

Abstracts

The In/commensurability of Derrida and Rawls: The inevitability of a Rawlsian politics and the imperative of deconstruction

Miriam Bankovsky

For Richard Bernstein, 'there is no way of reconciling Heidegger and Habermas, Derrida and Rawls, Nietzsche and Dewey. Their vocabularies are incommensurable with each other. Rorty's happy solution to the tension experienced by anyone who finds both sets of thinkers attractive is apartheid – a rigid separation between private irony and public hope'. On a cursory glance, Bernstein appears correct: As Rorty's private 'ironist', Derrida sardonically gestures toward the inescapable violence involved in any public peaceful consensus on a political decision and suggests the absurd: that responsibility is assumable only if one acknowledges that one's response will *always* be irresponsible and thus, responsibility is un-assumable. Certainly, this seems incongruous with Rawls' conviction that justified public consensus resides in a fair public procedure for decision – the principles of justice as fairness – that remains neutral in regard to controversial comprehensive views of the good life. For Derrida, the responsible political decision is *always irresponsible*, whereas Rawls is convinced his fair public procedures allows indisputably responsible political decisions. Thus, Rorty relegates Derrida's thought to the private realm as "ironic" and not pragmatically useful for politics.

However, when Derrida's reminder is dismissed as politically impracticable, practical political philosophy tends to paralysis. The critical task must be a reconsideration of this supposed disparity between Rawls and Derrida. Reconsideration would effect the realisation that the two cannot *simply* be incommensurable, clarifying our understanding of the nature of the responsible political decision, and revealing more clearly the problem of Rawlsian-type politics. On one hand, any manifestation of a deconstructive-type 'politics' can never not be Rawlsian, if the first reminder of deconstruction is that one is always caught within a strange necessity: one cannot simply escape the present context with its particular historical exigency. Rawls' insistence that politics can only begin with what it has at its disposal, i.e. those fundamental ideas and considered reflections concerning political justice within a liberal democracy, rings with Derrida's affirmation that 'there is nothing outside of context'. On the other hand, a *responsible* Rawlsian politics needs deconstruction, if the most poignant reminder of deconstruction is the continual bearing witness to the violence of consensus, the impossibility of justice within history, and the indeterminacy of the context, 'an essential non-totalisation'.

The irresponsibility of Rawlsian politics is revealed: Rawls' theory of justice becomes a totalising edifice which tends to evacuate the very dimension of the political that deconstruction reminds us we must keep, namely, that of antagonism. Rawls' legitimating procedure *supposedly* generates non-

violent, peaceful and stable co-existence among a pluralized people, allowing 'positive acceptance and affirmation of the social world' and a practicable utopia. But when political procedure is legitimised in any *absolute* sense with every 'reasonable' person satisfied with the outcome, there is no longer space for legitimate contestation of those historical values designated as foundational, risking, as Irigaray writes, 'a fatal repetition at the cultural level'.

Literature and Hospitality: Assumptions of irresponsibility?

Rowena Braddock

Literature, Derrida argues, is irresponsible. It is expression performed without censure, it is quite simply the 'right to say everything'. Paradoxically, however, the ethical dimension of literature inheres in this very quality of irresponsibility, in this seeming freedom from obligation. For the irresponsible freedom of utterance that is the space of literature is what allows for the Other to come. Literature, as a site for invention outside of the law, is responsive to the call of the Other.

Does literature irresponsibly say to the Other not only come or enter, but 'take place in me... take *my place* within me'? Hospitality is a welcome extended unquestioningly and without knowledge, it is given to the Other before they are identified, before they are posited or supposed to be a subject. As opposed to a conditional welcome which turns upon an invitation and a recognition of difference, unconditional hospitality makes no assumptions, makes no insistence upon identification, no demand for names or visas, imposes no restrictions on conduct and so on... Taking up Derrida's notion of literature's particular receptivity to the Other I will consider the possibility of literature as Hospitality. I will pose the question of whether literature's freedom is where unconditional hospitality (an un-assumable responsibility) takes place.

Ethical Writing from the Site of the Subject

Morgan Brigg

Although the critique of the subject is by now well advanced among many political thinkers, its implications for the ethics of research and writing are only just beginning to ramify through political and social science. In this situation it is commonplace that critiques of the subject continue to be articulated through a rather conventional authorial subjectivity and therefore many of the very same structures and assumptions that are supposedly put under erasure are in fact reinstated in writing/academic practice. In an attempt to address this tension, this paper grapples with the difficulties and possibilities of rethinking the position of the authorial subject in what might be called an ethics of writing. In the context of relations between Indigenous and White-Settler Australians, I investigate the possibility of using the site of my being in the world as a methodological site and resource to provide an adequate base for

