

'There Must be Decision': Climate Change Justice

Inhuman Nature: Sociable Life on a Dynamic Planet

By Nigel Clark

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The Law is a White Dog: How Legal Rituals Make and Unmake Persons

By Colin Dayan

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Review essay by Nick Mansfield

Later, climate change will also bring with it problems to do with political time and historical time in particular, and in a political culture that has now spent several centuries defining its aims in historical and narrative terms, this will be a revolution, a painstakingly slow one, but a revolution none the less. Given the importance of the concept of justice—whether defined in terms of constitutional legitimacy, institutional legality or social equality—in orienting the way that political aims are defined, the question becomes how will justice be defined and explained in a world where the conditions of physical, social, economic, national and global life are being radically re-configured into something altogether different?

This is one of the questions Nigel Clark explores in his book *Inhuman Nature: Sociable Life on a Dynamic Planet* specifically in a chapter entitled 'Justice and Abrupt Climate Change'. Clark's general argument is to challenge recent deconstructions of the human/nature dichotomy which do not show sufficient awareness of the 'radical asymmetry' of the relationship between the human and nature (see chapter 2). It is too simple to see the material future we now face as one in which various integrated or hybridised natural/human complexes will recondition everything. The future will not simply be post-human in the sense that everything will have been radically mediated by human definition, representation, exploitation or pollution. Our physical context will always remain in massive excess of our actions in ways that we have only been dimly aware of for half a century. Clark writes:

Without an earth and its envelope of life, without a galaxy, a solar system and the ceaseless energy of the sun, human existence would be

nothing. Without our species, the earth would still pulse with life and the sun would pump out light and heat, heedless and unperturbed. This is the bottom line of human being: we are utterly dependent on an earth and cosmos that is, to a large degree, indifferent to us. (50)

Clark is therefore interested in thinkers who embrace this radical asymmetry, Georges Bataille being the obvious example. To Bataille, 'we are inescapably exposed to the most violent, perturbing forces of the cosmos' (22). Bataille's thought has, in turn, become a 'staple' (22) of post-structuralist thinking, which embraces the idea that the 'systems we compose for ourselves can neither be closed at their beginning nor at their end—and are thus destined to be perpetually energized and animated by their outside' (22). In turn, detecting the logic of asymmetry in post-structuralist thought leads to an ethical construction of asymmetry in the form of Derrida's thinking of the gift that is so unconditional we can never know it ontologically.

How does this work out in relation to the issue of justice and climate change? Clark argues that the re-configuration of human thinking about justice that will be forced on us by climate change will require unprecedented adaptation. He writes that the 'mapping of vulnerability to global heating onto existing contours of socio-economic inequality presents arguably the greatest challenge for social justice humankind has ever faced' (109). There is no 'binding decision-making mechanism' (108) to determine how the rampant behaviour of one section of the human population has had impacts on the lives of another. We cannot simply apply familiar and conventional ways of thinking to the injustices that will arise in a climate change world. This issue is complicated by the fact that we cannot just rely on simple models of cause and effect to track the sequence from exploitative behaviour to unlivable consequence. Science is only now beginning to grapple with the asymmetry of cause and effect dynamics in climactic systems:

Once we concede that there are effects way out of proportion to any cause, and that such wildly disproportionate determinations are inherent to the way climate operates with or without any human input, the very ground on which an equitable accounting might take place begins to buckle and slide. Dynamical processes come into visibility that potentially exceed the reach of social negotiation and contestability: that resist any possibility of being done differently or even being known with confidence. (109–10)

This asymmetry presents challenges to the current attempt to define a carbon-aware global economy around stable 'generalizable units of value' (113), specifically carbon itself (114). Instead we are confronting 'a material reality in which tomorrow's emission of a tonne of carbon dioxide might have consequences

utterly different from yesterday's tonne: a world which most emphatically does not play by the rules of universal equivalence' (115). This will be a world where our climato-political future will develop not in terms of the patient unfolding of a series of measured events, but suddenly and abruptly in terms of violent unpredictable interruptions and unanticipated tipping points.

