

## ***A-Legality: Journey to the Borders of Law. In Dialogue with Hans Lindahl***

Ferdinando G. Menga  
Institut für Ethik  
Universität Tübingen  
ferdinandomenga@gmail.com

### **ABSTRACT**

This paper delineates and discusses the overall theoretical trajectory of Hans Lindahl's work *Fault Lines of Globalization*. Furthermore, through a strategy of joint thinking – or dialogue – with the author, the article hits a double target. On the one hand, it gives the reader the opportunity to better grasp some aspects and features of the author's philosophical background. On the other, it fleshes out some crucial passages of the book with the aim of a further clarification and more accurate inspection.

### **KEYWORDS**

A-legality, legal theories, contingency, representation, constituent power

The Editorial Board of *Etica & Politica/Ethics & Politics* has decided to devote the Symposium-section of the current Issue to Hans Lindahl's *Fault Lines of Globalization. Legal Order and the Politics of A-Legality* (Oxford University Press 2013).<sup>1</sup> This monograph represents a path-breaking work both in the realm of a general theory of law as well as in the ambit of the socio-, politico- and legal-philosophical studies questioning the structure and the destinies of institutional orders in a global setting. The book has already started infiltrating the international debate by raising numerous discussions,<sup>2</sup> and we are convinced it is destined to gain even broader resonance in the longer run.

---

<sup>1</sup> Henceforth cited as FLG, followed by page number.

<sup>2</sup> The book has already been object of discussion in seminars and presentation events at the following universities: Warwick, Exeter, London/Birkbeck, Weimar (in 2013); Ghent, Catanzaro, Hamburg, London/Westminster, Glasgow, Helsinki, Bogotá, Napoli, Montreal/McGill, Yale (in 2014). A presentation is already planned in Frankfurt a.M. for January 2015. Besides our review section, other discussions of the book have been organized by the following journals: *Contemporary Political Theory* (2015), edited by Andrew Schaap and with contributions by David Owen (Southampton, UK) and James Ingram (McMaster, Canada); *Jurisprudence* (2015), with contributions by Panu Minkinen (Helsinki), Emmanuel Melissaris (LSE, London), Scott Veitch (Hong Kong) and Massimo La Torre (Catanzaro/Hull). A review of FLG is also scheduled to appear in *Political Theory*.

With the wide range of responses to the book gathered hereafter – affirmative or critical as they are –, our Journal not only aims to deliver further proof of the importance of the text, but also wishes to underscore particularly its richness and influence in terms of its cross-disciplinary reach.

It is no light endeavour to present, in the space of an introduction, the dense, multi-perspectival and challenging thrust Lindahl's work brings to the fore, while trying at the same time not to repeat or slightly readjust the (extraordinarily well argued) points, remarks and critiques our contributors – Emilios Christodoulidis (Glasgow), Fabio Ciaramelli (Catania), Martin Loughlin (London School of Economics), Sofia Näsström (Uppsala), Stefan Rummens (Leuven), and Neil Walker (Edinburgh) – have raised in their own papers. Thus, in order to avoid such a risk, instead of providing an introductory contribution to the work, I have decided to leave it to a kind of joint thinking – or dialogue – with the author, with the task of displaying the main aspects of his own line of thought. Adopting this strategy will – I hope – hit a double target. On the one hand, it will give the reader the opportunity to better grasp some aspects and features of the author's philosophical background, otherwise left mostly unexpressed or in latency in his book. On the other, it will give the author the space to more accurately flesh out some crucial passages which he believes, at this point, need be more clearly unfolded or more accurately reasserted.

Before initiating the announced dialogue, let me however begin by delineating the overall trajectory of the work, so as to set the discussion in the right frame.

The book revolves around a major thesis that gives rise to a large range of implications while simultaneously opposing some widely endorsed assumptions representing the mainstream position in the fields of legal and political studies. In fact, unlike many widely shared views, Lindahl's mainstay is that any kind of politico-legal order, far from displaying its structural core in its mere normative articulation – which can be, then, easily brought into formalized and mechanized procedures – should be primarily understood as the result of a kind of joint action, i.e. as an acting together which institutes and shapes collective behaviour. By being constitutively mediated by authorities, such an order also implies, therefore, a normative setting, which establishes in legal terms the subjective, material, spatial, and temporal coordinates of this behaviour. It establishes, in other words, who ought to do what, where, and when.

From this assumption, however, one should not too easily and rapidly draw the wrong impression that, for Lindahl, normativity becomes all of the sudden a merely secondary feature of legal orders. Far from aiming at this simplistic outcome, his argument shows a finer and more far-reaching perspective. He contends, in fact, not that the normative aspect is simply derivative, but rather that this aspect, though undoubtedly essential for any legal order, represents a complex phenomenon, which conveys its full structural configuration only if one considers its

constitutive provenance rooted in the same collective action it is meant to regulate. And what one discovers by looking at this genealogical aspect is the following fundamental state of affairs: all normative orders, legal or otherwise, being the very derivation of the contingent and plural action of their own institution, cannot but bear throughout their life the mark of finitude. Otherwise said: orders, insofar as *instituted*, can never relinquish or sublimate the originary fact that they are the result of an *instituting* process articulating itself in a setting of boundaries which inevitably includes something by excluding something else.

The implications of this assumption for the structure and functioning of legal orders are decisive and manifold – and the entire book may be understood as the multi-perspectival attempt to depict and follow the various trajectories of these implications up to their deepest consequences.

On closer inspection, there are three main implications, according to Lindahl, which follow from the fact that all legal orders are structurally limited or – better said – de-fined by boundaries. In the first place, legal orders are to be considered as never posited once and for all, but, on the contrary, as always subject to the possible questioning of their own configuration, which takes place exactly along the margins of their delimitation (a). Secondly, the articulation and transformation of legal orders can be grasped and explained only through a careful topological inspection illustrating the forms in which the dynamic of boundaries emerges and functions (b). Thirdly, no universalizing pretension, regardless of the guise such a claim may assume – be it globalization, *mondialisation*, cosmopolitanism, supernational governance, or even the acclaimed universality of human rights – can ever overcome the limitedness and boundedness constitutive of legal orders (c).

(a) As concerns the first line of implications, Lindahl thoroughly analyzes the feature of *contingency* constitutive of any imaginable legal order by connecting it to its political insurgence. In extremely simplified terms, what the author conveys here is the fundamental fact that all orders are and will always remain insuperably contingent because they are none other than the reflections of always historical and creative joint action – the action of a putative We – which institutes them. No possible normative mechanism or proceduralization will ever be sufficiently capacious to fully cover over or sublimate, in terms of an instituted stabilization, such a dynamical articulation of the instituting We. And this immediately implies: contingent orders, insofar as limited, will always be transformable.

