does* something, and that it *does* something to that which it interprets, to the other or to the text (Derrida 1967b: 427). Interpretation intervenes as a counter-signature and thus proceeds, in effect, to write *towards* alterity or textuality (rather than on it, since there is no 'object', there). One obstinately *countersigns* the other or the text in a manner that both confirms the signature of alterity, of the other's text, and simultaneously compromises that alterity, that textuality, through a re-presentation mediating between self-surrender and self-affirmation (Derrida 2004a: 7–42).<sup>16</sup> Importantly, there is no loss because there never was 'the' meaning of the other or of the text in the first place. It is thus left to Derrida to assert 'the joyful affirmation of the play of the world' (ibid.) – the thrill of the diversity of sense, of the dissemination of meaning, what Beckett styled 'the excit[ement] [of] the failure to express' (1960: 377): 'A thousand possibilities will always remain open even as one understands something of that sentence which makes sense' (Derrida 1990b: 122).<sup>17</sup> There shall be no *monotony*.

Third, Derrida contested Gadamer's classical appreciation of 'understanding', which relies on the relation between interlocutors, or between an interlocutor and a text, as being characterized by continuity or seamlessness – to the point where it has been said that, for Gadamer, 'an understanding of the other becomes a mere instance of understanding ourselves' (Littau 1996: 111). Gadamer's insistence on the value of propinquity seems beyond controversy: 'The interpreter of texts [. . .] has to cancel strangeness' (1965: 419). For hermeneutics, 'the other in his otherness can be recognized only from the starting-point of linguistic commonality' (Cesare 2009: 276). And Gadamer indeed refers to understanding as 'a participation in a common meaning' (1986a: 297). Whereas Gadamer defends the priority of understanding – 'One has to recognize that an understanding is more primordial than misunderstanding' (1970: 187) – Derrida holds that '[i]n the beginning difference, there is what happens, there is what has

already happened, *there*' (1987: 44, emphasis original), and refuses to condone a strategy openly seeking to eliminate everything having to do with singularity – that is, with difference. And for Derrida, human existence remains marked by an infinite array of unbridgeable gaps across individuals.

In his report on the Paris debate, Grondin gives a good account of how Derrida envisages 'not-understanding' as he assails hermeneutics' merit. According to Derrida, I do not hear the other when I claim to understand him since 'the will to understand [constrains] the other to yield, to conform himself to the schemes of thought that I urge upon him and that by-pass, by this very fact, *his* specificity' (Grondin 2011b: 103, emphasis original). Understanding is thus always, despite itself, structurally so to speak, a prisoner of schemes and signs. 'To understand' is inevitably to integrate the other *volens volens* into one's system. For Derrida, it follows that the only way to preserve the other's otherness, to allow the other to exist as other, must involve not so much a continuous relation but rather 'the interruption of the relation', 'a certain relation of interruption', 'the suspension of all mediation' (1984: 343). While not doing away with the term altogether, Derrida thus urges a re-signification of 'understanding' as 'interruption' of the relation. This *disrelation* must manifest itself as 'the condition of understanding' (Derrida 2003a: 21). Derrida's basic point is that discord between worlds must be appreciated – indeed, that it must be valued – and that it cannot be camouflaged. Interpretation must accept the exteriority of what is being interpreted. Metaphorically, Derrida's goal could be framed thus: to get the interpreter, when his already encoded eye gazes at alterity and is able to discern the contours of a unicorn, to avoid asking if by any chance it is not a gazelle.<sup>18</sup>

In addition to Levinas, always an important source of inspiration for Derrida, I am reminded of Barthes, who would approach otherness through the motif of the 'not-to-want-to-grasp', or '*non-vouloir-saisir*' (1977: 285–7). For Derrida, the other who would have been straightforwardly 'understood' would have become part of the same, of the self. And it would have thereby ceased being an other, an outcome that Derrida cannot allow. In the end, the acceptance of distance and of *misunderstanding* as the principle of all interpretation is a matter of doing justice to the other or to the text, of not distorting its existential claim, of beholding its entitlement to be recognized and respected as other or as text. According to Derrida:

The risk of misunderstanding, the wandering of an answer that misses the question, there is what must always remain possible in this exercise of rightness. There would be no rightness, no ethics of discussion otherwise. [. . .] The *possibility* of this evil (misunderstanding, miscomprehension, mistake) would be in its way an opportunity. [. . .] There cannot fail therefore to be the 'there cannot fail' of failure, and that adequacy remains *impossible*. [. . .] Because an interpretation without failure, an understanding by itself totally adequate [. . .] would render everything *impossible*, both the event and

the advent of the other, the advent to the other – and thus the answer, the very ‘yes’ of the answer, the ‘yes’ *as* answer.

(2001: 306–7, emphasis original)<sup>19</sup>

Having protested against Gadamer's appreciation of what it means to undertake to make a text intelligible, possibly taking his cue from Beckett – ‘Friendly or not it's all misunderstanding’ (1962: 513) – Derrida ended his Paris rejoinder by claiming for himself ‘another thought of the text’ (1984: 343). For Derrida, as I have indicated, the Gadamerian thesis rests on ‘goodwill’, ‘dialogue’ and ‘understanding’. Also, still in Derrida's eyes, Gadamer's argument hyperbolizes the materiality of the text. Now, Gadamer's views and Derrida's own contentions pertaining to the irreducibility of the differend and to the idea that a text does not feature a ‘content’ existing ‘as such’ are, in Derrida's words, ‘absolutely irreconcilable’ (1967b: 427). Derrida thus proceeded to leave the conversation with Gadamer in an impasse that analysts (mostly reproaching Derrida) have been deploring for the past thirty years or so, using words like ‘disappointment’ and ‘embarrassment’ (Marshall 1989: 206).<sup>20</sup> For his part, Grondin has framed the Gadamer/Derrida debate as an encounter between ‘confidence’ and ‘suspicion’ (2011b: 93). And if such was the end of the story, one could maintain that it suited Derrida's philosophical interest that the Paris debate should have unravelled in hermeneutic failure, as resistance to willed consensus, as impediment to dialogue or as hindrance to understanding, that in his refusal to engage Gadamer on the Paris stage, Derrida was effectuating his theory of interruption, that his philosophy had purposefully taken a performative slant (Jay 1993: 513, n. 74).<sup>21</sup> In fact, though, the narrative of the Derrida/Gadamer transactions includes two more instalments.

