

L'OZ

EMILY ALBRINK HARTIGAN*

Human beings are narrative animals; every culture countenances
itself as culture via a story
– David Foster Wallace¹

[T]hese tales begin by stating their lacunae, if not by taking
account of them, since this is impossible. One cannot remember
everything.
– Jacques Derrida²

Simply talking about something that happened distorts your
memory; you come to remember not the event itself, but the story
you told.
– Paul Bloom³

Over twenty years ago, Jacques Derrida visited the University of
Nebraska. My colleague at the Law School, John Snowden, kindly gave me
his place on the roundtable of Nebraska scholars who gathered to talk with
Derrida. Not yet feeling “at home” in my new teaching job, I still hoped to
offer Derrida hospitality, by reconstructing *The Wizard of Oz* in order to
welcome him “home.”⁴ In the movie version,⁵ the balloon in which the
Wizard arrives and leaves is emblazoned with “State Fair” and “Omaha” in
late nineteenth century lettering. In both the book and movie, the Wizard
is originally from Omaha (which is the capital of Nebraska, not Kansas), so
my conceit was that the “wizard of deconstruction” should be welcomed
home to Nebraska.

* Professor of Law, St. Mary's University School of Law; B.A., 1968 Swarthmore College; M.A., 1970
University of Wisconsin-Madison; Ph.D., 1975 University of Wisconsin-Madison; J.D., 1978 University
of Wisconsin Law School. Much gratitude to Anthony Farley and the *Taking Oz Seriously* participants
for rich and profound conversations.

¹ Wyatt Mason, *Smarter than You Think*, THE NEW YORK REVIEW OF BOOKS, July 15, 2010,
<http://www.nybooks.com/articles/archives/2010/jul/15/smarter-you-think/#fn2-796552086> (citing David
Foster Wallace, *Title*, 8 THE REVIEW OF CONTEMPORARY FICTION, no. 3, Fall 1988).

² JACQUES DERRIDA, THE POST CARD: FROM SOCRATES TO FREUD AND BEYOND 373 (Alan Bass trans.,
1987).

³ Paul Bloom, *What We Miss*, N.Y. TIMES, June 6, 2010, at BR 30, available at
http://www.nytimes.com/2010/06/06/books/review/Bloom-t.html?_r=1&scp=1&sq=the%20invisible%20gorilla&st=cse (reviewing CHRISTOPHER CHABRIS &
DANIEL SIMONS, THE INVISIBLE GORILLA AND OTHER WAYS OUR INTUITIONS DECEIVE US (2010)).
For Simone de Beauvoir, “the job of the philosopher, at least as much as the fiction writer, is to ‘re-
describe’ how things are in a way that competes with the status quo story and leaves us craving social
justice and the truly wide berth for self-expression that only it can provide.” Nancy Bauer, *Lady Power*,
N.Y. Times, June 20, 2010, 5:15 PM, <http://opinionator.blogs.nytimes.com/2010/06/20/lady-power/>.

⁴ See L. FRANK BAUM, THE WIZARD OF OZ (1982) (1900).

⁵ See THE WIZARD OF OZ (Metro-Goldwyn-Mayer 1939).

Marking Derrida's place in the story were his own references to himself as a man "derriere le rideau"⁶ (behind the curtain), his more arcane use of "pharmakeus" (wizard) in *Plato's Pharmacy*,⁷ as well as the mystification of which he was accused. After—and perhaps during—the roundtable, Derrida recognized a major reason I let the story choose me, a cause hidden in plain sight: the welcome story was also about the feminine in our culture and in the academy. In the end, Dorothy does not need to return with the professor in his hot air balloon—she finds her own way home.⁸

The power of the meetings which Derrida and I experienced both at the roundtable and the dinner the prior evening, was affirmed in his missive to me following the visit. The reality of what I interrogated Derrida about (deconstruction is all about interrogation) made its ironic narrative turn.

Derrida's epistle, clearly addressed to me in a blue airmail envelope properly sealed, somehow made its way to the head of the University of Nebraska Press, who had orchestrated Derrida's visit. Not only did someone in the press head's office rip open the envelope not addressed to her, but also the press head thought that it would be a gesture of apology for having opened my mail to read it and then translate the letter for me.

The unsolicited translation was a bit forced as it circled around the phrase that the university press fellow was confident meant a "band of brothers" for which Derrida seemingly expressed gratitude. Even my thin French rebelled at the offered "brotherly" translation, so I consulted with a colleague with excellent French; he discerned that the key sentence was about Derrida's gratitude for my "amitié" during his visit. Amitié can be translated into something like caring, friendship, and/or kindness. With the new translation, the entire missive came clear. We sent our alternative reading to the head of the press, who agreed we had it right. There was nothing in the letter about the guys.

That masculine misreading—not to mention invasion—had faded from my memory until I started to write this piece for an Oz conference, *Taking Oz Seriously*, which Anthony Farley was gathering at Albany Law School. I contemplated the interaction between the Law and the girl/woman in *The Wizard of Oz*—a very powerful dynamic because the journey in the movie is set in motion by the legal document that Miss Gulch waves at Uncle Henry and Auntie Em.⁹ That law-proclaiming document is an order allowing Miss Gulch to take Toto away from Dorothy.¹⁰ Auntie Em, despite breaking convention to tell Miss Gulch what she thinks of her, surrenders to the potent legal document because she "can't go against the law."¹¹ As a result, the loving but distracted adoptive parents hand the iconic pellucid

⁶ See Claude Levesque, *That Incredible Thing Which Was Not*, in *THE EAR OF THE OTHER* (Christie McDonald & Claude Levesque eds., Avital Ronell trans., 1985); *JACQUES DERRIDA, IN THE EAR OF THE OTHER* (Christie McDonald & Claude Levesque eds., Avital Ronell trans., 1985).

⁷ *JACQUES DERRIDA, DISSEMINATION* 117–19 (Barbara Johnson trans., The Univ. of Chi. Press 1981).

