
Dooyeweerd's philosophy entails no support for Apartheid whatsoever

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Abstract

In an article on Afrikaner nationalism, apartheid and the perversion of critique, René Eloff argues that E.A. Venter and H.J. Strauss drew upon the philosophy of Herman Dooyeweerd to justify separate development and that the foundational moment of Dooyeweerd's philosophy involves an interpretive violence that accommodates this interpretation, accompanied by a political violence which is accommodated by the mystical foundation of its authority. This article is a response to what Eloff attempts to argue. Unfortunately Eloff's article is burdened by ambiguities, lack of factual data, non sequitur arguments and in particular, regarding the transcendental critique, not realizing the difference between the structural intention of the transcendental critique and its misunderstanding by him in terms of a genetic perspective. In addition he does not realize that Derrida's ideas of the "institutional presupposition" and the mystical foundation of its authority are confusing the distinction of structure and direction. Eloff employs the genetic idea of the "foundational moment" of Dooyeweerd's philosophy, through which the latter supposedly could be linked to Apartheid, but does not succeed in achieving his aim. Although available to him, Eloff did not take notice of the analysis of the article of Derrida (on Law and Justice: the mystical foundation of authority) by the author of this response-article. In it Derrida's view of Law and Justice is analyzed in detail while even highlighting shared convictions between

Derrida and Dooyeweerd. In another publication of Derrida (not quoted by Eloff) we find an appeal to the same philosophical method used by Dooyeweerd (and Einstein), namely the transcendental-empirical method. Shortcomings in Eloff's argumentation made it necessary to investigate the relationship between Dooyeweerd and Kant in some more detail, and to follow it up with an assessment of the relationship between Dooyeweerd and Derrida (showing that Derrida's thought is motivated by the humanistic motive of nature and freedom and that he not only confuses the distinctness of structure and direction, but also embodies in his thought the fusion of the directional antithesis between good and evil by identifying it with structural traits of reality). The irrationalistic element in Derrida's law-idea puts him, rather than Dooyeweerd, in a position to could have supported Apartheid. What Eloff says about Dooyeweerd's transcendental critique misses the key argument of the transcendental critique, based upon Dooyeweerd's view of the Gegenstand-relation, namely the issue of a supra-modal central point of orientation for the inter-modal synthesis. It turns out that there is no single statement in Dooyeweerd's transcendental critique from which anything supporting the Apartheid dispensation could be validly inferred. The only alternative option, namely to attempt to show that Dooyeweerd's idea of law and the state entails or supports the assumptions and practice of Apartheid, is doomed to failure from the outset, because Dooyeweerd's idea of the state and the nature of civil private law and public law rejects emphatically any encroachment upon the freedom and equality of its citizens. Although Eloff's account of the political views of E.A. Venter and H.J. Strauss is basically correct, it is not properly informed in many respects. Of the two main influences on their political conceptions only one is mentioned explicitly, namely the ideology of a "volk." The colonialist idea of guardianship (voogdyskap) as such is left unmentioned.

Opsomming

Dooyeweerd se filosofie bevat hoegenaamd geen steun vir Apartheid nie

In 'n artikel oor "Afrikaner nationalism, apartheid and the perversion of critique" argumenteer René Eloff dat E.A. Venter and H.J. Strauss van Dooyeweerd se filosofie gebruik maak om afsonderlike ontwikkeling

