This strange institution called performativity: Jacques Derrida, the anarchy of literature, and the counterinstitution of democracy

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Jacques Derrida. Literature. Performativity after deconstruction. Force. Post-foundational thought.

The aim of this study is to analyze the relationship between performativity and literature in the philosophy of Jacques Derrida. It argues that the performativity of literature, which consists in the structural perversion of the force of language, underlies democratic forms of dissidence such as strike and protest. In this sense, protecting that strange institution called literature is crucial for safeguarding democracy and deconstructing the principle of sovereignty. The anarchy of force unleashed by literature constitutes a disruptive element of sovereignty, conceived as "self-performative".

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Since his discussion with John Langshaw Austin and John Rogers Searle in the 1970s, the vocabulary of speech act theory has permeated Jacques Derrida's work. Derrida upheld the distinction between performative and constative as one of the major philosophical events of the 20th century, and researchers such as Mauro Senatore have considered that his work gives rise to a "performativity after deconstruction" (2013, 38–40). Moreover, the Derridean reformulation of speech act theory constitutes one of the main bases of queer theory by authors such as Judith Butler and allows us to read contemporary theories of the State (Walter Benjamin, Carl Schmitt) in a new way, as occurs in *Force de loi* (Derrida [1991] 1994). In addition to this political dimension, Derrida's reflections on performativity are linked from the beginning to reflections on literature, a relationship that will become explicit from the interview with Derek Attridge, "This Strange Institution Called Literature" (1992), and in texts from the 1990s such as *Passions*. The political dimension of performativity that Derrida explores during his career is intimately linked to the literary dimension of performativity he defended starting in 1972.

This literary dimension of speech act theory, which recognizes a structural perversion of performativity, is what has allowed contemporary authors to speak of "afformative" (Werner Hamacher), "deformative" (Eve K. Sedgwick), and of complaint (Avital Ronell, Sara Ahmed). These strange kinds of performativity are understood as a sort of "distituent" performativity. Thus, if Austin's performative pointed to the "operativity of language", literary performativity points to the inoperativity of writing: it activates a "force faible" that may produce an interruption of processes of symbolic order constitution. Thus, the "institution without institution" that is literature, characterized both by "*the right to say everything*" and "*the right to secret*" (Derrida [1993] 1995a, 28, 25),[1] offers a post-foundational political space (cf. Marchart 2007), which articulates a literary-political living-togetherness based on difference, vulnerability, and the singularity of bodies. "No democracy without literature; no literature without democracy" (Derrida 1995a, 28):[2] the democracy to come will be literary or it will not be.

In the following pages, we will analyze the relation between performativity and literature through three moments of Derrida's career: first, the exchange with Austin and Searle (the 1970s); secondly, the political reading of performativity as a theory of the event and in Butler's queer theory (the 1980s and the 1990s); and finally, Derrida's understanding of literature as an "institution without institution" (the 1990s and the 2000s). Derrida's literary performativity will be characterized by a sort of inoperativity, an openness to alterity. Literature will be to performativity what the right to strike is to democracy: the essential possibility of a suspension, a source of auto-immunity.

THE PERFORMATIVE TURN AND THE RISE OF LITERATURE: DERRIDA AND THE OXFORD PHILOSOPHERS (THE 1970s)

Beginning in the 1960s, the relationship between force and language began to be considered by philosophical academia. The aim of that research was to understand the communicative nature of language, and the first philosophical proposals were

characterized by offering a theory that would guarantee effective communica-tion, overlooking the complex functioning of language precisely where it operates but communication fails. The main example of this problem is found in the works of the Oxford philosophers Austin and Searle. In them, as would happen decades later in 1981, with Jürgen Habermas (2015), the ethical will to guarantee communi-cation constitutes an essential bias against thinking about the complexity of language, that is, the way in which language functions independently of the will or intention of the speakers and generates more or less meaning than intended.

The classic exposition of this effort to save the success of communication and moderate the excesses of language is found in the debate Derrida had with the Oxford philosophers. Researchers such as Delphine Didderen (2006, 6ff) and Stanley Raffel (2011, 277) have offered a historical reconstruction of this debate: the discussion be-gins with "Signature Event Context" (in 1972) or, if one prefers, with Austin's lectures published as *How to Do Things with Words?* (1962). After appearing in the journal *Glyph*, the debate reached book format in *Limited Inc* (1988) and continued to spread through texts such as Searle's review of Jonathan Culler's *On Deconstruction* (Searle 1983) or Derrida's *Papier machine* (2001a). Raoul Moati ([2009] 2014), Didderen (2006), and Jesus Navarro Reyes (2010) have offered some of the most comprehensive reviews of this polemic.