This economic and political asymmetry, like the cosmic one mentioned above, also leads Clark to Bataille. Clark now extends Bataille's discussion of the multiply compounding non-self-identity of bound and boundless cosmic energies (see Bataille) to far less literal models of the asymmetrical. This is where the Derridean gift comes into the argument:

What arrives by way of asymmetrical causation comes as a gift, or a bequeathal or an inheritance rather than an exchange, with all the perilous promise that attends those offerings whose origin and final destination are beyond our grasp. (52)

This passage is laden with terms – gift, inheritance, promise – that each has a loaded meaning in Derrida's detailed treatment of this subject in *Given Time 1: Counterfeit Money*. In this work, Derrida distinguishes between, on the one hand, an economy of exchange, built on the reciprocal and logical transfer of one thing for another in a daylight world of symmetrical evaluation, and, on the other, the gift, the outgoing of a generosity so primitive and transcendent of value, that it is not only unacknowledged, but even unknown to those potentially situated by it. The gift is a much discussed concept in the secondary literature on Derrida and beyond, but its logic has to be seen as definitively and constitutively extraordinary, despite its over-assimilation to simple ethical and even political prejudices. In short, it is a volatile and enduringly, even insistently, difficult concept.

This thinking of the gift is then read back into Bataille's idea of an irreducible and entropic excess as unfolding in and through all movements of energy. Clark starts to read this excess morally as the advocacy, or at least the celebration of a generosity neglected in the Western tradition. He characterises Bataille's thought as an encouragement of 'a magnanimous, non-utilitarian unloading of wealth ... [which] has so few precedents in modern Western thought' (131). He goes on:

True gifts, [Bataille] insists, arrive from beyond the closed circuit of exchange and calculation, and do not expect a return. ... Such gestures are a continuity of the exorbitant energy of the sun, a perpetuation of the monstrous outpouring of solar energy – on a more intimate scale. ... Paroxysms of generosity go with the flow of the world's tumultuousness, by operating on the same immoderate but discontinuous terrain. They

prevent the dangerous amassing of energy or productive potential, not deliberately, but as the fortuitous side-effects of acts worth doing purely for their own sake. In this way—incidentally, secretly, joyfully—the gift subverts the logic of enclosure and accumulation. (131)

Clark detects that behind much green thinking, there is a 'will to generosity and discharge' (133) that rhymes with Bataille's thought. This asymmetrical logic of giving could function as a model for relinquishing the economic self-seeking that remains an obstacle to resolute consensual action on climate change. Kiribati, one of the world's nations most vulnerable to the effects of climate change, has already provided an example of such generosity in its offer to allocate a huge proportion of its territorial waters to a marine park (135). Clark argues that it is this kind of gesture that could become an example to the wealthy who are most responsible for climate change, encouraging them to relinquish their self-interest in a context in which self-interest now seems to involve almost inconceivable levels of risk.

In another shift to Derrida, Clark connects this thinker of the excess of the gift to justice, which in Derrida, is also understood as irreducibly excessive. Before turning to the Derridean concept of justice, however, it is worth making a couple of points about Bataille, and the consequences of Bataille's thought for Derrida. Clark acknowledges that Bataille has been critiqued for the way in which his thought 'could slip into an apologetic for selfishness and violence' (134), but this is not Clark's current concern. He returns immediately to considering Bataille's 'concern with redistributing global wealth' (134). Bataille's violence, however, should not be underestimated, not because it can be detected as the insistent yet concealed unconscious of his thought, some consequence he was too careless to realise, and too pre-occupied to rationalise. In fact, Bataille was consciously and determinedly a thinker of violence, and there was a place for it everywhere in his philosophy. Bataille's thought is a thought of the perpetual undoing of systems, of how every institution – in the broadest sense of the word as any constituted thing – however petty, arises only in the context of its potential to be violated. It violates itself even in and as its own self-forming. It is always oriented to a great undoing that is irreversible and irremediable. Every identity and value in Bataille forms only in its own un-forming. The moral critique of Bataille interprets this thinking of universal self-violation as a kind of advocacy or celebration on Bataille's part, but this is a mis-reading. Bataille cannot advocate violence because that would require his committing to the pretence that some stable valuation can be resolutely and enduringly formulated. If all values form only in their un-forming, the violence is not something to recommend. It is simply inevitable. In short, the trans-valuation of all values cannot become a value without betraying itself.

