Only For You

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I

I have to assume that the reader of this essay will already have read Kafka's little story "Before the Law". This singular, irreplaceable text by Kafka, was written in German, but that singularity has not prevented it being translated, transformed or (as we used to say in English before getting carried over into the French) done into some other language. I have to assume that the reader of this essay will have read Kafka's essay in some language or other, if not the original German. Although Kafka's story was written and published as a self-standing text, it does not quite stand on its own: it is already something of a summary of *The Trial*, which it metonymically configures, stands before, and in which it also appears, standing within it. And as an extreme contraction of that text one might wonder whether it defies further summary, if not, *exactly not*, further commentary. Nevertheless, here is Jean-Paul Sartre attempting summary brevity of Kafka's "fable":

> A merchant comes to plead his case at the castle where a forbidding guard bars the entrance. The merchant does not dare to go further, he waits and dies still waiting. At the hour of death he asks the guardian, "How does it happen that I was the only one waiting? And the guardian replies, "This gate was made only for you." (Sartre, 1984: p. 550)

Sartre goes on to add something of his own. The conclusion of the "fable" is, he says, precisely how concrete situations are "illumined" for each consciousness "if we may add in addition that *each man makes for himself his own gate*" (ibid).

The weirdness of Sartre's summary almost defies summary. And yet in a certain way what he reads here also confirms something he wanted it to confirm; namely, that the world as each of us finds it, while it may contain "abstract and universal structures", what one might call the generality of laws, also displays what he calls "a *single* countenance", a unique drama, "our unique and personal chance" (ibid). "In the midst of the world", Sartre says, "there is no absolute point of view which one can adopt so as to compare different situations; each person realizes only one situation – *his own*" (ibid). And here something can appear as an obstacle,

as an impenetrable gate, only if that meaning has been conferred on it by you, and finally by you alone, by your free decisions and choices.

Sartre will ground the singularity of this scene of personal decision and choice in what he calls a "radical decision" by human beings about the singular person that each is (ibid: p. 560). And he is surprisingly decisive about this decision. To be a person at all, he insists, one "must be a unity of responsibility", and this unity "which is the being of the person" is "a free unification", and "cannot come after a [natural] diversity which it unifies" (ibid: p. 561). Sartre supposes that there must be a fundamental choice about the who that each person is, a choice which would be manifest in each empirical choice they make as its "transcendent meaning", constituting it as *this* person's choice, this one who must be one and present to itself (ibid: p. 564). It is the Law of the laws, as it were, for their personality. And while he says this fundamental choice might not be "known" to the person whose choice it is, it must be nevertheless non-reflectively conscious of itself, since that person just is that project in every one of his acts: light streams through me from the Law without my knowing its source.

One's own being, Sartre says, is "penetrated by a great light without being able to express what this light is illuminating" (ibid: p. 571). And so, again, if there is an obstacle or resistance to its full attestation – if I set a guard there and do not dare to go further, I will have set it there myself, and would have made myself a man without the daring to go further.

Sartre doesn't see this light streaming from the Law as an insoluble "riddle" or indecipherable "mystery" (ibid). It is indeed a "mystery in broad daylight", but it is, he says, one capable of "analysis and conceptualization" by what he calls "existential psychoanalysis" (ibid). This would be an interpretive inquiry which can disclose "the totality of the individual human being" (ibid), "the being of the man under consideration" (ibid: p. 561), and which can be given decisive testimony of its correctness by the subject himself as the "truth" of his freedom, his "original" or "fundamental choice" of a project to be the one that he is in the mode of a being-for-itself (ibid: p. 569).

The singular Law of the laws is finally something we can fully "decipher", it is in itself *decipherable* (ibid: p. 568): commentary and interpretation, analysis and conceptualization, come to an end at the point of reaching the acknowledged truth of the radical decision

regarding this person's own being. We have here a firm view of the power of analysis and the possibility of understanding: it reaches all the way down, the mystery in broad daylight can completely disappear.