developing a pact to investigate the intercultural politics of conflict resolution. Throughout, I show that practicing this site as a multiplicitous assemblage rather than an autonomous and self-subsistent entity promises access to forces, faculties, insights and ethical possibilities likely to be occluded by the practice of a more conventional authorial selfhood. Equally though, it must be recognized that the subject is less easily or completely dispensed with than might be indicated by celebratory terminology about its demise. My experience indicates that the 'I' recurs or returns in ways that suggest it is thoroughly embedded in my ('our'?) everyday operations. This durability of the subject does not unduly mitigate or entirely foreclose the ethical possibilities that lie in engaging our selves as a methodological resource in political and social science writing. Rather, it is precisely an ongoing process disturbing this self through exposure to forces beyond its immediate purview that promises ethical possibilities. Allowing one's self to become susceptible emerges as a practice of ethical intercultural responsibility to the extent that its effects are unassumable by the authorial subject.

The Limits of Justice, or, How Not to Take Responsibility

Alexander Cooke

This paper will examine the concept of justice employed by Derrida in relation to the contemporary problematic of the refugee and the sovereign. Derrida defines justice as undeconstructible, irreducible and incalculable, yet determined in relation to law or statute. Justice has its content determined only within a site of contestation. The site of contestation between justice and the law is the deconstructive space where no law has any essential reason for holding sway as just. Any claim to be just must be carried out without deferring to a sufficient reason that would divest one of responsibility.

Yet justice is always haunted by the possibility of being 'perversely calculated'. This 'perverse calculation' of what is just and unjust defines the sovereign act. The sovereign is the figure who can carry out a calculation 'in the name of' justice *without* deference to the incalculability of the other. According to this framework one can analyse the 'refugee' and the 'calculating' sovereign.

This paper will ask the following question concerning deconstructive action: *contra one* calculating sovereign, how is it possible to gain an *other* sovereignty to 'improve' the law and, more importantly, the situation for asylum seekers? It will be argued that deconstruction itself is incapable of even beginning to do justice to the other. This incapability is due to at least two limitations with deconstruction. In addition to its inability to depose the sovereign, deconstruction misconceives the 'site' of contestation. The 'site' must be determined in a manner that accounts for the possibility of the impotence of justice to tolerate both the sovereign *and* the refugee before the two come into relation under the law.

Structural Evil and Collective Memories: Justice and obligation of 'dealing with the past' in post-communist Europe

Adam Czarnota

The paper will analyze complicated problem of 'dealing with the past' in post-communist Central-Eastern European countries. Traditional legal institutions are focused on retributive justice and new trends stress restitutive justice. I will argue that there is an obligation to break with the vicious circle of 'structural evil' through the development of mechanisms of dealing with the past which go beyond both retributive and restitutive concepts of justice. The invention of new institutions is necessary, particularly institutions which will be able to represent 'dealing with the past' as a constitutional process.

Who speaks for Human Rights?

John Dalton

In her *Paroles suffoquées*, Sarah Kofman reads Robert Antelme's *The Human Race* with care and insight. She concludes her writing with the imperative of a 'yes': Antelme's book shows us that:

... the abject dispossession suffered by the deportees signifies the indestructibility of alterity, its absolute character, by establishing the possibility of a new kind of 'we', he founds without founding—for this 'we' is always already undone, destabilized—the possibility of a new ethics. Of a new humanism.

Kofman calls for the conservation of the word 'humanism'. What other, new word, she asks, 'could have as much hold on the old humanism?' This perhaps remains our question today—not that it would in some manner belong to us, but that it situates and opens the space of our own thinking. We are, as yet, responsible for this question: to respond to it, and to find new ways of posing it.

This paper will attempt to think the place of human rights as a politically shared responsibility. If we understand rights as the way in which we, today, are politically meaningful, the place of human rights would testify to the irreducibly social and political dimension of ethical thinking. The question of human rights become singularly significant in response to the 'crime against humanity' of which Arendt speaks in her *The Origins of Totalitarianism*. The injustice of human rights abuse takes place where the very meaning the human, and the idea of a humanity in common, is in peril. Yet is it possible, or even desirable, to think the place of human rights without a humanism, or according to the reinvention of humanism? What would this mean, and who, then, speaks for human rights?

The call for a properly global justice as voiced by the International Criminal Court (ICC), a court able to investigate and prosecute those individuals accused of crimes against humanity, genocide, and crimes of war, would provide an exemplary space for the examination of these questions, and for tracing the difficult, if not irreducible, relations that hold between responsibility, law, justice, and politics.

