Error of Disclosure

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‡ Was it that there was no law, no land, a land of no one, nothing (*terra nullius*)? A land, but a land without anyone or anything (a land of nobody's, no one, a land that belonged to the nothing of this other one who by force and contract will have been turned into the subject of this law) or, more precisely, a land with nothing, a land of nothing, a land with a very particular nothing. This land whose non-law, ostensibly, will have become, at once for the future and throughout its indeterminate past (but how could these be separated for a land which was said to have lacked what an officer of the English state could not discover?), a land whose nonsite would be erased in the name of a sovereign law that recognised *jus nullius* in the site of law's dominion, demanding in this relation that law enact itself in the very site of its absence (where this nothing would be returned to the identity of a law that recognised nothing but its law of identity). As if the emptiness belonged to the character of law, law's law, as if *terra nullius* declared law's found(er)ing origin (*jus dicere*), was also this nothing and yet was the affirmation of this nothing (*ne-ullus*, any one or thing, diminutive of *unus*, 'not-any'; *ne-*, the Latin adverb of negation, but also the Latin adverb *ne*, yes, truly, verily — a yes of this any or one of land or law). *Terra nullius*, hence, as the impossible nonsite of law and its demand.

‡ Law that approaches the Other but fails to respond to this difference that would not be its own. Law that does not delay its gathering (*λέγειν*) into this one site, gathering every one into the one of its site. Law would require this abandonment in order to assert itself, demanding a nullity with which to demonstrate its sovereignty – that which is still not this nothing. Law lacks even this nothing which it might determine in the *archê*-moment of law, which in common law is structured around the jurisopheme of an absent and mystical origin that precedes written law and judge made law (the childish fiction, according to Bentham and Austin, that common law is miraculous and made by nobody, having existed from eternity and requiring only its declaration by judges; an absence whose danger Blackstone identified in land and property law itself – 'We think it enough that our title is derived by the grant of the former proprietor, by descent from our ancestors, or by the last will and testament of the dying owner; not caring to reflect that (accurately and strictly speaking) there is no foundation in nature or in natural law, why a set of words upon parchment should convey the dominion of land; why the son should have a right to exclude his fellow-creatures from a determinate spot of ground, because his father had done so before him; or why the occupier of a particular field or of a jewel, when lying on his death-bed, and no longer able to maintain possession, should be entitled to tell the rest of the world which of them should enjoy it after him. These enquiries, it must be owned, would be useless and even troublesome in common life' (*Commentaries* II. 2) –, what is 'owned' in this apology, derogation, or defence, a defence that is itself indefensible, of course bears on the error of the disclosure of this right in *jus civile* that is without foundation in nature or *jus naturale*.).

How will the justiciability of this decision be formulated, even as it concerns the origin and instauration of law in Australia in *Mabo* and *Wik*? Here, too, the question of found law arises, and the violence of law, not least of all as the High Court has found itself subject to calumny by state premiers and prominent

members of the federal government over *Mabo* and *Wik*, as if this were not to demonstrate a crisis and aporia of law, a crisis of justice as law opened to its responsibility to the Other who precedes it, and who is without precedent.

Law, here, would search for itself in its strangeness and through its exile. Law abandoned to its disclosure, law whose emptiness might respond to the nullity, to the nothing, of a land, and even to a nothing which, however, it was powerless not to submit to. (But the appeal to the null of law, even as it distinguishes itself from natural law, a distinction not based on a difference at all, is still an appeal to an origin and the error of its disclosure, an error pertaining to the problem of disclosedness and origin which Heidegger, beginning with *The End of Philosophy and the Task of Thinking* and the late Zähringen seminars from 1973, was to find deeply problematic, even as he had approached the question of origin and appearance through ἀλήθεια (*alêtheia*), truth, or unconcealment in *On the Essence of Truth* and *The Origin of the Work of Art* decades earlier.)

