

LAW AND JUSTICE: A DIALOGUE BETWEEN JACQUES DERRIDA AND MIA COUTO AND *THE THIRD MARGIN* BY GUIMARÃES ROSA¹

DIREITO E JUSTIÇA: UM DIÁLOGO DE JACQUES DERRIDA COM MIA COUTO E A *TERCEIRA MARGEM* DE GUIMARÃES ROSA

DERECHO Y JUSTICIA: UN DIÁLOGO DE JACQUES DERRIDA CON MIA COUTO Y *LA TERCERA MARGEN* DE GUIMARÃES ROSA

BERNARDO GOMES BARBOSA NOGUEIRA²
MARIA CELESTE REIS FERNANDES DE SOUZA³

ABSTRACT: The present text intends, besides describing the structure of Jacques Derrida's deconstruction thought, based on an analysis of his Force of Law, to offer a reading of the issues involving law and justice, in a dialogue, which is intended to be a crossing, with a conference by Mia Couto and a short story by Guimarães Rosa. The ultimate goal will be to highlight deconstruction as justice based on the French Algerian philosopher and to provide an opportunity for a reading of this issue with literature as a pedagogical and critical hypothesis of law and justice.

KEYWORDS: law; justice; Jacques Derrida; literature; aporia.

¹ Text resulting from the doctoral thesis of Bernardo Gomes Barbosa Nogueira, rewritten within the scope of the Interdisciplinary Center on Health, Education and Rights of the Postgraduate Program in Integrated Territorial Management of the Universidade Vale do Rio Doce; composed in light of the Structuring Project of the Center “Territorialities, Vulnerabilities and Resiliences” in partnership with the Research Project “Law, Literature and symbolic reinventions of the territory: dialogues in neoliberal times”.

² Graduated in Law from the Faculty of Law of Conselheiro Lafaiete; Master in Legal-Philosophical Sciences from the Faculty of Law of the University of Coimbra; Doctor in Theory of Law from the Pontifical Catholic University of Minas Gerais with a PhD internship at the University of Coimbra. He is undertaking a postdoctoral internship at the Faculty of Law of Vitória (FDV). Professor of Law and the Postgraduate Program in Integrated Territorial Management at the University of Vale do Rio Doce (UNIVALE). Professor at the Milton Campos Law School. Professor at the Institute of Applied Mediation (IMA). Professor at the SUPREMO. Mediator accredited by the TJMG. Honorary Member of the Brazilian Network of Law and Literature (RDL). Belo Horizonte (MG), Brazil. ORCID: <https://orcid.org/0000-0002-8882-6223>. Lattes CV: <http://lattes.cnpq.br/8970715085414975>. E-mail: bernardo.nogueira@univale.br.

³ Graduated in Pedagogy from the Faculty of Sciences and Letters of Carangola (Fafile); Master in Educational Sciences from the Enrique José Varona Institute, Havana. PhD in Education from the Federal University of Minas Gerais (UFMG). She completed her postdoctoral internship at the Federal University of Sergipe. Professor of the Postgraduate Program in Integrated Territorial Management, at the University of Vale do Rio Doce (Univale). Researcher at the Interdisciplinary Center for Education, Health and Rights, Niesd/Univale and the International Research Network on Relationship with Knowledge. Research Productivity Scholarship holder at Fapemig/CNPq. Belo Horizonte (MG), Brazil. ORCID: <https://orcid.org/0000-0001-6955-5854>. Lattes CV: <https://lattes.cnpq.br/2703384157059932>. E-mail: celeste.br@gmail.com.

RESUMO: O presente texto pretende, além de descrever a estrutura do pensamento da desconstrução de Jacques Derrida, a partir de uma análise de seu *Força de Lei*, procura ofertar uma leitura das questões que envolvem direito e justiça, em um diálogo, que se pretende travessia, com uma conferência de Mia Couto e um conto de Guimarães Rosa. O fim último a que se pretende alcançar será o de evidenciar a desconstrução como justiça a partir do filósofo franco argelino e oportunizar uma leitura desta questão tendo a literatura como hipótese pedagógica e crítica do direito e da justiça.

PALAVRAS-CHAVE: direito; justiça; Jacques Derrida; literatura; aporia.

RESUMEN: El presente texto pretende, además de describir la estructura del pensamiento deconstructivo de Jacques Derrida, a partir de un análisis de su *Fuerza de Ley*, procura ofrecer una lectura de las cuestiones que envuelven derecho y justicia, en un diálogo, que pretende travesía, con una conferencia de Mia Couto y un cuento de Guimarães Rosa. El objetivo final que se pretende alcanzar será el de evidenciar la deconstrucción como justicia a a partir del filósofo argelino francés y brindar la oportunidad de leer esta cuestión, utilizando la literatura como hipótesis pedagógica y crítica del derecho y la justicia..

PALABRAS CLAVE: derecho; justicia; Jacques Derrida; literatura; aporía.

1 THE FORCE (IS) OF THE LAW: BY WAY OF INTRODUCTION

We start, therefore, with Jacques Derrida in his thinking about law, or more properly, about the complex relationship between law, justice and violence⁴. This point is extremely important, because, by going through it, we intend to have given the dimension we would like to have regarding where we start from, where it is inserted and what language we speak when we refer to law and justice, why not, to this dimension of alterity that will always be inserted in the course of our writing.

We start, together with Jacques Derrida (2010), in an analysis of his text *Force of Law*⁵ which is presented in two sessions, particularly, in this first moment we will focus on the first moment entitled *From right to justice*, however, not without first focusing on the title of the session itself: *From right to justice*, from the outset one can observe these words in a way to understand them as if from right we were going to justice, as if we were through right, on the way to justice, in a journey towards justice that would have right as the road that leads to justice. We could even wonder if there was a right to justice, as if justice were something that the law would protect for those who were at the door of the law. As if justice were really the end to which law aspires, what it aims for and offers.

These questions serve only as a provocative foreshadowing, since, as our reading advances, we will realise that Jacques Derrida's intention is very far from the union of these two terms, however, not far from the perception that the relationship that can be glimpsed

⁴ Check: Nogueira and Ribeiro (2021); Silva and Pimenta (2024).

⁵ Disclaimer: The first part of this text, *From Right to Justice*, was read at the opening of a colloquium organized by Drucilla Cornell at Cardozo Law School in October 1989, under the title *Deconstruction and the Possibility of Justice* [...] The second part of the text, *Benjamin's Preamble*, was not read there, but a copy was distributed to the participants (Derrida, 2010).

between law and justice remains as a path, perhaps as a crossing without us having the assumption of a shore that cherishes this encounter, since the very relationship of one with the other, of one with the other, will always be, from its very foundation, problematic.

In this direction, we suggest as a problem to be addressed, the dialogue about the conception of law and justice based on the ethical thought of Jacques Derrida and to what extent there would be a pedagogical encounter with what Guimarães Rosa's⁶ Third Bank of the River suggests, read under Derrida's understanding of literature; for this, we have as a compass the relationship between law and literature, understanding the end of the movement, as a welcome to that which comes⁷, to the coming, elements that support the entire theoretical arsenal of the author in question.