The Non-citizen and the Concept of 'Human Rights'

Frances Daly

Giorgio Agamben has long argued that the concept of the refugee should be resolutely separated from the concept of human rights, largely on the basis that in industrialized countries refugees constitute a permanently resident mass of non-citizens. The consequences of viewing refugees as stateless, resident non-citizens are profound, particularly for our understanding of the concepts of the citizen and of human rights. In this paper I will consider the argument that the concept of human rights is negated by the reality of refugee non-citizenship. I will then consider some of the consequences of this in what has emerged as a sense of crisis within the conceptualization of rights and in a perceived increasing lack of distinction between citizen and non-citizen. In doing so we will be able to evaluate the content of 'rights' and consider whether they must always constitute an "immediately vanishing presupposition" of the citizen, as Agamben suggests. Clearly, assumptions as to the existence of an inherent ambiguity within a concept of rights, and to viewing rights as representing the originary nature of the inscription of the human being within the political-judicial order of the State, inevitably point to an immense inability to bring the category of 'inalienable human rights' into relation with the reality of the fate of refugees within contemporary states. But whether this then means that the concepts of citizen and rights must be unreservedly abandoned is an issue that requires careful consideration. For whatever is to be gained from placing the refugee at the centre of a political philosophy, such a starting point would necessarily be arrived at at the cost of a deeper understanding of the reasons for a disjuncture between legality and morality and of an existing separation of rights from the ideal of ethicality, in which liberation and dignity exist to be realized beyond any form of contract.

Agamben's Negativistic History and Philosophy of Rights: A critical evaluation

Jean-Philippe Deranty

Giorgio Agamben, in his last two studies dedicated to *Homo sacer* and bare life, has undertaken a radical critique of modern democracy and its self-understanding. This attack is waged with the help of two main strategies: first, the development of Foucault's late hypothesis according to which modern forms of political sovereignty are to be understood as biopolitics, the absolute power of the State over life; second, the reminiscence of the destruction of the European Jews, and the establishment of the concentration camp as the political paradigm of our times. These two strategies are supposed to

produce the collapse of the two founding categories underpinning the modernity thesis: the theory of rights and the philosophy of history as a progress of Enlightenment.

In this paper, I want to assess the tenability of this radical attack on modernity. In order to concretise the discussion, I start by sketching the theory of rights and the underpinning philosophy of history that can be found in the works of contemporary critical theorists Jürgen Habermas and Axel Honneth, both good representatives of the modernity thesis and prime targets of Agamben's critique. Agamben's account of political sovereignty and his counter-narrative about modernity do seem to highlight major weaknesses in the two German authors. However, one must also ask if legal positivism and historical negativism harbour the conceptual resources that are necessary to shore up the normative framework to which much of Agamben's critical claims implicitly recur. In conclusion, I suggest a political mediation between the modernity and the biopolitical thesis: whilst we must acknowledge the paradigmatic importance of Auschwitz in any theory of rights, this does not necessarily lead to the dissolution of the normative dimension of politics.

Responsibility in a Place and Time of Terror

Rosalyn Diprose

On July 14, 2003, under the leading headline 'The Traitors Within', the SMH outlined ways in which Australia harbours a 'network of terrorist sympathisers' that exports and supports 'offshore extremists' (p.1). This knowledge that violence directed against a sovereign state is not only possible but may *come from within* its territory, is one defining feature of this place and time of terror; the other is knowing that one's sovereignty will be targeted without knowing *when*. Not knowing from where, whom, or when will come the violence that targets sovereignty renders the borders of sovereignty and its future uncertain; it is this uncertainty and the accompanying dissolution of sovereignty that inspires and characterises terror. At the same time, certain responses to terrorism (the headlines and government policies of surveillance, exclusion and of pre-emptive strikes against 'outsiders') that presume to know, delimit, and seek to protect the borders of sovereignty, are just as constitutive of terror. Such responses, by assuming to know what is impossible to know, not only instil terror in those 'outsiders' targeted and excluded, but also in those 'others' within its territory, to effect an implosion that Derrida, in *Philosophy in the Time of Terror*, has called an 'auto-immunitary process' (p.94). This paper argues that the implosion from within that proliferates terror arises through the severe self-responsibility characteristic of a sovereignty that denies its dependence on unassumable responsibility for the other. In working toward the possibility of a politics more responsive both to its own responsibility for the proliferation of terror and to the otherness within that is thereby denied, this paper relies on Levinas' idea of responsibility: the idea that subjectivity is not first of all self-responsible but is rather a non-volitional response to, and ongoing responsibility for, the other's alterity (eg. *OB* 110-118). However,

against Levinas' tendency to imply that all assumptions of self-responsibility equally effect a closure of this responsibility for the other, I will argue (with help from Nietzsche's account of self-responsibility built through the body and against the Australian Government's anti-terrorism policies) that it is possible to have a responsible democratic politics that builds its self-responsibility on responsibility for the alterity of others. Such responsible government would minimally involve reopening one's territory and future in ways that are less marked by the assumption of violence either issuing from 'others' or in pre-emptive moves against 'otherness'.

Conceiving of the Future

Robyn Ferrell

In *Bodies in Glass: Genetics, eugenics, embryo ethics*, Deborah Steinberg voices a common fear that social justice advocacy has regarding feminism of the 'post-modern' variety: '[A]ll too often post-modernism involves a discussion of difference without a discussion of power relations' (1997: 194).