The first episode concerns Gadamer and his preparedness, in the years following his Paris meeting with Derrida, to continue to take an interest in deconstruction to the point, Grondin reports, of nuancing his views on the occasion of some late writings and even of amending the fifth edition of his *Wahrheit und Methode* released in 1986 (Grondin 2011b: 105–6). But the second occurrence is the one that principally interests me, and it involves Derrida. In particular, it concerns Derrida's apparent delineation of another Gadamer seemingly at odds with the pre-1981 and Paris Gadamer – the historical Gadamer – whom he, Derrida, had basically cast as a misguided theoretician of interpretation trapped in various metaphysical conceits.

To Grondin's ‘amazement’ (2012: 368), Derrida, in two texts published after Gadamer's death, would at long last have embraced words like ‘dialogue’ and ideas such as ‘uninterruption’, claimed that Gadamer had been right all along and branded him his ‘Cicerone’, at least according to the German translation of one of Derrida's two papers (2003a: 7). It would appear, then, that Derrida would have ultimately articulated a Gadamer at variance with the one he had seemingly long been excoriating. Derrida would have devised another Gadamer whom he was willing to regard, this time, as having much in common with himself

(including a joint attraction to the poetry of Paul Celan), a new Gadamer. Although neither the four public meetings that the two philosophers held after Paris – in 1988, 1993, twice, and 2001 (Grondin 2012: 366–8) – nor the correspondence they occasionally exchanged between 1981 and 2002,<sup>22</sup> the year Gadamer deceased, herald such a turn in the relationship between the two philosophers, I accept that Derrida's two texts, which Grondin calls 'extremely generous and conciliatory' (ibid.: 369), could be taken to suggest, *on the face of them*, that he was prepared finally to acknowledge Gadamer as an ally, perhaps even as a guide, that he was at length willing to concede Gadamer's interpretive leadership.

'Derrida [. . .] not [being] someone to let death get in the way of a discussion' (Davis 2010: 43), his purportedly placatory writings appeared first within days of Gadamer's passing and then nearly a year later. I maintain that a close reading of Derrida's argument in both texts shows him *not* to be detracting from the antagonistic stance he had taken vis-à-vis Gadamer and hermeneutics in Paris in April 1981, and indeed long before that time. Behind the exudence of sorrow and warmth, I find that Derrida's two texts of alleged appeasement did not, in effect, soften his substantive views. Specifically, they continued to characterize Gadamer's conception of interpretation as ill-informed in fundamental ways. In other words, despite the impression that may have been created, there was no 'second' Gadamer for Derrida. On careful analysis, the late Gadamer who would have been fashioned into an associate was not different from Derrida's early Gadamer, whom the French philosopher had so clearly cast as an opponent. For Derrida, there was always but one Gadamer only, and it was a Gadamer with whom he profoundly disagreed about how to make sense of alterity or textuality.

I contend that Derrida's two eulogies are palimpsestic: they each affirm more than one text. In particular, I claim that both commendations are informed by an intertextual contradiction, and I want to emphasize various passages where Derrida's praise effectively does something other than what it seemingly says, where his words articulate themselves in a manner that goes against his apparent intention. There is more. As Derrida expresses his views, I maintain that far from being insignificant, his critique of Gadamer in fact usurps the main role. In other words, I argue that a close reading of Derrida's two essays reveals a tension that is not at all meaningless, that cannot be understood as a fault or mistake, that ought not to be resolved or sublated into a higher unity and thorough coherence of meaning by showing, say, how it marks a point of development from one position to another so that the writing could eventually pretend to an ideal of freedom from paradox. Indeed, as Derrida himself would arguably have maintained, a text's lines of rupture – the places where it enters into conflict with itself – are a text's most revealing aspects.

My concern, then, is Derrida's other text – and because of my focus, I shall not spend time rehearsing the laudatory passages that immediately strike the reader even as one is content to peruse the two writings casually only. Suffice it to recall that the first piece, a brief newspaper article published in the leading German daily

*Frankfurter Allgemeine Zeitung* ten days after Gadamer's death, is entitled, in Derrida's original French, 'Comme il avait raison!' (2002d: 87–91).<sup>23</sup> And suffice it to add that the other text, the transcription of a conference given in February 2003, eleven months after Gadamer's death, on the occasion of a university celebration of Gadamer's life in Heidelberg, his academic home for over sixty years, talks in the very first few lines of 'admiration', 'gratitude' and 'affection' (Derrida 2003a: 9).<sup>24</sup> In order to support my argument, I wish to consider, in particular, Derrida's discussion of Celan in the published version of his Heidelberg conference. I claim that a conscientious examination of Derrida's meditation shows him to be staunchly holding to his anti-Gadamerian and anti-hermeneutics stances, perfunctory intimations of rapprochement notwithstanding.