As a hypothesis, we bet that Rosa's short story, by throwing the reader into a momentary kidnapping, allows for the pedagogy and verticalization of what Derrida calls an experience of the impossible, that is, justice. Considering also the way in which the author stages his quasi-concept of literature, considering it as a strange institution, which acts in the very dimension of the future:

[...] literature presents itself as this announcing future but which can never find a step towards arrival because it is always on the way. Literature as a motive for deconstruction when it is placed in the dimension of justice, when it is confused with it. Thus, at each encounter, at each violent operation of one against the other – *law and justice* –, we believe it is opportune/urgent to contain the very relationship between law and literature as a privileged place of *invention*, which for this very reason brings what the order could not foresee, making it beyond itself, beyond its presence, disturbing, so to speak, deconstructing (Nogueira, 2018, p. 163, our emphasis).

In these terms, our perspective of analysis is inserted, that is, we recognize, together with Derrida, that the power of the perception of literature as a strange institution⁸, is allied to the experience of unconditional justice indicated by the same author; this reading, of the impossibility of justice, together with the way Derrida conceives literature is our methodological contribution:

The unconditional absolute of justice means a promise of endless improvement of law, laws, legality in general, including human rights. Without this effectiveness, unconditional justice would be reduced to a mere

⁶ We started these debates in: NOGUEIRA, Bernardo Gomes Barbosa. Third Bank [podcast]. The third bank of the river. Available at: <https://open.spotify.com/episode/770QYbBr8yOO3IZJujH2Ys?si%20=otEEKsUaSt2lnH4wHoBuVg&context=spotify%3Ashow%3A7u3Zbc9AHvXORWLOoq7X4G>. Access: January 21, 2025.

⁷ Check: NOGUEIRA, Bernardo Gomes Barbosa. ∞. *Anamorphosis - International Journal of Law and Literature*, Porto Alegre, v. 1, n. 2, p. 371–386, 2015. Available at: <https://periodicos.rdl.org.br/anamps/article/view/68>. Access: 21 Jan. 2025.

⁸ The space of literature is not only that of an instituted fiction, but also that of a fictitious institution, which in principle allows one to say everything [...] The law of literature tends, in principle, to challenge or suspend the law. In this way, it allows us to think of the essence of the law in the experience of “being able to say everything”. It is an institution that tends to extrapolate [débordar] the institution (Derrida, 2014, p. 49).

abstraction [...] The power of literature, as an institution linked to modern democracies, with the practically infinite power to say everything, consists in staging this desire for justice [...] A literary power that configures yet another dispower, the power to say the unsaid, in reserve, to bring to discussion themes that are little or poorly treated by the media, philosophy, history and other human sciences [...] The “question of literature” in Derrida can only be approached from an aesthetic point of view associated with the political and ethical: literature allows us to think about the essence of laws and norms from their foundations, liberating writings and formalities that are often repressed and enabling some kind of enjoyment (jouissance, enjoyment). (Nascimento, 2014, p. 25)

This is because, right at the beginning, Jacques Derrida's proposal to think about law can be found, which is the one we use as a basis, and which will certainly guide us in the criticisms that may appear in the name of law. Thus, the author begins by saying that there is a force that has always been part of the law, which does not come from outside as an adjective, but which makes it up and sustains it, in some way, it is also that which makes it impose itself, that builds time, but which, on the other hand, also makes choices, calculates, opens or closes the door of the law.

Reminding us that law is *always* an authorised force that is justified or has a justified application, even if that justification may be judged, on the other hand, to be unjust or unjustifiable. There is no right without force, Kant reminded us of this with the utmost rigour. Enforceability is not an external or secondary possibility that may or may not be added to the right in a supplementary way. It is the force essentially implied in the very concept of justice as law, of justice insofar as it becomes law, of law as law (Derrida, 2010, p. 7-8).

From here we can already oppose some ideas regarding what we called attention to in the title of the session, *From law to justice*. Jacques Derrida makes it clear that the question of force is something immanent in law, that there is a violence operating, not from it, but that is confused with it, that gives us what is called the force of *law*, *the force* that enables the law to be applied, the force that is the law itself, the force that commands the law. In these terms, if it is possible to say what we suggest about the title, this would be, at most, in the hypothesis of justice as a right, but which, on the other hand, as we intend to show, can never be confused with it⁹ .

However, we may ask in what way would a violence carried out under the yoke of law differ from a violence carried out without being under its mantle? That is to say, is it possible

⁹ For to begin to respond to the suspicion of passive concordance with the law, whatever it may be, it will be said that this co-implication of the law of repetition and affirmation contaminates the law with a constitutive illegality that will enable us to understand how this or that positive law can be unjust. Every law tries to justify its justice precisely by transforming the violence of its performative force into a calm acknowledgement of the state of affairs it produces [...] This scheme only allows us to think of injustice according to the model of falsehood: the only way to think of a justice that is not thus modeled on the acknowledgement is to recognize the (necessary) possibility of an injustice already inscribed in the very structure of the law, not as an anticipation of its own transgression, but as its own illegality as such (Bennington, 1996, p. 168).

to measure the reach, the extent, to find a measure, of a violence founded on law, to be confused with it, and on the other hand, a violence without an order, without an institutionalisation? Is there a measure for violence? Is there a way to measure the effects of violence which has the mantle of order and violence which is not practised under this mantle? Or is there a need here for a more refined reflection, perhaps one that would lead us to question up to what point and to what extent the one who wields legitimate force, the one who has in his hands the condition to apply the law, when operating from his legitimate violence, would not be building conditions that will lead to what we call non-institutionalised violence¹⁰ ? It is not on this path that Jacques Derrida, for now, invites us to think. Therefore, let us leave these questions in abeyance, to resume this discussion at another time.

With the expression to *enforced the law* Jacques Derrida allows us to suppose that it would be possible the "accomplishment" of justice in the measure, mediated, wrapped by the force of the law, that is, that justice would need the law, since it is not to be confused with it, but that for this very reason, without its medium, it would not be able to "accomplish itself". It would be justice then in the dimension of the right or *justice as right*.

In the course of the reading, Jacques Derrida brings the reflections of Pascal and Montaigne that will be key to the understanding of what grounds law, its foundation, what sustains it as a force that builds time and, on the other hand, the distinction between law and justice. We inform that this distinction is extremely relevant to our reading and, at the same time, it guides one of the hypotheses that understand the need for deconstruction, for the strategy of deconstruction, in the face of law.

Pascal:

[...] one says that the essence of justice is the authority of the legislator, another, the convenience of the sovereign, another, the present custom; and it is the surest: nothing, according to reason alone, is just by itself; everything moves with time. Custom makes all equity, for the simple reason that it is received; it is the *mystical foundation of authority*. Who refers it back to its principle annihilates it (Derrida, 2010, p. 20-21).

And Montaigne: "Now, laws are kept in credit, not because they are just, but because they are laws. This is the mystical foundation of their authority; they have no other [...]. Who obeys them because they are just does not obey them precisely because of what he should" (Derrida, 2010, p. 20-21).

From the outset one can see that once again the distinction between justice and law appears, there is no ontological relation that links the terms, despite some historical insistence

¹⁰ It is said that the river that drags everything is violent. But no one says the banks that compress it are violent (Brecht, 1973, p. 71).

in associating these concepts¹¹. This question becomes really clear when we observe that the foundation of law is the *mystical foundation of authority*, which, not by chance, appears in the subtitle of Jacques Derrida's text. We shall therefore start from this reflection. There would not be an obedience to the laws by force of a foundation of justice, what sustains it would be placed in this mystical data that appears as something that commands belief in it.