This principle applies to the logic of the gift, a term so easily misunderstood because of the very word's benign connotations. The giving Bataille celebrates is a perpetual violation of all identities, part of the drive to dissipation, extinction, evacuation and chaos detectable in the movement of all energies. It cannot be used for better or for worse, and above all, cannot be programmatic: it cannot be directed towards a preferred result. Its consequences are unpredictable and random. It certainly cannot be assimilated to an act of a person, either individual or corporate.

This is made emphatic in Derrida. The gift is not simply something to prefer to exchange. The gift is what makes exchange possible by opening the possibility of all movement. The movement of the gift is unstoppable, but can only instantiate itself in events that Derrida identifies as 'economic'. The economic realises and enacts the gift by materialising it in the form of an exchange between subjects: the translation of things between persons. Yet, without the opening of the possibility of movement that is the gift, no economic exchange would be possible. Similarly, the unstoppable energy of the gift remains latent in every economic event, instilling it with a kind of irreducible potential for entropy. In other words, the logic of the gift involves the immanence in the economic act of a momentum that will always have the potential to bring any stable, structured economic relationship undone in its movement towards yet another economic event, and so on indefinitely. I have written elsewhere of how Bataillean this logic is in Derrida (see Mansfield) recalling as it does the complex inter-relationship, the imbrication of what Bataille calls the restricted in the general economies, a paradigm of insistent non-self-identity. But this relationship is far less literal in Derrida, less about literal material economies than it is about the possibilities of human events in general, simultaneously enclosed in pragmatic instances and open to disestablishment and inevitable un-rule. The gift is not a style of act, therefore, as much as the possibility of acts in general that is both necessary to the incipience of events and the thing that threatens their durable institution. It both allows events and violates them, giving rise to but always promising to bring undone anything we put in place. The gift in the Derridean sense should not be mistaken for or simply conflated with what we understand in our daily lives as giving: the benign offering to others of what we have, and that we think they might like. Such a giving is a style of economic act, requiring the Derridean gift, as what we recognise in retrospect as always having come before. The Derridean gift does not exist. In *Given Time*, almost every reference to the gift is followed by the phrase 'if there is any' (see, for example, Derrida, *Given Time* 7) or something similar. The gift lacks ontology, and although it allows subjectivity, it always precedes it, inciting it but not yet taking place as an episode of benign exchange of a knowable thing between already existing subjects.

Why dwell on the nuances of Derridean theory in this context, when it is clear what Clark means? Two reasons: firstly, because Clark translates this discussion of Bataille's generosity into one of the Derridean gift in order to evoke the Derridean conception of justice, where the same theoretical problem arises, which has consequences for his discussion of climate change justice. And, secondly, because it is not enough to think in terms of generosity as an inspiring principle of generalised largesse. The gift is nothing in and of itself. In the same way that Heideggerian Being is nothing, even as it gives rise to all beings, which are the only way in which Being can be realised and known, the Derridean gift only emerges in the economic events which it gives rise to and threatens to undo. In other words, the hyperbolic generosity that Clark appeals to is nothing. It can only be enacted in the economic events generosity in Clark is assumed to spurn. Basically, we still need a plan. The fact that Clark does not develop his generosity beyond the largely gestural shows it doesn't achieve much in and as itself.