This is not, I want to suggest, a lesson one can draw from the "fable" by Kafka without an addition that it does not itself invite. Indecipherability remains part of the scene that makes access to its singular countenance possible. To read it at all reading comes to an end somewhere, but it comes to an end without the complete disappearance of mystery: it remains, each time, to be read. Standing before "Before the Law" we are may have no choice but to present our reading-wares like merchants selling the real deal, but as such merchants we are gate-keepers and gate-makers. The singular "text itself", identified as such only by conventions of publication, of authorship, the guard-rails and traditions of scholarship, everything which allows it to be bought and sold, translated and transformed as a distinctively literary thing, the "text itself", a text which only appears at all in its singular countenance within the space of those conventions and guard-rails, remains a gift that keeps giving, and it *remains* ahead of us, still to be read. Like "justice itself".

II

Psychology also reaches a stopping point in its explanations: it stops with certain givens as if to natural facts. Sartre accepts something of this: "we have to stop somewhere", he says: one cannot advance beyond the fact that "Flaubert was ambitious" for example (ibid: p. 560). But Sartre does not stop at this as to a psychological or natural fact but in terms of the radical decision of an original project, a project which once disclosed would carry its self-evident deciphered truth on its face to its subject. The subject who comes before the tribunal of the law (the existential psychoanalyst) finally has full access to the Law of its own laws.

Kafka's fable "Before the Law" is about the Law. And yet as readers we are in front of it as the man from the country in front of the gateway to the Law: his text, for each reader, becomes or reproduces the very situation it describes. It appears there in its singular countenance. For example, it has its title, its first and last words, it has its original version in German which would be the ultimate authority for its translation. It has an author, who was real, and who is distinguished from fictitious persons, a distinction backed up by positive laws which are likely to confirm Sartre's appeal to a person as a unity of responsibility. But

what happens when we bring this singular countenance and its familiar presuppositions before the law of "Before the Law"? Where would commentary and interpretation, analysis and conceptualisation on it come to an end? And if not with supposedly incontestable facts about what it means, then perhaps scholarly decisions. Perhaps what happens is we become guardians in turn, perhaps merchants too.

Is there really "full access to the Law of the laws"? All the laws and conventions which institute or establish criteria of identity for the text and its author, everything that will allow me to begin by saying I have to assume we have all read this singular, irreplaceable text, all those laws and conventions – they might be thought to be grounded in natural facts, or natural law, or radical (originary) decisions. Can we stop somewhere which would guarantee not just their conventional "legality" as criteria but provide an epistemologically secure foundation that does not stand in need of any anterior justification of its legitimacy? When we say "we have to stop somewhere" we want it to be so that our spade will be turned on the ground of Law with a capital L, and not just an arbitrary power and its laws. This relationship between laws and the Law – or between laws and justice – is what I want to say a little about in this essay.

III

That the relationship between law and justice is problematic and deserves attention can be introduced by way of a recent "internet meme" that regularly gets tweeted and retweeted:

> Apartheid was "legal"
> Slavery was "legal"
> Colonialism was "legal"
> Legality is a construct of the powerful, not of justice.

This more or less anonymous text, countersigned by thousands, attests to at least three theses. First, that there is a history of laws. Second, that the history of laws relates a history of power. Third, that might is not right.

This is perhaps a "simple summary" of the kind of thinking about law and justice that many legal theorists would, through some kind of self-authorization of their own insight into

justice, like to endorse. And it is a summary that some have liked to see lying behind Derrida's essay "Force of Law" published in 1992, with its emphasis on the "irruptive violence" internal to legal judgements and the founding of any legal authority (Derrida, 1992a: p. 27). However, the subtitle to that text (with quoted words guarded by little gates) "The 'Mystical Foundation of Authority'" complicates that summary simplicity. The simple summary might suggest that the foundation of the authority of the law is simply *external* to justice: it is power, political power, a power which is arbitrary in the sense that what it constructs as law is simply in the service of its power. Derrida's subtitle will announce a complication to that (as one might call it) *political* conception. Rather than simply the political foundation of authority, Derrida's subtitle speaks (in quotes) of the "*mystical* foundation of authority". And within the space he subsequently opens up, Derrida will also affirm that "it is *just* that there be *law*" (ibid: p. 22).