Thus, together with Jacques Derrida, it is inferred that what is in the founding order of the institution, of the order, of the right, occurs violently, that is, it tears, breaks through time, the "homogeneous fabric of history" and founds itself there. An erasure that is itself of constitutive, creative violence. Just as in a birth there is always pain so that there may be life, in the reading that is promoted, the assumption of what is called right also happens in a way that violates, builds a time and by this we can already hear an endless number of questions, for example, an act of violence that makes the right emerge is also an act of forgetting. There is no hypothesis of a foundation that is sustained without violence, in a cut, not leaving wounds, the scar that remains is the mark of that which was violated, forgotten perhaps¹², there remains the body marked by force.

The body of history will be governed by this force that sustains order, *mystical*, but which will necessarily leave ruins, make and produce ruins and consequently forgetfulness. The irruptive force that moves the law from its foundation would not be a force that is exogenous to it; this recognises all the reflection that is made about law, about the law itself, that more than a docile acceptance that there is an intrinsic relationship between the law, the order of the law and justice, it is important before, and still, to reflect about its distance in relation to the former; The force, the violence that erupts from it, that erupts with it, could not be received without a poignant reflection. The violence that nourishes the right needs to be thought, questioned, deconstructed, if you like. For it would always be escaping. It tends to be covered up. Veiled. This is a task that a thought committed to justice must always stick to.

In this sense, it is important not to neglect this birthmark of law that sustains it and makes history, but a certain history, which in Benjamin's hearing could mean the history of the victors.

¹¹ For a detailed and critical appreciation of these issues see Bobbio (2006), Cruz (2011), Cruz and Duarte (2013), Neves (2003; 2008).

¹² My wing is ready for flight, I would prefer to retreat because if I too were to follow as living time would be unhappy" Gerhard Scholem, *Salutation of the Angel*" There is a painting by Klee that is called *Angelus Novus*. In it is drawn an angel who seems to be on the verge of walking away from something he stares at. His eyes are wide open, his jaw dropped and his wings spread. The angel of the story must look like that. No countenance is turned to the past. Where we see a chain of events, he sees a single catastrophe, which relentlessly piles ruin upon ruin and hurls them at his feet. He would like to pause to wake the dead and gather up the fragments. But a storm blows in from heaven and clings to his wings with such force that the angel can no longer close it. This storm irresistibly propels him towards the future, to which he turns his back, while the heap of ruins before him grows to the sky. It is this storm that we call progress (Benjamin, 2012, p. 245-246).

The very emergence of justice and law, the instituting, founding and justifying moment of law, implies a performative force, that is, always an interpretative force and an appeal to belief: this time, not in the sense that law would be at the service of force, a docile, servile and therefore external instrument of the dominant power, but in the sense that it would maintain, with what we call force, power or violence, a more internal and more complex relation (Derrida, 2010, p.24).

It is to this that we allude when we say that the law then constructs a certain time, institutes an itinerary, and how important it is to review the itinerary, under penalty of not being forgotten by the force of authority a series of existences that have not been catalogued. The founding instant of the right is given by the force that comes congenitally within it. Not recognising this violence, which we would say is original, is exactly what sustains the maintenance of itself. By continuous acts of violence, the law will maintain itself¹³, leaving outside the law, outside the door of the law, absent from the law, forgotten about the law, those who, for example, rise up against this performative force.

And it is interesting to see how the force, the violence of law requires a performance for its maintenance. It cannot be contradicted, since order, but in its inscription of birth we see the face of an alterity that will remain forgotten, and forgetfulness is the same as being violated, interdicted, left out. This performance, this performative power that now says of time, finds, therefore, in itself its sustenance. In the violence that per-forms, de-forms, con-forms, its existence is sustained. There is no need to question, therefore, whether or not there is justice in this act, it of *itself*, by its performative condition¹⁴, sustains itself. It is what Jacques Derrida tells us about a "walled silence" since it is lodged inside language, *mystical*.

2 "WALLING OUT FEAR": UN-MURDERING VIOLENCE

Before continuing on the road with Jacques Derrida, allow a hyperbole, one more invitation, one more call. The expression "walled silence" which in the Derridian allocution informs us of this *mysticism* surrounding the arrival of the right, its irruption, its appearance,

¹³ ...this formulation passes lightly by the fact that Derrida deconstructs the distinction between founding and maintenance types of violence, and claims that they are mutually involved, or "differentially contaminated". The founding of all states inaugurates a new law in violence, a violence that, in order to assert itself, needs to be enforced and preserved (Borradori, 2004, p. 261).

¹⁴ In contrast to the classical statement, the performative utterance, the performative does not have its referent (but here this word is undoubtedly inappropriate, and constitutes the interest of discovery) outside itself or, at any rate, before itself and vis-à-vis itself. It does not describe anything that exists outside language and before it. It produces or transforms a situation, it operates; and, if so it can be said, a constative utterance also effects something and always transforms it into a situation, it cannot be said that this constitutes its internal structure, its function or its manifest destination as in the case of the performative (Derrida, 1972, p. 420). Thus, the performative cannot depend on consciousness. It can always have the power to produce unforeseen effects in its arrival, over which I have no control. In order to be truthful and radically performative it must operate as "a 'communication' that does not essentially confine itself to conveying an already constituted semantic content, holding by its very aim at truth" (wolfreys, 2009, p. 40).

cut and performative determination, calls us to an important reflection and which we think Mia Couto offers a contribution.

At a conference in Estoril in 2011, the Mozambican writer, and it is good that we hear voices that are different from the law, one of the immense contributions that the relationship between law and literature¹⁵ can make is for these voices that are *strangers to the law* to come and teach more about law without speaking *legalese*. I was saying that Mia Couto gave a lecture with the title *Murar o medo (To wall up fear)*, for us Brazilians, when a Mozambican says the word murar (wall up), we almost hear the word morar (dwell), which is not far from the reflection we intend with this hyperbole about Mia's Mozambique Couto.

He said that "fear was what most made him unlearn", that the "ghosts" created would be greater, more frightening than reality itself. That sometimes ghosts are invented that haunt and wall in, that make fear their home. This violence that fear brings makes one create exits, responses to it, and the writer concludes that these responses to fear can be, and almost always are, more violent than fear itself¹⁶.

The violence that institutes the law, the *mysticism* on which it bases its authority, that which is like a "walled silence" in its structure, is somehow allusive to the very "invented" fear that Mia Couto says, that is, there is a fear instilled in that silence, a fear, a belief, "[...] the authority of the laws rests only on the credit we give them. We believe in them, that is their only foundation. This act of faith is not an ontological or rational foundation." (Derrida, 2010, p. 21) and therefore, when we are demanded by fear, by law, we obey its call. In these terms of reading, we would always be, since always, compelled to respond to the law, to be before it, at its door, but without being able to touch it, without being able to enter it¹⁷.

¹⁵ See Nogueira; Nonato; Novaes (2023).

¹⁶ Fear always exceeds bodily presence, and that is why it is also the correlative passion of the law; fear is, then, at the same time the origin of the law and of the transgression of the law, of the law and of crime. And if you take fear to the limit of the threat exercised or felt, namely terror, you must conclude that terror is at the same time what motivates both respect for the law and the transgression of the law. If you translate 'law' by 'sovereignty' or by 'State', then you have to conclude that terror is as much opposed to the State as it is shown as a challenge carried out by the State as an essential manifestation of its sovereignty [...] Sovereignty is instituted because one is afraid (for one's life, for one's own body) and then because one needs to be protected; then one obeys the law, which has been instituted, out of fear of being punished if it is confronted. Between protecting and compelling there is an essential link. "I protect you" means, for the State, I oblige you, you are my subject, I subjugate you. To be the subject of your fear and to be the subject of the law or of the State, to oblige to obey your fear, all this is at bottom the same thing (Derrida, 2016, p 72-73).