Yet, surely, even if generosity may not provide an exact program, isn't it a valuable way to orient ourselves? This returns us to the reference in Clark to Derrida's discussion of justice (133–34). In Derrida, justice is what gives rise to systems of law or right (Derrida's word is *droit*, which has both meanings). Systems of law always come into place in reference to something larger than them, which they try to fulfil, the thing that orients and motivates them: justice. Justice is in the same relationship with *droit* that the gift is to the economic: it allows it to arise, is what *droit* always refers to in each and every one of its events, and it is what inevitably undoes *droit* by making it recognise its inadequacies, the fact that it is never just enough, that it always needs renewing, moderation, interpretation, *reform*. It is the principle of the doing and undoing of *droit*. This means that justice both institutes and violates *droit*. It allows it and brings it undone in its ever onward march to improvement, to a greater, newer, more equitable, free, open and beneficent polis. In its violation of *droit*, however, it is never less than violent, and the canonical treatment of the theme of justice in Derrida, the essay 'Force of Law: the Mystical Foundations of Authority' ends by being largely a discussion of violence, through a reading of Walter Benjamin's famously confronting essay 'Critique of Violence'. Clark acknowledges this: '[A] notion of the just', he writes, 'which embodies a "responsibility without limits" ... Derrida concedes, is also dangerous' (134). This excessive justice risks allowing styles of injustice and irresponsibility. Clark interprets this in an odd way, one that involves a reflection back on his own argument. According to Clark, the kind of injustice Derrida 'concedes' as a risk is one where the commitment to asymmetrical styles of thinking would connect with the insight into the asymmetrical relationship between the human and nature, and thus diminish human responsibility for environmental destruction by insisting that human impact will always be infinitesimally small on a cosmic scale. There is the risk

of a kind of intellectualism here, where the asymmetrical model of physical reality and asymmetrical philosophies of what could be called, in general terms, the relationship between the unconditional and ipseity (see Derrida, *Rogues*) are identified with one another and seen to combine to risk the same mistakes. As I argued above, the mediating complex here is the Bataillean logic of cosmic economies of energy, which Bataille at least reads both literally and philosophically. Yet, it is a mistake to conflate the style of excess Derrida sees in and as justice with the material vastness of the cosmos, and even with the planet's literal material excess over the human. *Pace* Bataille, it is an extraordinary leap of faith to assume there is such a theory of everything.

The re-appropriation of justice in Derrida is not the result of cynical manipulation. The re-appropriability of justice is implicit in its violence. Justice kills even as it frees. The gift ruins, even as it makes. It destroys even the logic of generosity that would seem to be its primary denomination. We cannot live in a world of the gift, nor one of justice, even as these institute our possibilities of acting inter-subjectively and in some relationship to right. We must then have a program. The program will assume the gift and justice, but will be threatened by them as well, even as it attempts to instantiate them. This is why in the end, Derridean political theory must be a kind of decisionism, and why Derrida has written so extensively on that high-priest of decisionism, Carl Schmitt. What opens behind the gift and justice is the pre-world (for want of a better term to describe that which pre-exists terms altogether) beyond knowability and calculability that is the unconditionality and indeterminability from which all ipseities – from things to identities – arise and to which they refer. Yet, this pre-world is not livable. Things do not happen there, because it does not exist. Its existence only ever takes the form of the pressure towards re-making in the made. Things that happen, therefore, arise in relation to that which is indeterminate, incalculable and unknowable. Every institution must take place in relation to what undoes it, and there is nothing other than these institutions without absolute ground, which are always destined to be undone. Any knowledge must take place in the context of the unknowable. Any calculation must take place in relation to the incalculable. Human acts involve then the postulation of a program in relation to that which undoes all programs. Some person, at some point, must make a decision in the midst of this unknowability, and take responsibility for it. 'There must be decision', Derrida writes (*Negotiations* 31). What distinguishes Derridean from Schmittian decisionism is Derrida's insistent deconstruction of sovereignty, in terms of both the insistence on the fragility and questionability of the decision, and the concomitant refusal to identify the person who decides with an authoritarian individual, or, in fact, an individual at all.