(b) As a consequence of this, a second line of implications emerges: if legal orders are irreducibly contingent, limited, and modifiable, then this calls for a more precise specification by addressing the following questions: in which sense precisely are legal orders limited? And in which sense are legal orders transformable? Lindahl answers these questions by showing two things: first, the limitedness of any given order specifically means limitedness in membership, content, space, and time – as we have already stated above: an order can be such only if it establishes

who ought to do what, where, and when. Second, the transformation of any given order takes place exactly under the condition that a *demand* for its modification takes place, thereby calling it into question and intimating a new organization or shaping of its extant boundaries (along with the collective behaviour therein contained). According to Lindahl, however, the fundamental element that emerges here is represented by the fact that such a demand can by no means be seized if one simply remains within the legal/illegal bi-partition typical of the way in which legal orders are usually conceived. Indeed, a demand for transformation cannot be simply understood as only “within” the order, or only “outside” it. Instead – as the author puts it –, this demand is to be conceived of as “a-legal”, i.e. as deriving from a normative claim that registers in the legal order as legal or illegal (and is in that sense “inside” the order), yet also questions *both* poles of the distinction between the legal and illegal (and is in that sense “outside” it), thereby opening up possibilities of the legal order which it could realize while also intimating possibilities that lie beyond its scope of transformation. Borrowing an extremely clarifying passage of the book:

The ‘il’ of ‘illegality’ speaks to a privative form of legal order: legal disorder. By contrast, the ‘a’ of a legality is not privative, or in any case not only privative: a-legal behaviour (also) intimates another legal order. [. . .] Not the reaffirmation of boundaries, as drawn by a given legal order for a certain situation, but their questioning is at stake in a-legality. Accordingly, a-legality, like illegality, reveals that legal boundaries govern behaviour and also, conversely, that legal boundaries depend on behaviour. But if the qualification of an act as illegal serves to reaffirm the primacy of boundaries over behaviour, a-legality primarily reveals the capacity of behaviour to draw boundaries otherwise. (FLG, p. 37)

Simultaneously, given the central role that the transgression of boundaries plays for the understanding of the phenomenon of a legal order’s alteration, an accurate phenomenological inquiry becomes necessary for Lindahl, such that one cannot be theoretically appeased by the simple attestation that the challenge of an order generally leads to its modification. The liminal dynamic taking place along the borders of order requires, instead, a careful analysis and differentiation of its various forms of insurgence – and this exactly according to the ways and intensities with which boundaries are accessed and challenged. This gives rise, in Lindahl’s meditation, to a structural differentiation of how boundaries manifest themselves when transgressed. According to this differentiation, boundaries appear as “limits” and as “fault lines”. I restrict myself here only to naming this distinction, leaving to the discussion with the author – and, of course, also to the contributions of our discussants – their more precise qualification and problematic consideration. The important element I would like to further emphasize is, however,

the fact that, according to Lindahl, a legal order's boundaries, regardless the forms through which they may manifest themselves or be challenged, can never be surpassed or incorporated into a total formation, which either sets or even erases them permanently: an inside and an outside, in the sense noted above, are a constitutive feature of legal orders as such.

(c) And this leads immediately to the third line of Lindahl's considerations: universality, globality, totality, in their common claim to the possibility of finally overcoming the inside/outside distinction, represent no actual possibility for any imaginable politico-legal order.

As one can easily grasp, Lindahl's phenomenological thrust is called here to display all its deconstructive potentiality and efficacy, especially in opposition to the current broadly endorsed assumption in political and legal studies, according to which, in a global setting, we are nowadays moving towards a configuration of order without external boundaries. Against this more or less unquestioned assumption, Lindahl's analysis, which scrutinizes several normative orders – such as classical international law, the current form of a super-national governance inspired by a *lex mercatoria* model, the European Union legal frame, cyber law, and even the global regimes of human rights –, seeks to show how the universal claim therein contained remains exactly what it is, i.e. only a purported claim, which cannot be realized; or better: which can claim realization only by hiding its contingent and rooted provenance.

Drawing on all of these elements, we can now begin our discussion with the author, having sufficient elements at hand to realize how high is the stake of his discourse, and how challenging his perspective can be within the current political and legal international debate.

**Ferdinando Menga [FM]:** Professor Lindahl, thank you very much for having accepted to put your work to the proof of this joint assessment and as a theme of this introductory conversation.

To begin with, I would like to start by thematizing one of the more striking elements of your work, which immediately captures the attention of the reader: You clearly insert your work in the trajectory of legal studies, while simultaneously questioning one of its traditional *leitmotifs*, i.e. the priority of the normative element. You contend, in fact, that to thoroughly seize the structure and functioning of legal orders one should not look only, or even immediately, at its normative articulation, but rather and much more at its behavioural aspect, rooted in the dimension of shared action. This claim provokes a powerful rupture or, at least, an evident shift in the way legal theories usually conceive of the juridical order.

To be sure, at the outset of your work, in stressing the centrality of the behavioural aspect as opposed to the normative one, you underline extremely well how this kind of consideration is by no means merely external, but rather already at

work within the traditional line of the legal discourse, even though only in terms of an underdeveloped possibility (cf. pp. 16 ff). I refer here, for instance, to the passage in which you address Hans Kelsen's work. You show that although his perspective ably takes into account the importance of "human behaviour" for legal orders,<sup>3</sup> yet you nevertheless prefer to perform a decisive shift by mainly stressing the normative unity of legal orders from the perspective of their addressees, and the pre-eminence of the related semantics of validity. Such a strategy of internal excavation of the hidden resources of the legal tradition is interesting and a proof of hermeneutical mastery. However, one could raise at least a couple of questions or critical considerations – if you wish – to this strategy. One could ask why, indeed, if the behavioural aspect is constitutive as you claim, it never managed to make the big leap from the background to the proscenium of the traditional juridical discourse. Furthermore, one may also wonder, accordingly, whether the great stress you put on behaviour and joint action, more than hitting the very core of the "legal" within the structure of orders, more pointedly concerns its "political" articulation. Perhaps, a possible way in which you could start clarifying these points, is to tell us also a bit more about the way in which this central idea of your work has emerged in your legal-philosophical line of thinking.