In his observations on the Celan poem he addresses, Derrida underlines that the very idea of 'reading' assumes how a text must not be 'saturated or closed by a certitude' (ibid.: 35–6). On three occasions, Derrida emphasizes the value of 'indecision', which he expressly links to the idea of 'interruption' (ibid.: 38). For Derrida, 'indecision' ensures the future of a text by keeping attention awake and by informing questions that, far from paralyzing the text, keep it in motion, indeed in 'an infinite motion' (ibid.: 37–8). 'Immediate unreadability', according to Derrida, is a resource in as much as it offers 'infinite reading chances' (ibid.: 40, 46). And, still discussing Celan, Derrida notes that unreadability connects to the fact that a text inevitably contains an 'excess' that always 'withdraws from any gathering within a hermeneutics' (ibid.: 47), a remainder that is properly speaking 'irreducible' (ibid.) or inexhaustible (ibid.: 48). While a hermeneutic analysis – which Derrida continues to associate with formalism (ibid.: 47) – is in the end 'hardly risky' (ibid.: 54), one must be faithful to 'that singular otherness that takes [the hermeneutic demand] [. . .] out of itself, [. . .] beyond itself' (ibid.: 57). Again, the fact that full access to Celan's poems should be forever withheld means the gift of the poem to all its readers and counter-signatories who, operating under the poem's law – '*there is the law of the other text*' (Derrida 1998a: 262, emphasis added) – will be carried, infinitely, towards another reading or counter-reading (Derrida 2003a: 66–7) – a 'carrying' that, Derrida expressly indicates, must exclude appropriation, inclusion or comprehension within the self (ibid.: 76). It follows that an interpretation can only ever offer but 'a simulacrum of conclusion' (ibid.: 71).

Hermeneutics is unable to account for what Derrida understands as the necessary remainder of the other or of the text, what can never be elicited, what must be the other or the text's *secret* allowing it to exist in its otherness – that is, permitting it to exist at all. Gadamer, for instance, is interested in a correct interpretation of Celan that, he thinks, can be had – and that he thinks he himself can have (1973: 7). Writing on another Celan poem under different circumstances in the early 1970s, Gadamer thus ultimately took the view that he had 'adequately understood' Celan (1986b: 428); indeed, he felt that he had understood him 'well' (1991: 468).<sup>25</sup> But Gadamer's motions, as they purport to nullify the alterity of the text, aim to cancel it as other text and, ultimately, as text.

Despite any Gadamerian assertion to the contrary, however, Derrida holds that any claim to understanding would demand ‘hours and years’ (2003a: 60) – which is to say, practically speaking, that it cannot happen.

One thus appreciates why Derrida, in his Heidelberg homage, refers to a Celan interpretation by Gadamer as having been formulated ‘perhaps too hastily’ (2003a: 49). Note that whereas Gadamer wants the interpreter to make way and let the ‘understood’ poem speak, Derrida is of the view that the poem needs the interpreter to expose it to minute scrutiny so that the text comes to suscite evermore searching interrogations from its readers and yield an ever finer elicitation of meaning (Davis 2010: 54). For Derrida, at no point ought the interpreter to be released from his interpretive duties lest the poem be deprived of the unceasing analysis it solicits in order to exist as meaningfully as is possible – which, because it is language that speaks rather than the author, includes existing in ways the poet may himself not have envisaged (2004c: 26), a good illustration of the manner in which meaning for Derrida can never be *arrested*.<sup>26</sup> In the words of a critic having painstakingly studied the Derrida/Gadamer confrontation, ‘Derrida’s approach here is anything but Gadamerian’ (Davis 2010: 54). The same author contrasts Gadamer’s ‘shadowing [of Celan’s] poem in a faithful commentary’ (ibid.) with Derrida’s bringing to bear neither ‘a sense of the commentator’s inferiority nor a fear of falsifying the work’ (ibid.), but rather an ‘anxiety about being inadequate in face of the poem’s exorbitant call’ (ibid.). Contrary to Gadamer, Derrida displays ‘the urgency of encountering in [the poem] something which is singular and unrepeatable’ (ibid.). Indeed, Derrida adds that ‘even [once] translated, [the untranslatable] remains untranslatable’ (2003a: 77).

Having noted in the German daily article that Gadamer and he read Celan ‘differently’ (2002d: 89), Derrida continues to assimilate the German philosopher to the idea of ‘certainty’ (ibid.: 88) – presumably bearing in mind assertive statements on Gadamer’s part such as ‘[t]hese words [of Celan’s] are indeed to be understood thus’ (1975: 456). Meanwhile, it is trite to recall how Derrida abhorred certainty, a notion against which he built much of his philosophical thinking (Mikics 2009: 40). To Derrida, meaning is ‘necessarily equivocal’ (1993: 43) or refragable, so that he always forcefully opposed those purporting ‘to determine one meaning through a text, to decide it, to decide that it is a meaning and that it is meaning, a posited meaning, positable or transposable as such’ (1972a: 276). Playing with words as was his wont, Derrida exclaimed in Heidelberg: ‘I am sure [. . .] that no one has here the right to be sure of anything’ (2003a: 45). Accordingly, in the text for the German newspaper he readily harnessed the idea of ‘interpretation’ to what he analyzed as the much more open-textured and forward-looking notion of ‘promise’ (2002d: 88). Later, in his Heidelberg accolade, Derrida offered ten possible translations of a four-word verse of Celan’s (2003a: 46), not-closing the list with the abbreviation ‘etc.’. For Derrida, Celan’s words offer ‘infinite reading opportunities’ (ibid.). Indeed, in order to do them justice one would have to continue reading

'endlessly' (ibid.: 43), a strategy Derrida describes as 'an ethics or a politics of reading' (2004c: 24).