At the limit of law, law discloses its error. It overtakes its limit without entering any one or any thing, without encountering what precedes it, and what was and remains without precedent. Another encounter, then, in which law would return from its non-encounter, would have (the conditional here is not hypothetical) turned not into this distance, but turned away from it, returned according to the turn of its delay (though this 'according to' does not signify that it is *in adæquatio*), outdistancing the return with its delay, as if with such a return it returned to itself and simultaneously left open an other relation. As if its identity were here traced in this return, except that this return was always delayed. As if law relayed itself.

‡ The exilic of law and the exposed, the vulnerable, the dawn of law and this abandonment.

‡ The site of the origin of law will not in fact have ceased to have constituted itself except in terms of its self-identification, the mode of sovereignty of autonomy. No law will be founded, no radical suzerainty will be asserted without resituating the site, and the subjects of this site, in relation to its nonsite — namely, the real of law, the rule of legality, an act founded on a licitability that takes place here. Which is to say that this act takes the place of a site of law, its nonsite, whose place it takes, while simultaneously announcing and inscribing a nothing, a null, no one, an oblivion it is powerless to forget.

‡ A law before nothing (that is not nothing) which contracted into this distance. Nothing was left of this unnameable difference, contracting here into a sovereign spirit, or sovereign will, a single (*μόνοσ*) order (*ἀρχή*), monarchical.

Error of disclosure. That it discloses what is. That disclosure, that this disclosure, arrives with an errancy. An ethics of disclosure that would respond, in its response-ability, to a movement and alteration. (How would a law contract a nothing into its sovereign will? Error of disclosure? A question of equity and freedom: how would law have necessitated this difference and remained open to it, balancing itself in opposition to that nullity, identifying itself and expanding itself with greater and greater violent force over this relation as it weakened the question of equity and freedom by erasing the Other whose (non)names appear differently — *Mabo, Wik, Thayorre?*)

‡ This sovereign and monarchical law that would not go down to itself. Law assayed and despatched on a raft of timber into the archipelago , a law that drifts without mobility, law that fails to arrive anywhere, contracting the Other to its self. A law that recognised the equal in its self, as its self. (A sea that dawns in its principial becoming-order: *ἀρχι-πέλαγος*, a non-Greek and Italian word, from *ἀρχή* (*archê*), first cause or principal, beginning, origin, but also sovereignty, rule or power, and *πέλαγος*, sea, from *πέλειν*, to be in motion, to come forth, to be and to become, being-becoming, hence its affinity to *εἶναι*, the Homeric word for being. This sea which they can not go under to, instead enclosing everything in an identity of opposites founded in an absolute law, a nonjusticiable origin. Here, rather, law has become totalising. Its future is indeed a *sensus communis* — of this one, the Crown, the sovereign. How would law recall this (non)origin without mourning what precedes it? We might say, tentatively, since nothing is settled on this, that native title marks an ethical response to the justice of law's nonjusticiability, no less than to the justice-ability of law.)

‡ The decision of law to enact itself in the absence of its absence, and hence in the presence of that nothing, the nullity, holds forth its t-error. Law would enact itself, would come to a decision, will have formed. Judgement (*κρίνειν*, *krinein*), without having, and in the fact of its not having, encountered its *κρίσις*, *krisis*. Law takes place in the site of an absence that is not disclosed. Law, we could say, and its enactment, is indicated in the taking place of judgement, krisis, where law as decision is a taking place of judgement. Law founds itself at the origin of krisis, and never more decisively (*in certum*) than when it lacks this krisis. Sovereignty is decisive on this — it lacks nothing.

How to think, then, the aporia of law and sovereignty without thinking (this) powerlessness, or going under to a violence of violence? But this aporia, this

σκανδαλον (*skåndalon*, stumbling-block, offence, scandal) of law, will it not also delay its return, and is this too not the (non)failure of krisis?