**Hans Lindahl [HL]:** It is indeed the case that FLG argues for a different approach to the concept of legal order, one in which its boundaries are given pride of place. This is not particularly odd, if one considers that a legal order regulates—*orders*—behavior by setting the boundaries that establish who ought to do what, where, and when. But if this is so palpably obvious, why, as you rightly ask, has an enquiry into the internal connection between legal orders and boundaries not been at the core of contemporary legal (and political) theory? The answer, it seems to me, is that the contemporary debate is dominated by what is traditionally called the "identity" question about law, namely, the question what identifies law as a distinctive normative order and thereby differentiates it from other normative orders, e.g. morality. So, for example, the bitter and protracted debate between legal positivism and normative theories of law (including but not limited to natural law, social contract, and discourse theories of law), turns on this issue.

As a result, a second question has been largely marginalized, and which is traditionally called the "individuation" question, namely, the question concerning the conditions that allow of picking out a given legal order as, say, the "Italian" legal order, *lex mercatoria*, international law, or whatever. This question is viewed as being of secondary importance and, as such, one which can be safely passed on to legal sociology and other disciplines. The problem with this strategy is, however, that the individuation question is the question in which the issue of boundaries oc-

---

<sup>3</sup> H. Kelsen, *Pure Theory of Law*, 2nd edition of the *Reine Rechtslehre*, trans. M. Knight, Berkley: University of California Press 1967, p. 30 (quoted in FLG, p. 17).

cupies central stage. The strategy of FLG is to shift theoretical attention to the individuation question, yet in a way that deconstructs the very distinction between the identity and individuation questions. On the one hand, FLG argues that the very concept of law, which is traditionally aligned with the identity question, implies a bounded first-person plural perspective, hence an internal connection between legal order and boundaries. On the other hand, FLG argues that acknowledging this internal connection offers a privileged position from which to engage in the debate about the normativity of legal orders because what sparks this debate is, most fundamentally, the contestation and authoritative positing of legal boundaries: who *ought* to do what, where, and when? So, by focusing on the individuation question, FLG not only aspires to engage the entire spectrum of the conceptual and normative debate spawned by the so-called identity question, not least with regard to globalization processes, but to do so in a way that opens up legal theory to the broader, and to my mind absolutely fundamental, debate between philosophies of identity and difference. Indeed, one of the unfortunate aspects of the distinction between questions of “identity” and “individuation” is that it conceals the fact that the problem of collective identity and difference is at the very heart of “individuation.” And it is in the framework of this fundamental debate that a theory of legal ordering displays its properly political dimension: a *politics* of boundaries.

**FM:** Following from what you have just pointed out in the final part of your answer, it seems to me that for a right understanding of your legal theory and comprehensive capturing of its implications, it is crucial to grasp, in the first place, the precise terms in which you conceive of the configuration of collective identity as the very “engine” – if you allow me the term – of legal order. I adopt here the expression “configuration of collective identity” as a general characterization of a high articulated and multi-faceted theoretical entity in your discourse, which calls for a closer inspection. There are indeed several dimensions simultaneously operative in your conception of collective identity which – I believe – are decisive for a thorough apprehension of the way you articulate legal order.

Let’s start with what I would call the *structural dimension*: how are we to accurately understand “collective identity”, taking into account the by no means evident connection between “collective” and “identity”? To answer this question, you make – as far as I can see – a precise theoretical choice, drawing both on a certain analytical tradition and on a determinate phenomenological discourse. More precisely, on the one hand, mainly through your (critical) appropriation of Margaret Gilbert’s theory of joint action,<sup>4</sup> you illustrate in which way a putative We has to be conceived of if one wants to really maintain it as a *collective* identity. And here you particularly stress the pivotal differentiation between We-each and We-

---

<sup>4</sup> Cf M. Gilbert, *On Social Facts*, Princeton: Princeton University Press 1992.

together, seeing in the latter the appropriate configuration of collective identity. On the other hand, however, you also appeal to Paul Ricoeur's philosophy of the Self,<sup>5</sup> and, by building on his bi-partition of "selfhood" and "sameness", you show how the *identity* of a collective is a considerably more complex phenomenon than many analytical discourses have grasped (with their insufficiently developed sensibility for the ways in which difference constitutively intervenes within the sphere of identity). The interconnection of these two strands of thought – in their affinities and differences – plays a determinant role in the construction of your theory. Given its crucial role, could you better delineate this point?

**HL:** I indeed draw on theories of collective action and phenomenology when attempting to make sense of collective identity and its contrasting terms. Let me begin with identity. Ricoeur's book, *Soi-même comme un autre*, is one of the very few works that provides a careful philosophical account and description of this term. What is of crucial importance is that he distinguishes between two poles (rather than forms) of identity: identity as sameness and as selfhood. Sameness speaks to numerical or qualitative dimensions of identity, predicated of whatever can be re-identified as remaining one and the same through time (e.g. a piece of pie, a cloud, a bird, a person, a soccer team, a state), and which Ricoeur contrasts to plurality and difference, respectively. Selfhood, on the other hand, refers to a reflexive dimension of identity, whereby an individual views her or himself in the first-person perspective as having certain beliefs and desires, and as the one who acts or doesn't act. Ricoeur contrasts selfhood to other-than-self: *autrui*.

While I take my point of departure in this rich account of identity, I expand it in two directions, neither of which is really addressed by Ricoeur. The first concerns the extension of these two poles of identity to collectives or "plural subjects," to use Margaret Gilbert's wonderful expression. Indeed, theories of collective action of analytical provenance have made a compelling argument to the effect that there is a distinctive first-person plural perspective proper to collective agency, a perspective which is not simply the summation of the first-person singular perspectives of the individuals who compose the group. While there can be no first-person plural perspective absent a plurality of individuals, and in that sense absent a manifold of first-person singular perspectives, the former is not simply an aggregation of the latter. This means, concretely, that judgments, intentions, actions, and responsibility can meaningfully be ascribed to social groups, which groups have an existence irreducible to—although not independent of—the individuals which compose them. The second extension of Ricoeur's theory of identity concerns the problem and the experience of the *strange*. As Waldenfels has correctly pointed out, a remarkable feature of Ricoeur's theory of identity is that, when contrasting selfhood to other-than-self, the French phenomenologist passes over in silence the

---

<sup>5</sup> Cf P. Ricoeur, *Oneself as Another*, trans. K. Blamey, Chicago: Chicago University Press 1992.



specific mode of encounter with other-than-self in which the latter manifests itself as what is strange to self. Introducing strangeness and the stranger into a theory of collective identity is crucial to FLG because it permits thematising the problem of a-legality, as the specifically legal mode of appearance of the strange, and doing so in a way that resists Ricoeur's dialectical interpretation of the encounter between self and other-than-self.