⁸ BAUM, *supra* note 4, at 187–88.

⁹ *THE WIZARD OF OZ*, *supra* note 5.

¹⁰ *Id.*

¹¹ *Id.*

character over to Ms. Negative Feminine.¹² Ms. Gulch tries to stuff him (played by girl dogs—a Shakespearean irony) in a basket, but Toto, the “All,” will out.¹³

Derrida had heard in the roundtable tale of welcome just who Toto might be: that “All” who never speaks but is crucial to the narrative engine, sometimes even revealing the man behind the curtain, Professor-Marvel-as-Wizard.¹⁴ Derrida ended his warm letter to me with “[d]ites-le á Toto.”¹⁵ And during the roundtable, he referred, in responding to my question about why there were not more women’s writings in his texts, to Toto’s having “done what needed to be done” both for him and for me to be there. Far from claiming the role of the dog, he gave that non-human Other space, respect.

But that contemporary curtain-puller, Google, revealed to me another story of my encounter with Derrida hidden in plain sight for all these years, a tale that had been constructed by men.¹⁶ Several Google references came up about our story, including a full rendition of the roundtable and the “woman from the law school” who got up and in “excruciating detail” tried to trap Derrida into the wizard role, while he outfoxed her and claimed to be “ze dog,” as another version put it.¹⁷ The most detailed and least incongruent version was in a Derrida book by Professor Michael Naas attributed to one of the author’s philosophical colleagues who was indeed in the roundtable audience.¹⁸

Here is my problem: there is a videotape of the roundtable, and the story the guys tell is not on the videotape. Au contraire. Derrida not only did not claim the dog role (though he confessed a great fondness for philosopher Bertrand Russell’s Fido¹⁹), but he also made room for what he and I had discussed the night before with the roundtable members, what he and I called the Wholly Other.²⁰ The guys apparently missed that presence-and-absence.

I intended to pursue the saga of the mystical dog and the girl-become-woman (those are red-sequined, high-heeled dancing shoes, not Keds, that Dorothy clicks together²¹) in light of the law and the academy, but I also hoped to have a conversation with the philosopher who told a story about something that did not happen but also did happen, or else he would not have told his story. I hoped that we could unravel some of the social

¹² *Id.*

¹³ *Id.*

¹⁴ BAUM, *supra* note 4, at 132–33.

¹⁵ Letter from Jacques Derrida to author (1990) (on file with author).

¹⁶ See, e.g., Leland de la Durantaye, *Of Spirit: The Late, Great Derrida’s Last Lectures Had a Mysterious Double in the Crowd*, THE VILLAGE VOICE, Nov. 9, 2004, <http://www.villagevoice.com/2004-11-09/news/of-spirit/1/> (“A telling (if apocryphal) Kansas appearance: An audience member stood up and recounted the scene from *The Wizard of Oz* . . .”); Johann Hari *Derrida—A Follow-On Article*, JOHANN HARI (Dec. 16, 2004), <http://www.johannhari.com/2004/12/17/derrida-a-follow-on-article> (“The best story about Derrida is probably apocryphal. An audience member at a Derrida lecture in Kansas confronted the master with a scene from the *Wizard of Oz*.”).

¹⁷ Durantaye, *supra* note 16.

¹⁸ MICHAEL NAAS, DERRIDA FROM NOW ON 228–29 (2008).

¹⁹ DERRIDA, *supra* note 2, at 243–44.

²⁰ DVD: Derrida Roundtable UNL 1989 (on file with author).

²¹ THE WIZARD OF OZ, *supra* note 5.

constructions and reactions to those constructions that produced a false-but-true narrative. Our roundtable spectator, Professor Bill Martin, had had his own raveling experience in Texas—our earnest education squad at the Texas Education Agency²² recently tried to ban a book called *Brown Bear, Brown Bear, What Do You See?* because one of the members of the Agency mixed up that book's author, Bill Martin, with our philosopher Professor Martin, who wrote *Ethical Marxism: The Categorical Imperative of Liberation (Creative Marxism)*.²³

Perhaps misunderstood academics with philosophical bents will be able to construct a new story with new (always provisional) laws. The prospect is daunting, for the “massively male”²⁴ academy, as Derrida described it that day in Nebraska, is often tone-deaf to the feminine and the spiritual. Much as Creon could not imagine that the gods would care to treat Polynices's body as sacred,²⁵ the male vantage even in these gender-complex times tends to dismiss the very aspects of law that the Greeks tried to warn the patriarchy not to forget. At the end of the *Oresteia*, the Furies' underground journey proceeds with the warning that no city can thrive without them—the powers of the “daughters of the night” are not to be scorned.²⁶ Friedrich Nietzsche summoned the Dionysian back to public consciousness,²⁷ but the academy finds the millennial pull of the Apollonian captivating, reverting to the realm in which woman and spirit are “uninteresting” in the alleged business of ideas.²⁸ Legal scholarship has aggravated that masculinizing tendency, pulling the curtain back into place again and again. But Dorothy realized her journey home via her mantra, in a Hasidic²⁹ tale with help from good witches and a good wizard, and law will never be the Same.

* * *

Auntie Em and Uncle Henry had no voice in the proceeding that produced the legal document allowing the confiscation of Toto; Dorothy was a step even further removed from legal power because she is a child.³⁰ The law as overpowering, the tool of the well connected Miss Gulch, is the

²² Changes in Texas textbooks engineered by this Agency include a requirement, for example, that students “evaluate efforts by global organizations to undermine U.S. sovereignty” and others discussed in editorial, *Editorial, Politicized Curriculum in Texas*, N.Y. TIMES, May 26, 2010, at A26. See also Cal Thomas, *Texas' Textbook Wars*, DALLAS NEWS, May 25, 2010, 4:10 PM CDT, http://www.dallasnews.com/sharedcontent/dws/dn/opinion/viewpoints/stories/DN-thomas_26edi.State.Edition1.244c24d.html; Kathy Miller, *Time for Texas to Fix Flawed Curriculum Process*, DALLAS NEWS, May 25, 2010, 4:08 PM CDT, http://www.dallasnews.com/sharedcontent/dws/dn/opinion/viewpoints/stories/DN-miller_26edi.State.Edition1.244ea05.html.