The desire for IVF might be said to be engendered from the power relations which manufacture knowledge i.e. the knowledge that it is natural for women to bear children, and that medicine heals disability (i.e. not bearing children). But feminist knowledge, too, to the extent it produces desire for identities for women other than motherhood, is also (re)produced through power - Steinberg asks; 'if eugenic conceptions are integral to the technology, how can women be enabled not to want it?' (1997: 194) Ironically, manipulating women's desire so that we are 'enabled not to want it' may sound at least as brave new world to some ears as the reproductive technology it challenges. This highlights feminism as a political reproductive technology, one for reproducing (feminist) subjects. Certain power relations produce feminist knowledge and it may no longer be a case of 'escaping' from repressive power relations, but rather of evaluating the chances of intensifying others.

One could also ask in relation to the question, 'how can women be enabled not to want it? *What is eugenics such that women (or anyone) would want it?*' While its theoretical possibility appears extreme and its historical occurrence has been deadly, nevertheless one could argue that eugenics is the very principle of what we call reproduction - the logical extension of technologies traditional and modern for reproducing a social world by producing subjects in its image. As such, reproduction as eugenic is an attempt to capture the future (as here, one which holds the hope that 'women be enabled not to want' certain things). But one that will necessarily fail; not because it is impossible to practice eugenics (the technology will allow it), but because the future is by definition beyond our reach, as that which is *yet to be determined*.

From birth control to the human genome project, reproductive science suffers from an ethic of modernity - the rationalization of nature, Adele Clarke argues in an insightful study of its emergence, *Disciplining Reproduction* (1998: 276). Tracing the history of the discipline, she argues that 'cloning and genetic manipulation are quite likely to be the most controversial of all reproductive technologies, exceeding in the twenty-first century the controversy surrounding birth control and abortion in the twentieth.' (1998: 252) Each of the techniques of reproductive science have been held to be illegitimate, in that they are associated either with taboos on sexuality, perceptions of quackery and /or engendering 'Brave New Worlds'. But the latter is 'truly revolutionary', she suggests; 'The capacity to create "brave new worlds" bridges modern and post-modern approaches to reproduction.' (1998: 253)

Sarah Franklin, too, observes the reproductive technologies as going beyond the observation of a 'modernist project of controlling life itself' by rationalizing and industrializing reproductive processes, to provoking a *post-modern* kinship theory, the 'study of vital signs'. (and cf. Marilyn Strathern *Reproducing the Future: Essays on anthropology, kinship and the new reproductive technologies* 1992)

What will have had to change in a way of thinking, to allow the reproductive technologies to be deployed as they already have been? From the offspring of unborn mothers, to the foetus with four genetic parents and the hermaphrodite, the reproductive technologies seem to know no technological limit. But it is only as a consequence of *political* technologies such as 'universal suffrage' and 'sexual equality' that these changes to reproduction can be conceived, let alone conceived of as desirable. Ironically, it can be observed that feminism is itself the most significant of these political technologies for intervention in the sphere of sexual relations.

Describing feminisms as technologies connects a concept of technology to one of power, in order to comprehend 're/productive relations'. The medical technologies of assisted reproduction and the political technologies of feminism come to be seen as two sides of the same coin, expressive of post-modernity and its concepts of individual and social life.

Thus, in tracing the common root of technology and democracy in modernity, one might expect that democracy will *protect* both the advancement of the technology, and the aims of the social equivalence on which it is premised. The spinning out of the techno-logical is *the same idea* as the development of the democratic regime. It is, indeed, the enemy within that drives anxiety about this technology, just because it implements a world that is already conceived (of) in the political imaginary.

The rhetoric of 'safeguards' against a 'brave new world' needs to be qualified by a political discourse which explores the prospects for technologically-engendered realms, political and medical. If technology is a way of thinking, then feminism might need to 'think with technology against technology',

in the interests of a reproduction which can engender the new.

Ricoeur on Responsibility

Stan van Hooft

This is an expository paper explicating the concept of responsibility as developed by Paul Ricoeur in his most recent book (in English), *The Just* and in other recent writings. It is argued that responsibility is tied to ethical identity, both at the individual and at the community level. Ethical identity, for its part, is born of tradition (reference will be made to Charles Taylor on this point), critical and normative thought, and the capacity to exercise sensitive judgement in the manner of Aristotle's *Phronesis*. It is because such an identity can be attested to by ethical subjects and communities that responsibility can be imputed to them and should be accepted and honoured by them. It follows from this link between ethical identity and responsibility that the past of a state and of the citizens in it, is constitutive of the responsibilities that they have.

