

Dragoş BUCUR

## The Topo-nomological Discourse in Judeo-Christian Culture: Religious Loopholes and the Practice of the Other

**Abstract.** This paper aims to identify a topo-nomological principle (as described by Jacques Derrida concerning the concept of the archive) at the level of discourse within the Judeo-Christian culture regarding the practices and customs that are either imposed or forbidden by this type of discourse. The analysis attempts to describe the way in which a topo-nomological system of discourse is constructed in Judaism referring to the concept of performative scripturality (*performativen schriftlichkeit*) defined by Jan Assmann. The ways in which a topo-nomological discourse is transmitted from Judaism to Christianity and secular Western culture will also be investigated. The goal of the paper is to explore, through the lens of critical theory, the relation between a subject and the topo-nomological discourse to which it relays, as depicted in Jewish themed movies (*Fiddler on the Roof*) or Christian ones (*My Night at Maud's*), but also regarding a general analysis of the so-called religious loopholes among cultural practices that are theorized by Slavoj Žižek as symptomatic for contemporary thought. The paper also investigates the relation between Judeo-Christian Western culture and foreign religious practices within a comparison of circumcision with excision, starting from an essay written by Claude Lévi-Strauss in 1989 after the banning of ritual excision in France.

**Keywords:** Topo-nomological, religious practices, religious loopholes, alterity, circumcision, excision, Judaism.

### Introduction:

#### The topo-nomological principle

What we would call the deconstruction of the concept of the archive in Jacques Derrida's *Archive Fever: A Freudian Impression*, does not begin – as he writes – “at the beginning, nor even at the archive. But rather at the word «archive»”, at the etymology of this word, thus, at the archive of the words *arkhe* and *arkheion*. The trace of the word *arkhe* (that of a commencement and a commandment) leaves

**Dragoş BUCUR**

Faculty of Letters  
Babeş-Bolyai University  
db\_dragosh@yahoo.com

EKPHRISIS, 1/2018

AFTERMATHS OF CRITICAL THEORY  
pp. 134-147

DOI:10.24193/ekphrasis.19.10  
Published First Online: 2018/06/20

within the concept of the archive two principles: an ontological principle – “according to nature or history, there where things commence” – and a nomological principle – “according to the law, there where men and gods command, there where authority, social order are exercised, in this place from which order is given”. The meaning of the archive is also marked by the Greek *Arkheion*: “initially a house, a domicile, an address, the residence of the superior magistrates, the archons, those who commanded. The citizens who thus held and signified political power were considered to possess the right to make or to represent the law”. This circumscription, domiciliation or institutionalization, of the archive, in the form of the *Arkheion*, represents a “place of election where law and singularity intersect in *privilege*”, and here the nomological principle of the archive becomes what Derrida calls a topo-nomological principle. (Derrida 9-10)

The return to Jacques Derrida’s thought reveals the fact that, before any relations of power instituted by discursive authorities or institutions, since concepts are always spectral, language in itself is already a form of authority by being haunted by the entire cultural memory of written culture. Following the trace of the archive we can identify a topo-nomological principle that is present outside a *topos* per se, far from a place, but in a localizable non-place which can be inhabited by Man, God, Author, but besides any form of (sub)ject, by the discourse which any type of *ject* wants and pretends to claim.

### **Logocentrism and normative exegesis in Judaism: Masoret, Kabbalah and Halakha**

The domiciliation of the archive which the *archeion* consists of, marks the transition from what we could call a customary nomos to a topological nomos whose mode of being is in the written form. Since this transition the scriptural character becomes essential for any nomological principle being the base on which resides the authority of any law. Jan Assmann identifies scripturality (*schriftlichkeit*) as the primordial element that was needed for the establishment of monotheism. According to him the revolutionary novelty of monotheism consists on the fact that it is no longer just a cult or a basic relation of the subject with the world, but rather a desire to regulate every detail of existence including daily life and the ordinary aspects of it. This new form of religion could not have been possible without writing. There is also a specific character of scripturality used and needed by the new religion, which Jan Assmann identifies as *performative*. Because of this form of scripturality, monotheism represents: “something completely new, not only in the history of religion but in that of the written culture” (Assmann 33). The performative scripturality is sustained firstly, by the syntax of the Thora and secondly, by the principle of *authority* which the concept of the Author and the place occupied by him in the text represents. Both of these principles (grammatical and theological) are included in a broader *grammar*. As Michel Foucault defined it, that syntax that does not simply “construct

sentences” but the “less apparent syntax which causes words and things (next to and also opposite one another) to «hold together»” (Foucault xix). The division between words and things, outlined by the modern linguistic theories of arbitrariness and designation, seems to be overturned by the syntax of the Thora. A syntax permitted by a language who keeps the trace of the close relation between words and things, in its very concepts, for example the word רֶבֶד (= thing – in Modern Hebrew thing, but used in the biblical language mostly as word).