te regverdig en dat die “moment van grondlegging” ’n interpretatiewe geweld impliseer wat vergesel word deur ’n politieke geweld wat in die mistieke fundering van die gesag daarvan geakkommodeer is. Hierdie artikel reageer op wat Eloff argumenteer. Ongelukkig gaan Eloff se artikel mank aan dubbelsinnighede, ontbrekende feitlike data, non sequitur argumente en in die besonder, rakende die transendentale kritiek, aan die afwesigheid van die besef dat daar ’n verskil bestaan tussen die strukturele bedoeling van die transendentale kritiek en Eloff se misverstaan daarvan in terme van ’n genetiese perspektief. Bykomend onderken hy nie die onderskeiding tussen struktuur en rigting wat in Derrida se siening van die “institutional presupposition” en sy idee van die mistieke fundering van die gesag daarvan, verwar word nie. Eloff appelleer op die ontstaansmoment of funderingsmoment (“foundational moment”) van Dooyeweerd se filosofie, waardeur laasgenoemde na bewering aan Apartheid verbind kan word, maar hy slaag nie in sy doel nie. Alhoewel dit tot sy beskikking is, het Eloff nie kennis geneem van ’n ontleding van die artikel van Derrida (oor Law and Justice: the mystical foundation of authority) wat deur die outeur van hierdie artikel geskryf is nie. Daarin word Derrida se opvatting in besonderhede behandel en selfs uitgelig dat Derrida en Dooyeweerd op bepaalde punte ooreenstemmende sienings huldig. In ’n ander publikasie van Derrida (wat nie deur Eloff aangehaal word nie) vind ons ’n appèl op dieselfde wysgerige metode wat ook deur Dooyeweerd (en Einstein) gebruik word, naamlik die transendentaal-empiriese metode. Terkortkominge in die argumentasie van Eloff het dit noodsaaklik gemaak om effens dieper in te gaan op die verhouding tussen Dooyeweerd en Kant, opgevolg deur ’n beoordeling van die verhouding tussen Dooyeweerd en Derrida (terwyl aangetoon word dat Derrida se denke deur die humanistiese grondmotief van natuur en vryheid gemotiveer word en dat hy nie alleen die onderskeidenheid van struktuur en rigting miverstaan nie, maar ook self daaraan skuldig is om die goed-kwaad teenstelling met bepaalde trekke van die werklikheid te identifiseer). Die irrasionalistiese kant van Derrida se wetsidee plaas hom, eerder as Dooyeweerd, in ’n posisie om Apartheid te kon ondersteun. Wat Eloff oor die transendentale kritiek skryf verontagsaam die sleutel-argument daarvan soos gefundeer in Dooyeweerd se siening van die Gegenstandsrelasie, naamlik die vraag na ’n sentrale, bo-modale betrekkingpunt vir die inter-modale sintese. Dit blyk dat geen enkele stelling in die transendentale kritiek van Dooyeweerd enige ondersteuning bied vir ’n geldige inferensie tot

die aannames en praktyk van Apartheid nie. So 'n poging is van meet af gedoem tot mislukking omdat Dooyeweerd se idee van reg en die staat asook die aard van die burgerlike privaatreg en die publieke reg pertinent elke opvatting wat inbreuk op die vryheid en gelykheid van burgers maak, verwerp. Hoewel Eloff se weergawe van die politieke opvattinge van E.A. Venter and H.J. Strauss basies korrek is, is dit in verskeie opsigte nog ontoereikend geïnformeer. Van die twee hoofinvloede op hul politieke denke word slegs die een eksplisiet vermeld, naamlik die volksideologie. Die kolonialistiese idee van voogdyskap word nie as sodanig behandel nie.

R n  Eloff recently published an article on "Afrikaner nationalism, apartheid and the perversion of critique" in *Acta Academica* (2014 46(3):175-195). Although he quotes statements of E.A. Venter and H.J. Strauss in which they express opinions sympathetic to the political dispensation in South Africa at the time, his attempt to pull Dooyeweerd into what is objectionable in their views turns out to be misguided, as will be argued in detail below.¹ Explaining the multiple instances of serious shortcomings present in the article requires that we first follow in the footsteps of Eloff's line of argumentation (or lack of it).

Preliminary Remark

It should be noted that an electronic copy of my 1984 article on Dooyeweerd's transcendental critique and theory of the *Gegenstand*-relation was e-mailed to Eloff during the interaction mentioned in footnote 1 of the present article. Familiarizing himself with the content of this document could have brought his argumentation up to date. All the references to the 1973 dissertation of Strauss and the response by Dooyeweerd himself in *Philosophia Reformata*