Ever since the idea of the performative burst into the debates in the philosophy of language with Austin, this drive for control and normativization has been a fre-quent feature. Austin's strategy in *How to do Things with Words?* could be synthesized as follows: Austin abandons the criterion of truth that values language by its descrip-tive adequacy with reality or by its intensive adequacy with the speaker's mind and replaces it with the criterion of force. It is not so much a question of whether utter-ances are true or false, but of what effects they produce, i.e., whether or not they generate successful communication, whereby the context and conventions of speech acts become decisive in understanding the functioning of language (Austin 1962, 15, 25–38; Culler 1982, 18).

By no longer paying attention to what language says, but to what it does, Austin makes two moves. First, he turns the exception into the norm: whereas for the "phi-losophers" (1962, 1), performative language (declarations, promises, baptisms) was a marginal and strange case of the norm, where language is constative and articulates the descriptive propositions of knowledge, for Austin all language will be perfor-mative: statements that are apparently only constative hide the implicit performa-tive of the one who affirms, assures, proposes or commits himself to the scientific or testimonial truth of what he says. Thus, Austin inverts the traditional hierarchy that privileged constative language and the criterion of adequational truth to the det-riment of the performative. In his theory, constative utterances are a particular case of performative language. Language, as conventional and contextual, always per-forms something: its value lies in its communicative functioning, in the actualization of convention.

Secondly, in vindicating performativity as the general functioning of language, Austin invokes a philosophical tradition akin to Romanticism that understood lan-

guage as a position (*Setzung*) and not as a mere mediation or instrument of knowledge (*erkennen*). If, according to Aristotle, being was identical to itself and language an auxiliary mediation to apprehend its truth, in 19th-century authors such as Fichte and Nietzsche subjectivity is self-founded through language: in language there is a positive production of the world and a self-positioning of being that rejects the symbolic-literal (or spiritual-sensible, etc.) distinction of the Aristotelian model. In doing so, and perhaps without being fully conscious of it, Austin inaugurates an eminently political dimension of language, since his theory allows us to think about the ways in which performativity articulates the constitution of symbolic orders such as institutions or even states.

To this double strategy, Austin adds the normative gesture of containment that we pointed out above in other authors. He describes a parcel of language that will be "ordinary" or "serious" on which he will deploy his theory, and generates a series of exceptional cases that he does not address in his study:

> Secondly, as *utterances* our performatives are *also* heir to certain other kinds of ill which infect *all* utterances. And these likewise, though again they might be brought into a more general account, we are deliberately at present excluding. I mean, for example, the following: a performative utterance will, for example, be in *a peculiar way* hollow or void if said by an actor on the stage, or if introduced in a poem, or spoken in soliloquy. This applies in a similar manner to any and every utterance – a sea-change in special circumstances. Language in such circumstances is in special ways – intelligibly – used not seriously, but in ways *parasitic* upon its normal use – ways which fall under the doctrine of the *etiolations of* language. All this we are *excluding* from consideration. Our performative utterances, felicitous or not, are to be understood as issued in ordinary circumstances. (21–22)

Literature and fiction in all its varieties are conceived as a supplement to ordinary speech and are therefore excluded from study (Navarro Reyes 2010, 118; Kenaan 2002, 128). Literature is not serious, but a dangerous parasite of language that threatens to infect and sicken the habitual use of the performative and the success of the speech act.[3] Thus, Austin, who seems to be aware of the fickleness of context in determining the success of communication, devoted a good part of his lectures to characterizing the *infelicities* and *risks of failure* (Austin 1962, 14ff) that could *divert* communication from its goals and cause the speech act to *fail.*

In these theoretical strategies, as well as in the choice of vocabulary that makes them explicit, a heavy ethical and political conception of language underlies latently, as Derrida also suggested in "Signature Event Context" ([1972] 1988a, 1–24). This ethical proposal could be stated as follows: only serious statements can deserve to be happy, that is, to be successful and fortunate and not to fail. Evidently, for Austin the serious statements are the principal and normative ones, that is, the ordinary ones, and they are also the ones that are not sick or infected, they are healthy statements. In this normative ethics of speech acts rests the productivity of language, a productivity linked to success as univocity of meaning and healthy containment or moderation of its illocutionary force. Austinian speech acts keep that neoliberal way of life of the entrepreneur and businessman, according to which happiness is insep-

arable from success, and this is just another word to describe effective productivity, that is, for sales.

