Appendix: Supreme Court (1988)

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Without presuming to know where the direct begins and ends, this essay presents itself as an oblique reading of Right of Inspection [Droit de regards], the photo-novel by Marie-Françoise Plissart that is “followed by a reading by Jacques Derrida.” It does that for more than one reason. First of all, although neither written nor photographic text will be fully represented here, privilege is obviously given to the written because it can be quoted in the same medium as the present text and because of its author’s name [“Derrida”] in the context of this [volume]. Thus my reading admits to being structurally partial, without presuming to know where a total reading might begin. But the photographic text is in a sense doubly absent, given the content of the photographs, the look of them. What is unavoidable when one looks at the photographs and much less explicit

2. [See J. Hillis Miller, “Preposterous Preface: Derrida and Queer Discourse,” in this volume for a reading of Droit de regards that does include many scanned photographs from Plissart’s photo-novel. —Ed.]
3. Something of the politics of such a privileging—and of obliquity and partiality—is confirmed by the English translation of the book. In its original version, the text is described as a “photo-novel” authored by Marie-Françoise Plissart, and “followed by a reading by Jacques Derrida” (Marie-Françoise Plissart, Droit de regards, suivi d’une lecture de Jacques Derrida [Paris: Éditions de Minuit, 1985]). In English translation, the title page transforms it into “Jacques Derrida, Right of Inspection, photographs by Marie-Françoise Plissart” (Jacques Derrida, Right of Inspection, trans. David Wills [New York: Monacelli Press, 1998]). I disclaim responsibility for the
when one reads Derrida’s text, could, if I wished, remain altogether unspoken in this essay: namely, that many of them show women making love to one another. Whether that should be an issue, or make for a more oblique reading, is one of the principal questions underlying this discussion.

Second, one among any number of laws or conventions related to looking decrees that the type of regard in force in photography necessarily inscribes a distance between subject and object of that regard. That is the law of monocular perspective which is also the law of realism, and the camera—which emerged in our culture during the same period (Italian Renaissance) in which that law was institutionalized within the domain of the visual arts—has come to represent the most rigorous upholder of its edicts.⁴ Now what the laws of monocular perspective and realism have taught us is anything but the importance of obliquity: the look of the camera and the distance it involves is presumed rather to inscribe direct lines of visual force, all of which emanate from a single and fixed vantage point that holds the whole field in its scope. [See Figs. 1 & 2]

Of course, the ideological underpinnings for those laws ignore or occlude the fact that the distance that constitutes or renders possible this type of looking also institutes forms of obliquity. The field of vision available to the human eye from a fixed vantage point in fact

transformation of the title and priority of authorship. Another unfortunate accident of translation is the loss of the page numbers in the Monacelli edition. The French paginates the photographs in Arabic and Derrida’s text in Roman numerals. On the other hand, the English version reproduces the photographs referred to by Derrida, along with the French text whose pages coincide approximately with the English, in miniature in the margins. For the purposes of my references to the English edition, appearing here as RI parenthetically in the text, I have mechanically paginated Derrida’s text starting with its first page.

⁴ The camera obscura utilized by Renaissance artists is recognized today as the technological precursor of the modern camera. The ideological importance of monocular perspective in relation to the technology and practice of photography and cinema has been the object of much discussion by film theorists. See, for example, the essays collected in Philip Rosen, ed., Narrative, Apparatus, Ideology: A Film Theory Reader (New York: Columbia UP, 1986). [See also Jonathan Crary, Techniques of the Observer: On Vision and Modernity in the Nineteenth Century (Cambridge: MIT P, 1990). —Ed.]

—— Supreme Court    263
Fig. 1: Albrecht Dürer, *Draughtsman Drawing a Recumbent Woman* (1525).

Fig. 2: Renaissance artist utilizing camera obscura.
describes a cone or pyramid whose borders are defined by oblique lines. It is thanks only to the codes of focal length, depth of field, and vanishing point, and the whole teleology of centrality and linearity, that one perpendicular line of vision is able to prevail within the field.

Taking my cue from the reading practices that Derrida exploits, especially in *Right of Inspection*, I shall therefore promote a type of obliquity as a form of resistance to the laws of looking. As I elaborate below, this resistance is not simply an opposition, but exists in a complex relation of, shall we say, deconstruction with respect to those laws: exploiting the contradiction between a field of vision that opens the space of obliquity and practices of visuality that severely restrict it. Nor should it be understood as a simple contrast between image and writing, first because they both rely on forms of visuality, and second because writing as much as the image can be reduced to a straightforward reception instead of opening to reading. In the first line of Derrida’s text, looking is both associated with and distinguished from discourse: “You will never know . . . all the stories I kept telling myself as I looked at these images” (RI 1), and a little later it is contrasted with reading: “Precisely, this abyssal inclusion of photographs within photographs takes something away from looking, it calls for discourse, demands a reading” (RI 5). Hence the remaining reasons for this being an oblique reading bring me directly to that written commentary. But I shall make another digression to explain the sense of my title.

The Supreme Court is the highest legal institution in the United States. Its members sit for life, thus guaranteeing continuity and solidity for the law and an almost religious system of inheritance to preserve the constitutional legacy. From the Founding Fathers to Scalia, Kennedy, and beyond, authorial intent will have been transmitted intact. There has been some debate about that in recent times, focusing in important instances on the questioning of effects of textual and interpretive legitimation such as has been undertaken by Derrida. But more specifically, the Supreme Court has seen fit

5. See the work of the Critical Legal Studies theorists—for example, the Symposium on Critical Legal Studies in *Stanford Law Review* 36.1-2 (1984); or discussion of law and literature in *Texas Law Review* 60.3 (1982);
to decree that practices such as those depicted in Marie-Françoise Plissart’s photographs, to which Derrida’s text here under discussion remains apposite, are not protected by the Constitution. They fall within the legal definition of sodomy. Considered deviant, or might we say “oblique,” such practices were not deemed to lie within the scope of what the Founding Fathers foresaw when they gave their overview of life, liberty, and the pursuit of happiness. What


6. This essay was written following the Supreme Court decision in Bowers v. Hardwick, 106 S.Ct. 2841 (1986), at a time when 25/50 states had anti-sodomy laws on the books. Bowers was overturned by a six to three majority in Lawrence v. Texas on June 26, 2003, with Justice Kennedy writing unequivocally that “Bowers was not correct when it was decided and is not correct today. It ought not to remain binding precedent. Bowers v. Hardwick should be and now is overruled.” One should read the dissenting opinions of Rehnquist, Scalia and Thomas for unwavering support of the opinions that prevailed until 2003. At the time of the Lawrence decision, 14 states, Puerto Rico, and the military had anti-sodomy laws in effect.