1 R n  Eloff and I had a cordial personal conversation about these issues, followed by a number of equally pleasant e-mail interactions. Our interaction was terminated by R n  when he wrote to me: "Thanks for this answer. It puts me on the track where I want to be. I shall now go and read again and give you a chance to rest from all the tenacious and mistaken questions." ["Dankie vir hierdie antwoord, dit sit my inderdaad nou op die spoor waar ek wil wees. Ek sal nou maar weer gaan lees en jou 'n ruskansie gee van al die knaende en mistastende vrae."] But then he submitted the article for publication without informing me or presenting it first to me so that I could have helped him to avoid the obvious errors, misunderstandings, ambiguities and non sequitur arguments currently still present in it.

are mentioned in my 1984 article. The *Editorial Board of Philosophia Reformata* approached me to summarise and update the discussion of the transcendental critique within the circles of reformational philosophy, after which my response appeared in 1984 (*An analysis of the structure of analysis – The Gegenstand-relation in discussion*). Instead René Eloff reverted to a discussion of the original formulation of Dooyeweerd’s transcendental critique in his attempt to defame Dooyeweerd’s legacy by linking it to Apartheid. For this reason I opted to follow the path chosen by Eloff which in any event reveals that the original formulation of Dooyeweerd’s transcendental critique, also does not provide any warrant for Eloff’s pre-set aim and conclusion and therefore that his attempt failed miserably.

1. Striking shortcomings in the article of Eloff

In the next section attention will be given to *blatant errors* regarding the way in which Eloff attempts to tell us what philosophy, according to Dooyeweerd, is all about. These errors are embedded in *category mistakes*, *ambiguities* and *non sequitur* (logically invalid) arguments.

2. Ambiguities and *non sequitur* arguments

From the outset ambiguities plague Eloff’s argumentation. On the one hand he says:

I do not contend that Venter and Strauss’s racist politics follow by necessity from Dooyeweerd’s philosophy.²

Yet on the other hand he explains that he will discuss the views of H.J. Strauss (1912-1995) and E.A. Venter (1914-1968) and then explicitly states that

both drew extensively on Dooyeweerd in their political and social thought, and specifically in their articulation of a radical distinction between white and black people in the context of South African politics (Eloff, 2014:176).³

2 Note that the phrase *not follow by necessity* implicitly makes room for a (non-essential) way in which Dooyeweerd’s philosophy does provide “a point of entry for the politics of apartheid”. The next sentence in the text explores this (non-essential) option.

3 Note that Eloff does not produce one single Dooyeweerd quotation from which, in respect of Dooyeweerd’s view of human society or of the state, any racist conclusion can be drawn. If they “drew extensively on Dooyeweerd in their political and social thought” then there should be “extensive” quotes available to justify this unsubstantiated claim.

He continues:

Rather, I try to show that Dooyeweerd's philosophy exposes, or evokes, the border between philosophy and its outside in a way that provides a point of entry for the politics of apartheid (Eloff, 2014:176).⁴

With reference to the views of Derrida he alludes to the "founding" of "philosophical institutions" and what Derrida designates as "the institutional presupposition" (Derrida 2002:5). The purpose of the use of Derrida's idea is not clear. The question is what is meant when the phrase "philosophical institutions" is introduced and what does it mean to be *founded*? Are universities, schools, faculties as well as departments of philosophy *philosophical institutions* (as Derrida in a related context suggests – see below)? Does it mean "erected", "brought into existence", "constituted", "organized" "given a positive shape" or what?

Later on we shall argue that Derrida actually advances a genetic view, whereas Dooyeweerd in his transcendental critique was concerned with a *structural* problem. The genetic approach also confuses the distinctness of *structure* and *direction*. This explains why, according to Eloff, the "foundational moment" of Dooyeweerd's philosophy "involves an interpretive violence" in the thought of E.A. Venter and H.J. Strauss which accommodates this interpretation. Dooyeweerd will *never* project sinful disruption (i.e. the antinormativity of "an interpretive violence") into the structural order norming human actions. The normativity of structural principles is correlated with norm-conformative or antinormative human actions. This insight concerns the distinctness of structure and direction, for whenever the directional antithesis between good and evil is identified with specific areas or domains of life, one ends up with a dualistic view, elevating some part or trait of reality while depreciating another. We shall return to this issue below.