Derrida's critique of Austin, whose development is notably discussed in the bibliography mentioned above, has two main lines: first, Derrida, as Austin did, structures his critique by making the exception the norm. If Austin showed that performatives, relegated by traditional theory to the marginal case, were nevertheless the general rule in which constative utterances were framed as one more case, Derrida inverts his theory in the same way: the parasitic, sickly and non-serious discourse of literature is for him the main case, which makes possible to understand textuality in general and its performative condition in particular. Language functions, like literature, by its graphematic structure, that is, by the iterability of the trace: its repetition-alteration allows it to act in the absence of its original conditions of emission. Language is always a quotation, a graft, which functions through an "incessant movement of recontextualization" (Derrida 1988b, 136).

Thus, literature is not an exception, but the general rule of language: its meaning and its effects are never univocal. In this sense, reading always demands a reading decision that interrupts the dissemination of meaning and all the involuntary effects of a performative. Language being thus a machine producing quotations, grafts and parasites that shoot and disseminate in a thousand directions, it can be understood that a success of the communicative act as described by Austin and Searle is only one possibility (and an unlikely one) of the drift of the communicative act. Understanding each other has always been an impossible feat. Disagreement with the norm and the vindication of error, of the excessive, the maladjusted and marginal, as the primary form of the word, are the way in which Derrida can provide us with a democratic politics of literature. The institution of literature takes in all the erroneous and unwanted messages, the bastard children of communication and their illegitimate companions: a semantic population migrated and exiled or expelled from the healthy, uncontaminated and successful functioning of "ordinary" language.

THE POLITICAL TURN OF PERFORMATIVITY: THE ANARCHY OF LITERATURE AND THE INOPERATIVITY OF LANGUAGE (THE 1980s–1990s)

If the Oxford philosophers articulated a normative ethics of language through their speech act theory, Derrida allows us to think an ethics of dissent thanks to the inoperability of literature. When he recognizes error as a structural possibility of the functioning of language, Derrida argues that the *possibility of* transgression is structural in a *speech act* (133): by its very constitution, language disobeys the subjects of speech, it functions independently of their will or intentions. Far from constituting the subject, language comes to depose him and to call into question his position of power. In this sense, Derrida's literary performativity not only inaugurates a communicative framework different from that presented by the modern subject, but also empties the foundation of language of its substance: if language functions, it is thanks to – and also in spite of – the anarchy of its force. Chance, and not only iterability, are at the heart of this performativity which, being literary and not norma-

tive, is involuntary, unconscious, disobedient. Derrida's literary performativity explains the inoperability of language: it allows us to understand why communication always fails and is not operative, but it also helps us to understand the ways in which language can disobey and resignify itself, that is, it can render inoperative the meanings and identities it usually embodies in order to invent new ones. This openness to otherness, which Derrida will call "hospitality" in his seminars of the 1990s, is essential for both democracy and literature. Hospitality is Derrida's way of thinking anarchy in language theory and political theory.

If Austin inaugurated a speech act theory, Derrida composes a speech passion theory, a "passive performativity" (Phillips 2013) based on the anarchy of the signifier, inspiring authors such as Erin Graff Zivin (2020) and Jacques Lezra (2017) to explore the politics and aesthetics of error and the untranslatable. Like them, here we ask: what might a politics of the performative in Derrida, a Derridean politics of speech acts, look like? How to think a politics in which excess and error, the other of meaning and power, are constitutive? While Rodolphe Gasché noted that one can speak of a *performative turn of* deconstruction (1999, 256), how does this take shape in political terms, given that performativity, in Derrida, is literary? As Miriam Jerade observes, international commentary has not delved into the political character with which Derrida imbues performativity in his version of speech act theory (2020, 153). We will address three versions of this political dimension: the one offered by Butler with queer theory, the one Derrida himself thinks with his notion of the event, and Hamacher's with his idea of the strike.[4]

