

## Some Kind of a Man

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### *Living On—*

Orson Welles' 1957 film *Touch of Evil* has a remarkable legacy<sup>1</sup> in the still recent history of cultural theory, particularly a cultural theory of the screen image. In 1975 the British theorist, Stephen Heath, constituted an originary and consolidating moment for screen theory with a frame-by-frame analysis of this film. Eight years later the theorist Homi Bhabha, in a detailed critique of Heath's reading and the opening of a new space of reading, consolidated the early grounds of post-colonial theory. In a recent engagement, Donald Pease opens yet another space of enquiry that we would more closely associate with the theoretical work of Giorgio Agamben on the political space of the "state of exception." This paper aims to address aspects of Pease's text directly with respect to the question of law and border-zones of illegality as these concerns are most fully engaged by Jacques Derrida in his "The Law of Genre" (1992). But this text goes a little further with respect to an engagement with the structures of *Touch of Evil*. It attempts to locate in the floating corpse of Hank Quinlan (Orson Welles) at the film's conclusion, a metaphoric engagement with the acts of deconstruction, and the meaning of the borderline of living-on that would, perhaps, constitute a resonance with the word 'legacy.'

*Proper names are characterized by their capacity for surviving deaths of those who employ them or are designated by them, and are therefore structured by the possibility of death; they thus exhibit in a particularly striking way the working of iterability that makes possible any utterance or recognizable act* (Attridge, 1992b: 415).

*But genre always potentially exceeds the boundaries that bring it into being, for a member of a genre always signals its membership by an explicit or implicit mark; its relation to the generic field is, in the terminology of speech-act theory, a matter of mention as well as use* (Attridge, 1992a: 221).

What genre is this? What kind of writing takes place here, in this moment? And how will it proceed for *this* kind of occasion? What will be its approach; its reproach? A questioning addressed in an approach to writing a text on a man properly known to us as Jacques Derrida may yet fail its proper approach, or at least be a kind of writing that may forever ask: what genre is this that seeks to illuminate something about a man known to us as Derrida, a man, a name, a trace, a text, of some kind? And so it will be the question of the question that will perform (or, perhaps, stake out) the threshold moment for this text, asking in this moment, what kind, what type (what genus, genre, gender, etc.) positions us for knowing something uncontaminated and non-contradictory about a man, *any man*?

To be is yet to be bound by the law of institutional classifications and yet this writing takes place for someone, for something, more re-mark-able than for its being just inside the law. For Derrida, genre (gender/genus) was something that transformed such institutional logic, for as soon as it could be named or disclosed, its boundaries became exceeded in their potentiality. This is the re-mark-able movement of genre – what Derrida termed *re-marking*, or *the law of the law of genre* – whereby as soon as genre has brought itself into being, it has exceeded itself. To name is thus that operation that *takes place*.

But how? In what way will we perform such a deconstructive strategy of *place taking* without erasing the place of the name? It is exactly this movement, this disruption of the name's proper logic, that has to take place, a reverberation of something a-kin (*contretemps*), in this moment, in this text, for any acknowledgment I have *for me* to the debts of deconstruction to have taken place. Who writes this text, an approach to an approach? What is it for? Who will say? All that can be said is that it will be in its saying – or an interruption to its said – that the something of a taking place, an event in and of writing, has its chances.

### Off ramp—proper procedure

When Marlene Dietrich's character in Orson Welles' 1957 film *Touch of Evil* is pressed for an answer on the type of man her (freshly-killed) lover was (Hank Quinlan played by Welles), her answer is simple and yet excessively so. At this moment of reply, the viewer has witnessed an entire film that depicts Quinlan's acts of deceit and corruption as characteristic of a highly contaminated lawman, well beyond any recognisable boundaries of the good or true, (except, perhaps, the truth of untruth that would be *true* contradiction). Her reply comes in the form of, "*he was some kind of a man*"(followed by "*what does it matter what you say about people?*").