**FM:** The other dimension I would like to inspect in your conception of collective identity is the *dynamical* one. Any putative We intended as a legal order is, in fact, by no means an ossified and monolithic entity. And this is because, far from relying on (and merely repeating) a pre-established substantive foundation capable of determining and giving full unitary form to it, it has as its only grounding possibility the very process of its own political and contingent constitution. As a consequence of this – borrowing Claude Lefort's terminology –, any ordered or instituted We is and will always remain dynamical and never fully determined because it is none other than the result of its self-institution – i.e. of the instituting We – deprived of any ontological guarantee.<sup>6</sup>

Addressing this dynamical dimension, which embraces the relation instituted/instituting, has enormous repercussions in your analysis of legal order. You clearly notice, for instance, how it implies a radical reformulation of one of the classical *topoi* of constitutional theory: constituent power. To this respect you affirm, in effect, that neither a foundationalist perspective – not even a formalistic one based on an original norm, like the one endorsed by Kelsen –, nor a decisionistic stance, like the one defended by Schmitt, offers a really satisfactory appraisal of the dynamic inhering in constituent power. In your view, it is rather a certain phenomenological re-appropriation of the concept of representation which offers the real possibility of moving beyond the inadequate extremes of a radical originalism, according to which constituted power becomes a “pure repetition” of a pre-supposed original constituent power (FLG, p. 151), and a radical constructivism, according to which constituent power is productive of a “pure novelty” inevitably caught by arbitrariness. In particular, the structure of representation you deploy – and you have developed through a long journey of phenomenological debating with Merleau-Ponty's philosophy of creative expression, Derrida's notion of the supplementarity of origin and Waldenfels's logic of responsiveness<sup>7</sup> – shows

---

<sup>6</sup> Cf C. Lefort, *Democracy and Political Theory*, trans. D. Macey, Cambridge: Polity Press 1988, esp. pp. 19 ff.

<sup>7</sup> I refer here, for instance, to your works: “Acquiring a Community: the *Acquis* and the Institution of European Legal Order”, in *European Law Journal* 9, 2003, pp. 433-450; “Give and Take: Arendt and the *Nomos* of Political Community”, in *Philosophy and Social Criticism* 32, 2006, pp. 461-484; “The Paradox of Constituent Power. The Ambiguous Self-Constitution of the European Union”, in *Ratio Juris* 20, 2007, pp. 485-505; and “Constituent Power and Reflexive Identity: Towards an Ontology of Collective Selfhood”, in M. Loughlin and N. Walker (eds.), *The Paradox*

how constituent power is inevitably articulated by a kind of paradox which escapes both ends of the aforementioned alternative: a putative We is not originally present to itself and subsequently represents itself to itself (vs. originalism), but rather, by being deprived of any kind of pre-available origin,<sup>8</sup> it constitutes itself as what it is only by a successful – i.e. collectively accepted – process of representing its own origin (vs. constructivism). As you put it: “Representation has a paradoxical structure because an act can only *originate* a community by *representing* its origin. Everything *begins* with a *re*-presentation. More precisely, an act can only originate a collective if it succeeds – and as long as it succeeds – in representing an original collective” (FLG, p. 150).

This kind of understanding of the process of constituent power as originating representation, you propose, also shows its paradoxical configuration in its *temporal articulation*. In fact, given the premises you lay down, one can no longer hold either that constituent power is a pure *prius* (presentation), which the constituted order follows as a mere *posterius* (re-presentation), or that it is a potentiality simply awaiting its unfolding realization (cf FLG, p. 213). On the contrary, drawing from a long tradition that goes back to Freud’s paradoxical temporality of an originary *Nachträglichkeit* of trauma and to its Derridian reprise as a *supplement de l’origine*, and relying on Merleau-Ponty’s notion of ‘a past which has never been present’ and on its Waldenfelsian re-actualization in terms of a *vorgängige Nachträglichkeit* of response, you clearly display how the instituting power of representation shows its effects only *post festum*, *après coup*, thereby obeying the paradoxical logic of an original “retroactivity” of constitution or – more precisely – of an instituting articulation as an “*anticipat[ion] by reiterat[ion]*” (FLG, p. 150).

The way in which you configure the above mentioned dimensions – the structural, the dynamical, and the temporal – brings quite a bit of novelty into the field of legal studies. I would like to ask you whether you feel as an *Einzelgänger* in this line of work or you currently see other good companions going in the same direction.

Secondly, I would like to get back to your radical notion of representation and point out how, if we take it in its genealogical articulation, it may produce a sort of inner discrepancy in your own discourse structure. Indeed, if we start from the premise that only a representational act is able to enact the institution of a collective – which is originally deprived of any kind of original self-identity –, then this means that the exclusive source for the very performing of such an act of a (possibly) viable constitution of the common is none other than the initiative of representative individuals. As you too in many places observe, this goes back to the rad-

---

of *Constituent Power: Constituent Power and Constitutional Form*, Oxford: Oxford University Press 2007, pp. 9-24.

<sup>8</sup> As you precisely recall it: “A collective is never present to itself as its own foundation” (FLG, p. 150).

ical phenomenological fact that – quoting Waldenfels – “no We [can ever] say ‘we’, but rather I say ‘we’ or another says ‘we’, [...] it is every time an individual who speaks for others. The We needs a *spokesperson* who represents the group”.<sup>9</sup> But, if this is true, then, what emerges at the very core of collective identity is what I call elsewhere the constitutive intervention (and excess) of “singularity”.<sup>10</sup> Now, transposing this state of affairs into your terminology, I would dare to say: no We-together can ever cover over the originary representative enactment performed by singularity; and more importantly: no We-together can ever conceal its genealogical contamination with the We-each, in which primarily singularity has to be located. This is exactly what I find problematic in your strong differentiation between We-together and We-each, by putting most of the theoretical weight in the former and only cursorily addressing the potentiality of the latter. By doing this, I have the impression you concede, at the end of the day, no proper structural space for what is most important for your discourse, too: the very place of insurgence of any act of formative representation embodied in singularity.