Butler has undertaken one of the most significant political readings of Derridean performativity. Whereas Derrida's quotation presupposes the iteration of any mark, Butler thinks of iterability as the quotation of a social norm, as the appeal to and actualization of a pre-established convention. Unlike Austin, and in parallel to Derrida, Butler argues, independent of the subject, an impersonal language establishes the mechanisms of social normativity by producing various effects, among them, a personal identity and a subject. Butler breaks with the idea that there is an essential, pre-existent subjectivity to language to point to the historical, constructed and situated character of different subjectivities through a discourse that speaks and produces them, and to which they are subject. In Butler's own terms in *Bodies that Matter*,

> [t]hus there is no "I" who stands *behind* discourse and executes its volition or will *through* discourse. On the contrary, the "I" only comes into being through being called, named, interpellated, to use the Althusserian term, and this discursive constitution takes place prior to the "I"; […] recognition is not conferred on a subject, but forms that subject. Further, the impossibility of a full recognition, that is, of ever fully inhabiting the name by which one's social identity is inaugurated and mobilized, implies the instability and incompleteness of subject-formation. (1993, 225–226)

Thus, with Butler, subjectivity is produced by discourse through a sedimentation of the incessant repetition of certain social conventions. In this respect, Butler's contribution consists in thinking of a weak concept of subjectivity understood as a personal identity that positively affects discourse as a repetition of a norm: hence its metaphysical fragility, which is combined with the solidity of conventions, but

includes a moment of contingency. That is, argues Butler, "if gender attributes, however, are not expressive but performative, then these attributes effectively constitute the identity they are said to express or reveal," so that "there is no preexisting identity by which an act or attribute might be measured; there would be no true or false, real or distorted acts of gender, and the postulation of a true gender identity would be revealed as a regulatory fiction" (1988, 528). In these lines, Butler transfers an Austinian conception of the performative to the semantic field of gender identities. Following Derrida, she implements in this notion the citational character from which the speech act draws its force.

Butler will qualify the category of identity as a "necessary error" (1993, 230): an error because it can induce the delusion that *there is* indeed a consolidated subjectivity prior to the discursive exercise of power; necessary because, once the performative character of discourse as the production of subjectivities is understood, this identity is the result of it, and its historical positivity can be questioned, deconstructed, undone or remade: the necessity of the error of identity is the contingency that its historical invoice unveils. Here appears the literary moment of Butler's performativity: political action should consist in *deviating* from the norm, in liberating bodies from those fictitious identities that are assumed to be true and necessary. Butler allows us to think of those bodies that resist their codification and, by making an unforeseen and novel use of language, manage to extend the norm or question its naturalness.

Butler's theory entrusts the political dimension of the performative to the capacity of the interpellated subjects to reappropriate the terms that stigmatize them in order to give them a new meaning through a different use. The structural indeterminacy of Derrida's performative effect is for Butler the opportunity to change the meaning of terms and generate new scenes of recognition. However, Butler neglects the fact that, as Sedgwick (cf. 1993, 4) appreciated, it is always the other who performs our identity: not only that it is the other who interpellates us as subject and assigns us an identity that either gives us visibility or takes it away from us, but that all language is itself *deformative*: there is no such thing as a full reappropriation or resignification available for the subject, because the productivity of the performative is always limited by its inoperativity, that is, by its structural indeterminacy. It is not that the subject does things with words, and not even that language makes subjects with words, but rather that the illegibility and alterity of writing is always, as undecidable and incalculable, suffered: the force of words is a passion, not an action of the subject. Performativity, as Jerade observes, "deconstructs the 'me' of what happens to me."[5] Through the agency that Butler confers on the subject to re-signify her identity, the voluntarist elements that Derrida called into question in his discussion with Austin seep into the theory of speech acts. This is why, in the further development of his theory, Derrida will conceive speech acts as heteroperformativity.