Such a reply to the illicit is elicited in a manner that is beyond good and evil, beyond reproach. Said quite *simply*, her utterance says everything and nothing about a man (her man) in its (same) breath. Her utterance, (perhaps we should give more credit here to Dietrich than to the script-writer, for she too, as we know, is some kind of a [laconic] woman), her line of difference's indifference holds in a kind of suspension all we thought we witnessed about Quinlan, and indeed, the entire border-crossing motif of the film.

This (non)-indifference is some kind of caesura that calls into question the authority and act of the witness, any witness or testimony as such. Such a holding pattern affords the per-mission for one to linger on her words (for in her utterance is a condition outside of a law that in turn holds permit to the law of law). They are words generous in their giving and saying, and in what they do not say, the saying of everything. Permission is granted to be ec-static, to be outside of a time of continuity, to reveal a man who had been for the first time something other than in time. This *some kind of man* is now larger, more excessive, more bloated than his filmic presence (and here we are talking late-Wellesian-scale). In this moment here is illuminated the recessional void itself, a darkness (out of the darkness comes Dietrich) that turns on us, the viewers, and that turns us to recognise the unconcealed as such. Even more at a standstill than the shadowed figure of deceit itself, witnessed too often and framed by deceit's darkness as this man's shadowy past, we recognise that all we really knew about this man is that he was not knowable. This gross, excessive man is arrested by the words of his lover, forever, caught in a standstill moment.

Now, in proper fashion let us say something of this writing's title. It is in the title that we find some kind of speculative capital anticipating its interest or profit but also some kind of preliminary trace of the scene or scenes of what must be pieced together. What border regions are crossed between titles and their texts that might already be the scene of some tangents or moments of touch? Is a title yet, still, part of a text? Would its relation be metonymic, part for the whole, or metaphoric, as a substitution for reading? Would it amount to the proper name of a text that would bear some complex economy to that other proper name of author? These questions circulate around border posts, gather and thicken between lives and texts, between acts of writing and the living on of the proper, the living after living of the proper, and the bloating of the carcass of the living after living. If, for the Greeks, evil was the name given to non-being, *Touch of Evil* would mark that caesura between being and non-being, between a living and a living-on, between a proper name and the standstill and (non) indifference of *some kind of*

*a man*, that is, iterability and death's place. It is in this act of iterability that the possibility of recognition in the other takes place.

### **A kind of ex-ception (deterritorialised territory)**

But what coincidence do we attempt here, in this moment, caught by *kind-ness*, in a phrase that says almost excessively nothing, and nothing excessive about someone. It is (more than) doubtful that the frame of Orson Welles' corrupt sheriff, Hank Quinlan, of the Mexican border-town of Los Robles, fits any kind of framing of Jacques Derrida. Perhaps it is the text that demands something that we ourselves could never swear-to concerning the scale that resides in the offering of Quinlan-Welles and Derrida frame-to-frame. Perhaps the task of writing is the task of scaling something meaningful between Derrida and Welles.

But really, this *kind* of accounting, this summing up of any likeness, or unlikeness, is not what's at stake here. The question of *kind* is perhaps more radical, more disparate than some notion of over- or under- or re-lay, but rather has everything to do with something parallel in the (*contretemps*) regions and borders of exception. We know Derrida has written much on the borders (boundaries, edges, margins, frontiers, limits, lines) of language to demarcate strategies (graphic, lexical, structural, methodological, self-reflexive) for questioning metaphysical closures of unity, wholeness, certainty and foundation. Los Robles is open (metaphorically) for such mapping as a border-town: a site of un-decidability, revealed in an analytics of the aporias of power, the deconstruction of power that is constitutive of borderlines.<sup>2</sup>

