

5-1-1992

## Storytelling Deconstructed By Double Session

Arthur D. Austin

Follow this and additional works at: <https://repository.law.miami.edu/umlr>

---

### Recommended Citation

Arthur D. Austin, *Storytelling Deconstructed By Double Session*, 46 U. Miami L. Rev. 1155 (1992)  
Available at: <https://repository.law.miami.edu/umlr/vol46/iss5/4>

This Essay is brought to you for free and open access by the Journals at University of Miami School of Law Institutional Repository. It has been accepted for inclusion in University of Miami Law Review by an authorized editor of University of Miami School of Law Institutional Repository. For more information, please contact [library@law.miami.edu](mailto:library@law.miami.edu).

# Storytelling Deconstructed By Double Session

ARTHUR D. AUSTIN\*

On the next page a deconstruction graphic unfolds. The pages are stuffed with statements that challenge each other and “play havoc with the logic of meaning.”<sup>1</sup> It is an extension of Jacques Derrida’s use of the “Double Session” technique in *Glas* (1974).<sup>2</sup> “On every page, *Glas* demonstrates the borderless condition of texts, and the susceptibility to the most unexpected encounters.”<sup>3</sup>

I flush out the “encounters” of law *storytelling*.<sup>4</sup> The “encoun-

---

\* Edgar A. Hahn Professor of Jurisprudence, Case Western Reserve University, Cleveland, Ohio. Typography by H.L. Emick, Case Western Reserve University.

1. CHRISTOPHER NORRIS, *DECONSTRUCTION: THEORY AND PRACTICE* 142 (1982).

2. “‘The Double Session’ is one example of a technique that Derrida frequently uses to bring home the effects of intertextuality, the ways in which writing cannot be contained within the limits of a book, an authoritative discourse or self-enclosed system of meaning. This technique takes the form of a graphic reminder, of printing two very different texts on a single page and virtually forcing the reader’s eye to shuttle incessantly between them.” CHRISTOPHER NORRIS, *DERRIDA* 46 (1987). See Arthur Austin, *What Differs? Who Differs? What Is The Différance?*, 13 *CARDOZO L. REV.* 1351 (1991).

The Double Session is by no means original with Derrida. According to William S. Burroughs’ biographer, Burroughs discovered a similar technique by accident; a friend sliced through a pile of newspapers, then made a mosaic out of the strips. Calling this the cut-up method, Burroughs cut out strips—sentences, words, paragraphs—and mixed them to create a new form of literature.

It made explicit a simple sensory process that was going on all the time anyway—which is that when you’re reading a newspaper, say, you’re reading one column but you see the other columns as well, and the bus you’re on and the person sitting next to you. There was a juxtaposition of what you were doing and what was happening around you. What the cut-up method did was incorporate that juxtaposition. Marcel Duchamp had done it years before by placing four unconnected texts in four divisions of a square. Von Neumann had introduced the cut-up principle of random action in his *Theory of Games and Economic Behavior*.

TED MORGAN, *LITERARY OUTLAW* 321 (1988). To Burroughs, the idea of mixing up a Shakespeare sonnet and an Eisenhower speech was a great breakthrough. When he described cut-ups to Samuel Beckett, the latter snorted: “That’s not writing, it’s plumbing.” *Id.* at 323.

Burroughs even thought “that by mixing up medical articles they would locate a cure for cancer.” *Id.* at 324.

3. PEGGY KAMUF, *A DERRIDA READER* 315 (1991).

4. See Kim L. Scheppele, *Legal Storytelling: Forward: Telling Stories*, 87 *MICH. L. REV.* 2073 (1989); see also Kathryn Abrams, *Hearing the Call of Stories*, 79 *CALIF. L. REV.* 971 (1991); Stephen Carter, *Academic Tenure and “White Male” Standards: Some Lessons from the Patent Law*, 100 *YALE L.J.* 2065 (1991); Jerome Culp, Jr., *Toward a Black Legal Scholarship: Race and Original Understandings*, 1991 *DUKE L.J.* 39 (1991); Alex M. Johnson, Jr., *The New Voice of Color*, 100 *YALE L.J.* 2007 (1991); Alex M. Johnson, Jr., *Racial Critiques of Legal Academia: A Reply in Favor of Context*, 43 *STAN. L. REV.* 137 (1990); Randall Kennedy, *Racial Critiques of Legal Academia*, 102 *HARV. L. REV.* 1745 (1989); Patricia

ter” is between legal scholarship as universal or as fragmented. The dispute is triggered by the new fashion of narrative. To some members of the law academy, narrative storytelling is the most effective way to express the frustrations of “oppressed” people. They argue that storytelling is the distinctive property of the “oppressed” and, as a distinctive form of scholarship, can only be evaluated by their criteria. Others disagree. It is a *Glas* encounter.