What was articulated in the 1970s as the conception of language as quotation and literature, will be in Derrida's works of the 1990s a vindication of alterity and a notion of the performative as an event, but as an event that is suffered, received by the subjects. It is Derrida's proximity to developments in psychoanalysis and his reading of Freud in texts such as *États d'âme de la psychanalyse* (2000) or *Résistances*

de la psychanalyse (1996) that allows him to dissociate performativity from the sovereign position of the subject in order to think a politics beyond the principle of power. What is now at issue, then, is the deconstruction of what Senatore calls the "self-performative" (2013, 19), the idea of the subject as a self-production that was essential for the philosophers that conceived language as *Setzung*. Self-performativity would be the name of sovereignty in speech act theory. In the texts mentioned above, Derrida will show the mythical character of this pure sovereignty understood as self-performativity.

Derrida points out that one of Michel Foucault's most relevant contributions in his critical discussion with psychoanalysis is to show that there is no such thing as a *principle of* power and a *principle of* pleasure, that is, that power and desire are not principal or essential, but historical and produced. Following Foucault, Derrida will affirm that the relation between the two principles is one of forwarding or spiral: "What we must stop believing in *principality* or *principleness*, in the principal unity, in the *arche*: in that of pleasure and in that of power. The theme of the *spiral* traces the figure of a duality (power/pleasure), but of a drive duality that is *without principle*" (Derrida [2014] 2015, 15–16).[6]

Hence the pertinence of thinking an unconditionality that is *beyond the* principle of power, *beyond the* beyond the principle of pleasure. A thought of otherness requires this critical departure from sovereignty. Thus, as Derrida points out in *États d'âme de la psychanalyse*: "Well, I will affirm that there is, it is indeed necessary that there be reference to some unconditional, an unconditional without sovereignty, and thus without cruelty […]. It comes then from a beyond the beyond, and thus from beyond the economy of the possible" ([2000] 2002a, 276).[7]

In this sense, it is a matter of distinguishing "'sovereignty' (which is always in principle indivisible) from 'unconditionality'" (Derrida [2003] 2005a, xiv),[8] as will be said in *Rogues*. This is why Derrida, beyond the performative-constative distinction, on the one hand, and beyond the pleasure–power opposition, on the other hand, establishes a difference between the regime of the possible and a sort of "originary affirmation of beyond the beyond" (2002a, 276),[9] a regime of the impossible where a non-sovereign unconditionality and "the experience of a non-negative im-possible" (2002a, 276)[10] could be thought of. The relationship between the two regimes is not one of opposition, but a dissymmetrical one. Hospitality, gift, forgiveness, the invention of the Other, and the "perhaps" are all figures of that unconditional impossible that lies beyond the sovereign instance and that institutes in Derrida the event. Thus, what characterizes a political event is not the institution of a new symbolic order, that is to say, it is not its performative capacity. Rather, it is its inoperability that makes it relevant: the way in which it breaks an established order and leaves an empty space for re-signification. The gift and hospitality point to the crack that the event leaves in an instituted order.

Thus, if Derrida's literary performativity had a deformative character in the identity of the subject, as we thought with Butler and Sedgwick, Hamacher has thought this deformative character by conceiving literary performativity as a strike, that is, as an "afformative". Hamacher reads Benjamin's *Towards a Critique of Violence* ([1921]

2021) to think performativity as deposition and disruption of the processes of political grounding and constitution. Literary performativity, in a macro-political context, offers resistance to the consolidation of a rule or a law. Hamacher's performative is, in this sense, an "afformative," a force of resistance, another version of Benjaminian divine violence conceived as a speech passion. Hamacher writes:

> If one now characterizes law imposition in the terminology of speech-act theory as a performative act – and specifically as an absolute, preconventional performative act, one which posits conventions and legal conditions in the first place – and if one further calls the dialectic of positing and decay a dialectic of performance, it seems reasonable to term the "deposing" of acts of positing and their dialectic, at least provisionally, as an absolute imperformative or afformative political event, as depositive, as political a-thesis. (1991–1992, 1139)

Hamacher points out that this force of deposition is both linguistic and political, in a gesture that in Derrida we have read as literary: the lawless force of literature is the condition of possibility and impossibility of every *speech act* (see Valls Boix 2020a).

