Derrida Essay Notes

MAY 28 CLASS NOTES	1
THURSDAY 30 MAY CLASS	<u>6</u>
DERRIDA – FORCE OF LAW	13
FRASER, THE FORCE OF LAW (SECOND ARTICLE ON MOODLE; WHY DERRIDA IS UNJUST)	19
THE PHILOSOPHY OF THE LIMIT, DRUCILLA CORNELL	20
NEXT BOOKS:	21
CORNELL, D ET AL (EDS) DECONSTRUCTION AND THE POSSIBILITY OF JUSTICE, NEW YORK, ROUTLEDGE, 2002.	21
CRITCHLEY, S. THE ETHICS OF DECONSTRUCTION: DERRIDA AND LEVINAS, 2 ND ED, EDINBURGH, EDINBURGH UNIVERSITY PI	
	21
LUCY, N. A DERRIDA DICTIONARY, CARLTON, BLACKWELL, 2004	21
WORTHAM, S. THE DERRIDA DICTIONARY, LONDON, CONTINUUM, 2010	21
DERRIDA, J. WRITING AND DIFFERENCE, TRANS. A. BASS, LONDON, ROUTLEDGE, 1978.	22
GEHRING, P. "FORCE AND THE 'MYSTICAL FOUNDATION' OF LAW: HOW JACQUES DERRIDA ADDRE	SSES LEGAL
DISCOURSE	23
LITOWITZ, D. "DERRIDA ON LAW AND JUSTICE: BORROWING (ILLICITLY?) FROM PLATO AND KANT" – 1	HIS ARTICLE
IS REALLY GOOD,	29
MALAN, Y. "DECONSTRUCTION AND THE DIFFERENCE BETWEEN LAW AND JUSTICE",	38
MCCORMICK, J. "DERRIDA AND LAW: OR POSTSTRUCTURALISM GETS SERIOUS"	41
NEWMAN, S. "DERRIDA'S DECONSTRUCTION OF AUTHORITY"	45
RESEARCH NOTES	51

May 28 Class Notes

Post-modernism is synonym for contemporary modernism (where we're at now)

These theories – great attack on many philosophical assumptions and previous theories

Very often heavily linguistically based; basis is that linguistic theory called structuralism – which they
take a step as their point of departure and bend and stretch now that they are post structuralist?

Two greatest thinkers - Gluco and Derrida

- o Gluco gave his name to various theories, congeniality and archaelogy? Biotechnology?
- o Derrida who's name is associated with

deconstruction Very controversial guy

Shelly doesn't think he's right in the philosophical sense but he is worth considering, particularly in the context of feminism

To what one can call the 'other'; this idea of the other/otherness is main in post constructionist - No better theory than this one; access to repressed otherness

Driscilla Cornell comes in this as well

Diplbar? - talks about radical feminism

- o Essentially argued about females as the repressed other in western culture
- o Western culture feeds off this oppression
- o Task of feminism to uncover it and recover it, to build upon it
- Western culture is so structured around this

oppression Derrida offers a discourse on 'otherness'

- His theory is called 'deconstruction'
 - Cornell doesn't like this word and instead calls it the philosophy of women
- o Post-structuralist

Cornell's book - theory called equivalent rights

- o theory itself is called ethical feminism
- o 'ethical' special meaning. We will go through this later but this meaning is very important; once you understand it you understand Cornell
- o criticises with Mckinnon

Cornell

Cornell thinks: McKinnon says - Feminism is a product of domination/patriarchy

 Effect of this – if everything women are, are patriarchal, then women have nothing to fall back on. This means it disaffirms women; result is feminism is about empowerment but is disempowering. Everything they achieve until they are equal doesn't matter then

Why does Conrell think McKinnon does this?

- o Feminine within sexual difference
- o Mckinnon devalues the feminim in sexual difference
- o In effect, there is no feminim within sexual difference
- o If you take the fenimim within in sexual difference to mean the idea of feminine constituted by women, (a woman centred idea of feminism?) that does not exist
- o There is no woman centred idea in Mckinnon. It is all patriarchal
- Cornell tries to recover this, find feminism within sexual difference and a feminim that is not constituted by patriarchy and upon one which can build feminism Not easy to prove
- o Mckinnon uses lots of stats material reality. Empircally accesssible'
- Cornell characteristically the word 'reality' is always in square quotes? Point of that reality is a technical term. What mckinnin means by reality is not what cornell means by reality

Difference in concepts is women's reality and different understandings of patriarchy as fundamental overarching reality

Reality is not as unshakeable as it might look - Patriarchy does completely constitute everything. Theory of ethical feminism grounded in derrida's theory of deconstruction. She takes from derrida a lot

Cornell labels her position 'ethical feminism'

Top of left 107 – the language is characteristic of the theory

 I envision not only a world of the viewpoint of the femnime is valued, I also see a world people by individual sexed differently, a world beyond castration (don't worry about this world shelly says)

Referring to jacq le cans theory (the big daddy of post structionalism)

Through such visions, we can affirm the 'should be' of the different way of being human

The goal of ethical feminism which seizes the goal of 'should be' inherent in feminism