In *Glas* (meaning death knell), Derrida posed a face-off between the philosopher Hegel (on the left side of the page) and the thief-homosexual-writer Genet (on the right side). It is Derrida’s “most graphic demonstration of how texts can invade each other’s space . . . . Hegel and Genet are brought face to face in a kind of interlinear gloss which exposes philosophic reason to the lures and obsessions of the homosexual thief-turned-writer.”<sup>5</sup> The objective is to glean knowledge from the encounter.

I use quotes to create a succession of encounters, from right to left, from top (bottom) to bottom (top). Each sentence is “wrenched out of context and transformed into a mind-bending parody of itself.”<sup>6</sup> To extract knowledge about the encounters, the reader has to experience alienation, confusion, and passion.<sup>7</sup>

---

Williams, *Alchemical Notes: Reconstructing Ideals from Deconstructed Rights*, 22 HARV. CIVIL RIGHTS-LIB. L. REV. 401 (1987).

5. CHRISTOPHER NORRIS, *supra* note 1, at 142.

6. *Id.*

7. On the other hand, I reduce confusion by *not* following bluebook ukase.



### Introduction

A specific piece of writing thus has no clearly defined boundaries: it spills over constantly into the works clustered around it, generating a hundred different perspectives which dwindle to a vanishing point. TERRY EAGLETON, *LITERARY THEORY: AN INTRODUCTION* 138 (1983). No two artists would ever make quite the same choice, yet each might be, artistically, true to the subject. ELISABETH WOODBRIDGE MORRIS, Ph.D., *THE DRAMA: ITS LAW AND ITS TECHNIQUE 2* (1898). Perhaps, then, the word "meaning" should also be discarded, since it carries with it the notion of message or point. The meaning of an utterance, I repeat, is its experience—all of it—and that experience is immediately compromised the moment you say something about it. STANLEY FISH, *IS THERE A TEXT IN THIS CLASS?* 65 (1980).

[ . . . ]

The double session, about which I don't quite have the gall to say plumb straight out that it is reserved for the question *what is literature*, this question being henceforth properly considered a quotation already, in which the place of *what is* ought to lend itself to careful scrutiny, along with the presumed authority under which one submits anything whatever, and particularly literature, to the form of its inquisition—this double session, about which I will never have the militant innocence to announce that it is concerned with the question *what is literature*, will find its corner BETWEEN [ENTRE] literature and truth, between literature and that by which the question *what is? wants* answering. JACQUES DERRIDA, *The Double Session in A DERRIDA READER: BETWEEN THE BLINDS* 171 (Peggy Kamuf ed. 1991).

"She is using storytelling as a mode of rational thought. That is against the tradition of legal thinking."<sup>11</sup> [If law professors could write short stories, they would be short-story writers rather than law professors.<sup>2</sup> I simply do not want race-conscious decisionmaking to be naturalized into our general pattern of academic evaluation.<sup>3</sup> [Ex]cluding outsiders' stories may be a *direct* act of racism, of sexism, of intolerance of difference.<sup>4</sup> [A] second scholarly tradition. It consists of white scholars' systematic occupation of, and exclusion of minority scholars . . . .<sup>5</sup> Feminist narratives may have aesthetic value, but their purposes are also often political.<sup>6</sup> [de]Man's reading is . . . a technique of trouble, a way of making trouble for the reader . . . .<sup>7</sup> Americans seem ever less willing to devote their time . . . to page after page of silent black type.<sup>8</sup> My students . . . are confused by . . . all the stories I tell them in my class.<sup>9</sup> Fictional descriptions, by the very nature of their implicitness and impressionism, can fully capture . . . both the bold outlines and the crucial nuances of cultural ethos.<sup>10</sup>

Indeed, I contend that white males do not employ the narrative, storytelling style because to do so would result in their talking about their dominance and that currently is not socially acceptable discourse. Alex M. Johnson, Jr., 100 Yale 2007, 2047 n.170 (1991).