Following Benjamin, Hamacher points out that the force of the afformative is another name, in political theory, for the strike. The strike, thus, is the political-linguistic gesture that recalls the contingency and the random, a-legal character of the mythical or constitutive force of symbolic orders. Mythical force performs a symbolic order; it is a violence used as a mean towards an end. On the contrary, the vulnerable force of strike is meant to depose a symbolic order: its aim is to put an end to instrumentality of violence, that is, to performativity. What we understand through Derrida's deconstruction of speech act theory is that language is, at the same time, both constituting and destituting a symbolic order, since its capability to produce meaning through dissemination remains always open. The ambiguity of language coincides with this sort of aporia, that reveals, as Hamacher states, the structural afformativity of language: language resists to be closed as a pure meaning, it always remains opened, deposing what it poses, striking what it produces. In this sense, its promise of meaning is also a perjury. Undefinition is what defines the performativity of language: not constitution, but strike; not the institution of power (*arkhé*), but its destitution (*an-arkhé*); that is, the possibility of not saying, of not producing completely what was aimed to produce. In sum, if language always entails a deposing force, it is anarchy that characterizes the whole realm of textuality.

It is in this strange institution called literature where this ambiguity of language and its deposing force reaches longer effects. Hence, following both Hamacher and Derrida, we may assume that as literature, language is on strike. It could communicate, function, act, produce or legislate, but it would prefer not to, as Bartleby the scrivener would say:[11] language never says fully, never means fully, because it prefers the enigmatic power of possibility. Literature embodies this preference, the openness of "not-to", the anarchy of words and their trips from one meaning to other. Thus, deconstruction is nothing but a general strike and a strategy of rupture "to the extent that it assumes the right to contest, and not only theoretically, constitutional protocols, the very charter that governs reading in our culture and especially in the acade-

my" (Derrida [1991] 1992a, 38).[12] What is constitutive in him is that force of rupture that interrupts the processes of consolidation of a symbolic order, be they subjective (deformative) or institutional (afformative), be they biopolitical (deconstruction of the norm) or macropolitical (deconstruction of the law). Thus, Ronell (2018) and Ahmed (2021) have also thought of complaint from the inoperativity of the performative. In all these works, it is the literary condition of performativity that, in its radical insignificance, inaugurates a political scene of emancipation and dissent. Literature, as performative, opens an anarchic space in the political sphere, an absolute hiatus that institutes "a heterogeneity that must remain forever open" (Derrida 2002a, 278).[13]

THE LITERARY TURN OF DEMOCRACY: TOWARDS AN INSTITUTION WITHOUT INSTITUTION (THE 1990s–2000s)

In his book *Creation and Anarchy*, Giorgio Agamben argues that Derrida's thought can be conceived as a "democratic interpretation of Heidegger" ([2017] 2019, 48).[14] Although we do not share Agamben's reasons for defending his proposal (see Valls Boix 2020b), we do consider the denomination to be accurate. As we will show, Derrida's thought can be conceived as a democratic interpretation of Heidegger that lies in the anarchic character of literature, in that strange institution that is Derridean performativity.

In the 1990s and the 2000s, Derrida turned his attention to the institution of literature. From this new perspective, the gesture for thinking the performative consists in inscribing "the indestructible secrecy at the heart of the performative structure," as he affirms in his seminar *Répondre du secret* (1991–1992).[15] The secret is that instance of indeterminacy that speech acts bring with them in each of their occurrences: that force of rupture that allows signs to reinsert themselves in a new speech context and, at the same time, to resignify or undo an established meaning. The secret is that which is heterogeneous to both knowledge and power, both constative and performative, which can change everything, bring both the best and the worst. The secret is precisely the anarchy of literature, its resistance to saying, its persistence in disobeying and assuming a definitive meaning.

With this theoretical drift, Derrida operates a shift in the conception of the performative, extracting it from the symbolic order to which the Oxford philosophers confined it and deploying it as the force of the other in me in the form of a non-negative im-possible, an instance that he also qualifies as "the real" in *Paper Machine* ([2001] 2005b, 96).[16] Thus, performativity in Derrida's thought points to a journey from the symbolic to the real, from the act to the passion of speech, from promise to perjury, from the legible to the illegible.