With the error of the disclosure of law, signified in *terra nullius*, there occurs a taking place. Sovereign and monarchical law in this case would occupy the nonsite of law in the authority and power of a law incapable of remaining responsible to what is unequal to it. An ethics of responsibility here (not least as this would recall the region of dwelling announced in the *ἦθος*) would open to an equality without equal, an equality that did not exclude singularity and difference. And hence an ethics open to its own exposure, that did not refuse its krisis, overtake the Other, overrun the exilic, and the vulnerable — the very care of law, which is also named justice.

‡ On law and the disclosure of its sense — that law finds its own question 'unjusticiable', as Brennan, Deane and Gaudron, and Dawson JJ affirm in *Mabo (No. 2)*. Sovereignty cannot adjudicate itself, the state cannot disclose itself, law that cannot ask of itself whether it is right, or just, in its sovereignty, sovereignty cannot question the reason of its reason. It is said that with respect to the act of acquiring sovereignty over a territory the municipal courts of the state remain incapable of questioning, or interfering with, the action of the executive. Nothing in law is equal here to the oblivion of law. Nothing is disclosed here, and were it to be so disclosed this disclosure would turn on an error, an error which the law announces it is not equal to. This error would need to be disclosed, and is a question for law. For the bench the error in the site of law cannot be asked because this error is structurally necessary to the act of law and the order of its suzerainty, hence law's incapacity, and the oblivion of its necessity, to question the fundamental action that is simultaneously the activity of its foundation. But this does not mean that there is no such question. What cannot be asked, what is not justiceable and justiciable here, would be the

nothing of law, the *lex nullius* (noting too the *ius* which is echoed here and, even, a nonidentical law, a law of the no one and an absolutely other law — *alius*, *θάτερον*, a foreign and strange law, and even the foreign and strange of law — which would not be a repetition of the identical of the *mysterium tremendum* of natural law, but an other law, a law that touches on (the) pain of law) of law which law marks in its very inception, and even as its very inception, at the dawn of law, at the moment of its appearance, an appearance which is strictly un(re)presentable and hence too the sublime and the (t)error of law. Law would have to (re)turn to the question of the fiction of the origin of common law (a fiction displaced in the Napoleonic Code, which does not assert an origin of law making identical to that of common law), judge made law, and its relation to written law.

Where will law have originated? At the least we will need to have related the question of the *lex non scripta* of Blackstone, and early English jurisprudential thought, to the terrific distinction of *γραπτα* (unwritten or customary law) and the *γραφικός νόμος* (written, statute, or sovereign law) in the *Antigone* of classical Greece (though the further question concerning this moment of law in Greece, whether this distinction already signifies the end of law in Greece, is not under discussion here). How will law have distinguished itself from itself? How will the origin of common law, at once conventional and everlasting (*ἀρχιδίον, ἀρχή-ἀίδιος*, beginning-eternal), have declared or written itself? How will the *leges scriptæ* of common law have in-scribed in the de-scription what it has never written? And yet, when it answers that it is not justiciable this does not mean that the answer, 'not justiciable', is not itself justiciable or given over to the able of justice. If this disclosure of law for law is an error, this error itself is disclosed by law... at the moment of its foundation, at the moment of the interruption of its limit, a moment of its dawn, this (t)error of its unpresentability.

Law approaches the krisis of its ethicity at the sublime of justiciability in the question of a recognition of difference (which would be an unrecognisable recognition) that is not subsumable to a logic of identity, a universalisable, absolutely prescriptive and determinable reason, principle, or *ἀρχή*. How would law turn to the distance of the Other? But law here cannot afford to neglect the distance of its non-justiciability without returning itself to injustice. To respect the Other, will law not open to an equality without equal, to an other law?