To guide us here, I want to begin again with another fable: this one about the idea of a law before it comes into force. Consider the law in the UK for wearing a seat-belt in a car. On the last day of January 1983 a law on seat-belt wearing came into force in the UK. Before that day, there had been no such law. No such legal obligation. Many years before that date, there had been little or no anticipation of that law at all. Seat-belt wearing was entirely voluntary. Indeed, most cars did not even have seat-belts. But even then, there were numerous laws surrounding the safe driving of a car and the proper maintenance of it and so on, and so even then there was perhaps a certain imminence on the horizon of a law to come, perhaps a growing restlessness within the authorities to consider legislating and making laws which could be in force (this started to get going, to appear, in 1973). Nonetheless, any law was a law to come, and had as yet no force.

Now consider a second moment before that end of January date: January 30th 1983, the day before the law comes into force. On that day, people in the UK were getting ready for the change in the law: what was at most voluntary was about to become obligatory for everyone. The law was also ready: it was written, it had been announced. However, *by the force of another law*, indeed from the moment that the Queen signed a Bill and made it a Statute, its force was delayed to a certain date to come; a date explicitly anticipated and inscribed within the Bill which became a Statute at the moment that the Queen signed it.

Let's ask about this sovereign signature event context for the Bill-becoming-Statute. Was there or is there a law or Statute which specifies that upon the appending of the Monarch's signature the Bill becomes a Statute? I think there probably is. But what gives *that* law its force? Is it another signature on another Bill? And if *that* law has force in virtue of some authorizing signature (I'm using this as a symbol that helps to compress the structure of relations we are dealing with here in terms of the authorizing of the law), if, that is, the signature event has the force of law in the context only of *another* signature, then what about *that* signature? And so on.

The regress here should be clear. Whenever anything is appealed to as a law in force, we can always step back at each point and ask questions about the authority that brings the law into force, or gives the law force. So, and this is Derrida's question: what is the *origin* of the force of law?

As I have argued in detail elsewhere (Glendinning 2016), Derrida's general response will be to deny *both* that justification comes to an end with a founding act that is self-justifying, or, say, self-evidently just, *and* to deny that the necessity of some kind of founding act of force that would make the law nothing but an instrument of an arbitrary power. The claim here that will distinguish Derrida's thought from the political conception of the simple summary, is that the moment of irruptive violence which founds the law, is not simply external to the law – nor is it something that might be eliminated by an imagined ideal law, one that is, as the political conception might have it, properly adjusted to the dictates of justice.

To go rather rapidly, the force that Derrida wants to talk about that is neither compelled by the justificatory discourse of any legal reasoning nor external to the law is akin to a performative force as analyzed by J. L. Austin: the force of utterances whose success conditions are their conforming to "an accepted conventional procedure" and not truth (Austin, 1976: p. 14). But Derrida notes that with the instituting of the conventions and codes that the law depends on we are not reaching a source or origin from which we can derive the force of law. Again, we would just be shifting the question one stage back, and would have to ask where these conventions derive their force as "success conditions" for the force of law.

Justification comes to an end – but not with something that, as it were, carries its force on its face, something whose singular countenance speaks the truth of justice, whether that comes from insight into justice itself or the truth that speaks truth to an external power. It is here that Derrida appeals to the idea of the "'mystical' limit" of his subtitle (Derrida 1992a: p.14), a limit that every discourse bumps up against in its effort to find the origin of the force of law.