What in literary terms Derrida calls "secret" corresponds to the "weak force" (*force faible*), "vulnerable force" (*force vulnerable*) or "force without power" (*force sans pouvoir*) that Derrida thinks of in *Rogues* (2005a, xiv) to articulate the performativity of the event. The weak force of the secret, which in Hamacher's thought corresponds to Benjamin's divine violence, is "always stronger than the force of a performative" (Derrida [2001] 2002b, 235).[17] If, in his discussion with Austin, Derrida argued that

the functioning of the performative depended on a force of rupture, two decades later he will make the same claim through the concept of the secret: "The readability of the text is structured by the unreadability of the secret, that is, by the inaccessibility of a certain intentional meaning or of a wanting-to-say," he writes in *Given Time I* ([1991] 1992b, 152).[18] And just as this weak force was not part of the performative regime of power, the secret will be defined as "that in speech which is foreign to speech" (1995a, 27).[19] When Derrida conceives literature as "*the place of all these secrets without secrecy, […] with no other basis than the abyss of the call or address, without any law other than the singularity of the event*" ([1992] 2008, 159–160),[20] he confirms its link with performativity and consolidates that anarchic dimension that will articulate the democratic institution.

Thus, Derrida observes in *Points…* both the link between democracy and literature and the particular conception of institution that it inaugurates: "Literature is not an institution among others; it is at once institution and counter-institution, placed at a *distance* from the institution, at the angle that the institution makes with itself in order to *take a distance from itself, by itself*" ([1991] 1995b, 346).[21] In its political history, literature is linked to "that principal authorization to 'say everything' whereby it is related in such a unique fashion to what is called truth, fiction, simulacrum, science, philosophy, law, right, democracy" (346).[22] Thus, literature has no essence, no property, nothing that defines it: there is no literariness of the literary. Literature, as an institution, is an entirely conventional space, subject to a legal framework that determines at each moment what is and what is not considered literature. As such, it is completely heteronomous, it is constructed by the conventional force-of-law of academies, institutions, publishing houses. Thus, "only under the conditions of law does the work have an existence and a substance," Derrida assesses in "Before the Law" ([1985] 1992d, 215).[23]

Its strictly conventional character implies, therefore, that literature shares the conditions of possibility of the law (109), so that there is no one without the other: "(no) more law and (no) more literature" (215),[24] Derrida states. The literary institution is that legal space that makes it possible to transgress the law. Only this external force-of-law will guarantee that literature opens something like a force-without-law, that is, a hiatus between text and discourse, an inessentiality that is both the singularity and the banality of the literary text. In short, literature is "an institution which tends to overflow the institution" (Derrida and Attridge 1992, 36).[25] If literature is something, it is a fundamental indeterminacy of status that only thanks to a legal status can be deployed. This same paradox is what constitutes democratic institutions, which are characterized by inaugurating an anarchic space, that is, a space in which the life of its citizens does not depend on a normative or legal determination but can develop beyond them.

In Lezra's terms, both literature and democracy are defective institutions (2024): political spaces that are never fully saturated by a semantic identity, but rather revolve around the possibility of the inoperability of any meaning, norm, or law. The right to strike and the right to literature are the way in which this paradox is inscribed in the rule of law that articulates contemporary democracies, the current form

in which anarchy inhabits democratic legal spaces like a parasite. Just as there is no democracy without a strike, there is no democracy without literature. This is how Derrida puts it:

> Literature is a modern invention, inscribed in conventions and institutions which, to hold on to just this trait, secure in principle its *right to say everything*. Literature thus ties its destiny to a certain noncensure, to the space of democratic freedom […]. No democracy without literature; no literature without democracy. […] The possibility of literature, the legitimation that a society gives it, the allaying of suspicion or terror with regard to it, all that goes together – politically – with the unlimited right to ask any question, to suspect all dogmatism. (1995a, 28)[26]

CONCLUSION

In these pages we have offered a survey of Derrida's work in order to show the links between performativity and literature. These links not only allow us to appreciate the particularities of Derrida's contribution to the speech act theory, but also to recognize the political dimension of literature and its structural link with democratic institutions. Both the uniqueness of Derridean performativity and the political dimension of literature lie in an anarchic conception of the signifier and in a weak force capable of maintaining a structural openness, referred to as "secret", that allows for the continuous rewriting and critical reflection of democratic institutions. Derridian performativity is a strange institution, for it not only accounts for the operability of language and its capacity to constitute symbolic orders, but also explains the inoperability of language, its power to undo identities and depose political and legal orders. Literature, like democracy, holds an essential indeterminacy that is an openness to the future, to change and transformation. As counter-institutions or defective institutions, they have the paradoxical quality of legally articulating a space for anarchy, a space where there are no guiding principles, and invention and hospitality are at the center. With them, a space of vulnerability and non-sovereignty is inaugurated. A politics of care and difference begins with this weak force stronger than any sovereign principle.

