



# Law's Trace: From Hegel to Derrida

*Catherine Kellogg*

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*Law's Trace* argues for the political importance of deconstruction by taking Derrida's reading of Hegel as its point of departure. While it is well established that seemingly neutral and inclusive legal and political categories and representations are always, in fact, partial and exclusive, among Derrida's most potent arguments was that the exclusions at work in every representation are not accidental but constitutive. Indeed, one of the most significant ways that modern philosophy appears to have completed its task of accounting for everything is by claiming that its foundational concepts – representation, democracy, justice, and so on – are what will have always been. They display what Derrida has called a "fabulous retroactivity." This means that such forms of political life as liberal constitutional democracy, capitalism, the rule of law, or even the private nuclear family, appear to be the inevitable consequence of human development. Hegel's thought is central to the argument of this book for this reason: the logic of this fabulous retroactivity was articulated most decisively for the modern era by the powerful idea of the *Aufhebung* – the temporal structure of the always-already. Deconstruction reveals the exclusions at work in the foundational political concepts of modernity by 're-tracing' the path of their creation, revealing the 'always-already' at work in that path. Every representation, knowledge or law is more uncertain than it seems, and the central argument of *Law's Trace* is that they are, therefore, always potential sites for political struggle.

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