IV

At this point Derrida's argument shifts from Austin and the performative, to another thinker of words as deeds: to Wittgenstein. While he takes the word from a conventionalist text by Montaigne, Derrida says he will "take the use of the word 'mystical'" that he finds in Montaigne's text "in what I venture to call a rather Wittgensteinian direction" (ibid): a Wittgensteinian sense of the mystical limit.

When I first read "Force of Law", I read it from a photocopy given to me by a Law Department colleague. He had annotated his own book very heavily, and very helpfully for me as a man from the country who was new to the law. At the point where Derrida speaks of the Wittgensteinian sense of the mystical limit, my colleague had written something in the margins that especially intrigued me: "= early Witt??" This is a completely understandable hypothesis. That is because the *only* references to the mystical in Wittgenstein's work are in his early philosophy, the philosophy of the *Tractatus Logico-Philosophicus*. In that text he famously states that "it is not *how* things are in the world that is mystical, but *that* it exists" (Wittgenstein, 1963: §6.44). And perhaps more significantly for us, he also says there are things that "cannot be put into words, but which *make themselves manifest*", and that they are what is "mystical" (ibid: §6.522).

At the limit of language, when the possibility of saying something with a sense gives way, there is *only* nonsense. (Not a nonsensical sense, but sheer senselessness.) At the end of the *Tractatus* Wittgenstein declares that "anyone who understands me" eventually recognizes that wherever he has "wanted to say something metaphysical" he has himself overstepped the limit: those propositions are themselves "nonsensical" (ibid: §§6.53-4). Nevertheless, they can, he says, still serve "as steps" to go beyond them (ibid: §6.54). Or again, as Wittgenstein put it at the end of a brief comment on Heidegger in conversation with the Vienna Circle, the inevitably misfiring attempts to *say* something about the world in its being – the upshot of

wanting (as he put it in "A Lecture on Ethics") to "go *beyond* the world, and that is to say *beyond* significant language" (Wittgenstein 1993: p. 44) – may nevertheless be regarded as a sort of *gesture*, a movement that, as he put it, "*points to something*" (cited in Murray 1978: p. 80). Wittgenstein had called this running up against the limits of language "*Ethics*" (ibid): with the words that are the results of philosophy we think we have our eyes open to the Good beyond what is the case, just as we might have our eyes opened to something that is the case. Well, for Wittgenstein, these results are all "nonsense" – but they point to something.

V

An experience of the inadequacy of existing *laws* implies a claim about what would be more *just*. But if that sense of inadequacy is to be stated in a way that does not go beyond intelligible language it will *make sense* only insofar as one can appeal to another more adequate law (whether that is the projection of a new law or an existing "higher" law). But now, just as (we might reasonably say) this intelligible articulation of the sense of justice illuminates the shortcomings of the law as we find it, so we might imagine undertaking an attempt to articulate our sense of justice itself: to open our eyes to the truth of justice that guides our sense of inadequacy. The Witgensteinian sense of the mystical limit urges us to come to terms with the fact that there is no such coming to terms with justice itself, or justice as such or the Good as such beyond being. The law or laws through which we (intelligibly) express our sense of the inadequacy of existing laws points to something about which we cannot intelligibly speak. Derrida calls this the experience of justice as "the experience of the impossible" (Derrida 1992a: p. 16), an experience of justice *without* experience of or in-sight into anything present or presently given to experience or thought. And yet it is there where justice makes itself manifest, it is "there where, even if it does not exist (or does not yet exist, or never does exist), *there is* justice" (ibid: p. 15). The "unpresentable" *there is* of justice (ibid: p. 27) beyond and yet internal to the presentable "experience of an inadequation" in always revisable laws and codes of law (ibid: p. 20) – this is what we might call an acknowledgment of the mystical limit. This Wittgensteinian direction of argument is, I think, fundamental to Derrida's reading of the relation between law and legal codes and justice. And it is something Derrida urges us to read in Kafka's fable too.