¹⁷ Es su discurso el que opera en el límite, no directamente para prohibir, sino para interrumpir y diferir el paso, o el salvoconducto. El hombre dispone de la libertad natural o física de penetrar en esos lugares, perno no en la ley. Debe, por tanto, y bien que tiene que hacerlo, y bien que hay que constatarlo, prohibirse a sí mismo la entrada. Debe obligarse a sí mismo, darse la orden, no de obedecer a la ley, sino de no acceder a la ley, que en suma le hace decir o le deja saber: No vengas a mí, te ordeno no venir, todavía hasta mí. Ahí, y en esto, es donde soy yo la ley, y donde tú accederás a mi demanda. Sin acceder a mí. Porque la ley es lo prohibido. Nombre y atributo. Tal sería el terrorífico double-bind de su tener-lugar propio. Ella es lo prohibido: eso no significa que prohíba sino que está prohibida ella misma, un lugar prohibido. Elle se prohíbe y se contradice poniendo al hombre en su propia contradicción: no se puede llegar hasta ella, y para tener relación con ella conforme al respecto, no se debe, se

Therefore, we understand that this allusion to Mia Couto helps insofar as the first step for any change of itinerary, for any act that intends to deconstruct this violence, is to recognize its existence. There is a violence congenital to the foundation of law, *mystical*, in the same way that for Mia Couto's child there was also the fear instilled in him. That is why it is important to uncover this question, both of fear, but even more so, of the violence in which law is founded, its mystical foundation, so that things do not remain aporetic¹⁸.

When we make this approach to Mia Couto's fear, to the walls that are built on account of fear, we dialogue with the hypothesis of deconstruction that later on in his *Force of Law* Jacques Derrida will oppose to law. So, there are two ways out here, either we keep on without problematising this fundamental question and we recognise that there is law and that there is fear without questioning them at the outset, or, and this is what we suggest, we deconstruct this violently founded building. Always in an act of hope, of less fear, that is, more deconstruction, and more justice, that is, deconstruction. Mia Couto deconstructs fear when, at the end of the lecture, he shows his own internal contradictions, allowing us a different notion of this fear, "invented":

It is symptomatic that the only human construction that can be seen from space is a wall. The Great Wall was erected to protect China from wars and invasions. The Wall did not prevent conflict or stop invaders. Possibly more Chinese died building the wall than were victims of the invasions that actually happened. It is said that some workers who died were walled up in their own construction. These bodies turned into wall and stone are a metaphor for how much fear can imprison us. There are walls that separate nations, there are walls that divide poor and rich, but there is no wall in the world today, that separates those who are afraid from those who are not afraid. Under the same grey clouds, we all live, from the south and the north, from the west and the east. I will quote Eduardo Galeano about this, which is global fear, and say: "Those who work are afraid of losing their jobs; those who do not work are afraid of never finding work; when they are not afraid of hunger, they are afraid of food; civilians are afraid of the military; the military are afraid of the lack of weapons and weapons are afraid of the lack of wars. And, perhaps, I now add: *there are those who are afraid that fear will end* (Couto, 2011, our emphasis).

debe no tener relación, se debe interrumpir la relación. Se debe no entrar en relación sino con sus representantes, sus ejemplos, sus guardianes (Derrida, 2011, p. 51-52).

¹⁸ Deconstruction thinking functions as the memory of the promise. That messianic promise, now radically without content, which has always permeated the left, but which seems to have lost its place. It is not possible to construct a political proposal dissatisfied with the given and commonplace of contemporary institutions, without recourse, the appeal to the yet to come. Mere reinterpretation, redescription of modern traditions, movements and historical chains, perhaps, are not enough. It is clear that, finally, there is no other practical way but to dive into history, but the no way, the creative aporia of justice, the impossible experience of undecidability that permeates each and every moment of political-legal decision is the only food for political agents who need to break with the given and the inertia of everyday political life (Ghetti, 2004, p. 128).

And this deconstruction of fear, highlighting its internal contradiction, is perhaps also important in relation to law, that is, there is the need for the incessant recognition of its fundamentally violent structure. It is in this sense of discussion that we will move on to the next step in which Jacques Derrida shows once again the necessary distinction between law and justice and proposes deconstruction itself as justice. Our intention with this hyperbole was to show the necessity of maintaining ourselves in this discussion about the *mystical* violence that founds law and that allows it, therefore, to be deconstructed.

In the same way, nor is fear something ontological, that exists by itself, it is created, invented, as well as the right, that does not happen in an ontological way and in itself, which justifies the need for the deconstruction of both, under penalty of remaining walled, not the right and fear, but the effects of fear and violence that is the right, because there will always be "those who are afraid that fear will end". In the same way, there will always be those who are afraid that the right will be deconstructed.

3 THE DECONSTRUCTIBILITY OF LAW

We suppose we have been able to show that the founding act of law, its placement in the world, its inscription, occurs through an act of violence, which in turn is a self-sustaining act. An act that arises from an intrinsic force/violence and that when it appears brings with it its non/foundation, its non/support, its non/foundations. Thus, if the institution, the order, the order of law, is formed from this performative force, which brings in itself a violence and at the same time it is in it that the founded right is maintained, we can infer from Jacques Derrida that the right is necessarily deconstructible, and this for two more reasons.

It happens while formation in time, in history, in the history of law, that is, while a construct¹⁹, a model, if we want, a limit to the formation and social organization, that is, the law, in Castanheira Neves' words, would be "a possible answer for a necessary problem" (Neves, 2008, p. 11), problem that happens exactly by the encounter of the humans in the world, because, and we go again with this last author, "the world is one, and the men in it are many" (Neves, 2008, p. 13). In this sense, if the right would be this possible answer, violent, which is as a possible possibility/response for the resolution of the encounter with the other,

¹⁹ The accentuation of law as a thinking shows the inexhaustibility of law as an axiological-normative act, "projection (the regulative in act) of an axiological sense in the convivial mode of human existence", always in process, always dynamic, a problem always posed and always susceptible to revision. It shows, after all, the ontological availability of law. What law is, man gives, not capriciously but in history. This is why it no longer makes sense to think in terms of the dichotomy "natural law vs. legal positivism". Beyond any jusnaturalism, there emerges the understanding that the right must recognize the historical availability dictated ontologically, and, beyond positivism, the awareness that the right is never exhausted in the positivity that comes from the past, as this same positivity depends on a current understanding, constitutive of the very juridicity of any dogma that one wishes to affirm (Coelho, 2005, p. 224-225).

this indicates us the hypothesis of a possible deconstruction²⁰ of itself. Which does not mean a destruction or denial of the right, this will be addressed further on.

On the other hand, if the foundation of law is imposed by a force/violence, if when looking at its bottom one only sees other layers of violence that perhaps came to succeed each other in time, another reason to say of its deconstructive characteristic, or in better words, deconstructible. Again, not in the sense of saying no to law, but in the sense of questioning its limits from its bottom, and perhaps letting us see what has perhaps been buried by the fate of its violent nature, of its foundation without foundation.

