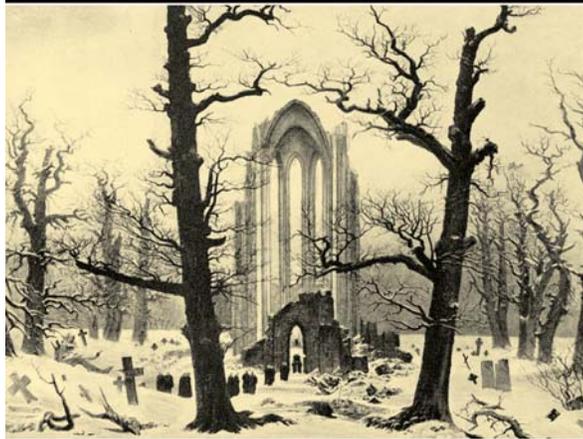


The End(s) of Community



HISTORY, SOVEREIGNTY,
AND THE QUESTION OF LAW
JOSHUA BEN DAVID NICHOLS

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The End(s) of Community History, Sovereignty, and the Question of Law

Joshua Ben David Nichols

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This book stems from an examination of how Western philosophy has accounted for the foundations of law. In this tradition, the character of the “sovereign” or “lawgiver” has provided the solution to this problem. But how does the sovereign acquire the right to found law? As soon as we ask this question we are immediately confronted with a convoluted combination of jurisprudence and theology.

The author begins by tracing a lengthy and deeply nuanced exchange between Derrida and Nancy on the question of community and fraternity and then moves on to engage with a diverse set of texts from the Marquis de Sade, Saint Augustine, Kant, Hegel, and Kafka. These texts—which range from the canonical to the apocryphal—all struggle in their own manner with the question of the foundations of law. Each offers a path to the law. If a reader accepts any path as it is and follows without question, the law is set and determined and the possibility of dialogue is closed. The aim of this book is to approach the foundations of law from a series of different angles so that we can begin to see that those foundations are always in question and open to the possibility of dialogue.

Joshua Ben David Nichols is currently studying law at the University of British Columbia and has previously been a SSHRC Postdoctoral Fellow in the Faculty of Law at the University of Victoria. He specializes in modern continental philosophy, especially Hegel, the Frankfurt School, and contemporary French thought. His primary area of research is political and legal philosophy with an emphasis on questions of violence and sovereignty.

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