

Madness and the Law: The Derrida/Foucault Debate Revisited

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Abstract In this article the Derrida/Foucault debate is scrutinised with two closely related aims in mind: (1) reconsidering the way in which Foucault's texts, and especially the more recently published lectures, should be read; and (2) establishing the relation between law and madness. The article firstly calls for a reading of Foucault which exceeds metaphysics with the security it offers, by taking account of Derrida's reading of Foucault as well as of the heterogeneity of Foucault's texts. The article reflects in detail on a text of Derrida on Foucault ('Cogito and the History of Madness') as well as a text of Foucault on Blanchot ('Maurice Blanchot: The Thought from Outside'). The latter text shows that Foucault was at times acutely aware of the difficulty involved in exceeding metaphysics and that he realised the importance in this regard of a reflection on literature. These reflections tie in closely with Foucault's *History of Madness* as well as with Derrida's reflections on literature and on madness. Both Derrida and Foucault contend that law has much to learn from literature in understanding the relation between itself and madness. Literature more specifically points to law's 'origin' in madness. The article contends that a failure to take seriously this origin, also in the reading of Foucault's lectures, would amount to a denial by law of itself.

Keywords Blanchot · Cogito · Death · Derrida · Descartes · Foucault · Freud · Language · Madness · Reason

Introduction

Whether acknowledged or not, the question of madness has arguably always been of central concern for philosophical thinking. This is seemingly different from the

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