Thus, recognising the deconstructible characteristic of law is the very chance that we find with Jacques Derrida of, by differentiating it from justice, making it beyond itself. Such a search, such a crossing, such a path for the perfectibility of law is what this relationship allows. This possibility is marked above all by the idea that, since there is no way to remove from it, from the law, its congenital characteristic of being violent, not as an adjective, but even more so as a foundation, its effectuation should always be questioned, always put into question, in some way, always deconstructed. It is not necessarily in the right, as Castanheira Neves warned and exactly for its condition of possibility and not of natural imposition is that once again the deconstruction appears as an important dialogic for this intent²¹ .

In some way, in reference to the provocations brought up at the beginning from the text, regarding the title of the conference, perhaps they can be analysed more parsimoniously. The title makes one think: From right to justice, perhaps a really important reading of this title is the idea that if there is law, and there is, if we are placed within the order, and we are, perhaps a good diction is to think that we will be, at most, on the way to justice, that is, on the way to deconstruction in the step of deconstruction, in his language, which the author will tell us is justice itself.

Jacques Derrida shows that when he opposes deconstruction before the law, it will be for him as a way of taking it to the path of justice, however, without ever reaching it, since it is impossible, in this sense, our first indication is marked, justice, in the moulds to which the

²⁰ Deconstruction attempts to dismantle any position of a discourse as if it were a 'construction'. Given that philosophy is concerned with ideas, beliefs and values constituted within a conceptual scheme, what is deconstructed is how they are held together in a given scheme. Unlike a general method or an analytical procedure, deconstruction is a highly individualised type of intervention that aims to destabilise the structural priorities of each particular construction. The reason why Derrida pursues destabilization rather than, for example, consolidation, is that philosophical constructions seem to him to depend on seemingly sharp oppositions and irreducible conceptual pairs: spiritual and material, universal and particular, eternal and temporal, masculine and feminine, are just a few examples (Borradori, 2004, p. 220).

²¹ Naturally no right can ever be adequate to justice and that is why there is a history of law, that is why the rights of man evolve, that is why there is an endless determination and an endless perfectibility of the juridical, because precisely the appeal to justice is infinite. [Here again, justice and law are heterogeneous and inseparable. They appeal to each other] (Derrida, 2004, p. 66).

author alludes, will always be a path, an aporia²², if we wish; However, not as a regulating ideal, but as that which evidences the finitude of the right and that for not being confused with it overflows it making it beyond itself; still violence, and it will always be like that when we refer to the right²³.

Still in the footsteps of the title *From Right to Justice*, it is always important to recognise a delay before the questions that involve justice. To this Jacques Derrida will say that it is necessary, necessary, *the perhaps*²⁴, a figure that refers directly to the heart of the discussion on metaphysics itself, on metaphysics itself, which always wants to know "what is", the *perhaps*, on the contrary, lends us one more chance of justice, one more moment to pull ourselves out of the eagerness to reach an end, to find a safe harbour, which, necessarily, may be a harbour without boats, since the one who arrives is the other, of the other, of the other,

²² Thinking about aporia is one of the most important activities since antiquity until today. In contemporary times, it has become one of the great dilemmas for theories and human sciences, especially with regard to the status of all deliberation. In fact, one of the rules of aporia is not to give in to deliberation. The surrounding of a thought, a path that is only around something, an unnamable object, is a point of aporia. Thus, aporia is always an edge, a being already dislocated from the finality of a decision simply accepted, without the prejudice of the other that implies and dismantles it. First of all, aporia makes it impossible [...] When the thinker places himself in a place of "privileged instability" provided by "some aporias", we have the pertinence of a way of thinking that installs itself within the philosophical tradition, but always already aiming at its impossible exit. The condition of possibility of deconstruction belongs, in this way, to the paradox of this affirmation in front of the other [...] Thus, Derrida would articulate the aporia as an insurmountable necessity, as a path that has not yet opened, but that is possible to open and will not open. As Kofman proposes, by not confusing poros (open road) with hodos (any road already made), the affirmation of this road is made in the very opening, in the moment in which the opening is made. Deconstruction, being one of these ways, remains as a chaotic mode and, at the same time, in the impasse of thinking, that is, in the course of poetic language itself (Eyben, 2012, p.9).

[...] the "phenomenon" of alterity, if we may so say, concerns an aporia or dissymmetry of origin, only formulable in the form of a paradox, which at the same time incites and makes impossible the consummation of a desire for appropriation that operates in each of these violent practices. Also justice, another inseparable theme in this same discussion, will show itself to be an instance, if, in this case, one can speak of an "instance", inseparable from these articulations. (Duque-Estrada, 2004, p. 37).

To think negatively is to think by aporias, according to aporias. It is to bear the paradox, the contradiction; it is to face the barred path and keep going, without the clauses, the gaps and the margins of metaphysics [...] The aporia, and not the impasse, reigns. Taking up Aristotle's intuitions (in the fourth book of the *Physics*), Derrida asks himself what an aporia is. Literally the term means: there is no passage. An aporia is impossibility, impracticability, a barred path. It is not knowing where to go, it is the impossibility of being still. An uncomfortable situation, difficult, that makes one tremble. One must put up with aporias, let oneself be invaded by them, let oneself be invaded, as he writes in *Aporias*, "by the negative form of thought", that is, by the aporias of the thought that thinks according to aporia (Pecoraro, 2002, p. 70-71).

²³ Derrida is indeed sceptical about a real space of non-violence. In this regard, the debate on justice is illustrative. Beyond all law, beyond calculation, beyond predictability, beyond the slowness of justice as an institution, or of the judiciary, justice is thought of as urgent, radical, incalculable and unpredictable. It is not possible to know justice. It cannot be identified with the law, a concrete political order, a present situation. It always escapes any present and, therefore, in this distance, in the filling of this distance, one always finds violence, rupture, force. (Ghetti, 2004, p. 122).

²⁴ "Perhaps", one must always say perhaps as regards justice. There is a future for justice, and there is justice only to the extent that the event is possible, which, as an event, exceeds calculation, rules, programmes, anticipations, etc. Justice, as an experience of absolute alterity, is inapresentable, but it is the chance of the event and condition of history. A history undoubtedly unrecognizable, of course, for those who think they know what they are talking about when they use that word, whether it is social, ideological, political, juridical history, etc. (Derrida, 2010, p. 55).

and this, whatever it may be, cannot be anticipated, thematised, found or mapped. We will return to this question.

So, *From the right to justice*, again: is there a right to justice? Is there a right that would guarantee that justice is achievable? Is there a just legal system? A just legal construction? It seems we have already made it clear that there is no mistaking right for justice, the former deconstructible, the latter indeconstructible. The notion that law is deconstructible, as Jacques Derrida teaches, is not a negative issue; on the contrary, it is perhaps the chance, even the need, to go beyond, beyond what is ready as an order, an institution, as a logos. This going beyond, beyond the order, will be in our discussion ahead when we bring literature into the dialogue, perhaps as one of the possibilities of still being in the order of law, but of a different law, always other, always another, when in contact with literature.

Asking about a right to justice. This is in the wake of the title of Jacques Derrida's first session. It is not a simple matter, however, to speak of a right to justice, and since justice, in the terms in which it is written, is not found as an ontological availability, which rules out, for example, the idea of a natural right, nor as a motive that sustains actions within a scheme of positive law, because if there were a way of saying justice the whole hypothesis of justice as a non-location in which the other, the other, inhabits/does not inhabit, would be lost by the simple fact that both the one and the other, the other and the other, as well as justice, are always to come, and it is important that they are preserved like that, for the guarantee of the hypothesis of deconstruction of what is imposed as order, as violence.