In contemporary Western culture there is a fascination for Oriental languages which has its roots in the exoticism that they still represent for us. The object of this fascination for the Christian culture is obviously the language of the Old Testament, Hebrew. It is often believed that Hebrew, The Holy Language, the language of God or the language in which the law was given, is closer to Truth by its very nature. We could say that in contemporary Christian culture the Hebrew language is thus mystified, but this are only the remains of an idea inhabited in the Judaic culture and in what Michel Foucault calls the classical episteme. One of the dominant theories in the classical episteme is that “In its original form, when it was given to men by God himself, language was an absolutely certain and transparent sign for things, because it resembled them.” and that post-Babel: “There is only one language that retains a memory of that similitude, because it derives in direct descent from that first vocabulary which is now forgotten; /.../ because this language had to be used in order to recount God’s ancient Alliance with his people; and lastly, because it was in this language that God addressed himself to those who listened to him. Hebrew therefore contains, as if in the form of fragments, the marks of that original name-giving.” (Foucault 40). Not only that, according to this theory, Hebrew, the language of the Law, is considered to be more transparent than other languages but it is already situated in a place closer to the Truth. Thus at the level of the language itself we can see a topo-nomological principle being at work.

The topo-nomological principle is visible in the evolution of the Jewish tradition and within cultural movements which can be described as logocentric, in the Derridean definition of logocentrism proposed in *Of Grammatology*: “the metaphysics of phonetic writing” (Derrida 3). The issue of retrieving the original Tanakhic pronunciation was advanced early by the Masorets and then taken up with other attributes by the Jewish mysticism: Kabbalah. The first reason for the recovery of the pronunciation, that of the Masorets, was mostly linguistic aiming to standardize the pronunciation of the Tanakh by developing a diacritical system for the notation of vowels in Hebrew, but the issue of pronunciation is reinterpreted by Kabbalah and invested with mystical values. For the Kabbalist the retrieving of the original pronunciation is strictly tight to their view of the divine language as a creative principle. “Language – as Gershom Scholem notes – in its purest form, that is, Hebrew, according to the Kabbalists, reflects the fundamental spiritual nature of the world; in other words, it

has a mystical value. Speech reaches God because it comes from God. Man's common language, whose *prima facie* function, indeed, is only of an intellectual nature, reflects the creative language of God." (17)

Beyond the discourses that privilege the Hebrew language, a topo-nomological principle is at work in one of the major methods of exegesis in Judaism: *Halakha*. Like the Archons, the rabbis become those who have full hermeneutic right of the texts and the exegesis consists in extracting laws from the sacred texts in order to form a corpus that is called Halakha. The word Halakha הלכה is based on the root (לה = going) and can be translated as conduct (how to go every day). The conduct imposed by Halakha that wants to regulate every aspect of daily life requires a certain embodiment of the law that is significant for the conversion required by the closed system of monotheistic religions. As Jan Assmann states, "The counterpart of conversion is assimilation." (36). Hence, in the context of exile, the Halakhic imperative is invested with additional notions and the Jews become as Derrida calls them in *Writing and Difference*: "Autochthons only of speech and writing, of Law." (80).

Therefore, the language that retains the traces of transparency, the connection with an essence, establishes a nomological discourse, which in turn instills a nomological commentary. A commentary that will be credited and interpreted literally. The premise of the objective truth of monotheism is announced from the beginning and strengthens in the hierarchy: *language > discourse > interpretation > interpretation of the interpretation*. Each level in this hierarchy represents a topo-nomological language: the four (meta)languages occupy a place, or a non-place, "where law and singularity intersect in privilege" (Derrida 10).