The consequences of Derridean thought therefore are that, yes, whatever program we implement must take place in relation to the open deconstructive

impetus of justice and the gift, but cannot simply be justice or the gift. It must involve the institution of acts by way of a deconstructive decision for which some (probably collective) person must take responsibility. This taking responsibility is a kind of sovereignty, but not the unquestionable and arbitrary authority of Schmitt, vested in a supreme individual, who interrupts the rational texture of civil society by a kind of mystical and charismatic ultimacy. It is an unstable authority instituted in the events that both enact and open the question of its legitimacy. It is a collective authority but one always open to being questioned. That sounds like government. And democracy. Derrida's theory of government then is one of decisions to be made in the context of indeterminability. Derridean decisionism is a model of government as a distinctive act, built on open-ended responsibility. It is a call to recover the distinctive and active responsibility of government itself.

So we must have a program oriented by justice and the gift, but what will our program be? How will we determine what is right? How will we decide how justice will be manifest? I now want to turn to Colin Dayan's *The Law is a White Dog: How Legal Rituals Make and Unmake Persons*, because it offers a topical and contemporary way into some of these issues. *The Law is a White Dog* is a book about the ways in which the law constructs and then enforces certain categories of legal and civic exclusion. Key amongst these are forms of racial vilification, in Dayan's arguments, always and only understood, or at least filtered through the specific US experience of race. It is a peculiarly US-centric book, without ever really arguing why it should be. This is the first of a series of theoretical blind-spots which affect the book's argument, and which I will refer to in passing. This is a particularly important thing to note, because Dayan depends on a linear model of historical time, an idiosyncratic one, for sure, but a linear model nonetheless, an understanding of time most identified and most the result of the ambition to deal with time in terms of the imagined, directed history of national groups. Dayan connects with this kind of national historical time because her interest is in systems of law, normally defined in relation to national jurisdictions, but also because her politics is one of social exclusion, which can only be defined in relation to a relatively strictly defined polis of one kind or another, in this case, the United States. At a crucial point in her argument, where she attempts to use metaphor as a way of bringing together various strands of law, she writes: 'no country kills more dogs or imprisons more people than the United States' (218). A problem with this statement is the obscure nature of its undisclosed model of social connectivity. It diagnoses a collective social phenomenon, linking two separate practices. Their inter-relationship must depend on some invisible connecting medium that must link practices in dog-management with policing. This medium is usually called

culture, a term used to help us think through the means of infection that causes an impulse at one point in the field of social behavior to re-emerge at another. Yet, the shape of this field (its limits, forms and varying zones of intensity) and its means of transmission (its motivating energies and song-lines) are unknown and perhaps unknowable, and this needs somehow to be addressed, even in the most usual way it is proposed (as national, whatever that might mean). The slippage between correlation and identity is a repeated problem in Dayan's book, which relies heavily on metaphor and analogy as a short-cut to truth. This is a kind of argumentative enthusiasm that is half-self-conscious. In a late discussion of the parallels between dog law and segregation (243–6), she almost seems to apologise for it. However self-conscious it may seem, however, Dayan's reliance on metaphor never develops a fully-fledged account of metaphor nor does it refer to thinkers who've exhaustively investigated metaphor as a problem (Derrida, again). However, for my own purposes here, my interest is not in metaphor, but with time, and I dwell on the issue of the nation and its concomitant understanding of time because it is the issue of the neat out-flowing of historical time as conceived in this way that will, I hope, advance my argument about what kinds of justice and right we are now in the business of contriving in our early political responses to climate change.

But first, what is Dayan's core argument? At the centre of *The Law is a White Dog* is the argument that contemporary legal practices are continuous with earlier religious or spiritual assumptions or prejudices that still govern the way legal decisions are made. Dayan writes: 'I try to show how the ghosts of Enlightenment past become the demons of modernity. I also suggest how what we call *supernatural* or think of as ghostly is really quite natural, corporeal, easily cast as *reasonable*' (xiii). To Dayan, the assumptions about animality, responsibility, identity and property that still determine legal outcomes are the unrevised legacy of older, still un-interrogated beliefs. Here, a slippage between different categories of being allows various types of outsiders to be understood in terms of one another:

what is the design of the juridical no-man's-land that has been created when law loosens the link between human beings, animals, devils, other noxious creatures, or infernal vexations? I have cast this traffic and transplantation of persons across vast social, temporal, and spatial distances in the drama of rituals that are both penal and religious. The stuff of spiritual life becomes the raw material of legal authority. (25)