Dialogue in the Aftermath: On good, evil and responsibility after September 11

Fiona Jenkins

This paper is a review of and response to some of the growing body of philosophical literature which regards 9/11 as an epochal event whilst rejecting the terms on which it has been treated as such in media and government representations. Habermas, Derrida, Butler, Badiou, Zizek and Agamben all write of 9/11 in this vein.

My discussion links to the theme of the conference by considering in particular the logic of judgements of good and evil in relation to responsibility and the nihilism of contemporary politics. How did the judgement of 'evil' consolidate a consensual politics in the wake of 9/11? What became of the much-touted necessity of 'dialogue' between East and West? And how can the relation between terroristic violence and the rule of law begin to be theorized in a global arena?

The Conditioning of the Unconditioned: Derrida and Kant

Paula Keating

'It is necessary to do the impossible. If there is hospitality, the impossible must be done.' This is an emphatic statement from Derrida in his essay titled 'Hospitality'. Hospitality exists as something unassumable, it is an orientation to the future, an event that occurs prior to its event, and yet, according to Derrida and Levinas, hospitality is of utmost ethical and political importance. Indeed, in the sentence

by Derrida just quoted there is a deductive movement from the ethical to the immediate political, that is, to the practical: what can be done.

The realm of action is the precise claim of Kant's moral and political philosophy. I propose to compare Kant and Derrida on the absolute and the conditioned, and this will involve attention to the flows between ethics and politics. Morality for Kant is based on the idea of absolute moral action, for example, the duty of sincerity in friendship remains as a moral idea despite our experience that there has never been a sincere friend. We orient ourselves and condition our actions towards the absolute, towards an unconditioned moral good.

In the *Groundwork of the Metaphysic of Morals* Kant posits morality itself as the highest good, absolute and unconditioned. In this sense, morality cannot serve action but action must serve and is conditioned by morality, if it intends to be good. The absolute good is objectively good. However, we find an exception to the absolute because this absolute good becomes a condition itself, a condition that is a measure of the conditioned good. The idea of an unconditioned good is necessary for conditioning action towards the good. So, if the conditions are good, in particular the intentions, then the conditioned good is good, and if not, then it is bad. The absolute good is, therefore, the prerequisite for the possibility that the conditioned be good at all.

I will compare this movement with Derrida's ideas on the relationship between the conditioned laws of hospitality, those arising from law and politics, and *the* law of hospitality, that is hospitality as an absolute ethic. For Derrida, this is a necessary relationship between the possible and the impossible that is both nourishing and corrupting. In short, both Kant and Derrida are grappling with the possible and the impossible, the conditioning towards the unconditioned, what we can do and how that action is informed: just because something is unassumable, doesn't mean it doesn't exist.

Ineffaceable Memory: Law and responsibility in Cubillo

Trish Luker

In August 2000, Justice O'Loughlin of the Federal Court of Australia handed down the decision in *Cubillo v The Commonwealth*, in which Lorna Cubillo and Peter Gunner unsuccessfully took action against the Commonwealth arguing that it was vicariously liable for their forcible removal from their families as children and subsequent detention in the Retta Dixon Home and St Mary's Hostel in the Northern Territory during the 1940s and 50s.

The decision provides an interesting site for an examination of legal and ethical conceptualisations of responsibility and justice. It also raises questions concerning the paradigm of legal culpability and the

potential of Anglo-Australian legal institutions to address claims of historical injustices. Issues of evidence and proof are crucial to the decision in which Justice O'Loughlin highlighted the over-riding problem of the absence of witnesses and the incompleteness of evidence to support the claims. Nevertheless, he also pointed out that '[n]either the evidence in this trial, nor the reasons for judgment, deny the existence of the stolen generation'.

The public reception in Australia to the testimony of members of the stolen generations exemplifies what Jacques Derrida has described as a '*universal urgency* of memory'. Legal claims of the stolen generations also raise important questions about what Paul Ricoeur and others have described as a 'duty to remember'. Drawing on contemporary philosophic and jurisprudential notions of responsibility and justice, in this paper I investigate their application to a critical analysis of the decision in *Cubillo*, focussing specifically on the treatment of evidence and testimony

The Triumph of the Spectacle

William McClure

In a formative work, *Means without End: Notes on Politics* Giorgio Agamben pays tribute to Guy Debord. According to Agamben one of the most disquieting features of Debord's *Society of the Spectacle* (1967) and the *Commentaries on the Society of the Spectacle* (1988) is the pin-point accuracy with which they describe the unfolding of world politics. Central to this description, and as part of Debord's attempt to chart the evolving domination of spectacular power in the twenty years between these two theoretical works, he claims that what the world has witnessed is the substantial unification of what were formerly two rival and successive forms of spectacular power: namely, the unification of the concentrated and diffuse spectacle to form the integrated spectacle. Agamben asks the question, 'how can thought collect Debord's inheritance today, in the age of the complete triumph of the spectacle?' Given that the spectacle is not simply identifiable with the representational machinery of the mass media, but rather is identified with the agglomeration of the forces of capital, state and media, and further given that these forces do not merely conspire to create a distance between ordinary people and political events but have the more sinister impact of alienating the linguistic and communicative nature of human beings, what can be done in the face of such an overwhelming power? Indeed, what have we inherited from Debord to deal with the power of the spectacle? And more broadly what have we inherited from other branches of the Situationists? In particular, what does Unitary Urbanism, 'new architecture' and psycho-geography offer us as ways and means of dealing with the global spectacle?