In Bowers, the court found that a Georgia man was liable to prosecution for an act of “sodomy” committed in his own home and chanced upon by a policeman delivering a traffic summons (Lawrence came about under comparable circumstances). Most states that have decreed on these matters define sodomy as both homosexual (gay and lesbian) and heterosexual practices falling outside the procreative norm, hence my use of the term as shorthand here. It is a characteristically repressive gesture that reduces homosexual activity to anal intercourse and defines it as a crime against nature, leaving unspoken the whole question of lesbian practices. The Georgia statute until 1968 defined sodomy as “the carnal knowledge and connection against the order of nature, by man with man, or in the same unnatural manner with woman.” Rulings under the statute found both lesbian practices and heterosexual cunnilingus not to be prohibited. However, the new law, under which Hardwick was charged, defined sodomy as follows: “A person commits the offense of sodomy when he performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another.”
could be called the climate that, during the Reagan years, produced or served as the context for the *Bowers v. Hardwick* Supreme Court decision, was also responsible for a series of explicit interventions by judicial institutions into issues of morality (not that, as critical legal theorists easily argue, morality as a function of ideology is ever absent from judicial maneuvers). I refer to the Meese Commission on Pornography and pressure on 7-Eleven stores to stop selling *Playboy*, to Louisiana’s creationism law, Tennessee’s and Alabama’s censorship of school textbooks, not to mention the widespread withdrawal of books from public libraries, pressure by publishers on the authors of textbook to avoid subjects considered contentious, like evolution, homosexuality, abortion, and so on. Suffice it to say that the clouds of such a climate continue to darken the skies of George W. Bush’s America.7

Therefore, because Plissart’s photographs will not be printed here, and because my discussion is constrained by various institutional factors to be, at best, only obliquely about sodomy, I wish to initiate a series of moves as a result of which this essay’s title might become shorthand for the question and problem of that which does not speak its name, for what *any* text keeps under silence and more so this one. Without presuming to have explained what all that means—and indeed, more than once I have considered the limits of what can and cannot be said or written, included or excluded, to be the sole and insoluble question for writing as commentary, and in different terms for all writing8—I shall try to be more direct. Lying there in the empty white space at the top of this as yet unmade essay are two words facing the same direction, the back of one against the front of the other, the one caressed or held by the other, two words that should be taken as metonymic

7. [To say nothing of Donald Trump’s America—and his potential nominees to the Supreme Court. “Trump’s trump card,” as Hugh Hewitt noted during the 2016 presidential campaign, was precisely the Supreme Court. Or as Trump stated: “Even if people don’t like me, they have to vote for me. They have no choice. . . . You know why? Justices of the Supreme Court.” See Hugh Hewitt, “It’s the Supreme Court, Stupid,” *Washington Examiner* 28 Dec. 2016. —Ed.]

for whatever by assent or decree is excluded from the practice of academic discourse and from the practice of sexual relations; particularly, then, the sodomy that, in all its various genres and genders, and however much I flirt with or court it, will not be the subject of this essay.

That, however, is not the only reference made by the title of this essay. I refer also to Derrida’s supreme court in *Right of Inspection*, his own flirting with, or provocation of, feminists who might argue that he is pandering to heterosexual male voyeuristic fantasy by discussing Plissart’s photographs. The word *court* might well be a Nietzschean word or spur for woman, “acting from a distance.”9 One courts danger and one courts affection, one courts a lover (of the same sex or a different sex), and so on. The word implies distance, rather like looking, and it also implies looking; it is an exploratory, experimental, and perhaps voyeuristic gesture suggesting obliquity rather than directness, having the form of a solicitation or seduction. The verb comes from the sense of the noun; one is presumed to court, solicit, or seduce among those who fall within one’s real or imagined field of vision, those who form one’s court or entourage. Derrida’s provocation or flirtation seems addressed to those, feminists and others, who are close to him in the sense of being acquainted with his work. However, we might also assume that the association of his text and Plissart’s photographs destines it to a different audience from his usual readers, which might as a result lead him to take less for granted, to be involved in a more general yet more circumspect courting exercise. But to the extent that even that type of courting involves relegation, bringing someone (or something) from the exterior of the circle (or square) of acquaintance toward its center, effecting a type of appropriation, Derrida’s strategy might lead him to some tergiversation; he might at some point turn his back on it. His courting might therefore point to, encourage, or work through forms of obliquity, not to say perversity.10

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10. [For more on Derrida and perversity, see Éamonn Dunne’s essay, “Deco-pervo-struction,” in this volume. —Ed.]
Derrida has never been unaware of reactions to his writing by feminists, nor reticent about addressing those reactions, although one could argue that he waits until he is solicited. This is explained clearly in the interview with Christie V. McDonald entitled “Choreographies” where he is asked about Spurs and justifies his use of terms such as “hymen” and “invagination.” 11 A tone of slight paranoia in this regard is evinced in The Post Card: “and if because I love them too much I am not publishing your letters . . . I will be accused of erasing you, of stifling, of keeping you silent. If I do publish them, they will accuse me of appropriating for myself, of stealing, of violating, of keeping the initiative, of exploiting the body of the woman, always the pimp, right [toujours le mec, quoi]?.” 12 While not resolving the double bind of effacement or appropriation, Rights of Inspection chooses to have more than one voice speaking throughout, 13 and the speaker flirts either with himself/ves or with another/others. This begins with the coy distinction made in the opening line, repeated on page 3, between the familiar and non-