The final moment comes for Quinlan, knee-deep in the Rio Grande River, a flowing line that separates and reparates two nation states, and into which Quinlan will not step another time. Gunned down by his nemesis, a Mexican lawman outside of *his* jurisdiction, on the wrong side of *his* law, Quinlan lies belly-up in shallow water. We have at least two double frames at work here, undecidably hovering between a reading, its closure and its undoing. These are double frames operating inside and outside the cinematic frame, on the threshold of that inside and outside, on the border region of cinema's deconstruction. Quinlan's exercise of discriminatory power via corrupt implementation of border laws, and the planting of evidence on the innocent for the maintenance of effecting his out-law, is ironically arrested in him becoming literally a 'wetback' (the name given to illegal Mexican labour working in the United States). At the time Welles was preparing the film, the United States government had launched "Operation Wetback" an oppressive campaign to deport illegal Mexicans from the US. Welles himself was politically active in resisting these measures. Sheriff Quinlan's corpse afloat in the polluted waters between the US and Mexican borders coincides exactly with the image of the migrant labourer's social conditions, pointing *exactly*, effortlessly, to an undecidable or oscillating reading of *evil* (de)personified. And it is this deeper, bloated corpse, lying face-up (wetback) afloat the river that is the central, congealing metaphor. A metaphor one easily digests as that which activates, resolves as the site of injustice, of *evil*. And yet, it is *her* words, Quinlan's lover's words (and how, we ask, could he ever have been loved) that refuse such an economy of reading. The *evil* is too plain, too bloated, too visible. Derrida would, perhaps, have seen *evil* touching on the town and its inhabitants in a manner that was less knowable, less territorialised, in an exceedingly exceptional locale, exceptional for the ways its ungrounded ground reveals.

### **An avoidance act: writing's alibi**

The other double frame is no less revealing in its dissimulating than was the complex circumstance of reading between Welles the director, Welles the actor and Welles the ironic signifier of a borderline reading of legality and illegality, wholesale and individual that constitutes the economic terrorism of the United States with respect to its own border regions. This frame centres on the structural counterpart

to Quinlan, the Mexican policeman Miguel Vargas, acted by Charlton Heston. Opposed to corruption, excessive weight, aged infirmity and the instinct driven detection of Quinlan, is the young, virile, rational and honest cop from south of the border, appalled by the techniques of Quinlan and determined to entrap his target. To do so he needs to appropriate the cunning instinctual methods of Quinlan. Moreover, he does so in a territory in which he carries no authority, no title or propriety as lawman. He operates in a state of exception to the law, outside of the law and on the law, in a measure that mirrors as inversion Quinlan's abused authority to operate as the law. Yet, this complexity is doubled precisely by Welles consciously and decisively choosing an American actor to appropriate a Mexican persona, to look Mexican, to act Mexican, but to be Mexican precisely in an undecidable state of exception with respect to identity and lawful jurisdiction.

On the one hand we have this bloated floating corpse, a figure too visible with respect to a claim of blame-laying in the name of *evil*, and on the other hand we have the 'smoking gun' in the exceptional lawfulness of the figure of Vargas. Perhaps Michel Foucault would suggest with respect to Quinlan's corruption that any question as to the status of power that operates at the level of visibility points to that power's ineffectuality. It will always characterize, point to, or trace out something more hidden, less visible and, *this denouement* would merely be the veil of power's disguise. This veiled character, Vargas, transforms transparency into a more opaque figure, more akin to the polluted waters supporting the Quinlan corpse. This evocation of *abstract* power, more murky in quality than initially anticipated, where transparency and opacity meet, this threshold, is the exceptional as such, the between space/state recognised in Agamben's paradoxical *state of exception*. Vargas' narcotics agent and the agency of actor Heston present a complicity with the undoing of borders, the breaching of frames of knowing, of much greater complexity than the scenario presented in the crooked Quinlan as the no-hoper on the take. It in fact reveals relations of power as fundamentally invisible and operating at the level of a borderless unknown, less recoupable than any summation of Quinlan. The *evil* that is touched on is that exceptional situation inculcated and enacted by Vargas, the brown-mask-faced Heston.