### **Literal readings and religious loopholes**

All the principles previously invoked: the privilege of the Hebrew language, performative scriptural and meta-discourses (Kabbalah, Halaha) constitute a nomological system that establishes a literal reading. This way of relating to writing is present in Jewish religious practices as well as in Christian ones. The literal reading is closely related to the desire of the subject to be *in the Truth* and not to be subjected to punishment. This attitude is imposed by the performative scripturality of the Torah. Jan Assmann theorizes this form of scripturality by using two examples of daily communication: He identifies as informative the following announcement: "EU Health Ministers: smoking can cause death", and as performative a sign with the inscription "smoking forbidden". The announcement gives the reader an important information but the inscription on the sign imposes an interdiction to which the reader must follow or otherwise is punishable. As Jan Assmann writes: "The scripturality used by religion, in order to shape and reshape human life in its entirety is performative. If I do not follow the scripture, I do not do it on my own risk, I sin." (33) The obligation to live according to law supplemented by a literal reading of it sometimes results in so-called religious loopholes.

The very idea of a religious loophole, that of finding a way to partially escape or go around the law, is embodied in the figure of what is called in Jewish culture a Shabbes goy (Yiddish) or a Shabbat goy (Hebrew). Since the commandment of keeping Shabbat as a resting day is a central one in the Tanakh, Halakha identifies thirty-nine categories of activities that are considered work and thus prohibited on Shabbat. A Shabbes goy is a non-Jew person who performs a certain prohibited action (such as igniting a fire) for a Jew in the day of Shabbat. In the absence of a Shabbes goy or in situations that don't refer to prohibitions regarding Shabbat, other ways are found to go around a religious law or halakhic prohibition, thought certain gestures, whit the help of different objects or just by finding new ways of interpreting the religious prohibitions. In the cinematic adaptation of Sholem Aleihem's series of short stories, *Tevey the Dairyman, Fiddler on the Roof* (1971) we are facing such a gesture in a crucial point of the movie. At the very beginning of the movie, Tevey, a character know in the Yiddish tradition for his famous literal readings and hilarious misquoting of the sacred texts, describes the position of the Jew in the Pale of Settlement at the beginning of the XX century. He describes the Jew as a fiddler on the roof that wouldn't be able to keep his balance without a key component that is tradition. In the small community of the shtetl the idea of tradition seems to be dramatically altered when his firstborn daughter, Tzeitel, doesn't want to marry Lazar Wolf, the town's shoet, whit whom Tevey had an agreement, and she wants to marry instead her secret lover Motel, a poor tailor. At Tzeitel and Motel's wedding, Perchik, a young man who studied in Kiev, breaks the Jewish tradition of the dance and crosses the barrier between man and woman to dance with Tevey's daughter Hodel. When all the man present at the wedding are scandalized by Perchik's gesture he says that dancing with a woman is not a sin and proposes to ask what the rabbi's opinion is on the matter. The rabbi answer starts with "Well, is not exactly forbidden, but..." and the rest of the assertion cannot be heard over the cheering of Tevey and other people that concluded only by these few words. Then, slowly, men and women start to dance together at the wedding crossing the usual barrier. Even the rabbi is involved in this dance, but when he realizes that he dance with a woman he suddenly stops. At the pressure of the people, the rabbi finds a solution: he pulls out of his coat a scarfs grabbing one end of in and giving the other to the girl, then they continue dancing in this way. This simple gesture, that might have gone unnoticed in the whole excitement of the wedding dance, is a crucial one because at that moment a subject reacted to a toponomological system of discourse by interpreting it, and more so as the subject of this way of relating to the law is the halakhic authority himself: the rabbi.

This way of relating to religious law is still present in Western and Christian culture and for the Jewish tradition, it developed new modes of expression at the moment of contact with technology. The prohibition of igniting a fire on the Sabbath is extended in religious communities to prohibit the use of electricity. The extrapolation of the Halakha law is particularly concerned with the use of light, as it retains the reminiscences

with fire. Nonetheless, the issue of using electricity on Shabbat is controversial, with many rabbinic interpretations that differ from community to community. Some rabbis consider that using electricity through a switch can cause sparks whose production is also forbidden or even that using a switch consists of closing an electrical circuit, which would mean a violation of the prohibition to build on the day of Shabbat, other liberal rabbis simply permit the use of electricity as they do not interpret it at work. In this context, various devices have been developed to allow Jews to use electrical appliances on Sabbath, but without acting directly. For example, there are some timers that attach to the power switches and are pre-programmed to turn on and off the lights at certain times on the Sabbath day. In 2004, a company based in Toronto called Kosher Innovations patented and started selling a device called Kosher Lamp. This lamp produces light continuously, and instead of a switch, it has a dark cover that can slide over the light source. In 2015, another group based in New York managed to raise 70,715 \$ in a campaign on [www.indiegogo.com](http://www.indiegogo.com) for the development of their device called KosherSwitch. This device consist of a mechanical switch that does not operate directly creating a continuous flux of current that is just interrupted by an isolated piece of plastic when the switch is turned off. An interesting note is that the commercial for the product even humorously presents it as an alternative to the awkward situation of finding a Shabbes Goy in the middle of the night in order to turn off or on your lights. The emergence of this device has sparked more controversy than that of the kosher lamp, but both companies are supported by rabbis who are analyzing the devices by interpreting Halakha. Another device commonly found in Israel that allows the use of electricity on Shabbat's day, unrelated to light this time, is the Shabbat elevator. This type of elevator is programmed to automatically stop during Shabbat on each floor of the building without the direct action of the person using it.