In Derrida's words, Gadamer and he were separated, and 'no doubt [. . .] still' are, by 'abysses of misunderstanding' (2002d: 88). For good measure, in Heidelberg Derrida noted the '[i]mmediacy of the abyss' between self and other (2003a: 76). In his commitment to maintaining the other as other, that is, to approximating otherness's unspeakable singularity most advantageously without falling for any attempt at assimilation or totalization that would more or less eventually consign otherness to oblivion, in insistently defending his view that 'there is no shared world, only a profusion of inscrutable singularities' (ibid.: 55), Derrida, even as he celebrated Gadamer's memory in the German newspaper, persisted, as he had consistently done for decades, in calling for 'the necessary interruption to "dialogue"' (Derrida 2002d: 89). Note that Derrida writes the word 'dialogue' in quotation marks. This inscription indicates, as I read Derrida's text, the inadequacy of the term as far as he is concerned. In the process, Derrida adopts a strong assertive stance, which incidentally allows him to resist any charge of nihilism: '[T]he interruption between self and other [. . .] ensures that *something happens*, even if what happens might not readily be described as understanding' (Davis 2010: 55, emphasis original). And it ensures that something will continue to happen: 'The future of interpretation [connects with] a pensive and suspensive interruption' (Derrida 2003a: 36).

In a December 2003 interview – that is, but a few months after his Heidelberg homage – Derrida addressed the reading of others and of texts, the matter of their meaning, in terms that resolutely reiterated his long-standing position: 'There is therefore a dissemination that is irreducible to hermeneutics in the sense of Gadamer' (2004c: 24). If any hesitation remained regarding a Derridean revisit of Gadamer's hermeneutics, I find it very hard to imagine how it can survive this blunt expression of dissent. This is especially the case since Derrida indicates that when he had been claiming in the German daily that Gadamer had been right, he, Derrida, had been 'play[ing]' with Gadamer 'this game of approval' (ibid.: 24). Presumably, Derrida did not intend 'play' in strictly lusive terms. Still, the vulpine reference to 'game' in conjunction with the word 'approval' hardly suggests compelling seriousness of purpose. Indeed, in the two encomia he wrote after Gadamer's death, his panegyricizing tone notwithstanding, Derrida's ostensible 'contest[ation]' effectively acted to 'confir[m]' his familiarly adversarial Gadamer (Derrida 2003a: 73). In deconstruction's language, Derrida '*countersigned*' his contradictor (ibid.).

What would be one important lesson for law understood as an interpretive enterprise? As deconstruction is applied to the regional discipline of legal scholarship, as is importantly though only occasionally being done (Goodrich and others 2008; Ville 2011; Legrand 2014: 581–98), it must not be assumed that Derrida recanted aspects of his interpretive strategy as regards alterity or textuality, in deference to hermeneutics. Despite a strong expression of melancholia towards Gadamer in the days and months following upon the German

philosopher's death (such is the leitmotiv in Derrida [2002d and 2003a]), a sadness perhaps informed by an awareness of the terminal illness that would lead to his own death a year or so later, Derrida's commitment to deconstruction held, as did his indictment of hermeneutics. It follows that Derrida's law-school allies need not reconsider the terms of their allegiance to deconstruction's tenets as they learned them from the Derrida they read, the Derrida of the 1960s, 1970s, 1980s and 1990s. Although academic fashion (or is it opportunism?) can be prompt to identify the emergence of 'turns', one must resist the view that there would have taken place a Derridean 'turn' with respect to Derrida's appreciation of Gadamer's hermeneutics. Rather, Derrida persevered in his view that meaning cannot be assembled unitarily, teleologically, totalizingly, in a way that would fixate alterity or textuality as truth. Instead, any limit, any enclosure, any saturation is irreducibly and productively fracturable as ever-contingent and ever-provisional meaning emerges through a process of dissemination (1972c: 62–3).

A commentator on the controversy between Gadamer and Derrida relevantly outlines the paradigmatic dichotomy in these terms: 'Hermeneutics would like to bring interpretation to a close, at least provisionally, though it knows it may not be able to; deconstruction would like not to stop, though it knows it will have to' (Davis 2010: 55). Lawyers and other interpreters will predictably differ as to whether the deconstructive steadfastness I have explained deserves to be welcomed.

## Endnotes

- 1 'What Cassirer calls spontaneity is for Heidegger merely a metaphysical conception of the human being that underwrites the drive to technological domination. What Heidegger calls thrownness is for Cassirer merely a primitive and mythic conception of humanity destined to be surpassed' (Gordon 2010: 363).
- 2 The word is a translation from Toni Cassirer's German, which is also 'abstruse' (*'Die abstruse Sprache von Heidegger'*). Quite apart from being married to Ernst, Toni is reported to have been a formidable cerebral force in her own right. Indeed, she is said to have been her husband's 'intellectual equal' (Gordon 2010: 335).
- 3 Gadamer expressly considered that he and Derrida were two 'free-standing developers of the Heideggerian impulses' (1988: 138). For his part, Rorty referred to 'Gadamer's right-wing and Derrida's left-wing Heideggerianism' (1986: 751).
- 4 Even marginalization, however, manifests itself within limits. According to Derrida himself, for instance, '[a]n institution is not only walls and exterior structures that surround, protect, guarantee or constrain the freedom of our work, it is also and already the structure of our interpretation' (1990a: 424). For a thoughtful essay on the institutional control of interpretation, see Kermode (1983: 168–84).
- 5 Heidegger's diaries, published as volumes 94 to 97 of his 'Complete Works', or *'Gesamtausgabe'* (Heidegger 1931–1948), reveal persistent intimations of his hostile disposition against Jews (Farin and Malpas 2016). The quarrel continues to rage between those who take the view that Heidegger's works should be restricted to the totalitarian propaganda shelf, Emmanuel Faye being a leading