These two double frames present what we have earlier alluded to as the nameless taking place as repetition, caesuras or moments suspended, *contretemps*, times out of time: the kind of association, resonance or reparation we would want to make between Welles and Derrida. This would be the act of undoing impropriety in the writing of a text that questions or dislocates at its heart the genre it writes, as it writes-for and writes-in, in (an) order, for (an) order, to make proper the act of attribution, as *the* call for *writing* (on legacy) has asked for. But what will go on trial, here and now? Quinlan and Vargas have each in their own way escaped even the possibility or necessity to plead the no-contest of double indemnity. Each exits his trial with some kind of exoneration or reparation, some kind of appeal from someone or something foreign. But we could also say that Welles invokes a doubling of security in reading, a doubling of indemnity against reading's closure. He does this precisely in the complexity of relays between the doubled doubles, a kind of four-sided figure that configures the always-open frame of reading. And what of the Algerian Jew living-on in Paris? What kinds of double crosses does he like to play? ... always, some kind of a cross.

### **Double indemnity: a re-turn to the law of the law**

Of the whole, which begins by finishing and never finishes beginning apart from itself, of the whole that stays at the edgeless boundary of itself, of the whole greater and less than a whole and nothing. 'A récit? will not have been exemplary. Rather, with regard to the whole, it will have been wholly counter-exemplary' (Derrida, 1992: 252).

If 'noir' names what cannot be integrated within a film's narrative, then the noir aspect of *Touch of Evil* should be understood to have emerged when the emergency powers of the law

that Miguel Vargas personifies become indistinguishable from the forms of illegal violence to which he has taken exception (Pease, 2001: 87).

Juxtaposed here is some kind of darkness, some kind of blackness, as in the blinding of light through darkness revealed to its brilliance. This kind of darkness, this *noir* is not the abyss of the shadows but the brilliance of a kind of white luminosity, the shadowless sun of noon, *blanc* of, for example Maurice Blanchot's *récit, The Madness of the Day*. Madness, who is or has, a figure (she) of law: "She is not a woman but the law is in the feminine; a 'silhouette' and not a representative of the law. No, she is described as a 'female element,' which does not signify a female person" (Derrida, 1992: 247).

This is a kind of madness that blinds the sum of the sun's day as if it, daylight, could provide us with clarity without shadow. Blanchot *shows* us through her/madness the infusion of the clarity of day. White and black, *blanc* and *noir*, are working as testimony to what can never be, to non-being, a recounting, a story (or a screen-play) or testimony that in order to recount anything at all, the sum, the summation of parts, will never add up to the whole. Between these two quotes, between the *blanc* and the *noir*, we do somehow arrive at a space of ex-ception, a space that includes in its exception time's border-relations, the time out of time that is time's inauguration. This is the between of ec-stasis and ex-ception: the between we could name *différance*, a taking place that nominates a kind of *madness* that is the law's game:

The law is mad. The law is mad, is madness; but madness is not the predicate of law. There is no madness without the law; madness cannot be conceived before its relation to law. This is the law, the law is a madness (Derrida, 1992: 251).

Because they describe the activities, which produce the distinction between the includable and the excludable, the state's emergency powers become most evident in the actions the state performs at the borders. At these borders, the emergency state controls what is inside by producing an outside. As the paradoxical limit to the national territory, the place where state emerges names what cannot be integrated or symbolized within that which it delineates. A founding act cannot be included in the order that it finds, and a state cannot be a member of itself (Pease, 2001: 96).