‡ The question of law and the determination of justiceability will need to examine the philosophic character of the beginning, *ἀρχή*, the everlasting, *ἀρχιδίον*, and the dawn of law, logos (*λόγος*), and its relation to presence and the phenomenality of law as law. Law utters or enacts itself at the moment of its unutterability. There, at the everlasting, *ἐν ἀρχή*, where law would separate from its impossibility, at the interruption of impossibility, law would name a separation without partition. What else might be indicated with this beginning? Would *an-archê* come to name a non-rule, a lack and failure of rule, or a non-beginning? The law of law will have announced, already, the lack of its disclosure. Law, *λόγος* here, a logos alien to a Greek formulation (where word or ratio as essence is immanent to the cosmological, even as it moves from the *logoi* to the *mythoi* through historico-political discourse) does not fail to produce the absence of its rule. This, too, will have been marked in the krisis or judgement of law, the necessity of law, a name whose truth will be justice.

A law, too, that did not have an origin or a beginning. Law that writes in the oblivion of this event, law as a possibility of memory, law disclosed in the act of oblivion or amnesty. Law, and what is common to it, would have written its origin in the error of its disclosure, an errancy in which, perhaps (how could this be known?), the non-origin of its unconcealedness is not nothing, an other

whose (non)site takes place in the interruption of an absolute nothing. And hence, perhaps, to point to non-identical differences, even in the economy of an absolute logos, and not to a finitude which ends in unity, a finitude that is resolutely mine to the end, as this very end which determines what is singularly my own, but an end that is not complete, a finitude without end — this end is in krisis.

‡ Law abandoned to its non-original difference. Recalling Aristotle in the fifth book of the *Nicomachean Ethics* here, law lacks its determinable and universal rule, and instead regulates its principles and procedures like the malleable form of a lead ruler. The law (of universal reason) lacks nothing except this lack. (An error that would need to be traced in the transformation of *mythos* to *logos* with Plato, and hence a (t)error of reason.)

‡ Writing, Law, appears before itself, before it is ready, before it is announced, or read, or written. But before the word, what is there? Space? Time? To be before the word would be to stand before it, before the nudity of its disclosure, in another space, at the site of law but in its nonsite. Here, then, one might stand before the law in this abandonment of its site. How to think the before of the time of law? But to be before time would be, would have been, to be dead. One cannot arrive before the law without failing to arrive. One cannot arrive before law where, too, the death of law's time is traced in the taking place before law.

Law lacks the poverty of its abandonment. Before it, its apriority had to pass into the indirection of its site. (I do not know if law lasts in this nonsite, or if law is not before the law in the necessity and responsibility of the nonjusticiable. Law, here, would not confront itself, but what precedes it.)

‡ Absence of the absence of law. (T)error of law.

‡ Incapable of naming itself, did law not invent names for writing itself?

‡ Law does not understand its question.

‡ Law returns without precedent (both for the state without sovereignty or without beginning, *an-archê*). It writes in the non-endurance of this impossibility. Law that does not write what was written, but what was impossible to write, whose failure is its necessity. (Law that does not write the real, but the actuality of possibility in its reality?)

‡ Antigone and the ἀμήχανον (*amêchanon*, distress, helpless, unworkable, inexplicable, trouble, but also the exilic and the singular) of law. Recall here the 'ode of man' and the terrible, the δεινός, of law, in the *Antigone*, even as Heidegger associated the terrible and the most uncanny with Antigone. But what is terrible, too, for Heidegger, is the oblivion of difference and exposure of a calculative technicity in which world, and the production of the world, is made manifest and posed without ex-posure; that is, the question of what emerges in presence without attending to its emergenc(e)y.

‡ The word did not know its origin. As if law were to be given in the subjunctive. And yet, the distance indicated in this mood would call here to the

optative — to a distance which law calls out to and stands before. But law would return with its violence to affirm the stated, to affirm the state and its statement. Law would assert here the thetic order of nomos, it would sign itself, in the mediation of form (language) and that which was formed (law). (But would the transport, communication, or translation indicate a difference between the one and the Other, or a difference apart from them that mediated between them? (T)error of law.)

