

*Declarations of Independence*<sup>1</sup>

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

I beg your pardon, but it will be impossible for me to speak to you this afternoon, even in an indirect style, about what I was engaged to deal with. Very sincerely, I would have liked to be able to do it.

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

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

In honoring me with his invitation, Roger Shattuck proposed that I try, here of all places, a "textual" analysis, at once philosophical and literary, of the Declaration of Independence and the Declaration of the Rights of Man. In short, an exercise in comparative literature, which would treat unusual objects for specialized departments in this improbable discipline of "comparative literature."<sup>\*</sup>

At first, I was astonished. An intimidating proposition. Nothing had prepared me for it. No previous work had led me along the path of such analyses, whose interest and necessity obviously impose themselves. On reflection, I said to myself that if I had the time and the strength to do it, I'd like to try the experiment, at least in order to put to the test here those conceptual schemes—such as a critical problematic of "speech acts,"<sup>\*</sup> a theory of "performative" writing, of the signature, of the contract, of the proper name, of political and academic institutions—which had already proved useful elsewhere, with what are called other "objects," whether "philosophical" or "literary" texts. Basically, I said to myself, if I had the time or the strength, I would have liked, if not to try a juridico-political study of the two texts and the two events which are marked there—a task inaccessible to me—then at least to sharpen, in a preliminary way and using these texts as an example, some questions which have been elaborated elsewhere, on an apparently less political corpus. And out of all these questions, the only one I will retain for the occasion, this afternoon, at a university in Virginia—which has just celebrated, more appropri-

ately than anywhere else, the bicentennial of the Declaration of Independence (which already sets the tone for the celebration of another anniversary or birthday around which we will turn shortly<sup>2</sup>)—is this one: *who signs, and with what so-called proper name, the declarative act which founds an institution?*

Such an act does not come back to a constative or descriptive discourse. It performs, it accomplishes, it does what it says it does: that at least would be its intentional structure. Such an act does not have the same relation to its presumed signer—to whatever subject, individual or collective, engages itself in producing it—as a text of the “constative” type, if in all rigor there are any “constative” texts and if one could come across them in “science,” in “philosophy,” or in “literature.” The declaration which founds an institution, a constitution or a State requires that a signer engage him- or herself. The signature maintains a link with the instituting act, as an act of language and of writing, a link which has absolutely nothing of the empirical accident about it. This attachment does not let itself be reduced, not as easily in any case as it does in a scientific text, where the value of the utterance is separated or cuts itself off from the name of its author without essential risk and, indeed, even has to be able to do so in order for it to pretend to objectivity. Although in principle an institution—in its history and in its tradition, in its offices [*permanence*] and thus in its very institutionality—has to render itself independent of the empirical individuals who have taken part in its production, although it has in a certain way to mourn them or resign itself to their loss [*faire son deuil*], even and especially if it commemorates them, it turns out, precisely by reason of the structure of instituting language, that the founding act of an institution—the act as archive as well as the act as performance—*has to maintain within itself the signature.*

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

Prudence imposes itself here, as does attention to detail. Let us distinguish between the several instances<sup>3</sup> within the moment of your Declaration. Take, for example, Jefferson, the “draftsman [*rédacteur*]” of the project or draft [*projet*] of the Declaration, of the “Draft,”\* the facsimile of which I have before my eyes. No one would take him for the true signer of the Declaration. *By right*, he writes but he does not sign. Jefferson represents the representatives\* who have delegated to him the task of drawing up [*rédiger*] what they knew *they* wanted to say. He was not responsible for *writing*, in the productive or initiating sense of the term, only for *drawing up*, as one says of a secretary that he or she draws up a *letter* of which the spirit has been breathed into him

or her, or even the content dictated. Moreover, after having thus drawn up a project or a draft, a sketch, Jefferson had to submit it to those whom, for a time, he *represented* and who are themselves *representatives*, namely the “representatives of the United States in General Congress assembled.”\* These “representatives,”\* of whom Jefferson represents a sort of advance-pen, will have the right to revise, to correct and to ratify the project or draft of the Declaration.