'The Camp as the Nomos of the Modern'

Dirk Meure

The paper considers Agamben's concept of the 'ban' and the 'bare life' and his critique of Foucault's 'bio-power'. It goes on to consider some of the implications of these concepts for thinking about current issues around sovereignty and a discourse of human rights.

Truth Overboard- What does it mean for politicians and statesmen to assume responsibility for their words of mass destruction?

Paul Miller

Australian politicians over the past few years have been accused of some of the worst 'lies' in the country's history. I refer, of course, to the children overboard affair, and the intelligence used to justify invading Iraq. Important decisions and strong actions were taken by our politicians, on behalf of the nation and its citizen's, justified and presented to the Australian public on the basis of scenarios that now appear to be false. The concern from the Australian public is not only that these scenarios were wrong, but they appear to have been intentionally constructed to support actions motivated by political or ideological ends. In short, many believe their politicians have lied to them in a most unethical fashion and that this truth must be exposed so that the people responsible can be held accountable in some way. But what exactly do we mean by the terms 'ethics', 'responsibility' and 'accountability' in regard to these kinds of situations? Just how much can we expect from those who 'represent' us?

The discourse and debate surrounding the accusation of 'lies' has taken a fairly predictable course. It has centred on issues such as who knew what and when, the validity of information, means and ends justification, reasonableness, the legality of various actions, and the relationship between the representative and those they represent. These are the kind of issues that arise from traditional approaches to ethical responsibility that start from the assumption of individuals as rational sovereign subjects, consciously acting out of sovereign freedom, towards intentional ends. They are grounded in the approaches of philosophers such as Kant, Rawls, and the utilitarians, and are deeply embedded in our modern western culture. But recent continental philosophers, notably Derrida and Levinas, have challenged our notion of the 'sovereign subject' and with it the common understanding of ethics, responsibility, and accountability. Instead they have championed the notion of 'un-assumable responsibility', a responsibility that always exceeds the sovereign subject and can therefore never be fully assumed or neatly apportioned. In doing so, they have called into question the very terms of the debate around the accusation of 'lies' used on all sides, and therefore the very debate itself.

This paper will contrast traditional concepts of responsibility with this newer concept of 'un-assumable responsibility' in the context of the recent political decisions around the children overboard affair and the invasion of Iraq. In particular, I will examine the kind of ethics proposed by Derrida and Levinas as it applies to these situations and consider how in practice this might change our understanding of the notion of lying and the nature of the debate. I will argue that the onus of responsibility on all of us, including our politicians, is much greater if we adopt an ethics grounded in the notion of 'un-assumable responsibility', and that the debate would be focussed on positive ways of (re)-acting to the new and recurring demand of the Other, rather than dwelling in accusation, justification and accountability.

Speaking Otherwise: Linguistic survival, violence and subjection

Catherine Mills

This paper considers the account of an ethics of testimony elaborated by Giorgio Agamben in his recent book, *Remnants of Auschwitz*, to begin to develop a critique of his account of unassumable responsibility. In this text, Agamben considers the aporia of testimony noted by many in relation to the Nazi concentration camps to develop an account of an ethics 'beyond culpability and guilt'. Taking the 'Muselmann' as his privileged figure of a new ethical terrain, Agamben argues that testimony arises in the disjuncture of the human and inhuman – the speaking being and living being respectively – which is revealed in the simultaneous subjectivation and de-subjectivation effected in the living being's entering into the enunciative event of 'I'. In other words, testimony arises in the non-coincidental currents of the human and the inhuman, as the human being's bearing witness to the inhuman. As Agamben notes, the currents of human and inhuman that cross over within the human being indicate that 'life bears with it a caesura that can transform all life into survival and all survival into life'. For Agamben, the reduction of life to survival constitutes the principal aim of modern bio-politics. Hence, the value of testimony is that it presents an interminable opposition to the separation of human life and survival by bearing witness to the inhuman in the human being. This account of testimony and the account of subjectivation that grounds it, prompts the question of 'what speaks?'