Criticism is only a moment in the period of history which is beginning and which leads us to commit to unity to the truth of writing.<sup>23</sup>

It is the old (white male) guard that has the most to lose . . . .<sup>11</sup> [Bell's] fictional story *The Chronicle of the Space Traders* is presented . . . as a prophetic challenge to the political majority to admit . . . [to] racism . . . .<sup>12</sup> But if the author shows herself to be clumsy with words, then we may both be in trouble.<sup>13</sup> [T]here is a subtle hint that civil rights is somehow a 'preserve' . . . of the minority scholar.<sup>14</sup> One of the several functions of minority storytelling is to nudge the language of law toward art.<sup>15</sup> It is . . . time to stop worrying about who is writing from what perspective, time instead to join together . . . .<sup>16</sup> [W]e can't yet know to what extent we are dealing with temporary fads . . . or with long-term assaults . . . .<sup>17</sup> Established scholars can start the process by eradicating apartheid in legal knowledge . . . teach outsider's scholarship.<sup>18</sup> There is no there there. G. Stein. We easily become entrapped by what the feminist critic Nancy K. Miller has called "as-a" criticism: where we always speak "as a" white-middle-class woman, a person of color, a gay man and so on.<sup>19</sup> The whole notion of being . . . *the black writer*—is ludicrous.<sup>20</sup> Rushdie, *Defying Death Threats, Suddenly Appears in New York*. In Columbia speech, he says freedom to write is worth his life. "Free speech is life itself."<sup>21</sup>