²³ Traci Shurley, *Confused Texas Education Board Bans Kids' Author from Curriculum*, DALLAS NEWS, Jan. 24, 2010, 11:40 PM CST, <http://www.dallasnews.com/sharedcontent/dws/news/texasouthwest/stories/012510dntexbooks.3e17c50.html>.

²⁴ DVD: Derrida Roundtable UNL 1989, *supra* note 20.

²⁵ SOPHOCLES, *ANTIGONE* 63 (Reginald Gibbons & Charles Segal trans., Oxford Univ. Press, 2003).

²⁶ AESCHYLUS, *THE ORESTEIA* 249 (David Grene & Wendy Doniger O'Flaherty trans., The Univ. of Chi. Press, 1989); Emily Albrink Hartigan, *Outlawing God the Daughter* 9 S. CAL. REV. L. & WOMEN'S STUD. 227, 245–46 (2000).

²⁷ See FRIEDRICH NIETZSCHE, *THE BIRTH OF TRAGEDY* (Walter Kaufmann trans., 1967).

²⁸ *Id.*

²⁹ See *infra* text accompanying notes 50–52.

³⁰ *THE WIZARD OF OZ*, *supra* note 5.

violent face of the Force of Law when it is an overpowering force.³¹ Without process, law commands the beloved creature who is Dorothy's closest companion. As Robert Cover eloquently noted in his iconic article, law takes, imprisons, tears down, builds up, and even executes.³² Flight from the world of black and white law is to rescue Toto and to take him beyond language to "somewhere over the rainbow" where Dorothy and Toto are safe.

The journey requires help and who better than a professor? Any of us addressing this story from our academic perch cannot totally escape our location, and those of us who teach law are even more precariously situated. We help to populate the world that produces edicts against young girls and dogs, against the unsocialized feminine and the sacred.

What can Dorothy's journey—for Derrida was right when he joked with me that the story titled after the wizard was really about me—tell those of us stuck or struggling within the professor's role? Derrida might point to the supplement, the margin, the inversions of our reiterated social constructions that promise us newness and the insights of the unexpected.

In the end, Dorothy returns "home," but leaves behind a world to be governed. The professor, ever the dilettante, abdicates—leaving the recently-empowered Scarecrow governing, although the Lion is still King of the Forest, in a realm of mixed sovereignties.³³ The wizard has transformed the trio who accompanied Dorothy by telling them in effect that if they "don't find [their heart's desire] in [their] own back yard, then [they] never really lost it to begin with."³⁴ Dorothy was not saved by professorial affirmation, however—that took the wisdom of a good witch.

At the end of the day, are Glinda and her apprentice Dorothy empowered to deal with the law? I think the implication is that not only is Dorothy transformed, but she is also transformative. Although it seems that the adults are just playing her along at the end, disbelieving her story and humoring her out of love, Dorothy has seen the world in color, and it will never be black and white (or even simply grey) again for her. The viewer knows that Toto is for the moment safe although it is unclear what metaphorical house may have fallen on Miss Gulch or why water was lethal to her counterpart, the Wicked Witch of the West.³⁵

The Wicked Witch of the West has already been rehabilitated through the "back-story" (the supplement) of *The Wiz*,³⁶ perhaps because we have learned in this postmodern age that no villain is quite what s/he seems (in my tradition, the Messiah is executed as a criminal). In Western modern thought, the feminine is rarely perceived as having real presence, except as

³¹ Jacques Derrida, *Force of Law: The "Mythical Foundation of Authority,"* 11 CARDOZO L. REV. 919 (1990) (trans. Mary Quaintance) [hereinafter Derrida, *Force of Law*]. Many of these papers, along with Derrida's text, were later compiled in Jacques Derrida, *Force of Law: The "Mythical Foundation of Authority,"* in DECONSTRUCTION AND THE POSSIBILITY OF JUSTICE 3 (Drucilla Cornell, Michel Rosenfeld & David Gray Carlsen, eds., 1992).

³² Robert M. Cover, *Violence and the Word*, 95 YALE L.J. 1601 (1986).

³³ BAUM, *supra* note 4, at 150, 173.

³⁴ THE WIZARD OF OZ, *supra* note 5.

³⁵ *Id.*

³⁶ THE WIZ (Motown Prods. 1978).

the Other. The best of postmodern thought attempts to reorient what we think we know by putting the self in necessary relation to the Other, without whom the self is not truly human. It is with this in mind that I turn back to the masculine genesis of the Derrida story that did not happen.

In order to re-ground the story, I attempted to converse with the most identifiable source of the masculine version, and succeeded in getting a few seemingly responsive emails. After a silence despite several emails, I sent him a compact disc of the actual roundtable with Derrida, the one from which the philosopher drew his account. There was still no response.

What recourse does the excluded party have when the proceeding has been handled without her? Perhaps she should run away with Toto, but this refusal to engage may be in some ways more lethal than a violent order to seize; how to respond to the time-honored tactic of ignoring the feminine? It calls to mind early male professors' explanations for not including women's texts in law and literature syllabi and articles: they just did not find them interesting or important. Ah, where is Robert Graves' Muse, the very spectral presence for whom the male performs his art?³⁷ She is safely over the rainbow, in the male imaginary. Concrete women in the academy—that is another story.

The scripted humiliation for the “woman from the law school” seems to stand unanswered; she has been dispatched by the apocryphal one-upmanship of a dismissive Derrida. Somehow avoiding the role of the professor (a role every person at the roundtable and most of the audience actually occupied), Derrida allegedly put down this tiresome woman with a Gallic riposte satisfying to those who thought him to be burdened by long and excruciating stories. Such a story is a patent injustice to a remarkably warm, engaging, respectful, and infinitely imaginative man (he described my version of *The Wizard of Oz*, which he had never seen, as “told so beautifully” demonstrating that there is no single “audience” perspective).