13. As I have argued elsewhere, there are grounds for suggesting that the other correspondent of “Envois” [in The Post Card, 3-256] more than speaks, albeit in citation, that in a sense she writes the whole text. See David Wills, “Matchbook,” in Matchbook: Essays in Deconstruction, 45-68. Similarly, it could be claimed that a polyvocal style marks all of Derrida’s texts, although that takes a particularly explicit form in such works as “Restitutions,” in Truth in Painting, trans. Geoff Bennington and Ian McLeod (Chicago: U of Chicago P, 1987), 255-382; Cinders, trans. Ned Lukacher (Minneapolis: U of Minnesota P, 2014); Monolingualism of the Other; or The Prosthesis of Origin, trans. Patrick Mensah (Stanford: Stanford UP, 1998); and Right of Inspection.
familiar addresses: “You [tu] will never know, nor will you [vous], all the stories I kept telling myself as I looked at these images” (RI 1). From the moment of that beginning, the reading is organized around the possibility of a private narrative fantasy, a secret kept from even the most intimate interlocutor and involving the images we would see if we had access to the book more directly than this commentary allows. That beginning is therefore an initiative of seduction or feint of seduction, an invitation to and preemptive move against a form of complicity, as if he were saying “you will never know, wouldn’t you like to know, come and try to find out all my private narrative fantasies.” And the seductive ploy casts a widening net, from the intimate or familiar (tu) to the less so (vous), acting at increasing distance.

However, with nothing but dashes and indentations to separate the utterances the reader cannot, with any certainty, attribute individual ones to identifiable speaking subjects. One might, for instance, understand that first coy demurral to be uttered by Derrida, and assume as a consequence that the second utterance belonged to his interlocutor—say, for argument’s sake, the photographer—and maintain the consistency of that assumption up to the repetition of the first line, and beyond. But other factors would at the same time be working against such an assumption. On the one hand, there is the play between formal and informal address just mentioned, which would seem to pluralize the interlocutors. Yet French does allow for a situation where one speaker addresses the other in the familiar form of the verb and the other replies in the formal, and, remembering “Envois” [see footnote 13], the reader is also faced with the possibility that tu refers to the addressee “within” the text, and vous to us the readers. On the other hand, there is no logical reason to assume that it is Derrida, some “Derrida,” who is seducing us with the lure of coy private narratives in the opening line rather than (one of) the interlocutor(s), or indeed that there are several “Derridas” speaking to themselves. The last hypothesis becomes increasingly plausible, for if we presume that two speakers are alternating in a dialogue, we soon encounter utterances in the mouth of the other presumed interlocutor that we might well expect to hear from the mouth of a Derrida, to the extent that a reader can assume what will come from the mouth, or more precisely the pen, of a Derrida.
For example, on page 4, a female speaker is identified as such when reference is made to *elle* and an utterance made three paragraphs earlier is attributed to her ("When she was specifying just now that she no longer knew . . ."). At the same time, the idea of there being at least three separate interlocutors is reinforced—a first person speaks to a second person about a third. And at least two of those speakers are female, or feminine, for in the paragraph identified as being spoken by a "she," the speaker addresses a feminine second person ("I see you pensive [pensive] and undecided [indécise]" [RI 3]). But the speaker who here sees a pensive and undecided female, a speaker who will soon be referred to as *elle*, is the one whom we might previously have identified as the coy "Derrida" of the first line, and who, a few lines later, will utter more of what we might be used to hearing from the mouth of a Derrida, for example a "Derrida" who is the correspondent of "Envois" (not that his sex was certain there): “you [tu] know me, I write for you alone, and at this very moment I speak solely to you of the most important things, I look with you alone, only you have the right of inspection over what I am risking here” (RI 4).

Now I have merely detailed there what the text itself makes explicit, namely, questions about the form and number of the participants in the discussion called a reading [*une lecture*]. The first pluralities referred to are those of stories and images: both are feminine, and both are to some extent personified. The stories are said to “grow within you like desire itself, they invade you,” and the photographs are described as “generative [génératrices]” (RI 2), as if capable of giving birth. More than that, the laws of photography in question here concern “the pose, position and supposition, the place of each *subject,*” the process or procedures whereby “each implicit ‘address,’ each apostrophe whether in the singular or the plural, masculine or feminine, with all its formal and familiar modes, seems conjugated by a photographic grammar . . . declined by the rhetoric and/or erotics of a certain photographic apparatus” (RI 3). Hence one should never have expected to find a simple logic of interlocution or dialogue, and if I am belaboring a well-taken point, it is rather to demonstrate the extent to which Derrida, whoever she may be, is courting or flirting, acting from a distance, exploiting the right to look as a right to be oblique, deviant or devious, changing places, taking chances. But more specifically it is because in *Right of*
**Inspection** the plurality of voices or the division of forms of address, indeed of address itself, represents the abyssal structure whereby the whole textual system is deconstructed, so that I end up coming back to it regardless of the route of access I choose. That deconstruction is already at work in the opening line, in a play between addresses (tu and vous), between the direct discourse of a divulgence (what I kept telling myself) and the refusal to divulge (you will never know), and finally between the stories, become discourse, and the images. It is as if the photographs themselves migrate into the discursive structure of the written text, imposing their law and that of photography upon it, their prerogative or right of inspection over it; and as if the characters from the images migrate in turn, not necessarily to appropriate the voices of the polylogue, but to introduce a confusion whereby they, as subjects of the photographs and subject to the laws of the gaze, call into question the status of the speaking subjects who utter the discourse that constitutes the written text. The characters in the photographs never speak, and when on a few occasions one or a couple of them appear to be about to, they instead resort to acts of temper or violence. It might be said that they mime their way through a series of tableaux, game-playing, falling, fighting, and making love, addressing each other by means of circumlocution and unorthodox intercourse. For if the abyssal deconstruction at work in *Right of Inspection* revolves around the question of address, it will eventually devolve into a question of gender/genre. That question in turn proves to have a very shifting, or oblique, signification, a series of senses that seem to self-generate, and it all takes place against the graphic, indeed the photographic background of people of the same sex making love in contravention of the (currently defunct) laws of a number of the states of America. As we shall examine, the question of genre generated by the photographs and script of *Right of Inspection* is finally posed as the very question of the law of technology and of the technology of the law.