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

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

As for the “representatives”\* themselves, they don’t sign either. In principle at least, because the right is divided here. In fact, they sign; by right, they sign for themselves but also “for” others. They have been delegated the proxies, the power of attorney, for signing [*Ils ont délégation ou procuration de signature*]. They speak, “declare,” declare themselves and sign “in the name of. . .”\*: “We, therefore, the representatives of the United States of America in General Congress assembled, do in the name and by the authority of the good people of these [ . . . ] that as free and independant states. . .”.\*

By right, the signer is thus the people, the “good” people (a decisive detail because it guarantees the value of the intention and of the signature, but we will see further along on what and on whom such a guarantee is founded or founds itself). It is the “good people” who declare themselves free and independent by the relay of their representatives and of their representatives of representatives. One cannot decide—and that’s the interesting thing, the force and the coup<sup>4</sup> of force of such a declarative act—whether independence is stated or produced by this utterance. We have not finished following the chain of these representatives of representatives, and doing so further complicates this necessary undecidability. Is it that the good people have already freed themselves in fact and are only stating the fact of this emancipation in [*par*] the Declaration? Or is it rather that they free themselves at the instant of and by [*par*] the signature of this Declaration? It is not a question here of an obscurity or of a difficulty of interpretation, of a problematic on the way to its (re)solution. It is not a question of a difficult analysis which would fail in the face of the structure of the acts involved and the overdetermined temporality of the events. This obscurity, this undecidability between, let’s say, a performative structure and a constative structure, is *required* in order to produce the sought-after effect. It is essential to the very positing or position of a right as

such, whether one is speaking here of hypocrisy, of equivocation, of undecidability, or of fiction. I would even go so far as to say that every signature finds itself thus affected.

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

But this people does not exist. They do *not* exist as an entity, it does *not* exist, *before* this declaration, not *as such*. If it gives birth to itself, as free and independent subject, as possible signer, this can hold only in the act of the signature. The signature invents the signer. This signer can only authorize him- or herself to sign once he or she has come to the end [*parvenu au vout*], if one can say this, of his or her own signature, in a sort of fabulous retroactivity. That first signature authorizes him or her to sign. This happens every day, but it is fabulous—every time I evoke this type of event I think of Francis Ponge’s “Fable”: “By the word *by* begins thus this text/Of which the first line says the truth. . . [*Par le mot par commence donc ce text/Dont la première ligne dit la vérité. . .*].”<sup>6</sup>

In signing, the people say—and do what they say they do, but in differing or deferring themselves through [*différant par*] the intervention of their representatives whose representativity is fully legitimated only by the signature, thus after the fact or the coup [*après coup*]*—henceforth, I have the right to sign, in truth I will already have had it since I was able to give it to myself. I will have given myself a name and an “ability” or a “power,” understood in the sense of power- or ability-to-sign by delegation of signature.*<sup>7</sup> But this future perfect, the proper tense for this coup of right (as one would say coup of force), should not be declared, mentioned, taken into account. It’s as though it didn’t exist.

There was no signer, by right, before the text of the Declaration which itself remains the producer and guarantor of its own signature. By this fabulous event, by this fable which implies the structure of the trace and is only in truth possible thanks to [*par*] the inadequation to itself of a present, a signature gives itself a name. It opens *for itself* a line of credit, *its own credit*, for itself *to* itself. The *self* surges up here in all cases (nominative, dative, accusative) as soon as a signature gives or extends credit to itself, in a single coup of force, which is also a coup of writing, as the right to writing. The coup of force makes right, founds right or the law, gives right, *brings the law to the light of day, gives both birth and day to the law* [*donne le jour à la loi*]. Brings the law to the light of day, gives both birth and day to the law: read “The Madness of the Day,” by Maurice Blanchot.<sup>8</sup>

That this unheard-of thing should also be an everyday occurrence should

not make us forget the singular context of this act. In this case, another state signature had to be effaced in "dissolving" the links of colonial paternity or maternity. One will confirm it in reading: this "dissolution" too involves both constation and performance, indissociably mixed. The signature of every American citizen today depends, in fact and by right, on this indispensable confusion. The constitution and the laws of your country somehow guarantee the signature, as they guarantee your passport and the circulation of subjects and of seals foreign to this country, of letters, of promises, of marriages, of checks—all of which may be given occasion or asylum or right.