**HL:** I don’t feel like an *Einzelgänger* in working out the implications of the paradox of representation for the theory of constituent power, quite simply because, as you note, I ride piggy-back on the work that has been done by others in this field, most notably Merleau-Ponty, Derrida, and Waldenfels, but also legal philosophers such as Bert van Roermund, my close colleague at Tilburg. I claim little or no originality for this aspect of FLG; where FLG does, perhaps, carry further earlier analyses of the paradox of representation is in its account of how the paradox plays itself out in terms of the acts of setting legal boundaries. Now, as concerns the distinction between We-together and We-each, it seems to me that your critique is spot-on: the very logic of the argument I am making concerning the representational emergence of a legal collective entails that it is impossible to entirely disentangle We-together and We-each from each other. In particular, I should have made more of the insight that plurality, in the strong Arendtian sense of the term, is irreducible to plurality in Gilbert’s sense of “plural subjectivity.”

I would want to add, however, that singularity is not exhausted by acts of formative representation. There is also singularity in the form of *refusal*, for which Bartleby’s “I’d prefer not to” is paradigmatic. This is a form of singularity that is “de-surgent” and “de-presentational,” if I can put it that way, as opposed to being insurgent and representational, inasmuch as it interrupts collective action without

---

<sup>9</sup> B. Waldenfels, *Grundmotive einer Phänomenologie des Fremden*, Frankfurt a.M.: Suhrkamp 2006, p. 122.

<sup>10</sup> I allow myself, in this context, to refer to my works: F.G. Menga, “The Seduction of Radical Democracy. Deconstructing Hannah Arendt’s Political Discourse”, in *Constellations* 21, 3, 2014, esp. pp. 320 ff. and *Potere costituente e rappresentanza democratica. Per una fenomenologia dello spazio istituzionale*, Naples: Editoriale Scientifica 2010, esp. pp. 281 ff.

intimating other possibilities for legal ordering. Perhaps singularity, so described, lies beyond a-legality as characterized in FLG. Finally, the insurgence, as you nicely put it, of a representational claim highlights another idea which is only mentioned in passing in FLG, namely, that a group is an Us before it is a We. Indeed, the ascription of an act to a collective entails that it is impossible to completely disentangle a We, as the subject which acts, from the group which is the object of an ascriptive act: an Us. There is, accordingly, always an irreducible ambiguity that attaches to collective self-constitution, which is both the constitution *of* a collective self and constitution *by* a collective self. Raimo Tuomela has written a book on collective action entitled *The Importance of Us*;<sup>11</sup> how apposite the title, even though in a sense not envisaged by the author! Acknowledging this point makes room for interpreting the emergence of a legal collective and its boundaries as an *event*, and not merely as the act of a subject. In fact, acknowledging this point leads to a certain undecidability as to whether a boundary “belongs” to a We or whether it “belongs” to whom/what interpellates a manifold of individuals as a collective.

**FM:** You are right in noting that representation does not exhaust the entire spectrum of singularity. There are indeed – as you well mention – quite a few instances in which singularity shows its de-presentational and de-surgent configuration. Giorgio Agamben, in particular, has insisted on granting political articulation exactly to such versions of singularity, such that the political discourse should no longer think, for instance, only in terms of constituent power, but also in terms of forms of de-stituent power. However, in my opinion, it is exactly such a purported *political* configuration of de-representing instances which remain inevitably excluded or unrealizable. And this also explains the reason why I have connected singularity solely with its formative figuration. To be sure, I do not exclude – as the case of *Bartleby, The Scrivener* clearly illustrates – that there might be de-surgent emergencies of singularity within the political realm. What I exclude, instead, is the fact that such de-surgent instantiations of singularity may really acquire – and stabilize themselves in – a true and proper political articulation without an even minimal representational projection or *élan*. Hence, if we go beyond the rhetoric that lends sustenance to these instances and their alleged political configuration, I believe we are left with the following state of affairs: insofar as de-presentational instantiations of singularity really want to act within the political realm – even if in the form of a minimal resistance, protest or refusal –, they need to articulate a claim and, accordingly, initiate a representational process, thereby inevitably transgressing their initially intended aspiration to absolute irrelation. And from this perspective, I think, we can stress the *Bartleby* example even fur-

---

<sup>11</sup> Cf R. Tuomela, *The Importance of Us: A Philosophical Study of Basic Social Notions*, Stanford: Stanford University Press 1995.

ther, by not forgetting, firstly, the way in which the story ends: Bartleby wastes away, collapsing under the weight of his own irrelationality; and, secondly, the by no means secondary fact for a political articulation that Melville, by assigning the narration of the story to the lawyer who hires Bartleby, never concedes to Bartleby himself the authorship of his own discourse or purported paradoxical (non-)claim (to irrelationality).

All of these elements lead me to downplay the significance of the alleged political role that instances of de-surgent singularity may actually acquire. And by the same token, they encourage me to emphasize the importance of your comment, in passing, that such de-presentational forms of singularity may lie beyond the reach of a-legality. This aside of yours is extremely significant to me, for I read it as your own way of not granting the aforementioned instances of de-presenting singularity full politico-legal status. Would you agree on this conclusion?

**HL:** Yes! I think that to the extent that Bartleby goes no further than saying “no,” there is no normative claim which is raised, no reference to what Lefort would call an outside—a *dehors*—from which a manifold of individuals can understand themselves as a unity, in and through their multiple divisions. This capacity to refer to an outside whence a manifold of individuals can view themselves as a group is nothing other than the capacity to *represent*, which is another way of saying that while there is of course an institutional dimension of representation which partakes of what Lefort calls “politics” (*la politique*), representation, in its fundamental sense, is connected to “the political” (*le politique*). It is this fundamental sense of representation which is at stake in the “a” of a-legality.

Abstracting from cases of singular refusals à la Bartleby, at issue is the critique which would uncouple the insurgency of constituent power from representation. Negri is only one of the many authors who follow this line of approach. The difficulties encountered by this critique of political representation are particularly manifest in the Charter of Principles of the World Social Forum. The sixth principle of the Charter states that “No one . . . will be authorized, on behalf of any of the editions of the Forum, to express positions claiming to be those of all its participants.” In other words, the Charter proscribes political representation from the WSF. This is consistent with how the Charter portrays the WSF, namely, as an “open meeting place for reflection,” although one may ask whether the Charter itself is not a representative act that assigns the WSF a purpose that includes and excludes in the very process of claiming to be open. But even if one takes the Charter at face value, it neatly discloses why it will not work to disconnect constituent power from representation: a space remains open only if no representational claim is made in the name of a whole; but without such a claim, no alternative political and legal order can be founded, by revolutionary means or otherwise. The price of “radical openness” in politics is the loss of constituent power. For revolt is a

*conditio sine qua non* but not the *conditio per quam* of revolution. Unless the multitude is represented as a unity in action, no political community can be constituted.