We have learned from *The Post Card* that we are [already] in technology from the moment of the first address: “To post is to send by ‘counting’ with a halt, a relay, or a suspensive delay, the place of a mailman, the possibility of going astray. . . . technicity, positioning, let’s say even metaphysics . . . would belong to the first envoi—which is evidently not first in any order at all. . . . as soon as there is, there is difference . . . and there is postal maneuvering,
relays, delays, destination, telecommunicating network” (PC 65-66). The address of the camera functions through the technology of the pose, that is to say the particular form of interpellation, indeed arrest—the demeure, as Derrida refers to it—that the shot performs. But the camera also reminds us of the important position photography occupies on the threshold of the modern technological age, both in respect of the invention of the machine in the nineteenth century and the generalization of monocular perspective in the fifteenth century. Photography represents the automatism of mechanical reproduction as defined by Walter Benjamin, and it stands in an important relation to obliquity in terms of the shift in vision it represents, the institution of new laws of looking and the repression of difference so implied, in spite of the opening up of a whole new dimension of visibility in artistic representation. But more than that, we are reminded of the relation between photography and obliquity in terms of the very fact of the postal, the technology of address and the structure of adestination, the structural division of that address. Obliquity would be the line of adestination or misaddress that is inscribed within the very operation of a supposed direct transmission. From this point of view, the particular technological age inaugurated by photography is also that of the information sciences and their massive reinforcement and occultation of the postal principles of relay, misaddress, and so on. That is to say, photographic technology, with its seizure of the instant, implies the possibility of rapid and repeated shifts such as begin to emerge with cinema and that are not reducible to uncritical concepts of linearity and teleology, however much they depend upon them. Although that possibility does not simply arrive with photography, irrespective of where we assign its origin, the mechanism does take a different turn, especially to the extent that it points to the transformation of the document that occurs with the computer age. Photography stands at the threshold

here: it is concerned with the production of a document, a very archival one at that, and hence its relation to painting; but by the same token it is the first “technological” art in the modern sense, looking forward to the digital image, etc. For the reproducibility of the photograph signifies in fact a type of virtuality of that document, its archivation in a form of hidden or virtual memory that is the negative, developed or undeveloped, a virtuality that is more radical than was the case with typeset vis-à-vis the printed page. Because the negative can produce each time, according to variations in the process, a different print, it can be argued that it is itself the document and that it operates in a way that is closer to the word processing file. The printed photograph does not itself have the same secure status of the master document that, say, a book has; it exists rather within a structure of ephemerality. This new version of ephemerality, implying a certain redundancy of the document, in turn brings new pressures to bear on reading, new relations between reading and speed.

For Derrida, Plissart’s photo-novel demonstrates both the time of the photographic instant or pose, capable of being extended into the languor of a repose but also conceived of as a constraint, and the diagonal veering by means of which the reader escapes that constraint, but risks being deprived of the time to reflect, drawn inexorably along by the narrative or simply metonymic drift of the series. The first idea is developed through the word *demeure*, from *demeurer*, which literally means “to put or hold in a static position” or “to stay still,” and thus suggests the address of the camera and the pose of photography. In slightly more figurative usages, it means “to stay” or “remain,” and so we see the characters playing out their trysts or idyllic repose, as well as their dramas, by sojourning in a sumptuous residence for which the French word is also *une demeure*. They pose in that *demeure* and so are *mis en demeure*. The latter term, however, has a specifically legal sense, conveying a warning, formal address, or notice of a delay beyond which proceedings will be put into effect. It as if by staying there they are yielding to the law of photography, and are as it were assigned to residence, under a form of house arrest. There is no repose without this type of immobility prescribed by the law.

The second idea, that of escape from constraint, functions through the word *partie*, occurring in the context of the game of
checkers (une partie de dames) being played by some of the characters in the photographs, but standing also for the games being played by the “ladies” (dames). The game of checkers is something of a figure for photography itself, on account of its articulation of black and white. Partie refers also to two senses of “part”—the parerga or details, and the sexual parts displayed; then to the juridical sense of sides taken, the parties to a litigation; and finally, via a shift to pièce, meaning both a “part” or “piece” and a room, it is diverted through Italian to camera. However, once it is subject to the grammatical laws of gender, partie functions as the feminine past participle of partir, referring to the fact that the women are often seen leaving lovers or rooms. It is thus the word for fragmentation and shifting itself, especially the diagonal shift that divides, diverts, and veers, and as in checkers, that escapes and conquers the opponent; the means of least resistance that is also the rapid relay that accelerates toward the endgame.

Nothing shifts, however, quite like the question of gender/genre itself. It is where the matter of address is addressed by the middle of page 5: “I see her, the one you are addressing now, posing as a question of gender or genre.” Already there it slides to evoke the generic (générique), and generation, both the written discourses that account for a photographic discourse (credits in a film) and a paradigm for a series, as well as the conditions of possibility giving rise to an event of reproduction. And already there one finds the suggestion developed a little further on, that the female characters whose relations are portrayed in Plissart’s photographs, or perhaps those very relations between them, are themselves in question: “the question of genre takes bodily form, becomes a body that moves other bodies about, moves the bodies of others. . . . Giving rise, serving notice, the said question raises itself and immediately abandons you” (RI 6). In a further move, the question of gender/genre is said to be photography itself—“it neither says nor represents anything other than photography” (RI 5)—then again, the “name of something belonging to another genre for which there is yet no specific category” (RI 6). But those formulations are once more re-

16. [For more on veering, see Nicholas Royle, “Impossible Uncanniness: Derrida and Queer Theory,” in this volume. —Ed.]
configured: “the work silently poses the question of genre as a question concerning the right of inspection” (RI 7), specifically that in force in photography by means of a play of inversion, which leads finally to the assertion that the question of genre poses as that of sexual difference (RI 9), “in its most undecided and instable form, precisely as a difference that trembles and not as an oppositional duality” (RI 10).