In the midst of law – in the *intelligible* language, the conventions and codes of law and laws – the "*there is*" of justice *makes itself manifest*. And if you were to say "our eyes are opened to justice" in this context you would have to say equally that *nothing is given to be seen*.

This is the basic outline of Derridean thought of the origin of the force of law. It can be indicated by the gesture that points to the non-presence, the non-givenness, of justice streaming inextinguishably in the midst of extinguishable law – law which is both immunitary and autoimmunitary: *both* perfectible, improvable, made more adequate *and* corruptible, abusable, capable of becoming "Kafkaesque".

In every here and now, in the midst of law, justice is "given" only as something to come. But it is precisely *this openness of the law to its own inadequacy*, its toleration of revision and perfectibility, its openness to the autoimmunity of self-critique, that leads Derrida to say that it is "just that there be law". Law, in all its generality, applying to everyone and at all times, is, Derrida argues, the best way, the most just way, we have for organizing a response to the irreplaceable and unsubstituable singular countenance of each "fresh" case, a singularity (and it is always a singularity) before which we are called to do justice: 'incalculable justice requires us to calculate', says Derrida (ibid: p. 28).

Where legal reasoning and argument comes to an end, it comes to an end with a decision. Not Sartre's decision by a fully illuminated pre-reflective cogito, but what Derrida calls, explicitly recalling Kierkegaard, a moment of madness: the "instant of decision is a madness" that belongs to and is required by legal reasoning, a radical responsibility without complete illumination (ibid: p. 26). If the decision is to be deemed just it must be neither pure mechanical calculation, pure reproduction of given law, nor the free play of unconstrained improvisation, pure invention.

It is, Derrida insists, imperative to argue, to reason, *to give reasons to provide a justification*. But reasons and all reasoning have come to an end somewhere, this is the "structurally finite" character of judgement (ibid: p. 26), the very element of our "finitude" (ibid: p. 44). One must decide. However, at that moment, at the moment of greatest responsibility, at the moment of decision, there where calculation comes to an end, and must come to an end, then – if the outcome is not simply the output of a purely mechanical programme nor simply the

inventive whim of pure caprice – then what takes place in the moment of judgement or the instant of decision is a moment of "madness": not full self-consciousness of an insight into justice, but a leap beyond the calculable. A leap in the midst of the calculable. "Blind" judgement in the midst of law. Let me take this back to Wittgenstein.

VI

The simple summary in the tweet calls for a simple distinction between justice and instituted laws. Derrida, from the start, refuses that simple construal while wanting also, as far as possible, to respect the distinction. It is just that there is legal reasoning. Legal justification is just. But justification comes to an end somewhere: there is a limit to the giving of reasons. And yet, where justification comes to an end there is not the certain perception of a truth of justice or of the certain correctness of a judgment – but: acting *without* a secure covenant in reason for the decision's correctness. "In the beginning was the deed". And words, too, are deeds.

I had said that I was intrigued that my colleague had interpreted Derrida's explicit Wittgensteinian reference as a reference to the early Wittgenstein. But we should note that the idea that justification "comes to an end somewhere" – and the idea that when my reasons give out I "*act*, without reasons", and the quotation of Goethe's famous line from Faust "in the beginning was the deed", are literally *quotations* from the later Wittgenstein, the Wittgenstein of the *Philosophical Investigations* and *On Certainty*. And I am not convinced that Wittgenstein's thinking on this topic changes much if at all throughout his authorship. It is not as if, for example, the later Wittgenstein replaces a mystical limit with a conventionalist one.

This extraordinary continuity between the "early" and the "late" Wittgenstein can be brought out with reference to two remarks towards the end of the *Tractatus*. Here the topic is the limits of explanation, but as we shall see the conception of our finitude that it opens onto is applicable too to the limits of justification that concerns legal reasoning and judgement.