**FM:** Let's get back to the final part of your previous answer, in which you mention what is probably the most crucial theme of your book: the relation of legal order to its constitutive boundedness. To say that any imaginable order is inevitably bounded implies in your discourse to adhere to its ontological character of contingency and, accordingly, to its constitutive relation with an exteriority as that which constantly embodies the mark of the order's limitedness by questioning the extant configuration or delimitation thereof. In more simple terms, the boundedness of an order means that if the order is so, it could have been otherwise, whereby this "otherwise" is constantly incorporated by the always possible emergent demands for its reconfiguration. Now, what has captured my attention was primarily your precise methodological choice in articulating such a dynamic of interiority/exteriority, identity/alterity, boundary-setting/boundary-questioning, inclusion/exclusion that inheres in order. In fact, to illustrate its contingent character and its relatedness to the outside, you draw on a philosophy of otherness or strangerhood, which is mainly – even if not exclusively – inspired by Waldenfels's phenomenology of the strange(r), instead of relying on more broadly deployed paradigms in this field of politico-legal studies, such as Luhmann's system theory, Habermas's communication pragmatism or even Gadamer's hermeneutics of factual contexts. And by doing this, it seems to me that you follow him also in his opinion that the alternative paradigms mentioned heretofore, though initially celebrating the contingent character of order and the necessity of its constitutive relation to otherness, nevertheless display a deeper absolutistic aspiration which ends up aiming to overcome any limitedness and alterity. As far as systems theory is concerned, you display your critical distance to it, for instance, when you address its reactualization by Teubner's work.<sup>12</sup> And, in this context, you exactly highlight his shortcomings in underplaying the insuperability of order's limits. As to your critique of communicative liberalism, you devote long parts of your book to showing how a clear tendency to the reduction of strangeness to alterity is at work in both Habermas's<sup>13</sup> and Benhabib's philosophies of universalism.<sup>14</sup> Similarly, your

---

<sup>12</sup> Cf esp. G. Teubner, *Constitutional Fragments: Societal Constitutionalism and Globalization*, Oxford: Oxford University Press 2011.

<sup>13</sup> Cf J. Habermas, *The Postnational Constellation*, trans. M. Pensky, Cambridge: Polity Press 2001; Id., *Inclusion of the Other: Studies in Political Theory*, trans. C. Cronin and P. de Greiff, Cambridge: Polity Press 2005; Id., *The Divided West*, trans. C. Ciaran, Cambridge: Polity Press 2006.

<sup>14</sup> Cf S. Benhabib, *The Rights of Others*, Cambridge: Cambridge University Press 2004.

critique of Gadamer<sup>15</sup> is no lighter, as you reproach him for a kind of final dialectical absorption into an order of its limited character in the face of strangeness.

Given the importance of these points, I would invite you to deliver a more comprehensive comment on your methodological choice, perhaps by shortly re-addressing one by one your main critiques of your opponents.

**HL:** Let me begin with systems theory, which most explicitly forefronts the internal connection between boundaries and systems in general, and legal systems in particular. After all, the boundary between a legal system and its environment is, as both Luhmann and Teubner never cease to remind us, constitutive for the possibility of law as a system. Yet despite its insistence on the constitutive significance of boundaries for legal systems, systems theory denies that a *spatial* boundary is constitutive thereof. This is already the case in Luhmann; it is much more explicitly the case in Teubner, who claims that global legal orders are organized in terms of the legal/illegal code, and in that functional sense remain bounded, yet cease to be bounded in terms of the spatial distinction between inside and outside. This allows him to defend what I have called “functional universalism.”<sup>16</sup> Like other forms of universalism, so also systems theory takes for granted that the inside/outside distinction is contingent because it amounts to the distinction between the domestic and the foreign.

The main thrust of FLG is to show that the distinction between the own and the strange is more fundamental than that between the domestic and the foreign, hence that any and all forms of global law are spatially bounded in this fundamental sense. Recovering this fundamental sense of the inside/outside distinction requires, however, relinquishing the systemic understanding of reflexivity as developed by Luhmann and Teubner: the self of collective self-identification is not the *autos* of *autopoeisis*: the former involves the first-person perspective of an *embodied* agent, which is, of course, what Luhmann and Teubner have been concerned to purge from systems theory by dint of their methodological decision to forefront communication as the elemental unit of a system.

In contrast to systems theory, both particularistic and universalistic accounts of legal order and legal ordering hold on to the first person perspectives of individual and collective agency. But their approaches to the relation between boundaries and legal orders are also reductive. Particularism’s simple account of boundaries, whereby boundaries include and exclude, has its counterpart in a simple account of collective identity: the closure that gives rise to a polity involves a *self*-inclusion and *other*-exclusion. When the boundaries between a We and other-than-We are

---

<sup>15</sup> Cf H.G. Gadamer, *Truth and Method*, 2nd revised edition trans. J. Weinsheimer and D.G. Marshall, London and New York: Continuum 2004.

<sup>16</sup> Cf H. Lindahl, “We and Cyberlaw: the Spatial Unity of Constitutional Orders,” in *Indiana Journal of Global Legal Studies* 20, 2, 2013, pp. 697-730.

contested, the polity's members reaffirm their joint identity by establishing among themselves how those boundaries should be posited. Against particularism, universalism correctly argues that the boundaries of a polity don't merely separate it from the rest of the world; they also include it in a common world. This more complex approach, whereby boundaries include what they exclude, entails an expansive concept of identity. When the boundaries between We and other-than-We are contested, the affirmation of a polity's identity demands the inclusion of the excluded other. To my mind, neither of these accounts comes to terms with the irreducible contingency of boundaries. Particularism assumes that when the boundaries between We and other-than-We are contested, the polity's members are to preserve an original identity that differentiates We from other-than-We. Yet identity emerges through representational acts of inclusion and exclusion that, representing a *We as this We'*, hence not *as that We'*, differentiate We from other-than-We *and from itself*, thereby introducing difference in the identity of We. Boundary-setting isn't the recovery and reaffirmation of an original collective identity as the touchstone for how boundaries *ought* to be drawn. Universalism, for its part, argues that, albeit within a narrow normative scope, an all-inclusive global polity is possible and ought to be realized by progressively including what has been excluded. But boundary-setting also introduces difference into other-than-We: to include the other, a politics of boundaries must frame its challenge in terms of the challenge to which the polity can respond by reaffirming its identity: How ought *we* to posit *our* boundaries? So, while polities, including a global polity of some sort, can certainly become more inclusive because their boundaries include what they exclude, their boundaries also exclude what they include, thereby precluding that the terminus of boundary-setting can be a polity that has an inside but no outside. In contrast to both particularism and universalism, FLG defends the idea that boundaries are and will remain irreducibly contingent because of the complex logic of boundaries, which include what they exclude and exclude what they include.