Remark: *What are philosophical institutions?*

Later on Eloff quotes Derrida arguing that "nothing appears more philosophical than the foundation of a philosophical institution – be it the University, or a school or department of philosophy – the foundation of the philosophical institution as such cannot be already strictly philosophical".⁵

4 That this claim is "contaminated" by the way in which Eloff and Derrida confuse the distinctness of structure and direction will be argued later in the current article.

5 This remark of Derrida neglects the rich philosophical legacy in which it is realized that the conditions (the law) for being something do not coincide with those entities conforming to these conditions. The conditions for being green are not themselves green, just like the conditions for being an atom are not themselves an atom or like the conditions for being a philosophical institution are not philosophical in nature. This insight negates what Eloff quotes from Derrida.

Eloff explains further that in his work *The university without condition* Derrida (2001) describes this foundational moment as the border between the inside and the outside, and goes on to state: “this limit [...] is the place where the university is exposed to reality, to the forces from without (be they cultural, ideological, political, economic, or other)” (Derrida 2001:55; Eloff, 2014:180).

Note that universities, schools and departments are not philosophical institutions. Universities and schools are *academic institutions* that may or may not have philosophy departments. And as far as the latter is concerned, no philosophy department as such is an *academic institution* – it always forms part of a larger academic institution, such as a university, with its various faculties and departments. But Derrida does not account for the cultural-historical process of societal differentiation which gave birth to the rise of the modern university (as one of multiple societal entities emerging alongside the modern state – see Strauss, 2006) – showing that a differentiated society co-conditions the existence of every university. From a systematic perspective one can therefore say that by virtue of societal differentiation the university is “exposed to reality, to the forces from without”. Although ambiguous in his view of a “philosophical institution”, Derrida’s point is nonetheless to be appreciated: philosophy or a department of philosophy is always embedded within an academic institution which only surfaces through a long cultural-historical process of societal differentiation. Yet this concerns a *genetic* perspective, not the *structural* one underlying Dooyeweerd’s transcendental critique.

Eloff then proceeds by venturing to explain what “founded” means for Derrida:

Derrida argues that philosophical institutions are founded. This means that the foundation of a philosophical institution cannot be understood purely in terms of the logic of that which it founds (Eloff, 2014:176).⁶

Although the conclusion is presented as following from the fact that “philosophical institutions are founded”. this premise does not warrant it (it is logically invalid). Stated differently, the claim that the foundation of a philosophical institution cannot be understood purely in terms of the logic of that which it founds, does not logically follow from the statement that philosophical institutions are founded. This shortcoming derives from the

6 No explanation of “the logic of that which it founds” is given, although this “logic” acquires a *quasi law-like status*: it functions like the *structural principle* holding for universities, enabling the possibility to provide them with a foundation – similar to the application or positivization of a principle. In another context Derrida says that this *logic* legitimizes being philosophers right where you are and that you “do not need a social contract”, that you “might not even need anyone” (Derrida, 2002:26).

fact that there is no prior explanation of what the logic of the foundation of a philosophical institution is all about. Such an argument reveals an *invalid inference* – it is a *non sequitur* (the conclusion does not follow from the premise). To repeat it once more: From the acknowledgement “that philosophical institutions are founded” nothing could be validly inferred regarding “the logic” of what is founded, since the required explanation of “logic” does not find a point of connection in the premise.

This unsuccessful attempt to argue a point is immediately followed by a second attempt to accomplish a similar goal. Eloff continues:

Put differently, the foundation of a philosophical institution can never be a purely philosophical event: it bears within it a relation to the non-philosophical (Eloff, 2014:176).

Before formulating the statement that “the foundation of a philosophical institution can never be a purely philosophical event”, a *prior* assumption or argument is required, highlighting *why* this is impossible. In the absence of a general statement (premise) stating why whatever is “founded” can “never be a purely philosophical event”, nothing logically valid could be inferred regarding the “non-philosophical” (the conclusion is *non sequitur*).

Clearly under the misguided impression that an *argument* has been formulated, Eloff now proceeds by phrasing the last sentence of this paragraph:

I attempt to show that, between 1950 and 1968, the politics of apartheid in some sense became indispensable to the identity of the Department of Philosophy at the UFS.