So, in justice to Derrida and the story, I relay my version. It is grounded in written and recorded documentation, as well as my own actual conversation with Derrida; the account in the masculine book is from a spectator.³⁸ Had I been in the audience, I suspect that I also would have been impatient to be able to participate and that I might even imagine how irritating it was to have someone taking up time and space that I might have better occupied. Had I been a man and a philosopher, I suspect that my irritation might have been even sharper. But I am not a man. And because the social constructions that molded my BA in philosophy, my PhD in political philosophy, and my JD were overwhelmingly, indeed “massively” masculine, I am privy to both that perspective and my own as Other.³⁹

³⁷ See, e.g., ROBERT GRAVES, *THE WHITE GODDESS* (1948).

³⁸ See NAAS, *supra* note 18.

³⁹ Although at times Derrida may seem to slip into a dualism about feminism, either phallogocentric striving for power within patriarchal hierarchy, as in JACQUES DERRIDA, *SPURS* 97 (Barbara Harlow trans., 1979), or “joyous disturbance,” subverting that masculine privilege, as in Jacques Derrida & Christie V. McDonald, *Choreographies*, in *FEMINIST INTERPRETATIONS OF JACQUES DERRIDA* 23, 28 (Nancy J. Holland ed., Christie V. McDonald trans., 1997). The notion of double consciousness, see Richard Delgado & Jean Stefancic, *Why Do We Tell the Same Stories?: Law Reform, Critical Librarianship, and the Triple Helix Dilemma*, 42 *STAN. L. REV.* 207, 223 (1989), suggests a more complex possibility.

It was because of that overwhelmingly patriarchal system of “knowing” that I had as a student welcomed the liberation from “philosophy,” which the later work by Ludwig Wittgenstein offered. Wittgenstein suggested that philosophy was a disease needing therapy,⁴⁰ and after I had realized that philosophy had no more “truth” than other ways of knowing, I felt free from the false “enchantment” of words spun by philosophical puzzles posed by professionals. I wrote as much to Derrida in the letter to which he responded.

What drew me back into reading philosophy was my meeting(s) with Derrida. After the roundtable and our clowning around for my student's camera with the boxed video of the movie of *The Wizard of Oz* that I presented him, he said to me at least three and I think four times, “I hope we will meet again.” To the first iteration, I replied, “you are always welcome home,” and to the others, simply, “so do I.” The night before, we had conversed about (in the presence-and-absence of) the Wholly Other, in the midst of which he interjected, “this is very difficult,” and I just responded, “yes”—because to talk with words that are full involves more than words, and to do that when discussing the “You” which Martin Buber writes of,⁴¹ is a simultaneous conversation with/of someone/something else. That simultaneity at its best becomes a conversation of the Wholly Other in more than one manifestation.

This “else” is suggested in Emmanuel Levinas's *Otherwise than Being or Beyond Essence*,⁴² and in Stanley Cavell's discussion of the late Wittgenstein.⁴³ Cavell, philosopher and cultural commentator, plays with the positive side of enchantment in a disenchanted world of secular modernism, with the draw of metaphysics, the disorientation of the Other.⁴⁴ The ongoing conversation, rather than a monologue, is the very animation of this “else” that now openly haunts contemporary thought. The yearning for encounters with the truly Other is manifest in Stanley Fish's recent musings in the *New York Times*.⁴⁵ Fish even deconstructs Jürgen Habermas's attempts to renew the sacred, showing that a utilitarian sense of absence is much too modern and controlling—but Fish himself can only still advert to this “something.”⁴⁶

Cavell, on the other hand, begins to lace his text with references in the direction of the uncanny,⁴⁷ the sacred,⁴⁸ and the Wholly Other.⁴⁹ What

⁴⁰ See, e.g., LUDWIG WITTGENSTEIN, *PHILOSOPHICAL INVESTIGATIONS* (G.E.M. Anscombe et al. trans., 4th ed. 2009).

⁴¹ MARTIN BUBER, *I AND THOU* (Walter Kaufmann trans., 1970).

⁴² See generally EMMANUEL LEVINAS, *OTHERWISE THAN BEING OR BEYOND ESSENCE* (Alphonso Lingis trans. 1991).

⁴³ See STANLEY CAVELL, *CONDITIONS HANDSOME AND UNHANDSOME* 64–100 (1990); STANLEY CAVELL, *PHILOSOPHY THE DAY AFTER TOMORROW* 192 (2005) [hereinafter CAVELL, *PHILOSOPHY THE DAY AFTER TOMORROW*].

⁴⁴ CAVELL, *PHILOSOPHY THE DAY AFTER TOMORROW*, *supra* note 43, at 148–50, 200–12.

⁴⁵ “[T]he epistemological critique of religion—it is an inferior way of knowing—is the flip side of a naïve and untenable positivism. And the critique of religion's content—it's cotton-candy fluff—is the product of incredible ignorance.” Stanley Fish, *God Talk, Part 2*, N.Y. TIMES, May 17, 2009, <http://opinionator.blogs.nytimes.com/2009/05/17/god-talk-part-2/>.

⁴⁶ Stanley Fish, *Does Reason Know What it is Missing?*, N.Y. TIMES, Apr. 12, 2010, <http://opinionator.blogs.nytimes.com/2010/04/12/does-reason-know-what-it-is-missing/>.

⁴⁷ STANLEY CAVELL, *The Uncanniness of the Ordinary*, in *IN QUEST OF THE ORDINARY* 153, 154 (1994).

Cavell's "else" shares with Buber and Derrida is the commitment to the ultimately unknowability of the Wholly Other. Doing a textual dance that steps even momentarily into the abyss is radically daunting to the modern rational consciousness, and those who honor its strengths must move on sacred ground with trepidation. Leaving Kansas is risky indeed.