Theory is Ethical feminism because it a theory that takes its departure from what should be In other words, its primary focus of study is the should. It is the should be that is inherent in reality

- o Mckinnon focus is 'what is'
- o Cornell;s whole approach is the normative structure of the world is where she locates the feminism within sexual difference
- Mcknnion is looking at the factual structure of the world, and the factual strucutre is completely permeated by patriarchy

The normative structure of the world is where she locates feminism There is no feminism in sexual difference

o So it's ethical in this general sense because it's concerned with what should be rather than what is

Looking for the oughts, the should

People don't like this because they think theory is not about imposing something, but looking for something, discovering what's there, not wishfully finding something Reality is significantly structured around what should be there, that's the basis of the theory called feminism

(At the end of the day, derrida's theory is a question of appealing to different personality types?? Don't think this is important)

Most important bit (crescendo) pg 126 - Why she calls her theory ethical feminism

- o I want to avow what has been disavowed. Affirm what has been repudiated as one moment of the political struggle with feminism
- o This affirmation to affirm the feminism is ethical difference is explicity ethical, in that it deliberately challenges the gender hierarchy, in which the feminie within sexual difference is refused, or more precisely, identifies as refuse?
- Before the feminine is the repressed other of western civilisation, now we have the theory that feminie is the garbage of western civilisation. What does one do with garbage? Landfill

The person she is relying on – de bweu whar? Julia Costeber?

 She talked about the theory of women as the abject? Concept of abjection? Abjection – means just refuse/garbage

Deliberately challenges gender hierarchy, feminism within sexual difference, feminism not constituted by patriarchy, the truly feminism as opposed to the feminism within sexual difference, which is just the flip side of patriarchy

But the affirmation – to affirm feminism within sexual difference, which is now refuse or abject, necessarily operates within the perfmoative contradiction, precisely because the feminien within sexual difference is what is not there 'except as the projected other' to man as the abject as the refuse

o This is the key sentence

The affirmation operates within, she wants to affirm and give positive value to sexual difference, but to tdo that involves a performative contradiction – what an intellectual own goal

o i.e. score a goal on your own team

the aim is not to contradict yourself in doing what you're doing, but a performative contradiction is doing something what is intellectually impossible what's the intellectual impossibility here?

There's your problem – feminists are looking within the feminime within sexual difference. But it's a perfmative contradiction because the feminie within sexual difference is not there. Why not? It's refuse, it's abject, it's been lost, buried. Your'e literally, is to find something which is not there You see mckinnon is sensible, it's not there because it was never there in the first place. Patrirarchy never allowed the feminie within sexual difference to emerge

Cornell is going to argue is that it is there, argues that Mckinnon can't find it because the theory sees eality in the materialis terms, because materialism does not give access what is there, abject/refuse

Conerll says she operates on an ethical concept of reality which looks for what is buried in reality, under the normative structure of reality and that's what shes looking. She's looking for whats buried. What is not there as opposed to what is there.

O She says to mckinnon - whatever you see there is patriarchy. But the trouble is you don't know what's there

Difficult task is to find what's not there

Deconstruction is geared from the beginning to finding otherness, finding repressed otherness Ethical feminism operates within the paradox of eporia (the greek word for non path? Basically conceptual brick wall)

- o Affirmation of what being array? Seems impossible to affirm something which has been made disappear
- o Ethical feminism dnies the truth of gender heriarchy by affirming the feminie withinsexual diference as other to current to its current identiations. What is currently identified is currently patriarchal
- Other things out there emphasis must the other to what is identified as feminie.
 How does she do this through metaphorisation of the feminism in sexual diference does not try to capture the truth of feminism as you see the notion of truth goes out the door, we are not to accomdate what we think what is forced to think is the gender hierarchy, the opposite is the case.

- Heavy duty terminology the process of refiguration, rememorisation and metanomic displacement denies there is such a truth
- The process slides away from and shifts the boundaries of our current identities which imposes our engendered reality

Ethical feminism is tha ethoery that seeks to euncover the normative structure of reality which lies within the other which has been so erased as to what is made to disappear How do we recover

it? Page 123

- o Affirmation of the feminien within sexual difference
- o Summarise of disagreement with mckinnion mckinnon feminime revolves around the repudiation of feminie. For me, feminien demeands the affirmation of sexual difference and the challenge of woman ... to understand how we can make this challenge without simply replicating the gender heirracy, we must first give it a diffretn account of why gender herirachy cannot completey capture feminie within sexual difference
- o Lseson of deconstruction. Argued at length elsewhere (in other books), mckinnion fails to understand the crtical of deconstruction, (derrida's theory)
- Lesson is that no reality can totalise itself. Mckinnon says patriarchy is total reality which dominates women all the way down. Deconstruction Derrida says that's not true, he says the lesson is no reality can totalise itself because reality including reality of male domination is constituted in and through language. Once we understand the law which language plays, we can understand that reality can never be a completely totally closed reality, a totally closed structure of domnation

Pauses this and goes into derrida

Also says some of the nitty gritty comes via cornell

Deconstruction (explains a lot of the cultural sciences)