‡ Law dies at the moment of its inception, at the moment common law recognises as both necessary and fictive. As if law shared in the origin and difference between λόγος and μῦθος (*mythos*), this difference of logos as reason or principle that Aristocles (Plato) had transformed from the earlier, Homeric, sense of fable, and the pre-Platonic *mythos* that was narrative. As if truth did not first appear here with the transformation of logos, when logos/reason became a myth. (When there developed a nostalgia for logos, which we can not simply distinguish in the formula logosπreason, and where reason appears as a nostalgia. On the dawn of logos, then, where reason dawns on itself, without foundation (wasn't this to be its truth too?), traced in its translation and its transportation. Do we not locate here a certain nostalgia and homesickness for reason in the dawn of its appearance, and even in the dawn of this appearance? As if the longing for this return, and this return — of the gaze of reason and to the gaze of reason — might disclose a delayed origin, and perhaps a postponed origin, or an absent origin. And yet, we would be led to inquire here, too, whether this was not also an irreducible moment.) As if Aristocles, this poet and singer, this young pyrologue who burnt his works in public in advance of abandoning poetry, could not have disclosed the sense of reason without the error of its writing. As if reason or law did not first appear here, or appear here first, after the act of oblivion in the wake of whose event

Socrates is sentenced to death, and which came to mark, in the *Apology*, the first text of philosophy and a record of a criminal trial by jury, where law and philosophy would seek an origin around crime and oblivion.

Error of disclosure — what does Socrates disclose? The political state of law, the forgetting of which leads law into its crime. A dæmon, a singular one, which recommends itself only in its refusal, indicating what ought not to be done, and which is always a trial, a stumbling-block, a scandal (*skåndalon*), and a krisis. As if error here were not Socrates' constitutional order of disclosure, this nudity of thought, this one who is strange and out of place, *atopos*, we are almost incapable of reading.

One abandons oneself little by little to the *Apology*, to the defence, the discourse, detour, speaking from withdrawal and from (*απο*) logos, and to this krisis of law. (T)error of law, too, and the *deinon* or terrible from the *Antigone's* ode to man. How would law have received its difference without going under to its law? A war, and *wa(h)rheit*, between family and state, nature and contingency, woman and man, unwritten and written, subterranean and heavenly, where Antigone stands over and against law in order to affirm the law. Unprecedented, Antigone is *amêchanon*, she does not do the work of law but stumbles against the throne (*skandalon*) of Olympian law, she does not abide by the law that would force her to leave her brother's corpse uncovered at the limit of the city, the very border of the com-munus (fortification, wall, but also a favour, duty, sacrifice, or gift). Disclosure and disclosure — Antigone conceals the body, and through the disclosure makes manifest its error.

‡ Distance in exile. (Beloved, your approach is ununderstandable.)

‡ Law and writing. Law returns from its distance without memory. Law would guide us to its writing and to the demand for 'very clear language' and 'clear and plain intention', as was demanded by Kirby and Toohey JJ in *Wik* when considering the statutory language of pastoral leases that would have necessitated the extinguishment of the rights and interests of indigenous people in respect of the land granted to lessees under the statute, a demand whose express words and necessary implication was found to be wanting.

Law, here, would attend to a more original disclosure, one that supervenes its writing, and which is guided by the twin demands of clarity and distinctness. There is a kind of luminosity to law here that would mark the error of the disclosure of writing, and where law would open to a supernal exigency, and even a græco-theological appeal to the first word, and even to the first of the word. Language, and with it a certain logos, would write here in the wake of an origin in absence. Law writes the error of writing, in the taking place of writing, in the possibility of the error of oblivion.

‡ Law follows the word. But does the word precede it or does it follow in the trail of the word?

Law would open to the distance of writing. Perhaps this is a name for justice.

‡ The first name of law returned with its absence.

‡ Law excludes its demand. The *plenum dominium* of law required this nothing which it could fulfil (at the cost of the doctrine of 'nonjusticiability' for the determination of law's sovereignty (Brennan, Deane and Gaudron, Dawson JJ)). Heterogeneous, law would open to a finitude without end — not that it would not, here, have purpose or an end, but that this purpose would not be absolute or teleological, and hence an end that remains incomplete. This end would not master itself — it is without authority, tracing the exilic order of law in its ex-positions (nothing here indicates an essence or interiority).