But staying in Kansas where the law has become the dead letter of power is intolerable. We leave the home that has become the stultifying, hierarchic, orthodoxy of triumphalism, whether religious or scientific. We find that we have left Auntie Em at home mourning in relationship, anxious for us. The very Hasidic story the echoes of which cannot be (and were not, as the videotape reveals) denied in the Oz story, is a reminder of the necessary and also always incomplete journey. Buber's version is "The Treasure":

Rabbi Bunam used to tell young men who came to him for the first time the story of Rabbi Eizik, son of Rabbi Yekel of Cracow. After many years of great poverty which had never shaken his faith in God, he dreamed someone bade him look for a treasure in Prague, under the bridge which leads to the king's palace. When the dream recurred a third time, Rabbi Eizik prepared for the journey and set out for Prague. But the bridge was guarded day and night and he did not dare to start digging. Nevertheless he went to the bridge every morning and kept walking around it until evening. Finally the captain of the guards, who had been watching him, asked in a kindly way whether he was looking for something or waiting for somebody. Rabbi Eizik told him of the dream which had brought him here from a faraway country. The captain laughed: "And so to please the dream, you poor fellow wore out your shoes to come here! As for having faith in dreams, if I had had it, I should have had to get going when a dream once told me to go to Cracow and dig for treasure under the stove in the room of a Jew—Eizik, son of Yekel, that was the name! Eizik, son of Yekel! I can just imagine what it would be like, how I should have to try every house over there, where one half of the Jews are named Eizik and the other Yekel!" And he laughed again. Rabbi Eizik bowed, traveled home, dug up the treasure from under the stove, and built the House of Prayer which is called "Reb Eizik Reb Yekel's Shul."

"Take this story to heart," Rabbi Bunam used to add, "and make what it says your own: There is something you cannot find anywhere in the world, not even at the zaddik's, and there is, nevertheless, a place where you can find it."⁵⁰

⁴⁸ See, e.g., *id.*; Stanley Cavell, *The Fantastic of Philosophy*, 15 AM. POETRY R. 45 (May/June 1986). See also STANLEY CAVELL, *THE CLAIM OF REASON* 143 (1979).

⁴⁹ STANLEY CAVELL, *Kierkegaard's On Authority and Revelation*, in *MUST WE MEAN WHAT WE SAY?: A BOOK OF ESSAYS* 170 (2nd ed. 2002).

⁵⁰ MARTIN BUBER, *Here Where One Stands*, in *THE WAY OF MAN ACCORDING TO THE TEACHINGS OF HASIDIM* 28–29 (Pendle Hill 1958).

As subsequent commentators have noted, “the treasure was all the while, as it were, in his own backyard.”⁵¹ When I suggested that *The Wizard of Oz* was based on a Hasidic story at the dinner the night before the roundtable, the philosophical men scoffed. Derrida then asked me to recount the story, which I could not do very well, particularly to such an openly skeptical audience, but he and I recognized it. At the beginning of the question period on the videotape the next day, Professor Bruce Erlich, an intense and problematic English professor, thanked me for my Hasidic tale. Perhaps he had been told of the dinner the evening before, including the “absurdity” of my suggesting the connection between Oz and Rabbi Eizek, and chose to affirm his recognition.⁵²

The sacred, the re-enchanting world, may be similarly recognizable, even when inexpertly (or deftly, as no name suffices) named. As Socrates noted in the *Meno*, there is no way to recognize what you do not know unless you already know it⁵³—that conundrum grounded his commitment to continue to try to learn, when we can never know whether we know. This is epistemic humility.

Such a practice of contingency is characteristic of aspects⁵⁴ of major religious traditions, and of story. Derrida’s concern for story and spirit was seemingly not visible to the men gathered for the roundtable, but a 400-word portrait from the Internet Encyclopedia of Philosophy describes the “later” Derrida:

[T]he theme of responsibility to the other (for example, God or a beloved person) leads Derrida to leave the idea that responsibility is associated with a behavior publicly and rationally justifiable by general principles. *Reflecting upon tales of Jewish tradition*, he highlights the absolute singularity of responsibility to the other.⁵⁵

⁵¹ Robert Cohen, *New Wings for Our Prayers: On American Jewish Music*, TIKKUN MAG. (Mar. 27, 2008, 4:55 PM) <http://www.tikkun.org/article.php/20090327095511603>.

⁵² There is a tale perhaps to be told of such connections to the movie. In that period in Hollywood, screenwriters were often not credited, and one, Ben Hecht, often wrote for Victor Fleming. Hecht, with an exquisite sense of story and strong Jewish identity, wrote not only one of my favorite childhood stories, *THE CAT THAT JUMPED OUT OF THE STORY* (1947) but also *THE BOOK OF MIRACLES* (1939). Popular culture, via Wikipedia, provides this possible creative channel:

[F]ilm historian Joanne Yeck writes, “reducing the intricacies of *Gone with the Wind*’s epic dimensions was a herculean task . . . revisions were handled by a host of local writers, including Ben Hecht . . . Producer David O. Selznick replaced the film’s director three weeks into filming and then had the script rewritten. He sought out director Victor Fleming, who, at the time, was directing *The Wizard of Oz*. Fleming was dissatisfied with the script, so Selznick brought in famed writer Ben Hecht to rewrite the entire screenplay within five days.” Hecht was not credited, however, for his contribution . . .

Ben Hecht, WIKIPEDIA, THE FREE ENCYCLOPEDIA, http://en.wikipedia.org/wiki/Ben_Hecht#Uncredited_films (last visited Nov. 23, 2010).

⁵³ SOCRATES, PROTAGORAS AND MENO 73 (Benjamin Jowett trans. 2005) (“And if there have been always true thoughts in him, both at the time when he was and was not a man, which only need to be awakened into knowledge by putting questions to him, his soul must have always possessed this knowledge, for he always either was or was not a man?”).

⁵⁴ The other aspects—triumphalism, hierarchy, violence and stultifying orthodoxy—are the stuff of those who think themselves safe and justified even in secularism.