- exponent of this position (2005), and Heidegger's partisans who, though they deplore their philosophical mentor's unjustifiable political engagement, either argue that his philosophy remains untainted or that the philosophical advances he allows are so significant as to warrant a measure of intellectual redemption. Derrida is firmly in the latter camp as he observes how Heidegger fell prey to 'the most banal of anti-semitisms' (the word 'banal' is also in Gordon [2014: 28]) while noting the absence of 'anti-semitical philosophical text' (Derrida 2002a: 35). A Sephardic Jew, Derrida suffered on account of his Jewishness during the Nazi occupation of France, in particular when he was expelled from public school in 1942. He was then twelve. He often recounted this childhood experience as traumatic and maintained that it had made him extremely sensitive to any demonstration of anti-Semitism (1999b: 13–16). Even as he talked of his 'extreme ambivalence' and of his 'thwarted admiration' vis-à-vis Heidegger (Janicaud 2001: 103), Derrida often expressed his 'respect' or 'gratitude' for his predecessor's work (ibid.) and claimed to be operating 'under his gaze' (ibid.: 115).
- 6 Grondin observes that, though Derrida's text appeared in English and German translations, the French original was never released (2012: 361–2). In the bibliography, I indicate the English version.
  - 7 Gadamer repeatedly refers to a 'miracle' (1986a: 297, 316 and 347). He uses the German word '*Wunder*'.
  - 8 Gadamer's work is also informed by theology. For example, see Arthos (2009). Cf. *supra* note 7.
  - 9 Detailed comparative examinations of Gadamer's and Ricoeur's hermeneutics include Frey (2008), Mootz and Taylor (2011) and Vallée (2012).
  - 10 Beckett refers to 'the simple and necessary and yet so unattainable proposition that their way of being we, [is] not our way and that our way of being they, [is] not their way' (1946: 277).
  - 11 'There is no communication because there are no vehicles of communication' (Beckett 1931: 539).
  - 12 For recognition of a Hegelian influence on his thought, see Gadamer (1986a: 312). For a critique of the idea of 'fusion of horizons', see Vitkin (1995: 57–76). Even advocates of hermeneutics acknowledge that '[a] potential danger of Gadamer's Hegelian model of mediation is that everything may dissolve into an overarching universal perspective' (Makkreel 2015: 39).
  - 13 *Supra* note 7.
  - 14 Pierre Legendre remarks that 'dogmatic systems as such do not dialogue, [. . .] they can only negotiate' (1988: 183, emphasis omitted).
  - 15 '[C]ritics have justifiably charged that [. . .] Gadamer ignores the power relationships inherent in any socially mediated text or social exchange. Since language itself is not a neutral instrument, Gadamer's dialogical model, his ideal communication between past and present as conversation between two speakers, is both a distortion of what really occurs in understanding, and itself an ideological ploy serving to obfuscate the concrete social relations within which communication occurs. [. . .] [H]is failure to integrate a social perspective into his general theoretical framework remains a weakness in his work. Like Heidegger, he seems able to admit historicity only on an abstract theoretical level' (Holub 2003: 44–5). For Derrida, 'the very notion of communicative consensus disguises a

- repression of differences between incommensurable language games' (Bowie 2001: 127). Indeed, Derrida challenges the very idea that the word 'communication' would carry one meaning only (1972b: 367).
- 16 Derrida never released the French original of the text I mention. In the bibliography, I indicate the English version.
- 17 Far from being unalloyed, this joy must compose with the fact that a reading is 'an anxious interpretation, quavered or quavering' (Derrida 2003a: 26). I am moved to recall George Steiner's childhood recollection: 'I felt a peculiar dread. Detail could know no end' (1988: 5).
- 18 An illustration of Gadamer's assumed commonality is in Charles Taylor. As he refers to the conquistadores, the Mass, the Catholic Church and Spanish society, on one hand, and to the Aztecs and human sacrifices, on the other, Taylor writes as follows: 'The fruitful supposition is that what went on atop those pyramids reflected a very different construal of an X, which overlaps with what Christian faith and practice is a construal of in Spain' (2002: 294). Taylor suggests that 'X' stands for 'aspect of the human condition' (ibid.). He then proceeds to claim that 'we can ultimately find our feet in Aztec sacrifice, because it's a way of dealing with a human condition we share' (ibid.). *Quaere*: on what basis is *an* 'overlap' posited and on what ground is *this* 'overlap' posited? To his credit, Taylor specifies that his 'presupposition' is 'challengeable' (ibid.). Indeed, it strikes me – and, as I read him, this contention would be Derrida's also – that no matter how optimally archaeological and how thoughtfully genealogical one's investigation, it is implausible to argue that one can even begin to make sense – except, of course, on one's own terms – of what it meant for an Aztec to perform what one now calls a 'human sacrifice'. There is a differend separating today's inquirer from the Aztec, and this differend is properly unsurmountable. Taylor's wishful thinking and transcendental tropism notwithstanding, there is no ascertainable (epistemic) commonality.
- 19 In response, Gadamer writes: 'I, too, say that understanding is always understanding differently' (1988: 141). Indeed, in his *Wahrheit und Methode*, Gadamer states that '[i]t is enough to say that one understands *differently, if one understands at all*' (1986a: 296, emphasis original) and elsewhere he writes that '[u]nderstanding is always an other-understanding' (1988: 141). But '[i]n spite of his insistence on difference, Gadamer [. . .] maintain[s] identity [. . .] in the sense of a primacy of identity over difference' (Behler 1987: 209). Gadamer's different understanding is thus an understanding that differs from meaning in a context where meaning is taken to be ascertainable and fixable. It is an understanding that differs on the way to a fusion of horizons. Indeed, even as Gadamer is at pains to disclaim that he holds any idea of identification between self and other, he associates understanding with the capability 'to step into the place of the other' (1988: 141). Although one could claim that on a literal reading of Gadamer on differential understanding there is nothing for Derrida to refute, it remains that in the end Derrida's 'difference' is not Gadamer's. For Derrida, 'what the text says is not a content that could be located' (Vandevelde 2010: 295). If you will, the difference between the two differences concerns 'the view that there is one correct interpretation' and 'the view that there may be equally valid interpretations of the same text' (ibid.: 298) or 'a vertical enterprise of recovering the author's intention' and 'the