> 6.371 The whole modern conception of the world is founded on the illusion that the so-called laws of nature are the explanations of natural phenomena.

> 6.372 Thus people today stop at the laws of nature, treating them as something inviolable, just as God and Fate were treated in past ages.
>
> And in fact both are right and both are wrong: though the view of the ancients is clearer in so far as they have a clear and acknowledged terminus, while the modern system tries to make it look as if *everything* were explained.

We should note, first, that this is one of the few philosophical remarks in Wittgenstein's *Tractatus* that its author would *not* have considered an instance of the "nonsense" that he insists it is mostly composed of. It says somethings about historical and cultural conceptions of the world: it is not a supposedly special "metaphysical" statement about the world, not an (inevitably misfiring) attempt to say something about the essence of the world. The use of the word "world" in these propositions is, that is to say, the ordinary use, the word "world" is doing ordinary service in this argument.

In my view Wittgenstein's guiding cultural thought in these remarks belongs just as much to the "late" as to the "early" Wittgenstein. It is perhaps his central guiding cultural thought. It is the thought that, with respect to both the ancients' and the moderns' view of explanations of whatever happens "both are right" in so far as they both accept that such "explanations come to an end somewhere" (Wittgenstein 2009: §1). However, "both are wrong" to think that the explanations we give "hang in the air" unless supported by "something inviolable" (ibid: §87).

Throughout his authorship Wittgenstein will attempt to take a step beyond both. The conception of the ancients conceives these explanatory limits as human limitations: our explanations do not reach very far, they always hang in the air, and God and Fate supply the ungainsayable ultimates. If we only had the *nous* to grasp what belongs to God's plan for us or for what Fate holds in store, everything would be explained. But we don't have the *nous* for that, so we can't. The conception of the moderns, by contrast, supposes no such limitation at all: we can make it to the explanatory end, with inviolable natural laws that, in principle, explain everything. The idea of explanatory limits belongs, on the modern conception, to life under the mythopoeic veil in which God or Fate supply the explanation that is beyond us.

In a surprising and striking reversal of the modern self-understanding, where the light of Enlightenment modernity and its quest for complete transparency is supposed to pierce the veil of mythopoeic forms of understanding darkened by illusions and delusions, Wittgenstein thinks that it is the modern conception which is "based on an illusion", and that there is something non-illusory about the old conception: in the old conception we recognize that when we have get to the end of our explaining *not* "everything is explained".

On the old conception there is an acknowledged point where explanation gives way: we throw up our hands, our spade is turned – and it is turned by hitting the rock-solid bedrock that is within us (finitude affirmed). The modern conception, by contrast, thinks that when our explanations come to an end with the so-called laws of nature, there is strictly nothing left to explain: our spade is turned by hitting the rock-solid bedrock outside us (finitude denied).

The first affirms the limits of our explanatory reach; the second denies it. Wittgenstein does not invite us to return to the conception of the world of the ancients. On the contrary, he rejects the picture of explanation presupposed by both the ancients and the moderns: he does not think that our explanations "hang in the air" if they do not have an inviolable ground. Explanation does indeed come to an end somewhere, at some point our spade is turned, but not, as the ancients had it, on the bedrock of our cognitive limitations, nor, as the moderns have it, on the bedrock of the laws of nature. Rather their coming to an end somewhere manifests what neither the ancients nor moderns can tolerate: "the groundlessness of our believing" (Wittgenstein 1975a: §166). It is in these terms that Wittgenstein develops a new conception of the world, the life and world of groundless believers, and he was attempting to do so from his earliest writings to his last.

