

“JACQUES DERRIDA AND DECONSTRUCTION”

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INTRODUCTION

Jacques Derrida's philosophy is complex literary critical one, which is concerned with dominating biases in language, and it was heavily influenced by Marx and Saussure, Derrida wished to end the battle of inequality through this deconstruction. His need for deconstruction arises in such a case that all the concepts which are in binary relations are opposed to each other. Language plays an important role in giving privileges one above the other, like male and female, good or evil etc, According to him this shows a great inequality in western thinking and the second reason for the emergence of deconstruction is a meaning of a particular word cannot be understood unless and until the word which in relation to that word is not that word. Derrida suggested that to overcome inequality the texts and various language should be constructed

POST MODERNISM IN JURISPRUDENCE

The most common term which we are used to is the term modernism, which shows that societies show development in various aspects, it may be renovation in various national and international fields. The basic meaning is that to separate modern structure from conventional structure. It may also comprise of the thought or information system which is completely based on modern cultural, economically, etc Modernity is a situation which also includes rationalism and it is defended by many philosophers such as Marx and Weber. It also refers to development in individual aspect. The reinterpretation of the modern age, which can be of both positive and negative aspect has been discussed under the term “post modernism” involving both liberating and innovating aspects. It is the stage just after the modernism stage. Jean Francois Lyotard¹ in his book first coined the term “Post Modern” in his book “The post modern conditions.” He elaborated his view in such a way *that it changes have been reflected in various level of science and technology especially in matters relating to computers and mainly emphasis is given to language in cultural studies.* Different philosophers have given the idea of postmodernism in different ways, some are of the view that it is characterised by a mixed feeling of all the hopes and

¹ Jean-François Lyotard (10 August 1924 – 21 April 1998) was a French philosopher, sociologist, and literary theorist. He is well known for his articulation of postmodernism after the late 1970s and the analysis of the impact of post-modernity on the human condition. He was co-founder of the International College of Philosophy with Jacques Derrida, François Châtelet, and Gilles Deleuze

social structures , a mood of nostalgia etc. But according to Eugleton,² *postmodern is a feeling of failure and deep confusion where next to go, either personally, or in terms of striving to create social aiming a just society*. In the beginning the concept of modernism was limited only to the idea of architecture but slowly it started influencing philosophy , social theory, ethics etc. In the late 1960s postmodernist jurisprudent started developing. Post modernism is a attack on modernist claim about the existence of truth and value. Fukuyama said that history came to an end , since the world has converted to capitalist and liberal democracy prevails everywhere. Post modernist however rejected this and characterised the modernity as an iron cage of bureaucratisation , centralisation etc. *Postmodernism as a movement whose central theme is the critique of objective rationality and identity, and a working out of the implications of this critique for central questions in philosophy, literature and culture.*³

IMPORTANT THINKERS IN POSTMODERNISM

There are many scholars who propagates the post modern theories in different ways, names can be mentioned here are French Philosophers Jacques Derrida and Michael Foucault and psychoanalyst Jacques lacan. Language is having inadequacy as a mode of communication. Derrida , so originated the method of deconstruction, its a system of analysis, which assumes that a text has no single or fixed meaning. Due to the inadequacy of language the interpretation of various text is limited to the area where the author and the reader lives. When the concept of deconstruction is applied in law and jurisprudence text there arise many conflicting forces which highlight that some of the points are even beyond the intention of its author. Foucault criticise the ideals of enlightenment such as reason and truth. He disclosed that that the concepts of reason , punishment etc, which seem natural today are originated from historical phenomena. This ideas may look as human and liberal ones but in reality its coercive and destructive The main point of post modern theory is the rejection of the structurally and logical picture of society and the law, which is perfectly mentioned in Hart's theory of law and kelson theory of norms, where there was a concept of grand norm. Under the influence of the writings of Derrida and Foucault , they emphasises on the "*shifting relationships between self and other*".³ The 'other' appears to be the individual which are outside the law who is disadvantaged of it. And on the other hand is the advantaged group like the lawyers , judges or politicians. Post modernism definitely helps the disadvantage groups like women, black and tribal within the law. But the extent to how much help will be done is not mentioned in the post modernist writings .