Footnote Double Session

- I. P. Meisoi, *A New Genre of Legal Scholarship*, Baltimore Sun, Part V, Oct. 7, 1988, p. 8 (quoting Thomas Grey, professor of law at Stanford University). M. Middleton, *Legal Scholarship: Is it Irrelevant?*, Nat'l L.J., Jan. 9, 1989, at 1, 8. II. M. Tushnet, *Critical Legal Studies: A Political History*, 100 YALE L.J. 1515 n.1 (1991). Well, don't eat flies and you won't throw up. M. GORKY, *MOTHER* 120 (Collier Books 1907). III. R. Kennedy, *Racial Critiques of Legal Academia*, 102 H.L.R. 1745, 1807 (1989). Everyone has to do black scholarship if it is to succeed. J. Culp, Jr., *Toward a Black Legal Scholarship: Race and Original Understandings*, 1991 DUKE L.J. 39, 105 (1991). IV. K. Scheppelle, *Legal Storytelling: Foreword: Telling Stories*, 87 MICH. L. REV. 2073, 2084 (1989). "[S]ome law professors today are more concerned with intellectual currents among their colleagues in the arts and sciences and less concerned about law practice and the output of the bench." J. Metaxas, Nat'l L.J., Sept. 22, 1986, at 4 (quoting former Yale Dean Harry Welling). V. R. Delgado, *The Imperial Scholar: Reflections on a Review of Civil Rights Literature*, 132 U. PA. L. REV. 561, 566 (1984). "I would bet that Alice Walker's *The Color Purple* is taught in more English departments today than all of Shakespeare's plays combined." DINESH D'SOUZA, *ILLIBERAL EDUCATION: THE POLITICS OF RACE AND SEX ON CAMPUS* 68 (1991) (quoting chairman of English department at Penn State University). VI. K. ABRAMS, *Hearing the Call of Stories*, 79 CALIF. L. REV. 971, 972 (1991). It is not fashionable these days to praise the work of Ernest Hemingway. His women too often seem to be projections of male needfulness. F. Busch, *Reading Hemingway Without Guilt*, N.Y. Times Book Rev., Jan. 12, 1992, p. 1. VII. D. DONOGHUE, *FEROCIOUS ALPHABETS* 185 (1982). Well, I won the stake, and in twenty minutes had left the Casino with a hundred . . . . F. DOSTOEVSKY, *THE GAMBLER* 307 (J.M. Dent & Sons 1957). VIII. S. Sherman, *America Won't Win Till It Reads More*, *FORTUNE*, Nov. 18, 1991, p. 201. Without the stories and the songs, I am mute. A white American education will never give them to me; but it can—if I am graced, if I do not go blind in the white light of self-consciousness. . . . [I]t can help me to see the stories, growing like a vine out of the cane fields . . . . LORENE CARY, *BLACK ICE* 237 (1991). IX. P. WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS* 13 (1991). I think the best writers are often the ones that break the tradition to continue it. Baraka's comment on art, "hunting is not those heads on the wall," though male, is true. BARBARA CHRISTIAN, *BLACK FEMINIST CRITICISM: PERSPECTIVES ON BLACK WOMEN WRITERS* xv (1985). X. M. Pacanowsky, *Slouching Towards Chicago*, 74 QUART. J. SPEECH 453, 454 (1988). You have to live in such a way that your writing emerges from it. Doris Lessing in R. NEWQUIST, *COUNTERPOINT* 416 (1964). XI. C. Dalton, *The Faithful Liberal and the Question of Diversity*, 12 HARV. WOMEN'S L.J. 1, 2 (1989). He talked about leaving his wife for her, but he was too ambitious to risk his political career with a divorce. *My 12-year Affair with Bill Clinton*, Star, Feb. 4, 1992, p. 24. XII. R. Rainey, *After We're Healed: Imagining a Social Order Based Upon a Justice That Reconciles*, 34 ST. LOUIS L.J. 471, 471-72 (1990). And now, and now it won't be much longer now and then we won't have anything left: honor nor pride nor God since God quit us four years ago only He never thought it necessary to tell us. W. FAULKNER, *ABSALOM, ABSALOM* 355 (Modern Lib. 1936). XIII. *Let's Kill All the Copy Editors, Letter to the Editor in Response to Richard Miller*, N.Y. Times, Dec. 1, 1991, sec. 6, p. 18. April is the cruellest month, breeding/Lilacs out of the dead land, mixing/memory and desire, stirring/Dull roots with spring rain. T.S. ELIOT, *THE WASTE LAND*. XIV. R. O'Neill, *A Reaction to "The Imperial Scholar" and Professor Delgado's Proposed Solution*, 3 J.L. & INEQUALITY 256, 259 (1985). I walked for more than an hour up and down the Mississippi road, thinking of death, life, the meaning of life to a black man who has been humiliated. JAMES FOREMAN, *THE MAKING OF BLACK REVOLUTIONARIES* 96 (1985). XV. M. Bell, *The Legal Academy and Minority Scholars*, 103 HARV. L. REV. 1855, 1862 (1990). Fortunately, however, while drink opened up an inexhaustible source of pain in their aching hearts, it also gave them peace. SHCHEDRIN (M.E. SALTYSKOV) *THE GOLOVLYOV FAMILY* 316 (J.M. Dent & Sons, 1934). XVI. S. Carter, *Academic Tenure and "White Male" Standards: Some Lessons from the Patent Law*, 100 YALE L.J. 2065, 2085 (1991). All animals are equal but some animals are more equal than others. G. ORWELL, *ANIMAL FARM* 123 (Signet 1946). XVII. J. Searle, *The Storm Over the University*, N.Y. Review of Books, Dec. 6, 1990, p. 34. You're welcome to LeCarré—he hasn't got any future. Rejection for THE SPY WHO CAME IN FROM THE COLD, *ROTTEN REJECTIONS* 61 (1990). XVIII. M. Matsuda, *Affirmative Action and Legal Knowledge: Planting Seeds in Plowed-up Ground*, 11 HARV. WOMEN'S L.J. 1, 4 (1988). "Well, in retrospect, what it came down to was that I would not allow myself to be defined by other people, white or black. It was beneath me to blame anybody for what happened to me." CONVERSATIONS WITH JAMES BALDWIN 238 (F. Standley & L. Pratt eds., 1989). XIX. H. L. Gates, Jr., *'Authenticity', or the Lesson of Little Tree*, N.Y. Times, Nov. 24, 1991, s. 7, p. 1, 30. Well, and now they emancipate women, they give her all the same rights as men, but they still regard her as an instrument of enjoyment, so they educate her, both in childhood and later by public opinion, with this end in view. But she remains the same depraved slave as before and her husband the same depraved slave-owner. L. TOLSTOY, *THE KREUTZER SONATA* 50 (Random House 1957). XX. P. Monaghan, *Winner of National Book Award Won't Be a 'Voice of Black America'*, *Chron. Higher Educ.*, Jan. 16, 1991, A3. But another, perhaps stronger case can be made that a society with a dismal record of protecting a people has a dubious claim on the right to disarm them. Perhaps a re-examination of this history can lead us to a modern realization of what the framers of the Second Amendment understood: that it is unwise to place the means of protection totally in the hands of the state, and that self-defense is also a civil right. R. Cottrol & R. Diamond, *The Second Amendment: Toward an Afro-Americanist Reconsideration*, 80 GEO. L. REV. 309, 361 (1991). XXI. N.Y. Times, Dec. 12, 1991, p. A1, col. 4. The world is incompatible, just never forget it: gaga. Ghosts, Nazis, saints, all alive at the same time; in one spot, blissful happiness, while down the road, the inferno. S. RUSHDIE, *THE SATANIC VERSES* 295 (1989). XXII. A. Austin, *An Allegory on the Banks of the Nile*, 39 KAN. L. REV. 929, 936 (1991). XXIII. R. BARTHES, *CRITICISM AND TRUTH* 94 (1987). Most baseball players were a sorry lot . . . basically the dumbest and lowest-rent collection of athletes I ever encountered—pro football was loaded with geniuses by comparison . . . . DAN JENKINS, *YOU GOTTA PLAY HURT* 285 (1991). XXIV. A. Austin, *supra* note 22, at 937.