As such, that is in terms of instability, indecision, difference as différence, the genre/gender question has a familiar ring for readers of Derrida. On that basis one can go back and rationalize each of the sides to the question, each overlaying the other in a somewhat dizzying spectral or prismatic effect:

1. It relates to address in terms of the division of addressee implied by a destination, the possibility that the letter does not arrive. As soon as there is such a destination, as The Post Card amply demonstrated, there is no more stability of gender or genre.

2. It becomes a body that moves other bodies to the extent of a polymorphous pluralization of sexual relations.

3. It is photography in terms of the differential relations involved in the exposure and development of film, the play of black/white, positive/negative configurations.

4. It is by definition a question about a name, about the law of the father that regulates the proper name, and calls for the legislative performance of a naming of that which has as yet no name.

5. It is a question concerning the law of the photographic gaze, its right of inspection, the fixing and developing of a pose, the systems of control that presuppose subjection and subjectivation and the extent of their imposition.

6. It concerns an indecision, or perhaps an undecidability, regarding sexual difference to the extent that gender means sex, and that is itself perhaps an undecidable question, especially in a language whose words are gender marked.
In all these cases, Derrida’s aim is to point to an instability where conventional wisdom, or the force of institutions, would insist that there is none: letters always arrive sooner or later; sexual relations are based on an opposition between two sexes; photography’s “reality” is there in black and white, not black or white; as soon as a thing exists it has a name; once the pose or shot is taken it is immobilized; these are women making love, la voile is not the same as le voile. Like obliquity, inasmuch as it produces an instability, the question of genre/gender thus generates forms of resistance to the force of institutions, in this case the institution that is the laws of looking as paradigm for any such constraint. But precisely how that form, or those forms, of resistance operate, to what extent the law of genre of photography changes the rules and challenges the strategies that are familiar to readers of Derrida, remains to be seen and will continue to preoccupy this discussion. It is for that reason that I hesitate to read the “indecision” of the question of genre, this “hesitation” (RI 4) or “suspended question” (RI 5), as the aporetic undecidability we have encountered systematically in much of Derrida’s later work. That is to say that once the question of genre comes to concern the law of the photographic gaze in its relation to decision, once it becomes a question concerning the instant of the pose or shot, it is for this reading a question that might “destabilize” the aporetic “economy” of undecidability and thus come to be a question about the genre of Derrida’s recent writing. Obliquely at least. The point at which that question would be raised is the point of a resistance to the law that can no longer avoid the sense of contravention. Obliquity, it seems, is a divergence from that point that nevertheless and inevitably returns to it.

In “Passions,” Derrida both acknowledges and critiques his recourse to obliquity as a form of resistance to the presumption that one can tackle a question “head on, directly, straightforwardly.” He shows himself to be somewhat nervous about the word, first admitting in a note that he has made use of it “often, too often and for a long time” (P 138), then repeating in the text that “I have always been ill at ease with this word of which I have, however, so

often made use” (P 13). He acknowledges there that “the oblique does not seem to me to offer the best figure for all the moves that I have tried to describe in that way” (P 13). In the aforementioned note, he gives a number of examples of his use of the word—in spite of the fact that he “no longer remember[s] where, nor in what context” (P 138)—but the texts he mentions do not include Right of Inspection. It would therefore seem worthwhile to follow the incline or inclination of an obliquity that appears unavoidable in this text, in order to see what pressures it puts on a certain logic of deconstruction.

As I stated earlier, it is reading that is presented in Right of Inspection as an obliquity with respect to the laws of looking: “If I understand correctly, one has to bring enormous attention to bear on each detail, enlarge it out of all proportion, slowly penetrate the abyss of these metonymies—and still manage to skim through, diagonally [lire en diagonale]. Accelerate, speed up the tempo, as if there were no more time” (RI 22). Reading along an oblique line (lire en diagonale) is the expression French uses for skimming through. One has to look at all the details yet still manage to read, and read obliquely; that is to say, one has to look but also look in the oblique way that constitutes a reading, and read in the oblique way that constitutes skimming, but without ignoring the details. This obligation is determined by the law of photography that decrees that “one doesn’t have the time, there is no more time” (RI 22). One has, therefore, to find a way to defy time, and reading obliquely, reading as obliquity, would be a form of resistance to the law of photography and of time. In figural terms, the oblique move is seen as the law of the game of checkers, the diagonal relation of the one hundred black and white squares of the board, mirrored by the one hundred and one pages of black-and-white photographs (counting front and back covers of the original edition). One moves through those squares by means of a play of reading. Yet what returns explicitly to a definition of reading as oblique skimming is something that we have seen existing in an often problematic relation to the deconstructive

18. “In Margins of Philosophy, certainly (the loxós of “Tympan”), and in Glas, in any case. Very recently, and in a very insistent way, in “Force of Law” and in Du droit à la philosophie [and] Mes chances” (Derrida, P 138).
enterprise. I refer to the idea of speed I have discussed elsewhere,19 highlighted here by the technological trigger operation of the camera. The law of photography’s “no more time” is clearly a law of speed.