Using the example of products deprived of their malignant proprieties such as alcohol-free beer or caffeine-free coffee, Slavoj Žižek defines liberal multiculturalism as "the experience of the Other deprived of its Otherness" or the "doctrine of warfare with no casualties (on our side, of course) as warfare without warfare" (11). Following this stream of thought, we can call religious loopholes sin without sin. (And this can be especially relevant since by the devices previously mentioned are products that one can acquire on today's market.) Despite how it may at first seem the ways of going around the law are by no means ways of breaking the law, but rather ways of respecting the law in the case of religious loopholes. The embodiment of the law, which performative scripturality demands, is also the embodiment of Truth, because monotheism stands as a differentiation of the truth from the false. The only God obtains His mode of being, namely, the Truth, by His detachment from the idols, from the false gods. His Scripture, the book of books, is therefore the Truth, and the one who obeys the law is *in the Truth*. In this sense, the Shabbes goy or the kosher lamp represent the experience of sin, that of violating the law but without the harmful effect of it, which is the moving of the subject from the privileged topos of Truth.

A law is an ideology, in the etymological sense of the word: an idea. Not an idea that acts as a filter over “reality”, but rather an idea that constitutes the Real. The law, or the scripture becomes reality through those who embody it, those who respect it, but also in the culture that takes and considers the same values common sense or normality. This incarnation of the law, the becoming-Real of writing, is the revolutionary act of Judaism but for secular Western culture, religious law appears through common sense more as a “received dogma” in the critical sense proposed by Gayatri Spivak – „Strictly speaking, received dogma is another name for ideology. Ideology in the critical sense does not signify an avowed doctrine. It is rather the loosely articulated set of historically determined and determining notions, presuppositions and practices, each implying the other by real or forced logic, which goes by the name of common sense or self-evident truth or natural behavior in a certain situation.” (97) The so called religious loopholes are present in Christianity but since here a corpus of laws as strict as the Halakha doesn't exist the laws that followers want to go around are represented by general religious values which often overlay with secular Western values. In this sense one of the central values of the Christian culture is marriage which implies, in order to be a pure marriage, for both partners to be virgin. Although the imperative of being a virgin it's mostly applied just for women as a result of the heritage of a misogynistic culture but also because there is no way to determine a man's virginity or the lack of it. In some cases practices like oral or anal sex are considered by some religious followers acceptable ways of having sex before marriage since they do not imply intravaginal intercourse so they do not result in the loss of virginity (or at least there is no way to determine if a woman engaged in these sexual acts or not). Even if it isn't taken to this extreme empirical sense, the idea of chastity remains a central one in the Christian system of values as well as in the Western secular.

Éric Rohmer's film *My Night at Maud's* (*Ma nuit chez Maud* 1969) explores the idea of marriage from the perspective of a Catholic man and how his principles are challenged in the course of a night. The entire relationship of this character with the religious system is representative for what we previously called religious loophole or *sin without sin* in a very subtle, but also accurate, way. The film succeeds to articulate, mostly by dialog and framing, the entire tension of the relation between a subject and the topo-nomological system to which it relays. Jean-Louis, our protagonist, a practicing Catholic, randomly meets his childhood friend Vidal, now a philosophy professor at the University, that will invite him to have dinner the next day at his friend Maud, a divorced woman with whom Vidal uses to have an amorous relation that became more of a friendship. During dinner, the three of them engage in a complex conversation about mathematics, ethics, sins and marriage starting from Pascal. Their views on Pascal and on the subjects invoked are very different, Jean-Louis being a Catholic, Vidal a Marxist, as we know from a previous conversation with the protagonist, and Maud an Atheist, her family's background being described by Vidal in the following way: “Their non-religion was a religion”. Both Vidal and Maud