The lesson of deconstruction – the lesson there is no reality can perfectly totalise itself, because reality, including the reality of male domination is constituted in it though language Language plays a role in constituting reality Page 123

- More specifically, I have argued that seeing and being can never be separated.
 Seeing how one gains acces to the world; being the world.
- O As we are seeing, so we are. But, as per paul re quer (nobody important, no need to cite him, many people make the same insight), we do not see reality directly, this is one of the basic insights of modern philosophy. We do not have direct acces to reality, because we only get access to reality via language
- o Unless we know the role of language, we can't ever get to understand her point that ethical feminism recover that's which has been erased because language does the erasing
- o it's language, the patriarchal use of language through which our cultures are constituted not just all languages, the fact that language is patriacharally constituted means that it erases various aspects of reality. If we understand how language does this, we can also understand how to recuperate those aspects of reality

To understand what's so important about language is that language is the vehicle we get acess to the world

At the end of the day, we get to language but philosophy doesn't start with language How do we know what we say is real? In other words, the discourse on reality and metaphysics, what is real, and the next one (Socrates), how do we know what we say is real?

- Two different discourses one statement about reality. What happens with philosophy all the way up to modernity, always first question is metaphysics and then you check it through something study 28 min left timestap, this is irrelevant
- Only after we know what is real can we move to the question what is real

Dae Carte – makes the profound point, let's start in the first place. What do I actually really know? Things might be an illusion. But no matter what, some thinking is taken place. Therefore I can say one thing that is indubitable, which becomes the starting of everything – cogedary?? I think therefore I am. The one thing that can be said is I exist. That can't be doubted

The one thing that is certain – he then begins to rebuild reality on a firm footing. A basis on things that are certain/indubitable. The starting point of philosophy becomes subject. The factors that we don't know anything except via our own subjectivity. We always expirence the world subjectively, and all our knowledge comes from that experience.

Disourse reaches its absolute peak. He actually does something outstanding. He actually tells us. One can't experience the world directly because all expierences are (made?) by our minds. Eyes are connected to brain to my mind. What the wolrd in it is we don't know. One can't argue that human beings have minds which are universally constituted therefore all humans experience it the same why, on a physical basis. But what the world is outside of human minds, we don't know. What does a bat see? What does a dog see? He actually uncovers the structures of theu human mind by which we experience the world. He did this by developing what he calls the transindental method, and if you think about what the achievement this is, what's he seeking to understand? The mind. What's the tool he's using to understand the mind? He's seeking to understand the very tool he's using, how can he get a clear picture which manages to keep the mind from what's stopping its seeking to understand, the mind

- o This is super complicated and wtf
- o Turned philosophy upside down

Philopsphy then spent a lot of time of the categories of correct?? Kant, Hagel who agrees with kant but takes it much further

Late 19th century – whole series of thinkers hold onto the same idea, here we've got a series of gigantic 19th 20th centures all working in different ideas who hold onto these ideas and express it in a different way

o Luke vicdinstein does this well

What kant didn't emphasise sufficiently, he knew language was relevant but he didn't know how Vicdinstein said – one can't help but see that all access to the human mind is gained through language. All cognitive processes, processes which have objective content which can be communicated, demonstrated, proven, are in fact linguistically structured. They come packaged in language. You just have to think to yourself, think about anything, and see if you can do it without words.

o If you use images, at the end of the day, whatever idea comes in your head, once you want to communicate this image, you will have to translate it to language to make it understandable to both yourself and others

Vicdinstein says Kant's right, that mental apparatus structures reality but that mental reality apparatus is itself structured by language. Therefore to understand reality that we get access to, we have to understand that language that gives us access. That's why all phiolohyp is language theory. In order to make a statement, you have to understand the meaning which you are making that statement is. You have to undrsetand that language understands your thinking and your access to what you think about. If language is doing something, it's not a netural medium that is passive, it's a structuring medium which plays a role in dealing with reality. You have to understand why language works

First have to understand the nature of talking before everything. Talking is not neutral Vicdinstein – 1920s

What we're concerned about is not the philosophy of language, just one – what cornell is relying on: Derrida's deconstruction (postr structruliast theory) most of it comes from structuralism – not a unified theory, different sorts of theories. But the most important one is Fernandis Sossieu 1916 wrote a book called the linguistic – which is about how structural linguistics developed – became one of the dominant language theories. It becomes the basis for derridas theory and cornell's theory.

Sossieu is famous for two concepts

- o 1. Language is a system of signs therefore he has a concept of the sign
- o 2. Language is a system of differences concept of difference

Language is an arbitrary system of signs by which virtue of its own internal structures and its own differentiations it makes wthin its own structures, does what language does What does language do? It's fundamental essence of language is meaning and communication. Semantics

- The way in which language communicates meaning, creates meanings, is through a system of differentiations
- o It does that at different levels
- o Trhough phonetics

E.g. 'in', you can put anything in front of it e.g. bin, sin, win etc. the meaning radically changes depending on what it does there

- o The key then is this idea of differentiation,
- Take at the level of semantics e.g. vertical, horizontal meanings are temporal, horizontal are structural?