Against Agamben's account, I turn to the work of Adriana Cavarero and others to suggest that a theorization of linguistic survival that takes more account of the existent exposed in its 'being-in-language', which highlights the constitutive co-appearance of embodied selves in discourse, offers a more promising account of subjectivation to ground an account of unassumable responsibility. I argue that an ethics of life should focus not on the biological universality of the human being as such, but on the singularity of the life of selves. Rather than an ethics of *zoē*, which focuses on the inhuman element of the human being, an ethics of unassumable responsibility should give more attention to encounters with the specific *bios* of the human being, or the singularity of the life that simultaneously clings to and withdraws from the human being. I suggest that Cavarero's 'relational ethics of

contingency' established in the narratability of unique selves points toward a possible articulation of such an encounter. Cavarero's ethics are built around the question of 'who speaks?' and in that, expose and respond to the specific lived life that constitutes 'the humanity of the human' over and above biological belonging to a species.

Sex, Tourism, Contingency & Responsibility

Stephen Muecke

The narrative of a recent trip to Madagascar documents this country's concern with HIV and sex tourism issues, the value of tourism to the economy, and some aspects of the lives of sex workers. Max Pam is taking the photos.

In the suitcase are Lingis's erotic ethno-philosophy, and a manifesto for a new ethnography which has contingency as a key concept:

[L. contingens: touching, bordering on, reaching, befalling]

Contingency is that which touches: it is the risk of the event which calls for a singular response. It is a method which abandons the anthropological 'field', the bounded 'community', and even the 'social' as it stresses the transformative potential of lines of connection as they weave geographically, linguistically and historically. The traveller moves in a complex system where connections unfold and disperse, then more suddenly knot and bind in ritual. Can there be any consistency in this method alert to the complexity of open systems? What sticky contagion is transmitted or brought home?

I am touched. Feelings count, not distance from the 'object' and consistency of the gaze. Feelings can enflame or chill; they are a gauge of what is at stake in this situation. The gaze becomes the glimpse, the click of the shutter motivated by intuition.

The contingent is that which is not necessary for function, yet seems to broadcast all the potential for future thought.

Shame: The suffering of others

Anne Murphy

The experience of collective guilt is of central importance in today's political landscape. From the experience of 'white guilt' in the context of American race relations, to the ongoing consideration of reconciliation with indigenous peoples in Australia, guilt is a ubiquitous and powerful political

phenomena. In this essay, I take seriously the experience of guilt as an emotion that signals political responsibility with reference to the work of Emmanuel Levinas and certain thinkers in the social contract tradition. I argue for the problems with the conception of responsibility we inherit from the social contract tradition and look to Levinas for a notion of reciprocity that transcends the calculus of contract.

The increasingly contractual nature of human relations has profoundly eroded our conceptions of charity and social generosity. In order to revive our sense of non-contractual reciprocity and solidarity, we must find resources that allow us to speak to the responsibilities we have for others that transcend our notions of contract and legality. Here, I trace the concept of shame in Levinas's work in order to illuminate this notion of responsibility. I also take seriously what the emotions of shame and guilt indicate on the political landscape. The essay is grounded in two questions. First, how does the experience of guilt not only contribute to profound sentiments of impotence and apathy on the part of certain communities, but also to the recognition of responsibility? What are we to make of this ambivalence? If responsibility is in a sense constitutive of guilt, then the indifference and the feelings of impotence that characterize political life of late is really the failure to name, recognize, and assume responsibility. Hence there is a profound ambivalence in the experience of shame; even as guilt or shame may inspire apathy, hopelessness, or the refusal of complicity, it may also be an enormously provocative emotion that inspires public dialogue.

Time and Responsibility in Derrida and Deleuze

Jack Reynolds

Derrida has frequently pointed to an aporia at the heart of responsibility, in that responsibility towards the radically singular other (ie. a loved one, God, etc) is conceived of as in a necessary tension with our general responsibility for all others. His recent work has also fore-grounded the importance of a certain understanding of temporality for responsibility. Derrida has insisted upon the temporal significance of the *avenir*, or that which is 'to come' in myriad themes, and perhaps most notably in relation to justice and democracy. Both justice and democracy are constitutively 'to come', forever futural, and Derrida's emphasis upon the messianic makes a similar point. Derrida argues that it is this futural aspect of time, which can never be assumed by a subject, which needs to be emphasised as a counterbalance to conceptions of time in which the future is known and demarcated according to the various horizons and habitual expectations of the present.

Somewhat similarly, Deleuze has also exalted a certain futural experience of time. In *Difference and Repetition*, Deleuze argues that it is only an adequate appreciation of futural time that is responsible (exemplified by 'the eternal return of difference'), as opposed to habitual time and the time of the past.

Again, this futural aspect of time is said to preclude the identity and unity that subjectivity imposes upon the temporal order, and for Deleuze, as for Derrida, there is an ethico-political impetus accorded to this interruption to the temporal order that opens upon the future. Although I will suggest that there are important reasons for agreeing with their respective insistences upon the future, I will also argue that both of their accounts, to be truly politically responsible, need to be supplemented by a more thorough thematisation of the socio-corporeal potential towards sedimentation that is embedded in the 'present'.