In relation to Wittgenstein's text on the ancient and modern world conceptions, Lee Braver has suggested that "the former highlights the limits of grounding that the latter hides" (Braver 2013: p. 156). However, unlike the ancients, this groundlessness is not conceived by Wittgenstein as leaving our believing hanging vertiginously in the air. Our system of beliefs provides, as Braver puts it, "a ground for [us] to stand and walk upon", even though this rough ground of well-founded believing is not itself grounded (Braver 2012: p. 211). Again, this does not mean, as it meant for the ancients, that we are fated to a life separated from a properly inviolable ground that is forever out of our reach or beyond our ken. We *do* "hang in

the air" in some sense: what else can groundlessness be? But we do so in the forms of life we have ourselves created. We find ourselves already in an historical and cultural life-world, a space of meaning and significance, a web of concepts and beliefs that is not of our choosing but which we have, nevertheless, created, not discovered as the right one. It articulates the understanding of the world and the significance of our lives that is *most* familiar to us, closest to us (see Wittgenstein: 1975b: p. 80 and 2009: §129). We exist in the event of the holding sway of such a (historical) hanging-in-the-air web.

This is our finitude. And not only all explanation of what happens makes its way there but all justification of what we do by giving reasons: justification too "comes to an end" somewhere (Wittgenstein 2009: §217). As Braver puts it, our practices of justification by giving reasons are not grounded on "inviolable laws of reasoning" any more than our explanations are grounded on inviolable laws of nature (Braver 2013: p. 148).

VII

The picture encouraged by the simple summary looks something like this. Where our reasoning is properly adjusted to the *decipherable truth* of justice that would be its ultimate ground, our decisions will be just. Laws, on the other hand, are simply instruments of an arbitrary power. For Derrida, laws are indeed historically contingent conventions and codes that are marked by "founding violence" (Derrida 1992a: p. 21), but that "is not to say they are in themselves unjust" (ibid: p. 14). Derrida does not think one can do without them and go straight to insights of justice: "No exercise of justice as law can be just unless there is a 'fresh judgement' [that] can very well – *must* very well – conform to a pre-existing law" (ibid: p. 23). On the other hand, Derrida also accepts that no such judgement can be just if it merely "consists in conformity, in the conservative and reproductive activity of judgment" (ibid). On the contrary, while reasoning to a "fresh judgement" (Derrida borrows this phrase from Stanley Fish) must conform to legal conventions and codes it can, indeed it *must* also and equally "reinvent [law] in the reaffirmation and the new and free confirmation of its principle. Each case is other, each decision is different and requires an absolutely unique interpretation, which no existing, coded rule can or ought to guarantee absolutely" (ibid). Legal reasoning is essential. But like all justification, it comes to an end somewhere. And it comes to an end, to borrow a Wittgensteinian formulation from the *Philosophical Remarks*, with an "act of decision, not insight" (Wittgenstein 1975b: p. 171).

When legal reasoning comes to an end one must decide, and in the moment of decision I do not, as the one who judges, "wait" for further direction, or a "prompt" from something outside me (Wittgenstein 2009: §232), nor do I listen to an "inner voice" within me (ibid: §233). In the midst of law, calculating with the incalculable, I act, I decide, and do so "blindly" (ibid: §219), enacting in that mad moment what Derrida called, and called with explicit reference to Kafka's great little text, the incommensurable relation, "the conflict without encounter", "between law and singularity" (Derrida 1992b: p. 187).

Justice is never guaranteed, the fresh case can get caught up in legal entanglements which, like "Jarndyce and Jarndyce" in Dickens' *Bleak House*, can be interminable, and may come to an end only when the money to pay court costs runs out, and the case is closed. But without ever attaining access to a finally decipherable truth of justice, and without excluding its abuses as abuses of power, it is in law alone that the experience of the unpresentable "*there is*" of justice belongs to our finite lives: it "streams inextinguishably from the gateway of the Law" (Kafka, cited in Derrida 1992b: p. 184). Derrida calls this the most "religious" moment in Kafka's text (ibid). He could have said, taking it in a more Wittgensteinian direction, "mystical": the groundless ground of the force of law.

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