Two crucial things: firstly to confirm the point about Dayan's history, but secondly her construction of injustice. Firstly, the argument is avowedly un-historical. Contemporary practices simply continue what has gone before across disparate historical periods: 'I examine the poor treatment, the entombing of the living, not as historical contingency, but as something culturally inevitable

in that the past haunts us' (xvi). The nuances and specificities of the historical moment in its coarse and obscure over-determination are occluded for the sake of an insistence on certain modes of connection and continuity. This is another example of an insistence on connectedness despite the lack of a model of how this might come about or of the processes by which we identify and then substantiate the correlations between two different things. The history here is deeply un-historical, therefore: the assertion of the truth of the argument is more important than its substantiation. Relying as it does on homology and pronounced connectedness, its logic remains fundamentally literary. This literariness is exemplified in the reliance on the trope of the ghost as a way of representing the process of continuity. The religious past haunts the legal present, yet there is no extended discussion of what haunting might mean. There is, in short, no theory of haunting. To have a theory of haunting might seem a ridiculous requirement but what a theory of haunting might be, I will return to in (yet!) another excursus through Derrida.

The second issue is Dayan's understanding of justice. Dayan seems to approach justice only indirectly, by way of assumed, and highly romanticised classes of injustice. Injustice (not her word) is understood fundamentally as exclusion. Dayan is interested in categories of the 'oppressed and outlawed' (xiii) or 'the unloved, unwanted and abandoned' (35). She writes:

Human materials are remade and persons are undone in the sanctity of the courtroom. Whether slaves, dead bodies, criminals, ghost detainees, or any one of the many spectral entities held in limbo in the no-man's-lands sustained by state power, they all remain subject to the undue influences and occult revelations of law's rituals. (12)

Slaves, criminals and the prisoners of Abu Ghraib are all examples of excluded social categories that have been subjected to the same legal oppressions, an oppression that animals, specifically dogs have also suffered. Law operates on the living by way of 'exclusionary practices' (41). I have no objection to an argument that draws attention to the injustices suffered by the people listed. On the contrary, the more emphatic and thorough the indictment of such practices the better. The first step might be to connect the thinking about social exclusion that's going on here with the lively discussions of the paradoxes and aporias of social exclusion that developed in the last decade around the work of Agamben (in Dayan's bibliography but not discussed). When Dayan writes: 'In rereading the claims of civil death into the history of slavery and incarceration, we recognize the continuum between being judged a felon, being declared dead in law, and being made a slave', (46) or 'colonial legal history reveals how the construction of race (and its partner, racial stigmatization) served as the ideological fulcrum that allowed a penal society to produce a class of citizens who are dead in law: stripped of community, bereft of humanity' (49), we are

close to Agamben's *homo sacer*, the social actor included by way of its exclusion. The argument around Agamben's thinking here is long and complex, but suffice it to say it goes way beyond what Dayan offers. I'm not saying this from a dogmatic loyalty to Agamben's argument, far from it, or from the insistence that a book written in terms of one paradigm would have been better if only it had been written in terms of another. Agamben has developed the Arendtian dimension of Dayan's thinking well beyond where Dayan chooses to go, and her case needed to think that trajectory through. Even better than a thorough thinking of what exclusion might mean would be an argument that located such practices not in a national/cultural context but in relation to the dynamics of global economic and political power. It is these complex and obscure dynamics that scholarly thinking invested in the nation can neither explain nor withstand. A logic of exclusion is not an account of injustice. It is not sufficient. Exclusion is at best symptomatic. Injustice, in short, has to be situated to be understood.

Tom Cohen argues forcefully for a recognition that a climate change future can only be dealt with through a thinking of non-linear time, and Clark's arguments about asymmetrical causation and the asymmetry of the nature/human relationship propose the same thing. The simple national chronological time in Dayan's account of an exclusionary injustice does not help us here then. I want to propose, however, that it is in thinking through another account of one of the most important tropes in Dayan's argument that we can go some of the way towards understanding where our thinking about justice in a climate change context is now heading. This trope is the ghost, and the account I mean is the one in Derrida's discussion of Marx in the book *Spectres of Marx*.