Exposed, law takes place in the community without interiority. The good and the right would be two of the nonnames of the community — this finitude without end, a separation without partition whose event, in its *taking* place, that would echo the irreducible justice in Anaximander where justice and injustice give reparation to one another in their taking place.

(The community exposes its impossibility in the law.)

‡ Law would even mark a certain death, a trauma, an extinguishment even of law. Law would mark a violence that would pass into its death, and pass into another death. But of a certain kind. This death preserves the fate of violence, which is its future.

Law stops, it must stop, it must put up a closure. Where would it be if it did not end, if it had no end? Law collapses at its beginning.

‡ Law takes the place of writing. In the detour of this absence, convocation of law and writing. (Law in advance of this detour, law at the limit of this advance, as that which precedes the detour. As if law, too, did not pass before an unsubstitutable detour. Beyond the law there is no law.)

‡ Writing that looks like law. What they share they die and pass into, from the licit to the legible, and back to the act of oblivion. Incapable of forgetting their distance, this impossibility dies to itself, leaving to writing and law their singular death, and their limit, in the text.

(A difference erased in the text, whose absence, which would also be an unrecognisable recognition, is returned to in every reading. Reading the text, then, as an act of oblivion. Everything here is drawn out of forgetting and traced in its impossibility. But reading, interpreting the legible, will this not be to open up to the distance(s) of writing (as if the word were not this word but simultaneously spread through all its effects)? One returns to the text in order to return to its return an order which, however, is not strictly a command, and might be indicated in the optative, rather than the subjunctive mood. A command without authority.)

‡ Reading is at the limit of disappearing. (Continuous error of disclosure.)

Writing interrupts reading in order to lead it into its future. The text is neither written or unwritten, read nor not read — this is already (the) text. The book, its passages, pass by, page after page. We do not read the whole. The book is not read. Unless it were simply one word, and even then the word would not be read all at once.

Exposed to its vulnerability (isn't this the book, exposure, its vulnerability, this nudity at every page, singular vulnerability?) it also protects us. Law, then, and the protection of the word (exposed and vulnerable).

‡ Beloved, even the strange seems strange in you.

‡ The fault of law — recalling Anaximander and the necessity and fault of law, the necessity of law and its relation to a crisis of justice, a crisis where justice arrives in the fault of what takes place, a crisis in this presence of disclosure of law and justice. Presence, *præsens*, *præsum*, the immediate and the momentary simultaneously (where presence is simultaneously both, and which would also mark the indeterminate rule of presence), a presence even of the immediate and the momentary that precedes its experience, and hence an experience out of the future (*futura*), out of what flees and abandons (*fugio*), and a presence which also signifies to be before (*præsum*) or to command another. The future flees, the future opens onto the present and gives to the present its presencing (*φθι, φύειν*, to produce, bring forth, come into being) in this abandonment. To be abandoned here, then, to this future that has no future, the real of the future, pre-sense, a non-present future that is present and future.

How would what is disclosed (law, justice, English common law, native title, the law of law) arrive? It will not arrive. This one is incapable of arriving — it arrives at arriving (which is not to say that there is no native title, even as Australian parliaments have sought to restrict it, or extinguish it, or delimit it to such an extent that it is technically extinguished, even against the advice of the Australian Law Reform Commission — in fact what the governments have failed to do is to arrive at law).