Suddenly a new phrase enters the scene. How do we have to understand the “identity” of a department? Does “identity” here refer to the *syllabus* of under- and post-graduate courses taught within a department of philosophy? Does it refer to the way in which the department of philosophy is demarcated from other disciplines within the former faculty of liberal arts and philosophy? Does it refer to the philosophical convictions of academics teaching philosophy within the department? Or does it follow from articles and/or books published by members of the department of philosophy?

Moreover, if the politics of apartheid in some sense became indispensable to the identity of the Department of Philosophy at the UFS, why is fifty percent of the Department left out of the picture? Is it because P. de B. Kock (the only colleague of E.A. Venter) did not publish anything about *Apartheid* or say anything about apartheid in what he published? If the politics of apartheid in some sense became indispensable why does Kock not say a word on the

political issues of the day in his books (see Kock, 1970 and 1972 – Kock passed away in 1977)?

Furthermore, it should be noted that what Eloff alleges rests on a “category mistake”. Consider his reference to “the politics of apartheid”, which, according to him (as noted), “in some sense became indispensable to the identity of the Department of Philosophy” – and look at his earlier quotation where he claims that Dooyeweerd’s philosophy “evokes, the border between philosophy and its outside in a way that provides a point of entry for the politics of apartheid”.

The phrase “the politics of apartheid” demonstrates the problem. An academic can teach a course in political philosophy in which attention is also given to the policy of Apartheid. But the theoretical (philosophical) view in terms of which the political dispensation in South Africa is assessed forms part of an *academic* activity within a university which as such is distinct from “the politics of apartheid” found within the arena of the practical politics of the South African state. The “politics of apartheid” is something external to the university, even if there are many academics supporting the policy of separate development in their (non-academic) capacity as *citizens* of the state.

In the next paragraph Eloff does distinguish between “the apartheid legal order and a particular tradition of institutionalised philosophy” – but then, in the next sentence, another strange statement appears, evincing an *equivocation*. He states: “More than this, however, philosophy is not unrelated to a certain figure of law.” Derrida notes that philosophy is marked by a “hyperjuridicism” (Derrida, 2002:58). Eloff relates this phenomenon to the Kantian critical project that attempts to institute philosophy as a court of final appeal in all matters related to reason” (Eloff, 2014:176). On the next page the “figure of law”, to which Derrida refers, is related to Dooyeweerd’s view. According to Eloff philosophy for Dooyeweerd is “the discipline that comprehends the relationship between creation and God’s law”, to which he adds that philosophy also comprehends “the structural relation that holds between the different aspects of God’s creation”. Note the switch from philosophy’s “hyperjuridicism” and “figure of law” (both understood in their *juridical* sense) to Dooyeweerd’s emphasis on the cosmic (creational) law – a clear instance of equivocation (the logical fallacy of employing the same term in two different senses in an argument).

To substantiate this understanding Eloff provides the following quotation from Dooyeweerd: “Philosophical thought in its proper character, never to be disregarded with impunity, is theoretical thought directed to the totality

of meaning of our temporal cosmos” (Dooyeweerd, 1984:4). Unfortunately what Eloff claims Dooyeweerd says does not follow from this supporting quotation (once again a *non sequitur* line of argumentation).

Although the remark that an analysis of the coherence between the various modal aspects of reality for Dooyeweerd indeed forms part of the task of philosophy according to him, it does not follow from the supporting quote, just as little as one can infer from the given quotation that philosophy is “the discipline that comprehends the relationship between creation and God’s law”. This remark is anyway *incorrect* for Dooyeweerd does not hold this view.⁷

Here we find once more an *invalid inference* because there is no support in the premise (the mentioned quotation) for what is inferred from it (the conclusion does not follow, it is *non sequitur*).

We can now return to “hyperjuridicism” and a “figure of law”. Apart from the *equivocation* regarding the term “law” that slipped in at this point,⁸ Eloff provides us with more instances of a lack of understanding – not only of Dooyeweerd’s philosophy. He once more attempts to use Derrida to establish a link between Immanuel Kant and Dooyeweerd – and while doing it he comes up with another (double) misunderstanding of Dooyeweerd’s view of philosophy. Let us start with the latter.