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

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

"Are and ought to be"\*; the "and" articulates and conjoins here the two discursive modalities, the to be and the ought to be, the constation and the prescription, the fact and the right. *And* is God: at once creator of nature and

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

Jefferson knew it.

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

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

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

Someone, let's call him Jefferson (but why not God?), desired that the institution of the American people should be, by the same coup, the erection of his proper name. A name of State.<sup>9</sup>

Did he succeed? I would not venture to decide.

You heard the story before I did. Franklin wants to console Jefferson about the "mutilation" (the word is not my own). He tells him a story about a hatter. He (the hatter\*) had first imagined a sign-board\* for his shop: the image of a hat and, beneath it, an inscription: "John Thompson, hatter, makes and sells hats for ready money."\* A friend suggests that he efface.

“hatter”\*: what good is it, anyway, since “makes hats”\* is explicit enough? Another friend proposes that he suppress “makes hats,”\* since the buyer couldn’t care less who makes the hats as long as he likes them. This “deletion”\* is particularly interesting—it effaces the signing mark of the producer. The third friend—it’s always friends who urge the effacement—suggests that he economize on “for ready money,”\* because custom at that time demanded that one pay “cash”\*; then, in the same movement, that he erase “sells hats,”\* as only an idiot would believe that the hats are to be given away. Finally, the sign-board bears only an image and, under the iconic sign in the shape of a hat, a proper name, John Thompson. Nothing else. One might just as well have imagined other businesses, and the proper name inscribed under an umbrella, or even on some shoes.<sup>10</sup>

The legend says nothing about Jefferson’s reaction. I imagine it as strongly undecided. The story [*récit*] reflected his unhappiness but also his greatest desire. Taken as a whole, a complete and total effacement of his text would have been better, leaving in place, under a map of the United States, only the nudity of his proper name: instituting text, founding act and signing energy. Precisely in the place of the last instance where God—who had nothing to do with any of this and, having represented god knows whom or what in the interest of all those nice people, doubtless doesn’t give a damn [*s’en moque*—alone will have signed. His own declaration of independence. In order, neither more nor less, to make a state-ment of it [*en faire état*].

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

I won’t, in spite of my promise, engage myself on this path, today.

Making it easier on myself, falling back on subjects which are closer, if not more familiar, to me, I will speak to you of Nietzsche: of his names, of his signatures, of the thoughts he had for the institution, the State, academic and state apparatuses, “academic freedom,” declarations of independence, signs, sign-boards, and teaching assignments [*signes, enseignes, et enseignements*]. Nietzsche today, in short, in Charlottesville, to celebrate some birthdays.<sup>11</sup>

*Translated by Tom Keenan and Tom Pepper*

#### *Translators’ Notes*

\*In English in the original. Hereafter, an asterisk (\*) will mark quotations which appear in English in Derrida’s French text.

1. This text was published in French as "Déclarations d'Indépendance," in *Otobiographies: L'enseignement de Nietzsche et la politique du nom propre* [*Otobiographies: Nietzsche's Teaching and the Politics of the Proper Name*], Paris: Galilée, 1984, pp. 13-32.

Most of the material contained in *Otobiographies* had been published previously, in Canada, under the title *L'oreille de l'autre: otobiographies, transferts, traductions*, ed. Claude Lévesque and Christie V. McDonald, Montréal: VLB Éditeur, 1982, which has since been translated into English by Peggy Kamuf and Avital Ronell as *The Ear of the Other: Otobiography, Transference, Translation*, ed. Christie V. McDonald, NY: Schocken Books, 1985. "Déclarations" was not included in *L'oreille* and is thus not translated in *The Ear of the Other*.

"Déclarations" was first delivered as a public lecture at the University of Virginia in Charlottesville in 1976.

A German translation, by Friedrich A. Kittler, of an apparently earlier or heavily edited version of the *Otobiographies* text, including "Déclarations," was published as "Nietzsche's Otobiographie; oder Politik des Eigennamens" in *Fugen* 1, 1980, pp. 64-98, "Declarations" at pp. 64-69.