Lost Bodies of Law: Crime, death and the subject of jurisdiction

Peter Rush

What price is paid for speaking in the name of the law? How do we engage law's diction, its parts of speech as much as its manner and manners of speaking, in a situation where no voice can be restored to itself without its attesting and contesting others? This presentation provides a close reading of the texts of two judicial judgments - one, concerning the sentencing of two young heterosexual men for the killing of a gay man; another, concerning the existence of genocide in the common law tradition of Australia. In both texts, the judgment of law is articulated in terms of an incontestable propriety over the subject of law while, at the same time, invoking a collective shame and guilt. The overall concern of the presentation and its readings will be to reposition and reframe the subject of law as a question of jurisdiction and its various modes of attachment to the corpus and corpse of law.

Assuming Responsibility in the Hope of Political Reconciliation

Andrew Schaap

In the context of contemporary politics of reconciliation, I offer an Arendtian account of how 'ordinary citizens' might be held to account and, moreover, how they might assume responsibility for a moral debt that cannot be repaid; that is, for grave state wrongs that they are collectively implicated in as tacit supporters or beneficiaries of an unjust regime. Karl Jaspers' influential book, *The Question of German Guilt*, provides a starting point for examining these issues. In order to establish the extent and limit of collective responsibility, Jaspers differentiates political guilt (which may be incurred due to membership in a group) from criminal, moral and metaphysical guilt (which relate strictly to the individual as autonomous agent). Hannah Arendt agrees with her mentor that collective responsibility should be clearly distinguished from moral and legal guilt. But she also articulates a richer account of how political responsibility might be assumed. In its world-delimiting moment, political responsibility is connected with care for the world, with acknowledging our implication in injustice as a consequence of our worldly inter-action. In its world-rupturing moment, it entails a responsiveness to the play of the world, a willingness to accept the risks of action in the hope of realising a world in common with our former enemy. Following from this, Arendt disagrees with Jaspers as to the value of the sentiment of shame in

politics. While for Jaspers shame provides an impetus to purification of the polity, Arendt suggests that such a sense of vicarious guilt is a potential vice in politics. I consider whether political responsibility for past wrongs fades with the passage of time in the context of the debate in the 1990s over whether indigenous peoples in Australia are owed an official apology.

Responding to Rabbit-Proof Fence and the Commodification of Indigenous Experience

Kay Schaffer and Emily Potter

This paper troubles the concept of engagement in relation to the circulation and reception of the recent Australian film *Rabbit-Proof Fence*. It will take up the issue of film as a commodifying genre, and examine the unpredictable effects of the commodity in the marketplace that, we argue, exceed formulaic expectations. We explore the film's call for empathetic responses and a responsible politics through a tradition of continental philosophy and psychoanalysis that may not be sufficient in addressing the problematics of recognition across incommensurable cultural differences. While an ethics of response must involve engagement, the subsumption of the self in the face of otherness or the transposition of the other's experience onto the self, as tactics of ethical relation, can deny singularities and perform the universalising gestures that they theoretically reject. By considering response as un-orderable and evasive of certainties, we hope to elaborate the possibilities that arise from a reading of *Rabbit-Proof Fence* as a narrative of indigenous experience that cannot be wholly conscripted into a linear model of consumption, reaction and response.

Against Ethics: Universality and singularity in an age of post-politics

Robert Sinnerbrink

It is a widely shared conviction in contemporary theoretical debate that claims to universality, once championed by philosophy, must give way to an ethics of difference and recognition of the Other. Indeed, a host of luminary French thinkers notably Foucault, Lyotard, Levinas, and Derrida have been praised for the ethical turn in their work, the deconstructive dismantling of metaphysical claims to universality, autonomous subjectivity, and ontological truth. Contemporary ethical thinking now takes universality, not to mention the subject, as metaphysical vectors of domination to be overcome in favour of an ethical thinking of difference, a radical openness to the Other, and the promise of undeconstructible justice. For all its contemporary relevance, I want to question this ethical turn in contemporary thought and ask after some of its theoretical presuppositions. Does the embracing of radical anti-universalist ethics today signify a certain suspension or even exclusion of the political? Is the equating of ethics and politics as in recent work on the ethics of deconstruction also an erasure of their difference? Does the assimilation of philosophical politics into radical ethics serve to undermine the irreducible and productive tension between universality and singularity? What are the implications

of this tension for rethinking the concept of the subject? Drawing on the work of Alain Badiou and Slavoj Žižek, my paper investigates the difficult relationship between radical ethics and philosophical politics in the sense of a radical universalising of the singular within a contemporary climate of post-political scepticism towards the very idea of the universal. I suggest that radical ethics, in its engagement with issues such as the treatment of asylum seekers, runs the risk of forgetting the radical political dimension of universality by over-emphasising the incommensurable singularity of the Other.