The answer to our question is somehow enunciated in the propositions that Jacques Derrida brings to initiate a deconstructionist strategy of law. In this sense, one cannot affirm a right to justice, but it is possible to say of a right, of a justice as a right, that allows, that waits, that needs to be deconstructed. Therefore, Jacques Derrida relies on the strategy of deconstruction to try to respond positively to what comes, to that which comes and does not wait, which is always eager for justice. At the door of the law there is only violence, justice would operate, therefore, in this need for deconstruction; there is a need for justice, likewise, there would be a need for deconstruction. We will see why.

Justice itself, if something as such exists, outside or beyond law, is not deconstructible. So is deconstruction itself, if something as such exists. *Deconstruction is justice* [...] 1. The deconstructibility of law (for example) makes deconstruction possible. 2. The indeconstructibility of justice also makes deconstruction possible, or is confused with it. The consequence is that deconstruction occurs in the interval between the indeconstructibility of justice and the deconstructibility of law. It is possible as an experience of the impossible, there where, even if it does not exist, if it is not present, not yet or never, *justice exists* (Derrida, 2010, p. 27).

Jacques Derrida proposes that from the questions left above, somehow there would be the need for another subtitle to join the plot in question: “justice as the possibility of deconstruction, the structure of law or the law, of the foundation or the self-authorization of law as the possibility of the exercise of deconstruction” (Derrida, 2010, p. 28). This dialogue is important to us because in this subtitle there are issues that will be discussed but that we can anticipate.

In the first place, “justice as a possibility of deconstruction” shows itself exactly by a necessity, I mean, by right, by a right to deconstruction. Because of the hypotheses it raises and because it brings to the surface something that may have been silenced by a force, always the word force, of a will of appropriation of what comes. In this way, justice as the possibility of deconstruction, could also be written, deconstruction as the possibility of justice, because, exactly when one surrenders to this aporetic thought, as already explained, one can find the chance to let come who comes, that is, to deconstruct the law is at the same time, to do justice to the law, not against the law, but taking it further, without a need to destroy it, that is not what it is about; but of realising that if in its background we always find violence, if its action, its doing is violent, deconstruction shows itself as a necessity, so to say of a right to deconstruction, or a right to justice, which will keep, on the other hand, always in the aporia that is justice in Jacques Derrida, but which precisely for this reason does justice *to* its name. A name other than deconstruction, which with it walks towards, not a safe place of arrival, but towards a place where law has not yet touched, will not touch, for sure, but which will always remain there waiting. Not to let it wait/be waiting, at the door of the law, perhaps that is the need of deconstruction²⁵ .

On the other hand, “the structure of law or the law”. This other fragment of the subtitle said by Jacques Derrida shows the need to understand what would sustain the order, the law, here the question seems already clarified, showing that what sustains the structure of law is given as its own performative force that erupts creating time, but which we cannot perceive without first taking a step backwards, which is a step beyond, and questioning this force. Thus, knowing that it does not work as a pendant, that law does not make use of force itself, but that it is force, perhaps this already encourages the perception of the need for deconstruction to operate in the dimension of law. And once again we say, a strategy that moves, that lets come, that is a crossing, that by force of its aporetic nature will not deliver a ready margin, but that will evidence that if there is law, created, constructed, structured as an order, it is imperative

²⁵ For Derrida, critically reflecting on the nature of limits and boundaries transforms our already established way of thinking about identity as a homogeneous and self-enclosed totality [...] Deconstruction attempts to find these features and uses them to give voice to that which does not conform to the dominant set of inclusions and exclusions. Deconstructive interventions destotalize self-enclosed totalities by bringing them face to face with their internal differentiation (Borradori, 2004, p. 233).

that it be questioned. It is important that it be deconstructed; the giving of the human in time obliges us to do so. The innumerable questions of exclusions, of ruins, forgotten because they are violent, ask us to deconstruct.

Still on the final part of the subtitle, "From the foundation or self-authorization of law as a possibility of the exercise of deconstruction", it seems that if law is a construction, it is licit, allowed, authorized to deconstruct it, perhaps even to do justice to the title of the session, *From right to justice*. This title accompanies us not only by rhetorical force, but also because its marking, the crase that comes, gives us a dimension of opening. An opening that is the gateway to deconstruction itself, which, by crossing it, brings with it another hypothesis, which will never stop crossing, and can never stop crossing, since aporia, since justice, impossible and impatiently awaited. One cannot keep waiting for the one who comes. Opening the door is a hypothesis that we raise in order to say not only of the self-authorization that the right allows, but on the other hand, of the need itself, given its violent character at its very root.

4 THE INDECONSTRUCTIBILITY OF JUSTICE: APORIAS AND NOT CONCLUSION

We will follow very closely the Derridian thought when it informs about the question of aporia and therefore of experience. Thus, an experience is something of the order of the possible, that through which we pass and find soon after a place of arrival. Or as Jacques Derrida would say "the experience finds its passage" (Derrida, 2010, p. 29). That is why he will tell us that there could not be an experience of aporia, which like justice "would be, from this point of view, the experience of what we cannot experience" (Derrida, 2010, p. 30).

Having said these things, we do another little hyperbole through literature and we call upon Guimarães Rosa with his *Third Bank of the River* (Rosa, 1994, p. 409; 413), from which we propose to think the aporetic dimension of justice. The third bank already operates a displacement, an amazement in thought, because it does not bring with it a hypothesis to be glimpsed or finalized in a concept. First because thought could not reach what does not exist, a river would hold two banks, and yet, another important question, the idea of placing a first, a second and a third bank; how to achieve this numerical distinction that places one after the other, the first after the second, which would be first and which would be second?

A terceira margem do rio, a short story by Guimarães Rosa, from its title presents several interpretative possibilities. The author manages to cause, in the reader, one of the most valuable characteristics of the short story genre: the so-called momentary abduction. The reader is thus trapped in what could

be that third margin, a prisoner of his own enquiries. And this occurs in a conflicting way, since he finds no reference to this third margin in extralinguistic knowledge. In his knowledge of the world, there are only two margins and, moreover, these do not refer to a way that defines an order: first and second margin. As for this, Galvão (1978, p.38) points out the significant importance of the use of the ordinal numeral when affirming that "The simple shift from the cardinal to the ordinal numeral removes the ground from underfoot. The river has two banks of equal status, not a first and a second bank. The change to the ordinal still incurs in a seriation and in another temporality (Andrade; Cardoso, 2015, p. 30).

Guimarães Rosa's summons seems pertinent for thinking about the question of the aporia of justice. It is placed beyond the two banks of the river. In the same way, justice "as an experience of that which we cannot experience" also takes place on a bank that law does not reach. Thus, we think of justice as the third bank proposed by Guimarães Rosa. It is never given at hand; it requires that it be, therefore, invented. This is why we insist on the question of aporia. Justice would perhaps be that which does not allow the law to be violently placed without being questioned. Its aporia opens a space that is not glimpsed, or calculated, to speak with Jacques Derrida.

The aporia of the third margin inspires us to think of impossible justice, that which borders the margin itself, that which is placed beside it, but which cannot be confused with it. The law is of the order of calculation and places itself as that which is the possible, two margins, justice imposes itself as an aporia, as the third margin. Depositary of that which is not or is not *yet*. Perhaps because of this, that which is of the order of justice is even of the order of the aporia, which operates a disorder in the calculation, which surpasses it making it another, or another, a third margin.