- horizontal adventure of producing a text along another text' (ibid.: 290). Otherwise said, the differend opposes a 'quest for rational consensus' and 'agonistic respect between interlocking and contending constituencies' (Connolly 2002: x). 'I cannot be in the place of the other', says Derrida (2004c: 23).
- 20 'But if the conversation does not really get off the ground, the fault is not one-sided' (Bernasconi 1989: 237). Costache thus takes the view that '[Gadamer] was [. . .] never really open to what Derrida might have to say' (2016: 113).
  - 21 Arguably, Gadamer's talk was no less performative in as much as he repeatedly claimed to understand Derrida (Davis 2010: 42).
  - 22 For a helpful reproduction of Gadamer's three letters to Derrida in German and French (or in French only when he wrote in that language) and of Derrida's five letters or postcards to Gadamer in French, see Grondin (2012: 376–90). Gadamer's letter of 9 March 1977 mentions an earlier meeting between the two philosophers (ibid.: 378), which indicates that the 1981 Paris encounter was not the first time they had crossed paths.
  - 23 In the German newspaper version dated 23 March 2002, the French title becomes 'Wie recht er hatte! Mein Cicerone Hans-Georg Gadamer'. The words 'Mein Cicerone' can roughly be translated as 'My guide'. It is unclear who inscribed this addition, why it was felt necessary and whether Derrida was apprised before publication. Correspondence with the newspaper has proved fruitless.
  - 24 Derrida paid his Heidelberg tribute to Gadamer two more times in Paris in the course of 2003 (Palmer 2007: 373).
  - 25 The German word is '*gür*'. Gadamer fails to specify what he matches his interpretation against in order to reach the conclusion he does.
  - 26 Note that to interpret a text beyond the author's intention can enhance its aura. It can invest the text with a powerful charge that a 'mere' (attempted) replication of the author's view might lack. Derrida's point, then, is not necessarily antithetical to the idea of 'conservation', of maximizing the strength of the text. In other words, even this brand of interpretation, audacious as it may seem, remains centripetal rather than interfering: it focuses on deploying, unfurling the text. Although it 'changes' the text, Derrida's reading preserves it.

## Bibliography

- Angehrn, E. (2003) *Interpretation und Dekonstruktion*, Weilerswist (Germany): Velbrück Wissenschaft.
- Arthos, J. (2009) *The Inner Word in Gadamer's Hermeneutics*, Notre Dame, IN: University of Notre Dame Press.
- Barthes, R. (1977) *Fragments d'un discours amoureux*, in *Œuvres complètes*, vol. II, É. Marty (ed.), 2nd edn, Paris: Éditions du Seuil, 2002.
- Beckett, S. (1931) *Proust*, in *The Grove Centenary Edition*, vol. IV, P. Auster (ed.), New York: Grove Press, 2006.
- (1939) *The Letters of Samuel Beckett*, vol. I, M.D. Fehsenfeld and L.M. Overbeck (eds), Cambridge: Cambridge University Press, 2009.
- (1946) 'The Capital of the Ruins', in *The Complete Short Prose*, S.E. Gontarski (ed.), New York: Grove Press, 1995.
- (1960) *The Letters of Samuel Beckett*, vol. III, G. Craig and others (eds), Cambridge: Cambridge University Press, 2014.

- (1962) *The Letters of Samuel Beckett*, vol. III, G. Craig and others (eds), Cambridge: Cambridge University Press, 2014.
- (1989) *Ill Seen Ill Said*, in *Company/Ill Seen Ill Said/Worstward Ho/Stirrings Still*, D. Van Hulle (ed.), London: Faber and Faber.
- Behler, E. (1987) 'Deconstruction Versus Hermeneutics: Derrida and Gadamer on Text and Interpretation', *Southern Humanities Review*, 21: 201–23.
- Bernasconi, R. (1989) 'Seeing Double: *Destruction* and Deconstruction', in D.P. Michelfelder and R.E. Palmer (eds) *Dialogue and Deconstruction: The Gadamer–Derrida Encounter*, Albany, NY: State University of New York Press.
- Bernstein, R.J. (2002) 'The Constellation of Hermeneutics, Critical Theory, and Deconstruction', in R.J. Dostal (ed.) *The Cambridge Companion to Gadamer*, Cambridge: Cambridge University Press.
- Bertram, G.W. (2002) *Hermeneutik und Dekonstruktion*, Munich: W. Fink.
- Bowie, A. (2001) 'The "German-French" Debate: Critical Theory, Hermeneutics and Deconstruction', in C. Knellwolf and C. Norris (eds) *The Cambridge History of Literary Criticism*, vol. IX, Cambridge: Cambridge University Press.
- Caputo, J.D. (1987) *Radical Hermeneutics*, Bloomington, IN: Indiana University Press.
- Cassirer, T. (1948) *Mein Leben mit Ernst Cassirer*, Hamburg: Meiner, 2003.
- Cesare, D. Di (2009) *Gadamer – Ein philosophisches Porträt*, Tübingen: Mohr Siebeck.
- Connolly, W.E. (2002) *Identity/Difference*, 2nd edn, Minneapolis, MN: University of Minnesota Press.
- Costache, A. (2016) *Gadamer and the Question of Understanding*, Lanham, MD: Rowman & Littlefield.
- Davis, C. (2010) *Critical Excess*, Stanford, CA: Stanford University Press.
- Derrida, J. (1954) 'Introduction', in E. Husserl, *L'Origine de la géométrie [Der Ursprung der Geometrie]*, trans. J. Derrida, Paris: Presses universitaires de France, 1962.
- (1967a) *De la grammatologie*, Paris: Éditions de Minuit.
- (1967b) *L'Écriture et la différence*, Paris: Éditions du Seuil.
- (1972a) *La Dissémination*, Paris: Éditions du Seuil.
- (1972b) *Marges*, Paris: Éditions de Minuit.
- (1972c) *Positions*, Paris: Éditions de Minuit.
- (1978) *Éperons*, Paris: Flammarion.
- (1980a) *La Carte Postale*, Paris: Flammarion.
- (1980b) 'Débat', in P. Lacoue-Labarthe and J.-L. Nancy (eds) *Les Fins de l'homme: à partir du travail de Jacques Derrida*, Paris: Hermann, 2013.
- (1981) 'Interpreting Signatures (Nietzsche/Heidegger): Two Questions', trans. D.P. Michelfelder and R.E. Palmer, in D.P. Michelfelder and R.E. Palmer (eds) *Dialogue and Deconstruction: The Gadamer–Derrida Encounter*, Albany, NY: State University of New York Press.
- (1984) 'Bonnes volontés de puissance (Une réponse à Hans-Georg Gadamer)', *Revue internationale de philosophie*, 38: 341–3.
- (1986a) *Altérités* (with P.-J. Labarrière), Paris: Osiris.
- (1986b) *Schibboleth*, Paris: Galilée.
- (1987) *Ulyse gramophone*, Paris: Galilée.