⁵⁵ Jack Reynolds, *Jacques Derrida (1930–2004)*, INTERNET ENCYCLOPEDIA OF PHILOSOPHY (Nov. 17, 2002), <http://www.iep.utm.edu/derrida/#SH6b> Internet Encyclopedia of Philosophy (last updated Jan. 12, 2010) (emphasis added).

Apparently imperceptible to the “massively masculine” perspective at that time in Nebraska, Derrida’s intense concern for “for example, God or a beloved person” in the context of story created an audience of at least one who recognized what the videotape recorded, and more.

The Hollywood version of the story takes a Hasidic turn,⁵⁶ but not one which erases the inherently feminist sensibility of a story about good witches and professorial men who are good men but not so great wizards.⁵⁷ The concern with returning home is traditionally feminine, tracing the necessity of the feminine economy beyond calculation of which the Greek dramatists sought to remind us. Despite the necessity of publicly formulated rules and laws in a world of fallen creatures, the patriarchal severing of law from the spirit of the feminine has always already done violence.

Despite the violence, whether Walter Benjamin’s originary violence⁵⁸ or Freud’s primal hoard⁵⁹ or the fratricide of Cain,⁶⁰ there is also love. This is what Dorothy recognizes between her and Auntie Em, and what leads her home. It is what suffuses *The Post Card*, Derrida’s text gathering fragments about Socrates and Freud—but like the great texts he reweaves, the text has two sides.⁶¹ Plato’s *Phaedrus*, which Derrida uses for writing/speech, is also a great text on love—and the text turns in the center. The second half of the *Phaedrus* is about writing and speech, the first about love. The first half of *The Post Card* is about/addressed with love (the addressee is of course ambiguous and plural, but wholly other and perhaps “fairly feminine”), and at its exact middle, page 260 of 521, Derrida declares that “I will attempt the beginning of this book”⁶² He then begins ruminations on masculine texts. In those deconstructions, he has already noted that Freud forgets Socrates at the crucial moment in retelling the story, the origins, of our present psyches.⁶³ Derrida is retracing the trace, the unknowable elusive, always already origin of the story in a way that suggests to me that there are fragments of an originary tale, and the story is always circulating uncannily. This is akin to the appearance in Buber of the Hasidic treasure that ends up in Dorothy Gale’s back yard, much as the pearl of great price⁶⁴ determines where one buys a field to construct a home in the Christian parable. (If you want the pearl, you lease the mineral rights and dig it up—only if you want a place to stay do you commit to the whole field).

This sense of a retold tale never fully revealed knits the motion picture with the book, as well as with retellings of the story reflected the *Taking Oz*

⁵⁶ Dorothy’s “own backyard” speech is in the movie but not the book.

⁵⁷ The Wizard’s protest in the movie is one clear echo of the book text. BAUM, *supra* note 4, at 154.

⁵⁸ See Derrida, *Force of Law*, *supra* note 31.

⁵⁹ See SIGMUND FREUD, CIVILIZATION AND ITS DISCONTENTS (James Strachey ed. & trans., W. W. Norton & Co. 1989) (1930).

⁶⁰ *Genesis* 4:8 (King James). See also JAMES ALISON, RAISING ABEL: THE RECOVERY OF ESCHATOLOGICAL IMAGINATION (1996).

⁶¹ DERRIDA, *supra* note 2.

⁶² DERRIDA, *supra* note 2, at 259, 260.

⁶³ See DERRIDA, *supra* note 2, at 146 (referencing Freud’s similar attempts to erase Nietzsche), *id.* at 263–71 (elaborating on Freud’s attempts in the more traditionally scholarly second half of THE POST CARD).

⁶⁴ *Matthew* 13:45–46 (The Revised English Bible with the Apocrypha).

Seriously articles in this volume and in my welcome home to Derrida. The story ever hidden in plain sight, retelling itself in unpredictable variation, directs attention to the fate of the nomad, of the stranger in a strange land. Dorothy runs away to the other side of the rainbow but then only wants to return home.⁶⁵ This peripatetic movement may be kin to deconstruction, or to an ongoing sense of our inherent dislocation this side of heaven, or to the hermeneutics of suspicion after the Enlightenment, or awaiting the messiah, or perhaps the effect of our being unable to step into the same word or river twice. Or to trying to find a place this side of the rainbow where Toto is not threatened by the arbitrary law.

PREFACE?

In the interchange with the philosophy professors who told the version of the story that rang true for them, perhaps new things will emerge. The selfsame would, in my version, be the story that Professor Martin reiterated to me even after my multiple notices that the videotape of the roundtable, which he watched, does not contain what he avers. With interesting good humor, Professor Martin wondered why I was still “hung up” on a story he plans to write an entire book chapter about based on his spectatorship—still without having watched the video I had sent him. He reiterated his memory that Derrida had deliberately evaded an apparent trap by identifying with Toto:

My basic memory of what you did on the panel, and of course I didn't know who you were at the time or until quite recently, is that you gave a fairly long account of the scenario from *The Wizard of Oz*, which I suppose was for Prof. Derrida's benefit (and perhaps you had asked him beforehand if he knew this film, obviously I don't know), but surely you can imagine this seeming a bit odd⁶⁶ to an audience in the Midwest, and then you related the scene with Toto pulling away the curtain and showing that the wizard did all of his magic with smoke and mirrors. Then it appears that you asked Prof. Derrida if he was “like that,” and for my part, being in the audience, it appeared that you were inferring that Derrida was like the wizard, but then he said, “Like who—the dog?”⁶⁷

There is nothing on the tape resembling my asking Derrida if he was “like that” or his replying “Like who—the dog?”⁶⁸ When Professor Martin repeated his memory, I had already sent him the first two-thirds of this Article with the quotations about memory. I had already sent him the compact disc of the video. I had already told him that the “record” on the tape and epistles was contrary to his story. Apparently, these were not particularly convincing to him.

⁶⁵ This elegant formulation comes from emerging scholar Astrid Farley.

⁶⁶ See *infra* text accompanying note 88.