This relationship of strangeness and at the same time restlessness that is placed in front of our own limitation is perhaps the way out to question the violent order of law. This step further, this hypothesis of wanting to touch that which is not in sight impassions us²⁶. And it is behind this desire that justice is placed in relation to law and the limits it violently imposes. This "experience of the impossible", this impossibility, which is always absent, but which on the other hand is what establishes the desire, is the aporetic path through which justice

²⁶ Let's talk, then, about love. And what else is there that is worth our time and effort? What do we love most, what instigates love in us most, if not something allusive and beyond our reach, something impossible that we simply cannot possess? What better way to raise love to a fevered state than to realise that what we love is impossible and always eludes us? To love what is merely possible, to moderate love to the median mark of the probable, to invest with criterion and prudence our amorous energies so as to expect a just return on the effort expended, are we not there all the predicates of a passionless lover, the one whom Johannes Climacus calls a "mediocre comrade"? And is not the realist exactly such a mediocre comrade, who, despite all the audacity of his speech and the pompous air of his bravado about reality, does not love or has no passion for a lover who eschews just as things themselves? The desire of deconstruction is not satisfied with whatever is presented to us as real. Its love is directed beyond what is shown as real, towards an ultra-real for which we beg and shed our tears, towards a hyper-real, something that is not less but more than real, not below but beyond the real (Caputo, 2002, p. 31).

"passes" and, at the same time, we think, also passes a possible reflection on the "third bank of the river".

Were it not so, "as an experience of the impossible", were it not given as "an appeal to justice", justice itself would not have any chance of being posed. In this sense, to say of the "third bank" is a way of evidencing that justice is always placed as an "a se", its aporetic experience is always an appeal to justice that comes. Never with a port of arrival, again we say, the river would only have two banks and the law is an order that calculates, so there is always the need, from deconstruction or from literature, to go where one cannot go, without denying the river, nor the law²⁷. The "third bank" stages the very aporia of justice. It does not exist, it is impossible as a concept, but necessary as an aporia that crosses the real, that which may be calculated, measured.

Confirming what was proposed as a hypothesis, that is, showing the pedagogical and verticalization chance of what Derrida calls an experience of the impossible, that is, justice; thus showing how the relationship between law and justice, in Jacques Derrida, can be perceived within the dialogue with literature, taking it as yet another of the author's undecidables, that is, having it as a privileged dialoguing party, as a place of arrival of otherness, which is yet another clamor of the aporetic thought of deconstruction; and in the face of Rosa's third bank, we have the same grammar of inventive subversion required by justice in Derrida, that is, even if there is a river – law – justice always overflows, reinvents, irritates, deconstructs it: a third bank is justice itself, which as Derrida teaches us, is the deconstruction in progress... in the river.

In this sense, Jacques Derrida goes on to teach that the law would be of the order of calculation, therefore, one can already experience in this affirmation a moment of violence that the law itself says, that is, it always calculates, makes options, closes the discussion(!), and it is necessary that there is calculation, exactly so that with this we can say that deconstruction is also necessary, or an exercise of deconstruction so that the incalculable is allowed to appear. There would be no guarantee, on the part of law, that when it carried out the calculation, which is its mode of effectuation, there would be justice, this is clear by the non-confusion between the two, however, whenever there is law, there will be violence, the calculation is violence, and justice is not (im)placed in this (un)measure. It would perhaps cause the calculation to call itself into question. Just as the third bank does when we look at it, when we think about it, when we are haunted by it and fall in love with it, like the son who will never stop being on the bank of the father who has gone by the river, beyond the banks of the river.

²⁷ All we can do is to try to go where one cannot go, to pursue a multiplicity of interpretations that must change with the shifting sands of the situation, and to face the sudden and inconstant currents of changing historical circumstances (Caputo, 2002, p. 45).

Our father didn't come back. He hadn't gone anywhere. He only made the invention of staying halfway along the river, always in the canoe, so as not to jump out of it ever again. The strangeness of this truth shocked everyone. That which did not exist, did happen [...] My sister moved, with her husband, far from here. My brother decided and left, for a city. Times changed, in the slow fast pace of the times. Our mother ended up also going, at one time, to live with my sister, she was getting old. I stayed here, for the rest. I could never want to get married. I remained, with the baggage of life. Our father lacked me, I know - on the wagon, on the river in the wilderness - without giving a reason for his deed. When I really wanted to know, and asked firmly, I was told that it seemed that our father had once revealed the explanation to the man who had built the canoe for him. But now that the man was dead, no one knew, no one remembered anything more. Only false and senseless talk, like at the beginning, when the first floods came, with the rains that would not let up, everyone feared the end of the world, they said that our father had been warned like Noah, that he had anticipated the canoe; now I remember. My father, I couldn't do anything wrong. And they were already pointing out in me the first white hairs (Rosa, 1994, p. 409-413).

Although we inform Jacques Derrida of the need for deconstruction which is also a need for justice, it is important to note that at the same time it is necessary for there to be law, for there to be calculation, Jacques Derrida expressly tells us. In the same direction, the third bank would not be outside the river. The story is constantly showing that it is only possible because there is the river, which does not mean that this prevents, that the real, the order, prevents the third bank from existing, in the same way, there is no abrogation of the right by justice, only that the latter does not give itself to the right, however, it will always demand that we calculate beyond the calculation, which is to say, beyond the banks, beyond both banks. Below we shall show how the cut that literature makes in the real takes us to another dimension, which would be a gateway to the one and the one that comes.

And by way of crossing over to another part, it is important to say that the fact that it is not possible to experience the aporetic experience of justice does not remove its necessity, on the contrary, perhaps it is in it that we find the chance to continue in the law, to survive the violence of the law²⁸. In the same way, the third margin, as an experience of what we cannot experience is what moves the very life of all those who face it, creating not immobility, but rather making them live, singularly.

²⁸ “On the other hand, safeguarding the distinction between *justice* and law, this respected spectrality gives an account of this *singular mixture of strength, justice and fairness*, giving account of the aporia that structures, locomotes and infinitises *justice* in Derridean terms: an aporia which, by keeping alive the distinction and therefore the disjunction between *justice* and law, not only signals the place and just suffering of deconstruction, always dissatisfied with the *justice* and justness of law, but is, of itself, an uninterrupted appeal to the *justice* to come. An appeal that is the dream, the madness, the desire or the *belief* of Derridean deconstruction in *justice-for-being*” (Bernardo, 2009, p. 93, our emphasis).

REFERENCES

ANDRADE, Carlos Augusto Baptista de; CARDOSO, Diogo Souza. Um mergulho discursivo sobre “A terceira margem do rio”, de Guimarães Rosa. *Bakhtiniana*, São Paulo, v. 10, n. 1, p. 28- 41, jan./abr. 2015. Available at: <https://www.scielo.br/j/bak/a/bMDbwNgWww8s4vPynsGMrTv/abstract/?lang=pt>. Access: 10 May 2024.

BENJAMIN, Walter. *Obras escolhidas: magia e técnica, arte e política: ensaios sobre literatura e história da cultura*. Trad. de Sérgio Paulo Rouanet. 8. ed. São Paulo: Brasiliense, 2012. v.1.

BENNINGTON, Geoffrey. *Jacques Derrida*. Trad. Anamaria Skinner. Rio de Janeiro: Jorge Zahar, 1996.

BERNARDO, Fernanda. A crença de Derrida na justiça: para além do Direito, a Justiça. *Ágora*, v. 28, n. 2, p. 53-94, 2009.