We have consulted Kittler's German text, and are also extremely grateful to Christian Fournier and Gail Thompson for their help with the task of translating. The translation appears here by the kind permission of Jacques Derrida and Michel Delorme and Agnès Rauby of Editions Galilée.

All notes have been added by the translators.

2. "Shortly" sends the reader to the discussion of Nietzsche's birthday ("anniversaire") around p. 53 of the French text, translated in *The Ear of the Other* at p. 11ff.

3. We have in all cases translated the French word *instance* as "instance," although its semantic range includes agency, acting subject, effecting force, insistence, tribunal or place of judgment, etc. The thought of the *instance* figures prominently in the work of Jacques Lacan, for instance, in "L'instance de la lettre dans l'inconscient [The Agency of the Letter in the Unconscious]" and that of Louis Althusser, with the question of the determinacy of the economic in "la dernière instance [the last instance]." Of course, it carries a certain temporality—"instant"—as well.

4. "Bon peuple," Derrida's translation of the Declaration's "good people," is usually plural in English. We have translated it with the plural in most cases, but the singularity of this "people," *its* signature and *its* declaration of *its* independence, needs to be read in our pluralization.

5. Once again, *coup* is translated regularly as "coup." It can mean anything from "stroke" to "cut" to "blow," and appears untranslatably in *coup d'état* and *après coup*.

6. For an extended reading of this poem by Ponge, see Derrida's "Psyche: Inventions of the Other," trans. Philip Lewis and Catherine Porter, forthcoming in Wlad Godzich and Lindsay Waters, eds., *Reading de Man Reading*, Minneapolis: University of Minnesota Press, 1986. "Fable" also receives an abbreviated commentary in Derrida's *Signéponge/Signsponge*, trans. Richard Rand, New York: Columbia University Press, 1984, pp. 102-3. The poem can be found in Francis Ponge, *Tome premier*, Paris: Gallimard, 1965, p. 144.

7. See Derrida's "Scribble (pouvoir/écrire)," preface to William Warburton, *Essai sur les hiéroglyphes des Égyptiens*, trad. Léonard Des Malpeines (1744), Paris: Aubier



Flammarion, 1977, 7-43; trans. Cary Plotkin as "Scribble (writing-power)," *Yale French Studies* 58, 1979, 116-47.

8. Maurice Blanchot, *La Folie du Jour/The Madness of the Day*, trans. Lydia Davis, Barrytown, NY: Station Hill, 1981, see especially p. 14/27. See also Derrida's reading of this phrase in "La Loi du Genre/The Law of Genre," trans. Avital Ronell, *Glyph* 7, 1980, pp. 176-232, especially pp. 186, 196-201 or 213, 223-9; and in "Titre (à préciser)," *Nuova Corrente* 84, Jan.-April 1981, pp. 7-32, especially pp. 25-6, trans. Tom Conley as "Title (to be specified)," *Sub-Stance* 31, 1981, pp. 5-22, especially pp. 16-7. Another chapter in Derrida's apparently infinite series of readings of Blanchot can be found in "Living On/Border Lines," trans. James Hulbert, in Harold Bloom, et al., *Deconstruction and Criticism*, NY: Seabury, 1979, pp. 75-176. The texts on Blanchot have recently been collected in Jacques Derrida, *Parages*, Paris: Galilée, 1986.

9. "Nom d'État" conforms to the syntax of "coup d'État."

10. On umbrellas and shoes, see respectively Derrida's *Spurs/Éperons*, trans. Barbara Harlow, Chicago, University of Chicago Press, 1979, and "Restitutions: de la vérité en peinture," in *La vérité en peinture*, Paris: Flammarion, 1978, pp. 291-436; partially translated by John P. Leavey, Jr. as "Restitutions of Truth to Size: De la vérité en peinture," *Research in Phenomenology* 8, 1978, pp. 1-44.

11. Here the text of *Otobiographies* continues, after a chapter break, with the reading of Nietzsche which has been translated in *The Ear of the Other*.



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