The argument about the complex logic of boundaries can also be presented as an argument about identity and difference. In effect, the core argument advanced by FLG as to why the inside/outside distinction is constitutive for legal orders, hence why all legal boundaries are irreducibly contingent, can be summarized in the following general proposition: To posit the boundaries that include a polity We and exclude other-than-We is to represent We as this or as that We', and other-than-We as this or that other-than-We', thereby introducing difference into identity.

**FM:** Still! What about your critical stance as regards Gadamerian hermeneutics? I am particularly interested in this, since you seem to maintain quite a – literally – ambivalent position towards it: on the one hand, you draw some important features from it – and more pointedly from its Heideggerian matrix – in the



process of substantiating your illustration of the contingency-based configuration of legal order (cf FLG, pp. 23, 122 ff); on the other, you nevertheless detect in it an absolutistic-dialectical inclusive aspiration when dealing with strangeness/otherness – especially in the wake of a “fusion of horizons”<sup>17</sup> (cf FLG, pp. 211, 234, and esp. 266). Could you be more explicit on this point?

**HL:** As is well known, Gadamer’s analysis of dialogue is governed by the distinction between the familiar and the strange. According to Gadamer, dialogue is sparked by misunderstanding, by the experience of what is strange, of what resists integration into the horizon of our expectations. Dialogue, as an exemplary manifestation of the hermeneutic endeavour, plays itself out in the polarity between “strangeness and familiarity.”<sup>18</sup> And, Gadamer adds, “the true locus of hermeneutics is this in-between” (ibid). The hermeneutic “in-between” (*Zwischen*) is, of course, none other than the “dia” of “dialogue.” Gadamer develops the dialogical notion of the interaction between self and other through a phenomenology of the game (*Spiel*). “Whatever is brought into play or comes into play no longer depends on itself but is dominated by the relation that we call the game.”<sup>19</sup> This back and forth movement, which is constitutive for a game, determines intersubjectivity as the dialectical mediation of the familiar and the strange. The outcome of a dialogue between self and other, in this strong sense of the term “dialogue,” is a higher-order unity if things go well, that is, a unity that encompasses both self and other in a situation of mutual understanding. So, paradoxically, the Gadamerian dialogue realizes its most intimate finality if it effaces itself as a dialogue. In other words, the “in-between” separating self and other, the familiar and the strange, is provisional, even if the self is ever vulnerable to novel experiences of strangeness that call for renewed dialogue. See here the core idea governing the notion of a “fusion of horizons.”

The assumption that this conception of dialogue, interpreted as the symmetrical movement in which the engagement of the other by the self is correlative to the engagement of the self by the other, is at work in a politics of boundaries is to my mind highly problematic. The problem is not so much that the exercise of political power belies the ‘levity’ of a game, for, as Gadamer points out, games can be played with extraordinary seriousness.<sup>20</sup> The problem is, rather, that games and dialogues, as described by Gadamer, presuppose a *symmetric* relation between the parties thereto. But a politics of boundaries displays a double asymmetry, or so I argue. On the one hand, the strange, in the strong sense of the term, is asymmetri-

---

<sup>17</sup> H.G. Gadamer, *Truth and Method*, esp. pp. 305 f.

<sup>18</sup> Ibid., p. 295.

<sup>19</sup> H.G. Gadamer, “On the Problem of Self-Understanding,” in Id., *Philosophical Hermeneutics*, trans. and ed. D. Linge, Berkeley, CA: University of California Press, 1976, p. 53.

<sup>20</sup> H.G. Gadamer, *Truth and Method*, pp. 101ff.

cal in that it is what resists integration into the Gadamerian dialectic of the self and other. On the other, while the exercise of political power can, up to a point, take on a dialogical form, it is also—and necessarily—the limit of a dialogue between self and other, by virtue of both enabling and disabling it. If the political relation between a collective self and its others is at all dialogical, then certainly not in the form of Gadamer’s “infinite dialogue,” an understanding of a dialogue that is, incidentally, very close to the notion of discourse defended by Habermas. Dialogues in the course of legal ordering are perforce *limited dialogues*, in this twofold sense of the term “limit.”<sup>21</sup>

**FM:** I can well imagine a line of critical remarks as to the contingency and irreducible boundedness of legal orders which concerns your *topos* of a-legality, articulating the unavoidable alterability of orders. Following your depiction, a-legality provokes a transformative politics of legal boundaries in two manners according to the intensity of transgression which is called into place. A-legality may refer to a “weak dimension” (FLG, p. 164) when a still unordered normative claim is raised and, consequently, order is called to re-configure itself in an extensive way, so as to grant legal inclusion to that claim. In such a scenario, a-legality gives rise to the experience of an order’s “limits” and to the possibility of re-setting its legal boundaries (FLG, p. 174). To sum up with your words: such a dimension of weak a-legality, which engenders the experience of limits, “evokes a form of *unordered orderability*” (FLG, p. 167). A-legality however also has a “strong dimension” (FLG, p. 165), which takes place exactly when a still unordered normative claim is raised not as a call for inclusion within the order, but rather as demanding exclusion therefrom. We are dealing here with instances – like secession attempts or revolutionary outbursts – in which legal order does not experience its limit as a limit which could be shifted, but rather as an irreducible and non-includable “fault line.” As you precisely put it: “if, in its weak dimension, a-legality denotes a normative claim to the extent it is unordered but orderable, in its strong dimension it denotes this claim to the extent that it is *unordered and unorderable*” (FLG, p. 165). And this inevitably leads – as you follow – to the unbridgeable “difference between the modes of appearance of a limit and of a fault line. Whereas limits bespeak a gap between extant legal empowerments and those practical possibilities which are unrealized but realizable by the collective, normative fault lines mark the gap between the practical possibilities accessible to a collective and practical possibilities which are inaccessible to it” (FLG, p. 176). Cut to the bone: “The distinctive fea-

---

<sup>21</sup> These ideas are developed at far greater length in my articles “Democracy, Political Reflexivity and Bounded Dialogues: Reconsidering the Monism-Pluralism Debate,” in E. Christodoulidis and S. Tierney (eds.), *Public Law and Politics*, Aldershot: Ashgate 2008, pp. 103-116, and “Dialectic and Revolution: Confronting Kelsen and Gadamer on Legal Interpretation,” in *Cardozo Law Review* 24, 2, 2003, pp. 769-798.

ture of fault lines is that, unlike limits, they cannot be shifted; they must be *overstepped*, and in being overstepped lead over from one legal collective to another” (FLG, p. 175).