In what seems now, here in this moment, an infinity of trajectories informing the possibility of this paper, we return to the question of figuring Welles with Derrida as they have both been addressed by women (or at least by the 'silhouette', the 'female element' within this text) as some kind of men. The 'kind' in question, more or less, is a question of how one might know anything other than what makes their mark so ex-ceptional. The parallel move is a revealing of how each has been framed ex-ceptionally. For it is easy (in a default manner) to reveal Welles' Quinlan as the scapegoat that covers over the something that can never be named. For as we are *now* more than versed, turned, inverted and subverted in the question of the question, the approach to the approach, the doubling of the double, the crossing of the double cross, the blindness of revelation, naming is a kind of madness that *is* its law's madness. This act of making present or taking place what is always already constituted *on* escape, exclusion, excess, ex-ception clearly seen in the light of day, is sheer illusion playing *her* dissimulating act. Like genre's law, characteristically premised on the invention of borders or new frontiers, Vargas' excessive force is named, and as named is unavoidably cloaked, precisely as the *known*, here and now named as the state of exception, and as so named is made safe from its own violence, housed, obfuscated and domesticated, safely by the *legitimate* naming of *State of Emergency*. The violence that the law names will never be equal to the violence of the law naming.

What game is the law, a law of *this* genre, playing? For if *La folie du jour* (The Madness of the Day) plays down the law, plays at law, plays with the law, it is also because the law herself plays. The law,

in its female element, is a silhouette that plays. At what? At being born, at being born *like anybody or nobody*. She plays upon her generation and her genre, she plays out her nature and her history, and she makes a plaything of a *récit*. In mock-playing herself she recites; and she is born of the one for whom she becomes the law (Derrida, 1992: 249).

## References

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## Notes

<sup>1</sup>Donald E. Pease's essay *Borderline Justice/States of Emergency: Orson Welles' Touch of Evil* (2001) begins by acknowledging the "symbolic capital *Touch of Evil* accumulated in the academy. This exerted unprecedented influence in the formation and reconfiguration of various academic disciplines particularly after Stephen Heath conducted a frame-by-frame analysis of the film in two successive issues of *Screen* that, in consolidating film studies' epistemological rationale, significantly elevated its academic standing. Eight years later Homi Bhabha wrote an essay published in *Screen* that detected in Heath's argument the symptomatic features of a colonialist fantasy. Bhabha's critical elaboration subsequently became crucial to the formation of post-colonial studies as an academic discipline. (See Stephen Heath, 'Film and System, Terms of Analysis' *Screen* 16, no. 1-2, (1975): 7-77, 91-113. Homi Bhabha, 'The Other Question: the Stereotype and Colonial Discourse' *Screen* 24, no.1 (1983): 7-32).

<sup>2</sup>Within the decade of the 50s, the time *Touch of Evil* was produced, one can read many accounts of the volatile political scene happening in America with respect to Mexican migrant workers crossing the US/Mexican border illegally to find work. The historical scenario that the US Immigration and Naturalization Service (INS) called "Operation Wetback" and its relation to the film is discussed at length in the Donald E. Pease essay *Borderline Justice/States of Emergency: Orson Welles' Touch of Evil*. He writes that when the INS assigned the name "wetbacks" to migrant labourers, who were unable to earn a subsistence living in Mexico, they did so as a way to depict Mexican migrant labourers as still bearing the physical signs of the means of entry across the 1,600 mile border that had eluded the attention of the officials assigned responsibility for its security. Reduced to the imaginary physical evidence of the illegal means of entry, migrants bore the mark of the border that they were also made to personify. Lacking identification with either Mexico or the United States, the "wetback" named the state of deterritorialisation effected through the unsuccessful transition from one condition to another. Marking the space where the transformation from one national identity into another identity might be understood to have repeatedly failed, the "wetback" inscribed the site of non-identity where that transformation never stopped taking place. The "wetback" named the position that the social order included, but as the rigid indicator for what could not be included within it. As the placeholder for what was not identical with any of the positions within the social order, the "wetback" might be described as holding the position of the null figure that the social order was compelled to exclude in order to affect the illusion of its self-enclosure.