When we read Derrida, we find that the law of reading is double when it comes to speed. The accelerated skimming that we have just encountered is considered by him to be outside the law in other contexts. Where Derrida demonstrates most strikingly, and stridently, his own impatience, when it comes to making quite clear what he has no time for, he is invariably taking aim at the tendency to read too fast. The lesson he gives the authors of “No Names Apart,” in his response to their critique of “Racism’s Last Word,”20 consists of repeated reproaches concerning their unseemly “haste”: “you quite simply did not read my text, in the most elementary and quasi-grammatical sense”; “in your haste, you took or pretended to take a subjunctive to be an indicative”; “an hour’s reading . . . should suffice for you to realize”; “it is no reason to read quickly or badly.”21 However much sympathy one might have for Derrida’s tone in that response, one finds him drawn into the paradox of pleading for deliberateness and patience at the very point at which his own is being tried. For he will also find himself obliged “to hasten [his] conclusion,” “to go quickly” and so forth” (BB 168, 169). Now I do not wish to collapse important and valid distinctions between inattentiveness to the intricacies of an argument, or to the terms of its language, and recourse to discursive economy. Derrida’s response is full of close attention to the text written by McClintock and Nixon. But beyond those different versions of speed—the “bad” speed of lack of attention to detail and the necessary, even if not “good” speed of temporal and spatial constraint—, the very question of speed in its relation to reading continues to be posed.

Before it returns in the forms we have encountered in *Specters of Marx* and *Echographies*, the same question is raised in “No Apocalypse, Not Now (Full Speed Ahead, Seven Missiles, Seven Missives).” The nuclear arms race is there emphasized precisely as a race, as a war or “rivalry between two rates of speed,” and although Derrida acknowledges that “the most classical wars were also speed races,” he asks whether we are now having “another, different experience of speed,” whether the war of speed is “an invention linked to a set of inventions of the so-called nuclear age, or . . . rather the brutal acceleration of a movement that has always already been at work?” (NA 20, 21). He leaves the question unanswered precisely because he doesn’t have time, and instead offers an injunction—“watch out, don’t go too fast”—that is also a “hasty conclusion, a precipitous assertion” in the form of the hypothesis that there is perhaps “no radically new predicate in the situation known as ‘the nuclear age’”; one needs to “decelerate,” avoid “rushing to a conclusion on the subject of speed.” On the other hand, however, such a deceleration carries its own risk, the risk that by being meticulous one will fail to notice the impending catastrophe, and “one may still die after having spent one’s life recognizing, as a lucid historian, to what extent all that was not new.” Speed is thus called an “aporia,” an impasse concerning the “right speed . . . the need to move both slowly and quickly,” and a quandary concerning “at what speed we have to deal with these aporias: with what rhetoric, what strategy of implicit connection, what ruses of potentialization and of ellipsis, what weapons of irony . . . rhythm of speech [and] procedures of demonstration . . . arguments and armaments . . . modes of persuasion or intimidation” (NA 21; translation modified).

In both “But, Beyond” and “No Apocalypse,” speed remains tied to practices of reading, though in the latter case it is indissociable

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from the particular technological conjuncture constituting the nuclear age. In both cases it gives rise to questions concerning rhetorical strategies. In his later work, Derrida will be less hesitant about whether contemporary technologies, namely those of the media, have in fact brought about a qualitative evolution in the concept of speed. Whereas the qualitative distinctiveness of speed remained unclear in the face of an impending apocalypse, it seems that when it comes to the technologies of mediation, their speed has in fact produced a “new structure of the event” (SM 79). Something different has clicked into place, namely a technology of the media whose shutter is first heard opening and closing between the lines of *Right of Inspection*, in what is developed there in terms of the law of photography, and in terms of the tension or alternation that that law produces between looking and reading, and among the types of looking that constitute the forms and strategies of reading. Whereas from this text, through “But, Beyond” and “No Apocalypse,” to *Specters of Marx* and *Echographies*, there is a constant question about the rhythms of analysis and deliberation, and the discursive strategies thereby given rise to, when one examines why the “go fast and slow” of the earlier texts changes to a more explicit “not so fast” of the later ones, one finds a frustration with particular effects of mediation, precisely with a supposed instantaneity, the very instantaneity that emerges with the photograph. But if reading is the obliquity that subverts or deconstructs that instantaneity, it nevertheless has to come to terms with its own effects of speed.

The law of photography is the law of technological mediation, the instantaneous click of the shutter that occults its very effect of mediation, and allows it to pose as the *immediate* relay of the real. It would seem thereby to be also the law of decision, the law as decision, the incontrovertibility of the shot, the *prise*, the fact of something being “taken,” like a decision, the fact and evidence of an occurrence and the irreversibility of a *flagrante delicto*. However, photography’s technological instant, its click of the shutter, operates in association with a series of transformations that, although complementing its law, also transform and subvert it. The instant of that click is inseparable, in the first place, from the time of the pose, and even where no explicit posing appears to take place—say in the case of an unforeseen event or “scoop”—the decision regarding what to take constitutes nevertheless a complicated “time” of preparation,
a type of availability or *disponibility* that works according to a speed and rhythm quite different from that of the instant of exposure. In the second place, the instant of the shutter is inseparable from the series of oppositional light and dark developments that follow it: exposure and developing of the negative film, exposure and developing of the positive print. Without such supplementary moments, there is no photograph, the magical instant of the shutter’s opening and closing attains no phenomenological status as photography, the moment of the “image” remains an unrevealed moment within the flux of the real world.