Now, with regard to this crucial bi-partition you make, my remark is very simple: if one can envisage a quite imaginable legal practicability for order in cases of weak a-legality, not as imaginable is the possible transformative legal articulation for instances of strong a-legality. In effect, one could raise the following questions: Doesn't indeed a fault line, whenever it emerges, inevitably embody – to borrow Chantal Mouffe's terminology – an “antagonistic”<sup>22</sup> claim so strong and irreconcilable that it cannot be dealt by any legal order? Doesn't instead such a claim, in order to be legally addressed, need be “sublimated” in terms of a viable “agonistic” conflict, and by doing this we are however immediately re-located within the semantic area of a weak form of a-legality? And at last: Doesn't a fault line more than a legally addressable moment represent the blind spot of the legal as such, a *région sauvage* of law which can be played out only in terms of “the political”?

**HL:** This is precisely the objection that Mouffe herself has addressed to me, during a wonderful discussion of a preliminary draft of the book at Westminster! My answer, albeit an answer I could only articulate well after the discussion, found its way into Section 7.5 of FLG. After all, if the outside is the domain to which a collective has no normative access if it is to pursue joint action under law, how can this domain be the object of legal boundary-setting? To put it in Mouffe's vocabulary, antagonism must be transformed into an agonistic politics, which is simply another name for an *internal* politics of boundaries oriented to dealing with the weak dimension of a-legality. I concur with this point, which is exactly why I have been concerned to argue that boundaries manifest themselves as limits, hence as transformable in the framework of an agonistic politics. I wonder, however, whether the distinction between agonism and antagonism exhausts the scope of a politics of boundaries, that is, whether the experience of a boundary as a fault line is only antagonistic. It seems to me that by contrasting antagonism to agonism, Mouffe too quickly follows Schmitt's assimilation of strangeness to enmity,<sup>23</sup> hence his assumption that strangeness entails “the negation of one's own form of existence and therefore must be repulsed or fought to preserve one's own extant form of life.”<sup>24</sup> I concede that enmity is one of the modes of manifestation of the strange, and that antagonism is part and parcel of the concept of the political. But I would argue, against Schmitt and against Mouffe, that enmity does not exhaust the phe-

---

<sup>22</sup> Cf Ch. Mouffe, *On the Political*, London and New York: Routledge 2005, esp. chap. 2.

<sup>23</sup> C. Schmitt, *The Concept of the Political: Expanded Edition*, trans. G. Schwab *et al.*, Chicago: The University of Chicago Press 2007, p. 27.

<sup>24</sup> *Ibid.*

nomenon of the strange. First and foremost, the strange, as concerns the strong dimension of a-legality, manifests itself in the form of an *exception*, that is, as an excessive normative claim which resists inclusion both as legal and as illegal—indeed as a *région sauvage* which accompanies every legal order as its shadow. As I argue and illustrate in FLG, this excessive normative claim *interferes* with the realisation of the collective’s normative point. But the interference wrought by a-legality is not *eo ipse* an existential threat to a legal collective. In other words, the strange opens up a space for a politics of boundaries that is not antagonistic. It speaks to a politics of the exception in a sense of the term which is precisely the opposite to that envisaged by Schmitt: a form of collective self-restraint in the form of exceptional measures, that is, measures that suspend the application of the law with a view to preserving the strange *as* strange. So defined, a politics of the exception is *complementary* to agonistic politics, yet not antagonistic. It is precisely what I have in mind when arguing that a politics of boundary is not only a “reaching out to bring in” but also a “holding back to hold out.”

**FM:** After having addressed and discussed – as far as an introductory interlocution permits – the main trajectories of your work, I would like to proceed with a concluding issue. I am interested in hearing whether – one year on after the publication of your book and several discussion events devoted to it – you feel there are parts of your theory you would now expand, integrate, or even formulate differently.

**HL:** Looking backward, perhaps the most important conceptual task I need to address is to elaborate much more fully on the connection between what I call the weak and the strong dimensions of a-legality. This connection is crucial to the central thesis of the book, namely, that a-legality is a distinctive category which manifests itself from a first-person plural perspective and which should not be collapsed into (il)legality. Looking forward, the final chapter of the book, which is straightforwardly normative in its approach, requires further development in a number of directions, as the comments by several of the respondents make massively clear. One aspect which they don’t mention, yet which has emerged in my previous discussions with you, concerns the alternative justification of human rights proposed in that chapter. I would agree, in hindsight, that it would be worthwhile exploring the possibility of more firmly linking a justification of human rights to singular manifestations of formative representation. I hope to develop this justification in the near future.

**FM:** A very last word harking back to the very first word appearing in the cover of your book: *Fault Lines (... of Globalization)*. Closely adhering to the approach you propose – and drawing further reinforcement from Bakhtin’s and Borges’s les-

son – we may well say that every *dia-logue*, if thoroughly understood, implies always a *polylogue*. In other words, while speaking to others we are also constantly – and perhaps even more primarily – spoken by others. Exactly in these terms I would like to define the instantaneous striking impression which popped up in my mind when first reading the title of your book. I made indeed an immediate connection to the *incipit* of another book's title which recites: *Bruchlinien (... der Erfahrung)*. Now, knowing how much inspiration you draw from the phenomenological thrust of its author, the German philosopher Bernhard Waldenfels,<sup>25</sup> I dare to say that such a polylogical impression of mine was not just the result of the mere projection of my own *daimones* on your discourse. Am I right, then, in grasping a certain 'air of familiarity' – or more precisely 'strangeness' – between your *Fault Lines* and Waldenfels's *Bruchlinien*?

Under condition I am not simply equivocating here, then I would like to think that your book, from its very beginning, is primarily the emblematic instance embodying the same estrangement logic it advocates. In other terms, your book as the very first place in which the trace of the stranger irreducibly contaminates the own; the place in which the *erstes Wort* [first word] already is – *nachträglich*, *après coup* – an *Ant-Wort* [answer].

**HL:** Yes; I could not formulate this more eloquently than you have.

**FM:** Professor Lindahl, thank you very much for your kind partaking in this *dia-logos*.

**HL:** It hasn't ended!

---

<sup>25</sup> B. Waldenfels, *Bruchlinien der Erfahrung. Phänomenologie – Psychoanalyse – Phänomenotechnik*, Frankfurt a.M.: Suhrkamp 2002.