⁶⁷ E-mail from Bill Martin to author (Jun 30, 2010 at 11:55 PM) (on file with author) (internal citation added).

⁶⁸ This would be ungrammatical, as it would properly be “like whom” and Derrida's sense of grammar was exquisite.

Such turns of memory are not incomprehensible; as the citation at the beginning of this Article suggests; it is very human. I just shared a meal with a scholar friend of nearly thirty years and found that my version of the (still striking) story of his long-term personal, spiritual, and professional relationship with one of my favorite women was off-key on more than one count. But he only needed to tell me once.

The motive force here is not, I pray, simply sheer self vindication, but to give full play to the story. Thus, I responded with care but not condemnation to Professor Naas, in whose book Professor Martin's version was recounted, after his full and courtly apology, when he again misread, somewhat editing the woman to the margins (of course he had not yet viewed the tape):

Your response to me [I wrote to Professor Naas] says this:

In retrospect, your own recollection of the story makes much more sense and shows Derrida taking the story you introduced in unexpected and even more interesting directions than my deformation of it (as Derrida hears "Toto" to mean either the "all" or perhaps even the "wholly other," the *tout autre*. And, yes, I can well imagine Derrida writing to you in friendship and with a bit of a smile, "Dites-le à Toto").

How fascinating that you attribute to Derrida taking the story in "unexpected and even more interesting directions" when [as I had indicated] I had taken the story there. He heard what you note because I said it and because he had ears to hear, not because he drew it out himself originally. Now, I don't think authorship is quite Authorship, and don't imagine that we own the stories within which we live, but I ask you to read the new part of the article I sent you, and WATCH what "happened" yourself. There you may, I do hope, find the power of the story, and why it asks fidelity, not just apology.⁶⁹

In an attempt to practice fidelity to the narrative momentum shared by all whom the story touched, I continued:

I suggest that the delight people take in the false story is because of the carnivalesque cast that came from the "transgression" in telling the story as I did, and its connecting Derrida to the quintessential "American" story. You may quite enjoy, later in the tape in the questioning period, Derrida's refusal to be "some passive broomstick"—that broomstick that I had asked about in my telling of the story (just whose was it, and why did the Witch of the West have it, and why did the Wizard require it [back?]?).⁷⁰

The carnivalesque characterizes the feminine play that both precedes and comments upon the "massively male" text.⁷¹ Derrida played—and not "for keeps" or in competition primarily—as my first e-mail to Professor Naas suggested: "Perhaps you had some sense of how small and simplistic (not to mention anti-feminine) the described put-down would have been,

⁶⁹ E-mail from author to Michael Naas (July 1, 2010, 11:27 AM) (on file with author).

⁷⁰ *Id.*

⁷¹ See *supra* text accompanying note 24.

had it happened.”⁷² As I explained to him and Professor Martin, my story had multiple purposes, one of which was truly hospitality (not one person from the law school teaching faculty or administration spoke a word to him, much less gave him the courtesy of welcome). Another was to use story for what feminist postmodernists have called “carnivalization”—the “intrusion of play, humour and folk culture into high discourses such as philosophy” according to Shannon Bell⁷³ (I add a bit of Catholic contemplative turning to it, however). Yet another was to speak out as other—I was on a law teaching faculty of twenty-four white guys and a white woman, who said she was neither feminine nor feminist, and I *was* difference. Another primary purpose, to encounter him (because I read him as radically and brilliantly faithful to the becoming Wholly Other), was well met.

Everyone on the roundtable, including Derrida and me, was a professor and thus implicated in the patriarchy (as I put it to my students), so that any lampooning of professors included me as well as the director of one of the trio of the most distinguished academic credentialing institutions in France (Derrida). I referred to my students’ discussion of possibly wearing huge styrofoam ears to the roundtable, playing on Nietzsche’s portrait of passive-receptive students in the phallogocentric academy.⁷⁴ The professor/wizard role belonged simultaneously to Derrida and to all of us (then and now).

My venture into playful narrative was apparently incomprehensible to Professor Martin, who wrote of his expectations and consequent frustrations when at the talk the night before the roundtable, long lines of people wanted to press their own comments on Derrida, not discuss his work. Professor Marin felt that the roundtable should have been commentary on Derrida’s texts. As I conveyed to Professor Martin, the intention of the roundtable participants and creators was different; the construction of a respectful but diverse community of discourse was primary. Discourse may refer to prior texts, but more engagingly it may treat the things already said as part of an ongoing conversation. More detailed textual references would indeed appeal to a graduate student immersed in Derrida’s work, which Professor Martin was at that time, but not necessarily to those who wanted to perform something less limited.

In my experience, philosophy’s explicit turn to what is performed rather than merely what is said, was faithfully practiced in Socrates, Buber, and often, Derrida. The ludic, playful, and sacred aspects of full human discourse in the presence of ideas move to transform the selfsame’s tyranny and alienation. We are often lost seemingly far from home, faced with the void.⁷⁵ The vital quality of relationship with the Other and the Wholly

⁷² E-mail from author to Michael Naas (June 26, 2010, 11:07 AM) (on file with author).

⁷³ Shannon Bell, *Tomb of the Sacred Prostitute: The Symposium*, in SHADOW OF SPIRIT: POSTMODERNISM AND RELIGION 198, 199 (Philippa Berry & Andrew Wernick eds., 1992). I add a bit of Catholic contemplative turning to it, however.

⁷⁴ I had assigned them excerpts concerning Nietzsche from JACQUES DERRIDA, THE EAR OF THE OTHER (1985).

⁷⁵ “[*Time and the Other*] represents an attempt to escape from this isolation of existing. . . . There is no rupture of the isolation of being in knowledge. . . . [B]eing in direct relation with the Other is not to thematize the Other and consider him in the same manner one considers a known object, nor to

Other depends on openness to the unexpected, acknowledgment of mystery, cognizance of narrative, and love. It entails stories, and hospitality, and carnival, in the face of the Impossible.