consider Jean-Louis's principles either restrictive or inconsistent. The protagonist tries to explain his principles to the two by slightly departing from the conventional Catholic perspective. During this part of the conversation the camera is mostly capturing Vidal and Maud as we hear the voice of the protagonist, giving thus the impression that he is tweaking his arguments in order to not appear as to restrictive for the others. After this conversation, as Vidal opens the window, they realize that it started to snow badly outside. Since Jean-Louis lives out of town he is invited by Maud to spend the night over by saying that she has a spare room. The protagonist rejects this idea at first but then reconsiders it as he convinces himself that there is nothing wrong in sleeping in a the spare room. Vidal leaves the two alone, oddly excusing himself by saying that he left a window open at home. Jean-Louis continues his conversation with Maud up to a certain point when he says that he would like to sleep and asks her to show him the spare room. At this point, Maud reveals to the protagonist that a spare room does not exist and he will have to sleep in the same bed with her. Almost half of the movie is shoot in one room of Maud's apartment (the room where she also sleeps) and up to the point the room that is invisible, both for the protagonist and the viewer of the movie, acts like a possibility of not sinning or sin without sin. When Jean-Louis realizes that the room does not exist tries to find new ways of not sinning, first by saying that he will sleep in the armchair and then by covering himself in a blanket. Meanwhile, Maud provocatively undresses under the sheets in the bed that is right near the armchair. Eventually, Jean-Louis climbs into the bed near her but he sleeps on the top of the sheets and fully covered in the blanket. As the morning comes Maud and Jean-Louis get closer to one another and start kissing but Jean-Louis retracts himself only to then attempt again. Maud rejects him saying that she likes people who know what they want. The entire attitude that Maud dislikes, and in a certain way wants to viciously expose to Jean-Louis, is that of being inconsistent or not being able to respect his own declared principles, his way of sinning without sin. As she says to him in their previous conversation: "What I don't like about you is that you always dodge the issue. You don't face up to things. A shamefaced Christian combined with a shamefaced Don Juan." This relation to a topo-nomological system of discourse that the character manifests is not solely regarding the religious discourse, but it extends to the way in which he relates to the others, but mostly to the way he thinks the others perceive him. The fact that Jean-Louis is obsessed with the way in which he is perceive not only by the authority of a topo-nomological system but by other characters is outlined in the film by camera movement, framing and dialogue but is especially pointed out in the last scene of the movie. This scene takes place five years after the main event of the movie and presents the protagonist with along his wife and child randomly encountering Maud. Jean-Louis confesses to his wife that when he met her he just had left Maud. At this moment the dialogue is interrupted by a moment of introspection (the only one in the entire movie) in which the protagonist realizes that his wife was the lover of Maud's

ex-husband. He wanted to tell her that nothing happened between him and Maud, but because of his acknowledgement he said to her instead that Maud was his last fling. Thus, by knowing that his wife sinned in the past he no longer felt the urge to testify his sin as without sin. The protagonist perceived the law as embodied in him and in the other. In his brief moment of introspection the entire topological principle was destroyed, leaving him with a law that had no authority to which he should justify his sins as without sin.

### The practice of the Other: circumcision and excision

The moment when a topo-nomological discourse (and its literal reading and interpretation) reveals its violence is determined by contact with alterity, the contact with the Other for the Western Judeo-Christian culture. The relationship that monotheism in its original form, Judaism, has with alterity is closely related to the concept of Canon or “overwrought form of scripturality” as Jan Assmann calls it. (34) The ways in which the Other and especially his practices are viewed from within the monotheistic religion are strictly connected to the very principle of the Canon expressed in the fifth book of Moses – “Ye shall not add unto the word which I command you, neither shall ye diminish from it, that ye may keep the commandments of the LORD your God which I command you”. (Deuteronomy 4:2).

As for the Western secular culture (be it influenced or not by Judeo-Christian values) the relation with the alterity seems to be the same as Roland Barthes observes regarding the bourgeoisie and the common sense: “One of the constant traits of every *petite-bourgeoise* mythology is the impotence to imagine the Other. Otherness [L’altérité] is the most antipathetic concept to «common sense»”. (42)

Both the concept of the Canon and that of common sense are ideologies: ideas that constitute Reality, but between the two, the common sense is even more dangerous for Western culture, since its ideological character is suspended and it is perceived as normality or even naturalness. The inability to conceive alterity is in close relationship with the naturalization of one’s own culture, one’s own ideas, practices and beliefs. In his short essay from 1989, *Social problems: ritual female excision and medically assisted reproduction*, Claude Lévi-Strauss demonstrates, on the one hand, the inability of the Western culture to conceive the Other, and on the other hand the process by which the Judaic customs have moved from familiar to natural in Christian and even secular culture. This process of naturalization could be explained in the terms that Roland Barthes uses regarding the common sense as interpreting a value system as a system of facts. (204)