² A leading theorist in Marxist criticism in England.

³ Dr. Sweetman, post modernism, Derrida and *Différence: A critique*, Vol.XXXIX, No.1, (March 1999), International Philosophical Quarterly, pp 5-18

DERRIDA AND DECONSTRUCTION

The term Deconstruction can be used in a broader sense if used in a popular meaning, but in technical sense its scope is narrower. Derrida has developed many techniques which are connected to philosophical claims about language and learning which is in terms refer to the narrower sense. But due to popularity the word “ deconstruct” is used as synonym for criticising or demonstrating a particular subject. The term was first coined in United States , through criticism of various literary text , and sought new strategies for interpreting literary texts. It came confused with various trends and argues that a text meaning is generated only in the way the reader encounter it. But on the other hand it was argued that it was a response to structuralism, which refers a individual mindset about a particular thing is shaped by linguistic structures. Derrida , described deconstruction as something which have no particular method , not a technique and not an act, because in a deconstructive reading there is a presence of deconstruction in the text itself, this process does not come from either the reader or critic side , but from the text itself . The concept of deconstruction was first outlined by Derrida in *Of Grammatology* , where he explored the relationship between language and the construction of meaning, how it has effect over each other. There are three main features which emerged from Derrida’s work which makes deconstruction possible- First there should be a centre , Secondly there reduction of meaning to set definitions that it should not be outside the text, and thirdly how the reduction of meaning within the same concept itself face opposition. This concept was arose initially in context of law only but now it is equally applicable to the study of law. Derrida was of the opinion that deconstruction will be problematisation of the foundation of law, morality, politics. He even felt that this deconstructive style should culminate in the constituting a problem in law and justice. Traditionally speech was primary and writing was secondary. Derrida pointed out that what concerns us the ttys that writing is permanent and speech is transient. The permanence of writing enables us to analyze. We can visit a written text million times . And even for analytical purpose written text are very important. Deconstruction says that when we make sense of concepts of binary divisions day to night , life and death, life and death , black and white , in doing it we have an automatic tendency that one half is more basic and the other one derives meaning from the basic one. So in the binary of life and death is the experience of not living. We assume that death is drawing meaning from life and life having its own meaning in this binary opposition. Derrida’s critical approach to deconstruction shows that dualism are never equivalent and are Hierarchically ranked . One pole is prevailed at the expense of the other. In case of writing and speech we have given the positive qualities to speech and negatives to writing. According to Hottois, “ *Deconstruction refers to all of the techniques and strategies used by Derrida in order to destabilize, crack open and displace texts that are explicitly or invisibly idealistic*” Deconstruct is not to destroy , and deconstruction is achieved in two steps: A reversal and A neutralisation phase. Deconstruction is applied to texts of western culture and the words which are undecidable then, and

unclassifiable causing two previously opposed poles to become merged. Derrida started his criticism in such a manner that the modern western philosophers is logocentricism , where logos refers to the basic design from which the basis of knowledge takes its birth. It is the root of how we come to access knowledge . It is the logic that validates our success to ultimately reliable knowledge. It is the ultimate centre of things and logocentricism is an approach in philosophy which shows that everything can be grouped together without any contradiction. All knowledge can be traced back to one centre and all knowledge can be grouped together without any contradiction, by arguing that there is no such thing like centre or universe. Deconstructionists looks for such type of elements in the in literature which contradicts each other . There are two instances which was given that words cannot express meaning and every utterance contains a lie in it by omitting all other possible utterance.

THEORY OF DIFFÉRANCE

This term was originated at the seminar in 1968 given by Derrida at the *Société française de philosophie* . The term automatically defines Derrida 's philosophical thinking. The term means difference and deferral of meaning. Its a central concept in Derrida's deconstruction and it is a critical outlook and concerned with the relationship between text and meaning. This concept is the attribute of language , by which meaning is generated of the word which is different from the other word, and at the same time its meaning is inevitably and infinitely deferred or postponed. It under- mines the unity and coherence of a text when a destructive reading is performed. Difference has be- come a prominent concept in the development of all the major theories of the post 1960's period and it may include Derrida's concept of "écriture" , Lacan's concept of 'inalienable spirit" etc. Derrida's second point of reasoning is that the meaning of a particular word cannot be understood unless that type of relation is taken which it is not. For eg - the meaning of dog cannot be under- stood unless we think of all the things which are not dogs like horse, cat etc.