BOBBIO, Norberto. *O positivismo jurídico: lições de filosofia do direito*. São Paulo: Ícone, 2006.

BORRADORI, Giovanna. *Filosofia em tempo de terror*. Trad. de Jorge Pinho. Porto: Campo das Letras- Editores S.A., 2004.

BRECHT, Bertold. *Poemas*. Trad. de Arnaldo Saraiva. Lisboa: Editorial Presença, 1973.

CAPUTO, John. Por amor às coisas mesmas: o hiper-realismo de Derrida. In: DUQUEESTRADA, Paulo Cesar (org.). *Às margens: a propósito de Derrida*. Rio de Janeiro: Ed. PUCRio; São Paulo: Loyola, 2002. p. 29-48.

COELHO, Nuno Manuel Morgadinho dos Santos. O princípio ontológico da historicidade radical e o problema da autonomia do direito: ensaio de aproximação filosófica do jurisprudencialismo. *Revista da Faculdade de Direito da UFMG*, Belo Horizonte, n. 47, p. 1-336, jul./dez. 2005. Available at: <https://www.direito.ufmg.br/verista/index.php/revista/article/view/228>. Access: 12 May 2024.

COUTO, Mía. Murar o medo. "*Há quem tenha medo que o medo acabe*". [S. l.]: YouTube, 15 de dezembro de 2011. Available at: https://www.youtube.com/watch?v=wSnsMM_3xRY&feature=youtu.be. Access: 10 May 2024.

CRUZ, Álvaro Ricardo de Souza. *A resposta correta: incursões jurídicas e filosóficas sobre as Teorias da Justiça*. Belo Horizonte: Arraes Editores, 2011.

CRUZ, Álvaro Ricardo de Souza; DUARTE, Bernardo Augusto Ferreira. *Além do positivismo jurídico*. Belo Horizonte: Arraes Editores, 2013.

DERRIDA, Jacques. *Margens da filosofia*. Trad. de Joaquim Torres Costa e António M. Magalhães. Porto: RÉ-S-Editora, Lda., 1972.

DERRIDA, Jacques. *Sob palavra instantâneos filosóficos*. Trad.do francês Miguel Serras Pereira. Lisboa: Fim de Século – Edições, 2004.

DERRIDA, Jacques. *Força de lei: o fundamento místico da autoridade*. Trad. de Leyla Perrone-Moisés. 2. ed. São Paulo: WMF Martins Fontes, 2010.

DERRIDA, Jacques. *Prejuzgados, ante la ley*. Trad. de Jordi Massó e Fernando Rampérez. Espanha: Avarigani Editores S.L., 2011.

DERRIDA, Jacques. *A besta e o soberano*: Seminário 2001-2002. Edição estabelecida por Michel Lisse e Marie-Louise Mallet et Ginette Michaud. Rio de Janeiro: Via Verita, 2016.

GHETTI, Pablo Sanges. Democracia radical e oportunidades da justiça. In: DUQUEESTRADA, Paulo Cesar (org.). *Desconstrução e ética*: ecos de Jacques Derrida Rio de Janeiro: Ed. PUC-Rio; São Paulo: Loyola, 2004. p. 101-130.

DUQUE-ESTRADA, Paulo Cesar. Alteridade, violência e justiça: trilhas da desconstrução. In: DUQUE-ESTRADA, Paulo Cesar (org.). *Desconstrução e ética*: ecos de Jacques Derrida. Rio de Janeiro: Ed. PUC-Rio; São Paulo: Loyola, 2004. p. 33-64.

EYBEN, Piero. *Demoras na aporia*: bordas do pensamento e da literatura. Organização de Piero Eyben. Horizonte: Vinhedo Editora, 2012.

NASCIMENTO, Evando. Introdução. In: DERRIDA, Jacques. *Essa estranha instituição chamada literatura*: uma entrevista com Jacques Derrida. Tradução de Marileide Dias Esqueda, revisão técnica e introdução de Evando Nascimento. Belo Horizonte: Editora UFMG, 2014.

NEVES, António Castanheira. *A crise actual da filosofia do direito no contexto da crise global da filosofia*: tópicos para a possibilidade de uma reflexiva reabilitação. Coimbra: Coimbra Editora, 2003.

NEVES, António Castanheira. *Escritos acerca do direito, do pensamento jurídico, da sua metodologia e outro*. Coimbra: Coimbra Editora, 2008. v.3.

NOGUEIRA, Bernardo Gomes Barbosa; NONATO, Eunice Maria Nazareth; NOVAES, Edmarcius Carvalho. A invenção do tempo: diálogos no precipício do texto. *Educação e Filosofia*, Uberlândia, v. 36, n. 78, p. 1863–1876, 2023. Available at: <https://seer.ufu.br/index.php/EducacaoFilosofia/article/view/65341>. Access: 10 May 2024.

NOGUEIRA, Bernardo Gomes Barbosa; RIBEIRO, Fernando José Armando. Reflexões sobre o conceito de direito e seu encontro com a literatura a partir da desconstrução. *Conjecturas*, v. 21, n. 6, p.655–688, 2021. Available at: <https://www.conjecturas.org/index.php/edicoes/article/view/383>. Access: 13 May 2024.

NOGUEIRA, Bernardo Gomes Barbosa. *Direito e literatura*: hospitalidade e invenção. 2018, 290 f. Tese (Doutorado em Direito)-Pontifícia Universidade Católica de Minas Gerais. Available at: http://www.biblioteca.pucminas.br/teses/Direito_NogueiraBG_1.pdf. Access: 20 Jan. 2025.

NOGUEIRA, Bernardo Gomes Barbosa. ∞. *ANAMORPHOSIS - Revista Internacional de Direito e Literatura*, Porto Alegre, v. 1, n. 2, p. 371–386, 2015. Available at: <https://periodicos.rdl.org.br/anamps/article/view/68>. Access: 21 Jan. 2025.

NOGUEIRA, Bernardo Gomes Barbosa. Terceira Margem [podcast]. *A terceira margem do rio*. Available at: <https://open.spotify.com/episode/77oQYbBr8yQO3IZJujH2Ys?si=otE EKsUaSt2lnH4wH0BuVg&context=spotify%3Ashow%3A7u3Zbc9AHvXORWLOoq7X4G>. Access: 21 Jan. 2025.

PECORARO, Rosário Rossano. Nihilismo, metafísica, desconstrução. *In: DUQUE-ESTRADA, Paulo Cesar (org.). Às margens: a propósito de Derrida.* Rio de Janeiro: Ed. PUC-Rio; São Paulo: Loyola, 2002. p. 49-72.

ROSA, João Guimarães. *A terceira margem do rio.* Rio de Janeiro: Nova Aguilar, 1994. p. 409-413. (Ficção completa, 2).

SILVA, Fransuelen; PIMENTA, Luciana. Movimentando a relação entre direito e literatura com a desconstrução, proposta por Jacques Derrida: o desejo de justiça. *Anamorphosis - Revista Internacional de Direito e Literatura*, Porto Alegre, v. 9, n. 1, e989, 2024. Available at: <https://periodicos.rdl.org.br/anamps/article/view/989>. Access: 13 May 2024.

WOLFREYS, Julian. *Compreender Derrida.* Trad. de Caesar Souza. Petrópolis: Vozes, 2009.

Idioma original: Português

Recebido: 13/05/24

Aceito: 17/01/25