In 1988, excision<sup>1</sup> is banned in France and becomes: „a felony tried in the assize court, equated with willful assault and battery against the person of the child leading to mutilation, for which the parents may be found guilty.” (Lévi-Strauss 39). Starting from two trials that took place in 1988 and 1989 where the sentence was the same (three years in prison with the postponement of the punishment), although in the case

of 1988, the girl died as a result of a neglected sequelae, and in the case of 1989 the excision had no fatal consequences, Claude Lévi-Strauss surprises the confusion of the court: "Whatever the outcome of the procedure, fatal or benign, they feel obliged both to condemn and to pardon." (39). Lévi-Strauss argues that the Prosecutor's Office acts under the pressure of a public opinion influenced by feminist leagues condemning excision based on two principles: first, excision makes female pleasure impossible, and secondly, excision is an attempt at bodily integrity. What is striking for the ethnologist is that the second argument was not invoked against circumcision because: "our Judeo-Christian culture is still steeped in the Old Testament and that such familiarity removes any shocking aspect male circumcision might have. Circumcision (for the Jews directly and for the Christians indirectly) belongs to a shared cultural heritage. It is for that reason and that reason alone that it does not disturb us." (Lévi-Strauss 40). The difference, which, in a certain vision, constitutes the incomparability of the two practices, remains the impossibility of sexual pleasure in the case of excised women. Lévi-Strauss starts from the premise that circumcision is not a benign operation either, but does not detail this by saying only the following: "So imprecise is our knowledge of the indirect role of the erogenous zones that we would do better to admit that we know nothing about it." (40). Also, starting from the statements of the African women, the essay relies on the subjective experience of sexual pleasure in different cultures: "At the October 1989 trial, an African medical doctor who had been excised declared that she had never felt shortchanged in that respect. She added that it was not until she came to Paris that she learned that excised women were frigid." (40). Of course, despite the claims of the person being heard, we can't deny the mutilation of the erogenous zones, but the diminishing of the sexual pleasure must and can be discussed also in the case of circumcision, especially since this is one of the arguments of the Judaists for practicing the religious ritual. Maimonides identifies the diminution of sexual pleasure as one of the main goals of circumcision: „The bodily injury caused to that organ is exactly that which is desired; it does not interrupt any vital function, nor does it destroy the power of generation. Circumcision simply counteracts excessive lust; for there is no doubt that circumcision weakens the power of sexual excitement, and sometimes lessens the natural enjoyment; the organ necessarily becomes weak when it loses blood and is deprived of its covering from the beginning." (378)

Reading the texts of Freud, Derrida highlights the image of the circumcision that he describes in *Moses and Monotheism*. The impression that circumcision leaves on the uncircumcised is described as: „a disagreeable, uncanny [unheimlicher] impression" (147). This impression of uncanny is what shocked Western culture once in contact with the practice of circumcision. This feeling is restored by the contact with a practice of the Other still considered a stranger. The uncanny impression is the one that characterizes the excision for Western culture, but the impression of the disagreeable is the one that excludes it. The ritual practice of African women is not acceptable to the Western values system, as evidenced by the law passed in France in 1988. Freud