Climate change proposes to us a set of problems to do with the living conditions of human societies. The term itself misleads us in its singularity, for climate change will not be experienced as an event or a crisis, even though it may precipitate crises. It will unfold over a long, perhaps indefinite, period of time in a set of complex political events which will compound one with another to produce complexes made up of institutional adaptations, cultural manifestations and political eruptions. These events will re-activate older political formations, the economic stratifications, international tensions and racial imaginings that still represent our maximum points of vulnerability to violent fracture. Climate change, in other words, will produce long-term, multiple and complex events which will be experienced politically. This politics will lead to episodes of sudden change and the development of surprising connections, between peoples, ideas and identities. Those who are now vulnerable will become more so, and many who are now secure will discover how small the margin for error in their particular context might actually be. The reason why the climate change future must be thought of in relation to non-linear time is partly because, as

Clark explains, climactic developments must be understood in terms of sudden eruptions, tipping points and an always possible shocking disproportion between cause and effect. The past will reach into the future in surprising and disjunctive ways, that will not be disconnected from the political structures and inequities we have produced, but will re-animate and re-configure them unpredictably. In this fraught political environment, even the kind of large-scale unilateral acts of generosity Clark recommends will simply be nice gestures, but not real political action. Such gestures interrupt politics in potentially emphatic ways, but they do not allow for the ongoing adaptation of human collective action to circumstances that will be required, that is, in fact, always required. A simple model of linear time with its disavowed inheritances, as we have seen in Dayan, represents a very conventional modelling of history according to a national social logic, but it is broadly unadaptable to a political logic in which national continuities are the idiosyncracies of an artificially circumscribed polis, whose boundaries cannot be neatly or simply drawn.

We need therefore to be able to understand political time in relation to sudden disruptions, that are surprising re-configurations of past structures and events. In Dayan, the ghost functions as a trope for the irrational nature of the prejudices that persist in supposedly modern legal practices. They represent a continuity in legal culture that belies its claims to being the rational administration of defensible and transparent principles. I have mentioned above how one of the problems with Dayan's book is that it advances on certain terms while seemingly oblivious to the extensive discussions that have proliferated around these terms: the extensive and even self-conscious use of metaphor without investigating the problematisation of metaphor in Derrida; the reliance on models of social exclusion, without considering the way the aporias of social inclusion and exclusion as they have been considered by Agamben; an elaborate investigation of subjectification in prisons without a detailed analysis of Foucault (again in the bibliography, but not discussed). A further example of this is the detailed use of the trope of haunting as a way of imagining historical time without looking at the obvious example of where this issue has been most thoroughly analysed, in relation to the most considered and influential Western models of historico-political time in Derrida's reading of Marx in *Spectres of Marx*.

In *Spectres*, Derrida uses the trope of the ghost to critique the very idea of the linear unfolding of time. In a loaded statement, he writes that the ghost 'begins by coming back' (11). It comes to us as ever new and disruptive, shocking and disconcerting, destroying the neat homologies and continuities around which we have structured our practices and identities. Yet even in this radical and disruptive novelty, it is returning from the past. It comes through the future towards us, but out of the past. It unsettles the simple logics of linear historical time, therefore, by confronting us with the ever new future crises that are the

forgotten or disguised residues of the past. This unsettling of historical time exposes us to the history that is the future, but always as disruption, not as mere result, or simple continuity. This persistence of the unresolved has a clear political meaning for Derrida, who connects a disjunctive understanding of time with inherited, insistent injustices:

No justice ... seems possible or thinkable without the principle of some *responsibility*, beyond all living present, within that which disjoins the living present, before the ghosts of those who are not yet born or who are already dead, be they victims of wars, political or other kinds of violence, nationalist, racist, colonialist, sexist, or other kinds of exterminations, victims of the oppressions of capitalist imperialism or any of the forms of totalitarianism. Without this *non-contemporaneity with itself of the living present*, without that which secretly unhinges it, without this responsibility and this respect for justice concerning those who are not there, of those who are no longer or are not yet *present and living*, what sense would there be to ask the question 'where?' 'where tomorrow?' 'whither?' (xix)

This justice as the unclosable open-ness to the other is the justification for Clark's recourse to an open-ended generosity as possible political ethos in a climate change context. Yet, as we have seen, such gestures are not enough. They are so general as to be sub-political, or to be more accurate, like Derridean open-ness to the other in general, they are pre-political. Derrida's open-ness discloses the unconditionality from which the political emerges, in the way that justice is disclosed in *droit*. But we need more than a generalised generosity. Justice is nothing without *droit*. It makes *droit* possible and always tests it, drawing it on to the self-violating re-making that will improve it, in the endless quest that is reform and optimism. Yet, however justice may enlarge *droit*, and even appear to reign over it, justice is still nothing without *droit*, without the specific acts which are the only way in which justice can attain any ontology. Justice is literally nothing without the specific and historicised events of fallible, deconstructible, ever-surpassable, highly questionable *droit*. A generalised generosity is the same. It is all very well to appeal to it, but there are two dangers here. We have already seen one of these. As the principle of self-violation, generosity, like justice, risks a limitless violence. But the second danger is the inverse: a generosity that does not instantiate itself in specific decisions and historical events, irreducibly questionable and surpassable though these may be, is *nothing*. Generosity requires decision and action.

Yet, there is a further risk with such punctual acts, and this is the one we face now. I have argued that, because of the asymmetrical and disproportionate nature of the events to unfold in a world remade by climate change, the historical time in which such events are situated is not a time of progressively unfolding



sequences of cause and effect, or of evolution and graduation. It is a disjunctive time of interruptions and shocks, yet these shocks bring back through the future the unresolved figures and wrecked structures of the past. Ours is a haunted future then, but in Derrida's sense, not of lingering endurances but sudden, inevitable yet still unexpected returns. As we have seen, this time is irresistibly open to an otherness that requires a just response: a disjunctive time of events specifying responsibility in terms of acknowledgement of inherited inequalities and unfairly distributed vulnerabilities. In other words, it has to be a disjunctive historicism that remains aware of the past which in an unpredictable future we will continue to face.

The challenge, therefore, is to be able to remain aware of unjust legacies while adapting to a different understanding of history. A politics without linear history has already engulfed political institutions, in which ideology, the primary link to a linear model of historical time, has become almost completely disconnected from political identity. The impulse of generosity must tend towards the act, but it must remain aware. Otherwise, it becomes a self-referential gesture, one that does not make judgements based on an awareness of injustices, but descends into the merely charitable act. Climate change will inevitably lead to large scale movements of population, sometimes as a result of emergency, at others in the form of slow, constant and steady flows of peoples identified as economic refugees. Single acts of generosity in response to these populations risk becoming mere acts of saving, not of justice. In cultures where the logic of charity is linked to a vocation of redemption, saving is owned by the self more than it is a redress of the conditions which have made the other move. In calls for western countries to take climate refugees, and to give funds to 'developing' nations to aid them with climate adaptation, what we see is the substitution of the noble for the political act. These acts must take place, but not according to that logic of meaning, which simply leaves everything else in place, tinkering at the problem, and thus compounding it. Situating acts in a hauntological time both connects them with the type of history unfolding before us in its interruptions and discontinuities, but also recognises that nothing happens that is not a result as well as a beginning, and that these complex events can only be negotiated by addressing climate-political-change as about justice in another history and not about saving in a sudden emergency.

Nick Mansfield is Dean, Higher Degree Research at Macquarie University. Recent books include The God Who Deconstructs Himself: Subjectivity and Sovereignty Between Freud, Bataille and Derrida and Theorizing War: From Hobbes to Badiou. He is one of the general editors of the journal Derrida Today, published by Edinburgh University Press.

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