- (1988) *Mémoires*, Paris: Galilée.
- (1990a) *Du droit à la philosophie*, Paris: Galilée.
- (1990b) *Limited Inc*, É. Weber (ed.), Paris: Galilée.
- (1992) *Points de suspension*, É. Weber (ed.), Paris: Galilée.
- (1993) *Spectres de Marx*, Paris: Galilée.
- (1995) 'Deconstruction and the Other', in R. Kearney (ed.) *States of Mind*, New York: New York University Press.
- (1998a) 'Fidélité à plus d'un', *Cahiers Intersignes*, 13: 221–65.
- (1998b) *Psyché*, vol. I, 2nd edn, Paris: Galilée.
- (1999a) *La Contre-allée* (with C. Malabou), Paris: La Quinzaine littéraire.
- (1999b) *Sur parole*, Paris: Éditions de l'Aube, 2005.
- (2000) *Le Toucher, Jean-Luc Nancy*, Paris: Galilée.
- (2001) *Papier Machine*, Paris: Galilée.
- (2002a) *Au-delà des apparences* (with A. Spire), Latresne: Le Bord de l'eau.
- (2002b) *La Bête et le souverain*, vol. I, M. Lisse, M.-L. Mallet and G. Michaud (eds), Paris: Galilée, 2008.
- (2002c) *La Bête et le souverain*, vol. II, M. Lisse, M.-L. Mallet and G. Michaud (eds), Paris: Galilée, 2010.
- (2002d) 'Comme il avait raison!', *Cahiers littéraires Contre-jour*, 9: 87–91, 2006.
- (2003a) *Béliers*, Paris: Galilée.
- (2003b) *Voyous*, Paris: Galilée.
- (2004a) 'Counter-signature', trans. M. Hanrahan, *Paragraph*, 27(2): 7–42.
- (2004b) 'Du mot à la vie: un dialogue entre Jacques Derrida et Hélène Cixous' (with A. Armel), *Magazine littéraire*, April, 22–29.
- (2004c) 'La vérité blessante ou le corps à corps des langues: entretien avec Jacques Derrida' (with É. Grossman), *Europe*, May, 8–28.
- (2005) *Déplier Ponge*, G. Farasse (ed.), Villeneuve d'Ascq: Presses universitaires du Septentrion.
- and Ferraris, M. (1997) *Il gusto del segreto*, Bari: Laterza.
- Eberhard, P. (2004) *The Middle Voice in Gadamer's Hermeneutics*, Tübingen: Mohr Siebeck.
- Farin, I. and Malpas, J. (eds) (2016) *Reading Heidegger's Black Notebooks 1931–1941*, Cambridge, MA: MIT Press.
- Faye, E. (2005) *Heidegger: l'introduction du nazisme dans la philosophie*, Paris: A. Michel.
- Frey, D. (2008) *L'Interprétation et la lecture chez Ricœur et Gadamer*, Paris: Presses universitaires de France.
- Gadamer, H.-G. (1965) 'Hermeneutik und Historismus', in *Gesammelte Werke*, vol. II, Tübingen: Mohr Siebeck, 1993.
- (1970) 'Sprache und Verstehen', in *Gesammelte Werke*, vol. II, Tübingen: Mohr Siebeck, 1993.
- (1973) 'Vorwort', in *Wer bin Ich und wer bist Du?*, Frankfurt: Suhrkamp.
- (1975) 'Sinn und Sinnverhüllung bei Paul Celan', in *Gesammelte Werke*, vol. IX, Tübingen: Mohr Siebeck, 1993.
- (1983) 'Text und Interpretation', in *Gesammelte Werke*, vol. II, Tübingen: Mohr Siebeck, 1993.