invokes the impression of the uncanny regarding circumcision within an analysis on the origins of anti-Semitism. According to him, circumcision leaves a disagreeable or an uncanny impression because it reminds of castration and also, by being the sign of the covenant, it acts as a trigger to the unconscious jealousy towards the Jews as the chosen people. (147). Jacques Derrida critiques, or at least questions, this Freudian interpretation of circumcision (33), but nonetheless an impression of those circumcised or uncircumcised (excised or not excised) existed since the time of Ancient Egypt and as we saw it is still present. In *Moses and Monotheism*, Sigmund Freud advances the hypothesis that Moses may have been an Egyptian that actually introduce the Jews to a new form of religion that was not accepted in Egypt: Monotheism.<sup>2</sup> According to Freud, the custom of circumcision, whose practice in Egypt is attested by historical sources, was also brought to the Jews by Moses (unlike the custom of excision that originated also in Egypt). Freud argues that Moses imposed this practice among Jews since it was considered a sign of superiority in Egypt: “Those who do not practice it regard it as very odd and find it rather abhorrent; but those who have adopted circumcision are proud of the custom. They feel superior, ennobled, and look down with contempt at the others, who appear to them unclean. Even to-day the Turk hurls abuse at the Christian by calling him «an uncircumcised dog». It is credible that Moses, who as an Egyptian was himself circumcised, shared this attitude.” (52). Even if we do not accept all the Freudian hypothesis, we can't neglect the fact that circumcision was considered a sign of superiority in Egypt, or at least as something that resembled cleanness (as it still does for Western culture), nor the pejorative term regarding the same perspective invoked by Freud from his contemporary culture. More so as the same perspective towards circumcision is described in numerous ways in the Old Testament. The image of the uncircumcised (לִרְצֵ) and the impression of the disagreeableness it creates is rooted in biblical language becoming a pejorative term for the non-Jews: “Come and let us go over unto the garrison of these uncircumcised” (Samuel I 14:6); “Draw thy sword, and thrust me through therewith; lest these uncircumcised come and thrust me through, and make a mock of me.” (Samuel I 31:4). The term is also use metaphorically to designate food that is considered impure: “And when ye shall come into the land, and shall have planted all manner of trees for food, then ye shall count the fruit thereof as forbidden [in the Hebrew text uncircumcised לִרְצֵ]; three years shall it be as forbidden unto you; it shall not be eaten.” (Leviticus 19:23). Also circumcision is viewed as a requirement for a man in order to get married with a Jewish woman as the answer of Jacob sons to Shechem who want to marry there sister Dina reveals: “We cannot do this thing, to give our sister to one that is uncircumcised; for that were a reproach unto us. / Only on this condition will we consent unto you: if ye will be as we are, that every male of you be circumcised” (Genesis 34:14-15). As Claude Lévi-Strauss notes, the same perspective is applied on excision within the communities that practice the ritual: “A girl on whom the procedure is not performed would be considered impure, even dangerous,

and would not find a husband.” (39). We can see how circumcision is viewed in the cultural memory of Judeo-Christian tradition as a sign of pureness or cleanliness as opposed to the disagreeable image of the uncircumcised. The same perspective is valid for excision. In contemporary Western culture the custom of excision appears as disagreeable or uncanny but the same perspective is not applied to the custom of circumcision because of the whole Judeo-Christian cultural heritage.

Besides the impression left by those circumcised or uncircumcised, excised or not, we should head our attention to the impression that circumcision and excision constitute. The impression or the inscription left by them onto the body and how does this inscription integrate among others. Following the idea of Alain Badiou, who had identified (using Jacques Lacan’s terms) *The Passion of the Real* as the fundamental feature of the twentieth century, Slavoj Žižek develops the notion of *Passion of Semblance* regarding the XXI century, and places the customs of self-flagellation and tattooing on opposite poles „Take the phenomenon of `cutters`/.../ this is strictly parallel to the virtualization of our environment: it represents a desperate strategy to return to the Real of the body. As such, cutting must be contrasted with normal tattooed inscriptions on the body, which guarantee the subject’s inclusion in the (virtual) symbolic order. (10). If tattooing represent the inclusion of the subject in a symbolic order and cutting is „a radical attempt to (re)gain hold on reality” (Žižek 10). We can say that the customs of circumcision and excision are in some way in the middle of these two opposite poles. Circumcision and excision use the reality of the incision to impose a symbolic order, but unlike tattooing, circumcision and excision are in no way forms of self-flagellation they are imposed by a topo-nomological discourse be it the Judeo-Christian one or another. In this sense Jacques Derrida describes circumcision as a dissymmetric and heteronomous covenant to which a son needs to subscribe before he could sign or countersign. (30). The violence of a topo-nomological discourse that imposes such a covenant is easily seen and accused if it belongs to the Other, but it does not appear in the same way for a familiar discourse or custom. Even more the violence that is accused is at the level of the empirical custom and the discourse that imposed it is not even considered and becomes invisible in the process of banning the custom by using another topo-nomological discourse.