DECONSTRUCTION: LAW AND JUSTICE

The method of deconstruction begins with toppling the inherent power structures found within the binary opposition. This can be maintained by equalising both the inferior and superior terms in the relations and then placing the superior as expression of the inferior ones. Like males is an expres- sion to female: good to bad etc. While explaining the concept of " deconstruction" in relation with law and justice. First we should understand the underlying concept of deconstruction with reference to law and justice. Law and justice are two different concept but they work mutually together. Law is helping in making deci- sions in the present and even in future and all the decisions which are given are made within the ambit of justice. The main function of law is to give just decisions. Justice in itself is incalculable, and it only appears through law and when decision is given. Deconstruction is something which re- lies on the existence of human values which is transcend from any culture. Subjects of justice are who experienced justice and injustice. The concept deconstruction is similar to justice because we

can deconstruct the boundaries of who we consider a proper subject of justice. By taking human nature we have limited the subject of justice, but with the help of deconstruction, we will be able to question those limitations, by expanding more and more subjects. Such as like women, children etc should be treated with justice other than white man. Justice is not a settled concept, as it is completely based on human values and human values are prone to change through time and from culture to culture, ideas remain changing and so justice is not fixed. Since each and every individual is different in their ideas and thoughts, where it may be felt by one that justice has been brought forth whereas it may be different for the other in the way that justice is not served. Justice will have different meaning through out time and culture. The concept of justice is just like the deconstruction which is an open ended term. It should be noted that Derrida insists that justice is that concept which is not going to wait. As the pursuit of justice is a powerful force, it is a responsibility which is owed to the future. So, it is like that justice influences our decisions but cannot itself be captured by a decision it may be legal or something else. Derrida summarises the relationship by saying that justice is undeconstructible condition that makes deconstruction possible. The Justice which is being talked here is indeterminate and not a transcendent ideal. Deconstruction bridges the gap between law and justice by application of law in a just manner. Justice takes on the structure of a promise that absence and impossibility can be made present and possible, but in deconstruction it escapes the traditional presence / absence, because a promise can neither be present nor absent. And subsequently justice will never be achieved, Justice is always deferred.

CRITICISM OF DECONSTRUCTION

A deconstruction cannot be said to deconstruct novels but only a particular part or reading of the novel. It is not to deconstruct the novel by itself but to show that some part of that reading maybe deconstruction in itself only. Another popular criticism is that it relies heavily on the supposed danger as alternate readings. For example - Adolf Hitler's Mein Kampf to show that the author secretly implies the opposite which he declares openly, that Hitler is the friend of Jews. We could just imagine what would have been the consequences if the secretly implied truth is placed upon everyone.

CONCLUSION

There could have been a fashion of deconstruction between 1970s and 1980s but it is still not dead yet. Deconstruction does not aim to provide answers. It does not seek to prove an objective truth or to support any one particular claim to justice over another. For this reason deconstruction itself is indeterminate. The 'happening' of deconstruction is not going to lead to a determinate outcome. It will not reveal the one true meaning of justice that can be embodied in law. Rather, deconstruction requires first and foremost the relentless pursuit of the impossible. What is 'happening' is not the pursuit of an answer which marks the end of the inquiry, but rather the ongoing questioning that keeps our minds

open to the idea that there may be alternative views and understandings of the meaning of justice. When seen in these terms, it is not a method but simply a way of reading, writing, thinking and acting. Rather than seeking an endpoint or a solid conclusion, the means cannot be distinguished from the end. The ongoing process of questioning is the end in itself. It is about negotiating the impossible and the undecidable and, in so doing, remaining open to the possibility of justice.