Here — it has departed from its arrival. And yet how would the land arrive? How would a certain dawn arrive? How would the *a priori* arrive? But it does not arrive, appearing here in the distance of its arrival, as if this distance were its arrival, as if to arrive might not also involve turning to this distance — nothing is

equal to this arrival that is unprecedented, and which precedes your arrival. There is no future that will arrive. The future does not arrive. It is without end — incapable of ending it arrives at last, at the last, as the last that lasts, and perhaps (but how could I, whose future has no future, know this?) ends in a certain fination. The future does not arrive, it arrives in its nonarrival. But what, then, would a nonarrival of the future be that does not arrive (for this double future in which it does not arrive, and yet arrives in the failure of arrival, which does not fail)? The *præsent* here would come to name the arrival of a future. In the present future the future, again, returns in its arrival. It comes and takes place. Here, then, the future of the future presents. But the future does not take place here or there, it is not *legein* and signifies no gathering — the future is taking place, and is a crisis for what takes place. Is this future without a future not ours, and hence our present? Here, for this taking place in the nonsite of the future, this crisis and justice would also involve a response and a responsibility to what takes place, one where justice will call on the impossibility of those futures in which we have taken place (*Mabo*, *Wik*, and *Bringing Them Home*, *Report Into the Separation of Aboriginal and Torres Strait Islander Children from their Families*, are such names and such responsibilities).

How to be just before the unsubsumable Other who precedes you and your arrival? Nothing is equal to the krisis of this arrival, which is not the same of your arrival or your equal. A justice, then, and a krisis of the dawn, of what appears for a disclosure that takes place, this singularity of the dawn that isn't the dawn. An advent, too, that marks the singularity of law with the original founding act of sovereignty (law that appears in the presence of law's absence, the krisis of which will lead to the question of justice as the problem of law). A singularity, however, that is not absolute either in the positivity of the infinite or the finite, but a singularity and a finitude without end, heterogeneous, multiple, and manifold. A singularity, here, that dawns on the dawn without

re(vei)lation, without the mittance that gathers (*λέγειν, legein*), without delay, relay, or prolay. Nothing of it is written down, layed down, gathered together. Justice would name a krisis of the gathering together and an exposure to the exposed of law — to its presence, to the exilic of law and the vulnerable of law, to what dawns with law, the emergence and emergenc(e)y of justice and an equality without equal. (Error of disclosure — to think it, but not only to think, but to respond to an equal that precedes you, this Other who is not identical to the same of yours, even if you were this same, and to which your equality would not be equal. Hence, too, to return to the question of a justice whose reparation takes place through an original injustice, one which moreover is not identical to the right or the good, but concerning which these latter might be two of its names.)

‡ An infinite justice then? Or an indeterminate one? Will the call for justice be satisfied with these? Which is also to ask, are they concrete enough? And even if they are not absolutely concrete, even if there is no theory or praxis of a concrete justice (would that not, reading Lyotard, mark a return to terror and a failure to remain witnesses to the unpresentable, would the determination of justice, as this one, this totality and unicity, which might even take the name of reason, or the communitarian good or the liberal right, would this not constitute the terror, and even the error of justice?), might it be the case that they are good enough or sufficient to pass as justice? But such an appeal will have to attend to the naturalisation of forces of relation and value, forces which now appear to be naturally good enough or sufficient and which appear to be nonjusticiable. A justice, hence, that would respond to an equality without equal? A justice that does not respond to an infinitude, or to finitude, but to the crisis and heteronomy of the finite and justice, to a finitude without end, a singular and heterogeneous finitude. The disclosure of the end or the

beginning or the infinite here would already be too determinate, too positive. Justice, then, and a decision of a finitude without end where decision would mark the taking place of judgement and krisis, and not only this or that determinate taking place, and would mark a taking place that takes place here, and is without place.

But every determination already fails to remain adequate to its termination. Determination already de-terminates, works both possessively and intensively on the terminal and finitude, and recoils from it, draws away from it and undergoes the privation of a termination that forces determination into its very crisis and makes of determination a critical issue. The crisis of judgement here, the crisis of law, this crisis of justice that calls on judgement and justice as a krisis, as what is critical and remains critical. The error of disclosure will be to have failed to open and respond to the crisis disclosed in the determination of judgement (indicated in the double logic of subjective and objective genitive), and hence towards a justice of judgement.

‡ Law went into the distance and returned without it. No one recognised what it was returning.