Therefore, the banning of excision in France represents an impasse for immigrants from Africa and Indonesia, who come from communities practicing this rite. Either they practice excision and are disregarded by French culture and society (being punished according to the tradition and practice of this culture) either they do not practice excision and are disregarded by their own culture and society. They are thus placed in a double exclusion position; they must make an impossible decision between two systems of values of which. And as Claude Lévi-Strauss argues “there is no common measure by which to judge systems of beliefs or, a fortiori, to condemn one or another of them, unless we claim – but on what basis? – that only one (ours, of course) conveys universal values and must be imposed on all.” (42). Using the

terms of Michel Foucault, we could say that the African immigrants who practice religious excision are occupying the position of the Other: “that which, for a given culture, is at once interior and foreign, therefore to be excluded (so as to exorcize the interior danger) but by being shut away (in order to reduce its otherness)” (Foucault xxvi). In the 1988 and 1989 French excision cases, those who had topo-nomological privilege acted on the basis of an impression, an impression of course taken from a value system, and therefore an inscription. To return to Lévi-Strauss’s conclusion – “There are no grounds for punishing, in the name of a particular moral code, people who are simply following practices dictated by a different code” (42) – the processes of 1988 and 1989 represented the imposition of a moral system, considered superior, to another system. Superiority was dictated by a principle of law, nomological and a principle of the place, topological. A localizable topos that can be Europe, France, the judge’s seat, but also a non-topos or a non-localizable locality in which the authority of the discourse is exercised. In comparing excision with circumcision, what shocked Western culture was not the fact that a discursive authority emits from a non-place an effect on the so-called real place of the body, but that the place, the gender of the body is different and more the non-place from which the discourse is emitted is different becoming thus invisible. Thus, an event which could have caused the questioning of a dominant topo-nomological discourse regarding the customs that imposed by it, just caused hatred for the Other and his punishment imposed by another topo-nomological discourse.

### Notes

- 1 In French the word *excision* means: 1. the action of eliminating something with a sharp instrument; 2. surgical removal of diseased tissue; 3. mutilation which consists of a ritual removal of the clitoris and sometimes labia minora, practiced in some peoples on little girls. (Larousse). In English the word excision doesn’t refer specifically to the religious practice. In the English translation of Lévi-Strauss’s essay the term used is female excision. This practice is more often called female genital mutilation (FGM) or female circumcision. Gayatri Spivak considers these terms to be unappropriated because they belong to a phallogocentric discourse (especially the term female circumcision). She proposes the term clitoridectomy. Although that this term does not belong to the same discourse it doesn’t describe the whole practice since the removal of the clitoris is practiced mostly in Egypt but in other cultures parts of the labia are removed too. (Spivak 134) We will use in this text the English term *excision* to refer to the practice, keeping in mind the etymology of the French term.
- 2 The Egyptologist Jan Assmann extended and analyzed this hypothesis in his book *Moses the Egyptian: the Memory of Egypt in Western Monotheism*, Harvard University Press 1998.

### Works Cited

- Assmann, Jan. “Monotheismus und die Sprache der Gewalt”, Originalveröffentlichung in: Peter Walter (Hrsg): *Das Gewaltpotential des Monotheismus und der dreieine Gott* (Quaestiones disputatae 216). Freiburg – Basel – Wien, 2005.
- Barthes, Roland. *Mythologies*. Paris: Éditions du Seuil, 1957.

- Derrida, Jacques. *Archive Fever: A Freudian Impression*, translated by Eric Prenowitz. Baltimore: Johns Hopkins University Press, 1995.
- Derrida, Jacques. *Of Grammatology*. Translated by Gayatri Chakravorty Spivak. Baltimore & London: Johns Hopkins University Press, 1997.
- Derrida, Jacques. *Writing and Difference*, translated, with an introduction and additional notes, by Alan Bass. London & New York: Routledge, 2001.
- Foucault, Michel. *The Order of Things: An archaeology of human sciences*. London & New York: Routledge, 2002.
- Freud, Sigmund. *Moses and Monotheism*, translated from German by Katherine Jones. London: Hogarth Press, 1939.
- Lévi-Strauss, Claude. *We are all cannibals and other essays*, translated by Jane Marie Todd. New York: Columbia University Press, 2016.
- Maimonides, Moses. *Guide to the Perplexed*, translated from the original Arabic text by M. Friedlander. New York: E. P. Dutton & Company, 1904.
- Scholem, Gershom. *Major Trends in Jewish Mysticism*. New York: Schocken Books, 1974.
- Spivak, Gayatri Chakravorty. *In other worlds*. New York & London: Methuen, 1987.
- Žižek, Slavoj. *Welcome to the desert of the real*. London & New York: Verso, 2002.
- , *Hebrew-English Bible*, According to the Masoretic text and the JPS 1917 edition, Mehon Mamre (HTML), 2016.

### **Filmography**

- My Night at Maud's (Ma nuit chez Maud)*, Éric Rohmer, Les films du Losange, France, 1969.
- Fiddler on the Roof*, Norman Jewison, Mirisch-Cartier, 1971.