As Derrida said at the roundtable, there is home and there is not home. He hoped there was home—“Nebraska is home” he joked⁷⁶—but in this guise, this “earthly” realm, we are not securely home yet. And perhaps we always already are home, but we do not know that in any stable sense. What Dorothy knows, however, is that a place where the law of domination relentlessly tries to confine the wordless All (who in the book is the source of laughter⁷⁷) is not a true presence.

What will happen next in this story of stories and philosophy and law? No rule can dictate, no law can regulate the succeeding chapter. The constitutive tension between the attempt to formulate generalities, to write laws, and the radical particularity of those called by name, precludes legislative fiat over future narrative. Only the participation by those in relation to the Other can form story/ies. Levinas reminds us that the Other disrupts the thematization that objectifies, but continued movement of such disruption, of the alternation of recovery and rupture, is always undeterminable, “wherein laws have no more sense than the face-to-face with the neighbor.”⁷⁸ The trick here is to remind the professors in the massively male academy of the predictable isolation of the feminine while remaining open to what that (I hope gentle and respectful) reminder may elicit, to name the momentum of the selfsame while listening for the uncontrollable, unthematized Other’s voice. To thematize is to reduce the Other to the laws of deterministic prediction, to the phallogocentric dominant discourse. To invite to conversational play is to hope for more.

When Dorothy hoped for more, she set out on a journey of both desperation (fleeing Toto’s imprisonment) and aspiration (heading somewhere over the rainbow). She was turned back toward home by Professor Marvel’s basket-search’s production of her image of the loving feminine, Auntie Em’s photo, which Dorothy carried with her.⁷⁹ Once begun, however, the journey is not predetermined, nor is the way home; thus Ms. Gale is met on her road back to the farm by her namesake force of nature, a wind that relocates her dramatically to a land where none of the laws she knows hold sway.⁸⁰ First on the list of outlaws, I would argue, are good witches (“wanted” in so many ways⁸¹).

Women of power and spirit operating in public have been illegal in the lawful narrative of the United States. The vehicle of oppression that Arthur

communicate a knowledge to him.” EMMANUEL LEVINAS, *ETHICS AND INFINITY: CONVERSATIONS WITH PHILIPPE NEMO* 57 (Richard A. Cohen trans., Duquesne Univ. Press 1985).

⁷⁶ DVD: Derrida Roundtable UNL 1989, *supra* note 20.

⁷⁷ L. FRANK BAUM, *L. FRANK BAUM’S THE WONDERFUL WIZARD OF OZ* 8, 8–9 (Univ. of Cal. Press 1986).

⁷⁸ EMMANUEL LEVINAS, *OF GOD WHO COMES TO MIND* 134 (Bettina Bergo trans., Stanford Univ. Press 1998) (1986).

⁷⁹ *THE WIZARD OF OZ*, *supra* note 5.

⁸⁰ *Id.*

⁸¹ See generally the works of Mary Daly (self-proclaimed “revolting hag”) including MARY DALY & JANE CAPUTI, *WEBSTERS’ FIRST NEW INTERGALACTIC WICKEDARY OF THE ENGLISH LANGUAGE: CONJURED BY MARY DALY IN CAHOOTS WITH JANE CAPUTI*, (1987).

Miller chose to tell the story of McCarthyism, the Crucible of Salem witch trials, exemplifies the terror that women who practice in the realm of women's healing can engender.⁸² Goodie Nurse becomes the faithful lodestar of a narrative nearly overwhelmed by a man's inability to connect his predation with his consequent vulnerability to the irrational dictates of the law.⁸³ Miller's catalyst for the male hysteria is Tituba, the black woman who invokes different spirits than the ones the Puritans know (and a more interesting, relational devil), who takes the young women dancing in the woods at night⁸⁴—the quintessentially Dionysian in a society strangled by its Apollonian monopoly of legal force. What Dorothy has been taught by Glinda makes her powerful, and dangerous.⁸⁵ What will happen when she takes off her blue and white checked pinafore and moves into womanhood with such subversive knowledge?

One possibility is that only good wizards will recognize her.⁸⁶ The rest may consider her akin to the Madwoman in the Attic.⁸⁷ But she will know why she appears so strange, so incongruous in the Apollonian day. As Flannery O'Connor famously noted, "she shall know the truth and the truth will make her odd."⁸⁸ But truth is not a possession; it is not something that can be captured or thematized.

I have sent the compact disc and my account to the two Derrida professors. Theirs is to respond, or not. My hope is that they will come out and play. The unexpected re-emergence of the Hasidic tale after over twenty years, however, reminds me that the best that a law can aspire to be is a reasonable anticipation of behavior that a community hopes to regulate. How that plays out is always already another story.

⁸² See ARTHUR MILLER, *THE CRUCIBLE* (Compass Books ed. 1964) (1953).

⁸³ Proctor is tortured by his past with Abigail, who is arguably driven to her outlaw behavior by his (statutory, in contemporary terms) rape of her when she was a young servant in his house. See MILLER, *supra* note 82 at 22–23. Miller fails to engage the extent of Proctor's harm to Abigail (and the community) and thus the extent of redemption possible were Miller to have gone deeper into the story. See *id.*

⁸⁴ *Id.* at 42–43.

⁸⁵ See ROSEMARY RADFORD RUETHER, *WOMEN AND REDEMPTION: A THEOLOGICAL HISTORY* 218 (1998) (discussing many exemplars of powerful women of spirit who were often perceived as dangerous).

⁸⁶ At the roundtable, I addressed Derrida with a "welcome from a good witch to a good wizard," despite Baum and the movie's suggestion that Professor Marvel was a good man but a bad wizard.

⁸⁷ SANDRA GILBERT & SUSAN GUBAR, *THE MADWOMAN IN THE ATTIC: THE WOMAN WRITER AND THE NINETEENTH CENTURY LITERARY IMAGINATION* (1979).

⁸⁸ FLANNERY O'CONNOR, *WISE BLOOD*, in *COLLECTED WORKS* 1 (Sally Fitzgerald ed., 1988).