Media technology, represented here by photography, compresses and concentrates the instant to give it the appearance of an instant, to occlude its temporality and duration, to give it the force of a law conceived of as the moment and revelation of pure light (Gk. *phainesthai*). That is the law of photography as law of the law. Yet the contextualization, and hence deconstruction, of the technological instant just referred to is not limited to those questions of posing and developing. The very opening and closing of the shutter comes similarly to be divided within itself. Can that instant be constituted by the fact of revelation that is exposure to light without also taking into account the prior and subsequent imposition of darkness, the prohibition of light upon which it just as rigorously relies? In other words, can it be constituted by the instant of the shutter’s opening anymore than by the instant before it opens and the instant in which it closes again? There is, it would seem, no technological instant without that sort of binary doubling, hence no pure instant as such. From this point of view, the instant of the law is divided precisely by the infraction of the law; its shedding of light also turns up its dark side; it is broken even as it is imposed. The law also breaks itself by coming thus to be technologized, no longer simple, immediate, and automatic exposure to the light and truth, but mechanization and contrivance, automatism without natural force. It is that technologization of the instant of the law, its doubling and its infraction, that elsewhere I have called “spectral speed,”24 and here would be tempted to name “real speed,” in contrast with the so-called real time of technological media; an

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inconceivable dimensionality of speed, something like its black hole, that will divide and double the speed of technology, however fast it gets, doubling it with something like a pure technology that is, however, unrealized by technology itself, a pure contrivance beyond technological possibility to the extent that it seems no longer to obey the logic of artifice, is no longer produced or performed.  

The vector for a speed doubled by and against itself would be the diagonal, and what is being called here obliquity would read as that very deconstruction of the law of the instant, the obliquity of a subversion of the law by means of such a doubling inversion; less, therefore, a breaking of the law conceived of as a frontal attack on it than an exposing of the fact that it is always already turned against itself, the “diagonal” turning that is the exposure of the back side.  

This law of the law would draw the law of its diagonal. We have, after all, for a long time seen the law figured precisely as the diagonal, the prohibition that is the erasure of any number of things by means of a solid red diagonal line: no entry, no parking, no spitting, no radios, no photography. [See Figs. 3 & 4] In the light of that we should also imagine how to figure the law against sodomy, imagine a sign for “no sodomy” within such terms, and we should thereby realize that the law against sodomy would at the same time sanction it to the extent that it was required to acknowledge and represent it. For the diagonal is not simply the contravention of the law without also being its invention. The line of the law is the line of decision and counter-decision, the “diagonal” inversion that constitutes the law by dividing the purity of the instant, as if inserting the vector along which decision can take place while at the same time dividing that decision within itself. Inasmuch as the law can either require or prohibit it is already structured by such a line, it is simultaneously


26. [For more on the (queer) ramifications of this “turning that is an exposure of the back side”—which Wills has called a “dorsal turn”—see David Wills, Dorsality: Thinking Back through Technology and Politics (Minneapolis: University of Minnesota Press, 2008). —Ed.]
Fig. 3: Generic diagonal sign.

Please do not take photographs in these exhibitions

Fig. 4: Museum signage.
invention and contravention. The diagonal would therefore be the invention of contravention, a mad law that decreed that what was prohibited must also be performed, not just in the sense of reinforcing a taboo, but by means of the technological division of its instant whereby its imposition was also its violation; a pose that is also a fall, as occurs with two different generations of characters in Plissart’s photographs.

From this point of view, the diagonal describes the figure of an undecidability that does not precede decision so much as structurally divide it, as Derrida argues in “Force of Law: The ‘Mystical Foundation of Authority.’” Obliquity would be the urgency of a différence that perdures “beyond” any singular decision. But it also refers to the instantaneity—as if an automatic simultaneity—that produces the structural commonality of various interventions with respect to the law including forms of contravention of it. Those interventions appear to pose a question of genre by, as it were, spontaneously generating in the instant of the law of photography, in the instant of the law of technology, introducing an instability that is precisely “a difference that trembles and not . . . an oppositional duality” (RI 10). Right of Inspection seems ready, by its recourse to obliquity, to follow the diagonal inclination or instability of such interventions through the moment or epoch of photography, profiting from the instantaneity to imply a turning of the law against itself and a turning of one’s back on it. In Specters of Marx, on the other hand, it is feared that mediatic instantaneity has reduced or excluded the possibility of any such oblique maneuvering, prescribing the pose in such absolute terms—sit there and say what you have to say fast!—that there can be no resistance to it within it, only against it; no invention but only contravention of it. What I am arguing here is that the possibility of contravention can only develop out of the instant of the law, and necessarily develops out of the instant of the law by dividing it against itself in the moment of its constitution, such that wherever there is contravention there are also forms of invention, versions and inversions of such contraventions and such

inventions; one is always already in the speed and in the necessity of them, always already turning toward the force of the oblique. This does not deliver us from the difficulty of inscribing the diagonal lines of resistance within the instant of mediatic immediacy—to point out that contradiction, as Derrida does in *Echographies*, would be one such line\(^\text{28}\)—but argues for a continuing engagement with each successive, and future, moment of the technological instant, from photography to the digital and beyond. Derrida’s uneasiness about obliquity seems then to be a reluctance to recognize its paradox: that the force of its speed precipitates it toward the very head-on that it seeks to avoid, the head-on that will also imply, at some point, opposition to the law, contravention of it. My insistence is that what the law of photography, as the law of the technological instant, reveals, is an obliquity the effect of whose speed is to divide the law at the same time as it imposes it, to be therefore the very line and vector of reading.

In *Right of Inspection*, for example, attention to a visual text such as photography promotes a type of reading and writing that uses speed as a rhetorical operation, to give sudden, oblique changes in the levels of discourse, in the functioning of lexical elements, in distortions of syntax. But it also suggests how those strategies might be further radicalized in terms of moving pictures, or the rhetoric of the video clip. One begins to imagine a discourse informed by angle shots, double shots, shifts of focus, close-ups:

A process of fragmentation [*Faire pièce*], that is what is going on here. Never any panorama, simply parts of bodies, torn-up or framed pieces, abyssal synecdoches, floating microscopic details, X rays sometimes focused, sometimes out of focus, hence blurred. The zooms, the dolly shots . . . never deliver the whole, it is never before her eyes in its entirety. The whole withdraws, and in withdrawing, or re-drawing, leaves only traces in the form of fragments. (RI 24)