- (1985) 'Destruction und Dekonstruktion', in *Gesammelte Werke*, vol. II, Tübingen: Mohr Siebeck, 1993.
- (1986a) *Wahrheit und Methode*, 5th edn, Tübingen: Mohr Siebeck.
- (1986b) 'Wer bin Ich und wer bist Du?', in *Gesammelte Werke*, vol. IX, Tübingen: Mohr Siebeck, 1993.
- (1988) 'Dekonstruktion und Hermeneutik', in *Gesammelte Werke*, vol. X, Tübingen: Mohr Siebeck, 1995.
- (1991) 'Phänomenologischer und semantischer Zugang zu Celan?', in *Gesammelte Werke*, vol. IX, Tübingen: Mohr Siebeck, 1993.
- (1992) 'Heimat und Sprache', in *Gesammelte Werke*, vol. VIII, Tübingen: Mohr Siebeck, 1993.
- Goodrich, P. and others (eds) (2008) *Derrida and Legal Philosophy*, New York: Palgrave Macmillan.
- Gordon, R.E. (2010) *Continental Divide*, Cambridge, MA: Harvard University Press.
- (2014) 'Heidegger in Black', *The New York Review of Books*, 9 October, 61(15): 26–8.
- Greisch, J. (1977) *Herméneutique et grammatologie*, Paris: Éditions du C.N.R.S.
- Grondin, J. (1999) 'La définition derridienne de la déconstruction', *Archives de philosophie*, 62(1): 5–16.
- (2003) *Le Tournant herméneutique de la phénoménologie*, Paris: Presses universitaires de France.
- (2011a) *Hans-Georg Gadamer: une biographie*, Paris: Grasset.
- (2011b) *L'Herméneutique*, 3rd edn, Paris: Presses universitaires de France.
- (2012) 'Le dialogue toujours différé de Derrida et Gadamer', *Les Temps modernes*, 67(669–70): 357–75.
- Heidegger, M. (1931–1948) *Gesamtausgabe*, vols XCIV, XCV, XCVI and XCVII, P. Trawny (ed.), Frankfurt: V. Klostermann, 2014 (vols XCIV, XCV, XCVI) and 2015 (vol. XCVII).
- (1959) *Unterwegs zur Sprache*, Stuttgart: G. Neske.
- Holub, R.C. (2003) *Reception Theory*, 2nd edn, London: Routledge.
- Janicaud, D. (2001) *Heidegger en France*, vol. II, Paris: A. Michel.
- Jankovic, Z. (2003) *Au-delà du signe: Gadamer et Derrida*, Paris: L'Harmattan.
- Jay, M. (1993) *Downcast Eyes: The Denigration of Vision in Twentieth-Century French Thought*, Berkeley, CA: University of California Press.
- Kapsch, E. (2010) *Verstehen des Anderen*, Berlin: Parodos.
- Kermode, F. (1983) *Essays on Fiction*, London: Routledge.
- Kompridis, N. (2014) 'Turning and Returning: The Aesthetic Turn in Political Thought', in N. Kompridis (ed.) *The Aesthetic Turn in Political Thought*, London: Bloomsbury.
- Legrand, P. (1988) *Le Désir politique de Dieu*, Paris: Fayard.
- Legrand, P. (2014) 'Derrida/Law: A Differend', in Z. Direk and L. Lawlor (eds) *A Companion to Derrida*, Oxford: Wiley-Blackwell.
- Littau, K. (1996) 'Incommunication: Derrida in Translation', in J. Brannigan, R. Robbins and J. Wolfreys (eds) *Applying: To Derrida*, New York: St Martin's Press.
- Makkreel, R.A. (2015) *Orientation and Judgment in Hermeneutics*, Chicago, IL: University of Chicago Press.

- Marshall, D.G. (1989) 'Dialogue and *Écriture*', in D.P. Michelfelder and R.E. Palmer (eds) *Dialogue and Deconstruction: The Gadamer–Derrida Encounter*, Albany, NY: State University of New York Press.
- Michelfelder, D.P. and Palmer, R.E. (1989) 'Introduction', in D.P. Michelfelder and R.E. Palmer (eds) *Dialogue and Deconstruction: The Gadamer–Derrida Encounter*, Albany, NY: State University of New York Press.
- Mikics, D. (2009) *Who Was Jacques Derrida?*, New Haven, CT: Yale University Press.
- Mootz, F.J. and Taylor, G.H. (eds) (2011) *Gadamer and Ricœur: Critical Horizons for Contemporary Hermeneutics*, New York: Continuum.
- Palmer, R.E. (2007) 'Hermeneutics Tracking the Trace (On Derrida)', in H.-G. Gadamer, *The Gadamer Reader*, R.E. Palmer (ed.), trans. R.E. Palmer, Evanston, IL: Northwestern University Press.
- Peeters, B. (2010) *Derrida*, Paris: Flammarion.
- Poirié, F. (1987) *Emmanuel Levinas: qui êtes-vous?*, Paris: La Manufacture.
- Risser, J. (1989) 'The Two Faces of Socrates: Gadamer/Derrida', in D.P. Michelfelder and R.E. Palmer (eds) *Dialogue and Deconstruction: The Gadamer–Derrida Encounter*, Albany, NY: State University of New York Press.
- Rorty, R. (1986) 'From Logic to Language to Play', in *Proceedings and Addresses of the American Philosophical Association*, 59: 747–53.
- Rosen, S. (1997) 'Horizontverschmelzung', in L.E. Hahn (ed.) *The Philosophy of Hans-Georg Gadamer*, LaSalle, IL: Open Court.
- Schwarzschild, S. (no date) 'Franz Rosenzweig and Martin Heidegger: The German and the Jewish Turns to Ethnicism', unpublished typescript, 83 pp.
- Silverman, H.J. (1994) *Textualities: Between Hermeneutics and Deconstruction*, London: Routledge.
- Steiner, G. (1988) *Errata*, New Haven, CT: Yale University Press.
- Taylor, C. (2002) 'Understanding the Other: A Gadamerian View on Conceptual Schemes', in J. Malpas, U. Arnsward and J. Kertscher (eds) *Gadamer's Century*, Cambridge, MA: MIT Press.
- Vallée, M.-A. (2012) *Gadamer et Ricœur: la conception herméneutique du langage*, Rennes: Presses universitaires de Rennes.
- Vandevelde, P. (2010) 'What Is the Ethics of Interpretation?', in J. Malpas and S. Zabala (eds) *Consequences of Hermeneutics*, Evanston, IL: Northwestern University Press.
- Vilhauer, M. (2010) *Gadamer's Ethics of Play*, Lanham, MD: Rowman & Littlefield.
- Ville, J. de (2011) *Jacques Derrida: Law as Absolute Hospitality*, London: Routledge.
- Vitkin, M. (1995) 'The "Fusion of Horizons" on Knowledge and Alterity', *Philosophy & Social Criticism*, 21: 57–76.