NOTES

1   "*Le droit de tout dire*", "*le droit du secret*" (1993, 65, 59).
2   "Pas de démocratie sans littérature, pas de littérature sans démocratie" (Derrida 1993, 65).
3   We note that Searle extended speech act theory to fictive discourse through a revaluation of intentionality that Austin, in his pragmatic turn, had discredited (cf. Searle 1975, 325). See Didderen 2006, 64; Kannetzky 2001, 192.
4   To explore the religious concerns rather than the political dimension of literature in Derrida's philosophy, see Kuchtová 2023, 298–299.
5   "Deconstruye el 'me' de lo que me ocurre" (2020, 162). Translation by the present author.
6   "Ce à quoi il faut cesser de croire, c'est à la *principialité* ou la *principauté*, à l'unité principielle, à l'*arkhè* : et à celle *du* plaisir et à celle *du* pouvoir. Le motif de la *spirale* dessine la figure d'une dualité (pouvoir / plaisir), mais d'une dualité pulsionnelle *sans principe*" (2014, 11).

7 "Or j'affirmerai qu'il y a, il faut bien qu'il y ait quelque référence à de l'inconditionnel, un inconditionnel sans souveraineté, et donc sans cruauté […]. Ce n'est pas un principe, un principat, une souveraineté. Elle vient donc d'un au-delà de l'au-delà, et donc de l'au-delà de l'économie du possible" (2000, 82–83).

8 "Dissocier la 'souverainaieneté' (toujours en principe indivisible) et l' 'inconditionnalité'" (2003, 13).

9 "Affirmation originaire de l'au-delà de l'au-delà" (2000, 83).

10 "Expérience d'un impossible non-négatif" (2000, 83).

11 I have explored in detail elsewhere the idea of understanding Derridean performativity through Bartleby's formula "I would prefer not to" (Valls Boix 2020a, 195–197).

12 "Dans la mesure où elle prend le droit de contester, et de façon non seulement théorique, les protocoles constitutionnels, la charte même qui régit la lecture dans notre culture et surtout dans l'académie" ([1991] 1994, 93).

13 "Une hétérogénéité qui doit rester ouverte à jamais" (2000, 84–85).

14 "L'interpretazione democratica di Heidegger" (2017, 94).

15 "Du secret indestructible au cœur de la structure performative" (1991–1992, S9, 5). Translation by the present author.

16 "Le réel" (2001a, 315).

17 "Toujours plus forte que la force du performatif" (2001b, 75).

18 "La lisibilité du texte est structurée par l'illisibilité du secret, c'est-à-dire l'inaccessibilité d'un certain sens intentionnel ou d'un vouloir-dire" (1991, 193).

19 "Ce qui est, dans la parole, étranger à la parole" (1993, 61).

20 "*Le lieu de tous ces secrets sans secrets* […], *sans autre loi que la singularité de l'événement*" ([1992] 1999, 208).

21 "La littérature n'est une institution parmi d'autres ; elle est à la fois institution et contreinstitution, placée à *l'écart* de l'institution, à l'angle que l'institution fait avec elle-même pour *s'écarter d'elle-même*" ([1991] 1992c, 357).

22 "Cette autorisation principielle de 'tout dire' qui la rapporte de façon unique à ce qu'on appelle la vérité, la fiction, le simulacre, la science, la philosophie, la loi, le droit, la démocratie" (1992c, 357).

23 "[…] n'a d'existence et de consistance qu'aux conditions de la loi" (1985, 133).

24 "Plus de loi et plus de littérature" (1985, 133).

25 "Une institution qui tend à déborder l'institution" ([1992] 2009, 256).

26 "La littérature est une invention moderne, elle s'inscrit dans des conventions et des institutions qui, pour n'en retenir ce trait, lui assurent en principe le *droit de tout dire*. La littérature lie ainsi son destin à une certaine non-censure, à l'espace de la liberté démocratique […]. Pas de démocratie sans littérature, pas de littérature sans démocratie. […] La possibilité de la littérature, l'autorisation qu'une société lui accorde, la levée de la suspicion ou de la terreur à son endroit, tout cela va de pair – politiquement – avec le droit illimité de poser toutes les questions, de suspecter tous les dogmatismes" (1993, 64).

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