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28. In *Echographies*, Derrida asks: “How to proceed without denying ourselves these new resources of live television [*le direct*] (the video camera, etc.) while continuing to be critical of their mystifications? And above all, while continuing to remind people and to *demonstrate* that the ‘live’ and ‘real time’ are never pure, that they do not give us intuition or transparency, a perception stripped of interpretation or technical intervention” (E 5).
To exploit the possibilities of a writing informed by its technological heritage would again be the challenge for a deconstruction rooted in the tradition of textual exegesis. The supreme court of *Right of Inspection* must therefore finally be with obliquity as developed above, including its effect of contravention. In order to go fast, Derrida at times resorts to dogmatic resistance in the form of an opposition—”I’ll be the first to admit that only the words interest me” (RI 3), “in the final analysis what we are saying bears no relation whatsoever to the stills that hold us under their law” (RI 7); or, as we have seen, advocates going slowly and fast at the same time—“bring enormous attention to bear on each detail, enlarge it out of all proportion, slowly penetrate the abyss of these metonymies—and still manage to skim through diagonally [lire en diagonale]. Accelerate, speed up the tempo, as if there were no more time” (RI 22). Such forms of reading divide along the line of what I have called a diagonal inversion—“there is nothing but inversion in this work” (RI 8)—shifting between two seemingly opposite possibilities, male/female, black/white, negative/positive, and so on, to exploit a series of turnings in and out of the strictures of the law:

Here everything demanding inversion, that of the sexes, that of the order of the series or temporalities, calls for a certain reversibility, the time to leaf back through, to move the sequences about like checkers, to calculate other possible moves within the space of the labyrinth and the simultaneity of the board, to traverse or cross through the narrative sequences in several directions, always according to the rules, skimming obliquely. (RI 11)

Always, I would add, according to the rule of the diagonal. Once inversion calls for reversibility, as it does here, we are at the outer limit of such a law, at the outer limit of obliquity, like when “plato” dictates to Socrates, when the coin flips, or the piece jumps squares, extending the impulse of decision beyond the confines of the board, into the space of invention.

For my purposes, to have done, shifting modes, reversing a prior position, coming out if you like, inversion in French is another word for homosexuality, that of all of us. I promised not to write about it. To do so would be not to read the text at hand, to follow
too quickly an oblique bent, to concentrate too much on the images, even if one did want to compensate for the lack of attention one of the interlocutors insists on giving them. It might mean reading too quickly, profiting from the articulations of writing inscribed with its photographic or technological other to digress through a series of rapid transfers, like checkers; imagining pieces of like color, genre or gender making for that privileged place at the end of the board where they get to double up, lie on top of each other and call themselves kings or *dames*, men or queens, the languages becoming as undecidable as the genders, and the specialist vocabulary of jumping and eating entering the play too explicit for an academic paper to handle. Or it might mean reading too slowly, failing to move past the referential abyss opened by the first line: “You will never know . . . all the stories I kept telling myself as I looked at these images” (RI 1).

Or failing to move past the title, photographing it, making it a pretext for a pose and an oblique line of flight, with its questions concerning rights and laws, of looking and hence of reading, laws that position bodies and readings in well-defined and decidably fixed relations. The right to look given by photography operates in conjunction with an apparatus that prescribes and proscribes looking: “A text of images gives you . . . a right to look, the simple right to look or to appropriate with the gaze, but it denies you that right at the same time: by means of its very apparatus it retains that authority, keeping for itself the right of inspection over whatever discourses you might like to put forth or whatever yarns you might like to spin about it” (RI 2). It is because of that that the reader of *Right of Inspection*, this one and that one, the straight or the diagonal one, is required to resort to oblique strategies. But how oblique can one be in the face of an interdiction? Whether it be addressed at the word, a text such as this one or that one, a *Catcher in the Rye* or an *Alice in Wonderland* denied its place in a library or a syllabus in some benighted reach of this country where the school board is as conservative as the Supreme Court, whether it be a book of Mapplethorpe photographs or any number of the texts we are committed not just to reading but to teaching and disseminating, how does one then teach to read slowly or quickly against such interdictions? Or whether it be addressed at the text of the body, look or love this way but not that way, what can one do about
sodomy when, to quote from the canon, the law is an ass? Whether we be readers or sodomists, and as readers we are positioned by the law in the pose of the sodomist, that of disrespect and disregard, we are faced with the outside dilemma of obliquity, there where it becomes inversion, direct opposition. It is time, finally, to dissent both quickly and slowly, to move by a series of rapid, oblique, or perverse moves to a vantage point and a different perspective, exploiting the moment of blindness after the flash of light by which those for whom light is truth have documented and fixed theirs as the single attitude, the single pose and the single position, time to do it under their very eyes.

This is our supreme court, the ultimate challenge, to walk into the library and find ourselves in the bedroom, subject to close surveillance and decided interdictions, to find ourselves conditioned in our responses, to experience the dissolution of the walls between text and world, to realize and respond to the fact that our reading is as sanctionable as our fucking and the force of the laws of reading which it is our business to invent and contravene are found to have been structurally subsumed by the force of the law, period. Conversely, we find ourselves in photography as a result of the particular forms of surveillance it institutes, within its “history of the rights of inspection and of the modern laws that regulate this new technology: professional secrecy or the way that it is exploited by the police . . . confusion between the public and the private” (RI 8)—and we position ourselves in these photographs, assume the nakedness and vulnerability of those bodies, and refuse thus the aberrations of certain American state legislatures, for when questions of genres of reading have been overridden by a proscription on reading, implicit here explicit there, then it is time more than ever to multiply the strategies and divide our writing in the manner of the Supreme Court, appropriate their prerogative to generate dissenting opinions as they appropriate our rights, time to look, love, and read like kings or dames of undecidable gender, backward or forward, engendering versions or inversions of obliquity, moving fast between the squares of black and white, the allowed and the forbidden, borrowing the force of the instant to slide along its bias and swing both ways, unseat the legal rectitude, take the law itself toward the limits of its strictures, further and further, until out.
St. Michael Fighting the Devil (Theodor Mintrop, 1858).
To be is to be queer.

—Jacques Derrida, “Justices”
Derrida and Queer Theory
Hite, Christian

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