(a) *Misrepresenting Dooyeweerd's view of philosophy*

Eloff states: “Dooyeweerd explicitly positions his philosophy as a response to Kant’s critical philosophy, and he follows Kant in arguing that philosophy, as ‘transcendental critique of theoretical thought’ occupies a privileged position in relation to the various special sciences.”⁹ Dooyeweerd simply does not

7 According to Dooyeweerd every special science also operates with its own understanding of law and what is factually subjected to it. Following Dooyeweerd Kock defines philosophy as a cosmological totality science (Kock, 1970:7).

8 We noted that Eloff toggles between *cosmic law* and *law in a jural sense*.

9 He merely refers to Dooyeweerd 1984 without providing the reader with a page reference. Of course such a reference would be hard to find because Dooyeweerd nowhere designates or defines philosophy as “transcendental critique of theoretical thought”! It is also mistaken to claim that for Dooyeweerd philosophy “occupies a privileged position in relation to the various special sciences”. According to Dooyeweerd the special sciences have *philosophical* pre-suppositions – therefore according to him philosophy rather occupies a *foundational* position in relation to the special sciences. Moreover, philosophy is always dependent upon the developments within the various academic disciplines (the natural sciences and the humanities). The opening sentence of the *Foreword* of Strauss (2009) reads: “This work aims at investigating the way in which academic disciplines are influenced by philosophy, while at the same time acknowledging the dependence of

view philosophy to be a “transcendental critique of theoretical thought” and therefore cannot follow Kant in this regard.¹⁰

(b) *Using Derrida to establish a link between Immanuel Kant and Dooyeweerd*
Let us first give Derrida the word on *Hyperjuridicism*:¹¹

Despite appearances, the question *quid juris* is not posed by a judge who, in effect, summons every kind of knowledge and practice in order to evaluate, legitimate, or disqualify them, in short, to pronounce the law about them. No, the philosopher, as such, accords himself the privilege and gives himself the unique right to judge the judge, to posit-recognize-evaluate the very principles of judgment in its constitution and conditions of possibility. It is not a question of personal hubris, but of the very status of philosophy. A philosopher speaks and acts thus, whether he is a philosopher by profession or not, whether or not he occupies a statutory position in this regard (Derrida, 2002:58).¹²

When Kant explains his view that the age of criticism requires that everything must submit to it, he does not speak about *philosophy*, but about *reason*. In the spirit of the age of Enlightenment he wrote in the *Foreword* to the first edition of his *Critique of Pure Reason* (1781) that his age is that of *rational critique*.¹³ Not even law in its majesty or religion in its sanctity, are allowed to

philosophy on developments within the special sciences.”

- 10 Note 5 in the same paragraph (on page 177) presents us with a similar mistake in Eloff's account. It reads: “D.F.M. Strauss, another UFS philosopher (he is the son of H.J. Strauss) and a prominent exponent of Dooyeweerd's thought, refers to Dooyeweerd's theory of modal aspects as “the discipline of the disciplines” (Strauss, 2009). I did publish a book with the title, *Philosophy: Discipline of the Disciplines* (2009), but nowhere in it (or elsewhere) did I ever refer to Dooyeweerd's theory of modal aspects as *the discipline of the disciplines*. Since Eloff received a hard copy of this book from me in person, it is hard to understand how he arrived at such a blatant misconception. (We shall see below why the claim of Eloff, namely that both Dooyeweerd and Kant “conceives of philosophy as the law of law” is also mistaken.)
- 11 Eloff quotes Derrida saying that philosophy “is the discourse of the law, the *absolute source of all legitimation* [the emphases are mine – DS], the right of right as such and the justice of justice as such”
- 12 This view of Derrida is at odds with an important insight of the Western intellectual legacy, namely that the conditions holding for something (i.e., the *law for* something) cannot coincide with that which meets these conditions. The conditions for being green are not themselves green and the conditions for being philosophy (philosophical) are not themselves philosophical in nature. How then can the philosopher posit the very principles holding for philosophical judgment?
- 13 Although Kant did use the terms *critique* and *transcendental*, he never developed a *transcendental critique* in the sense intended by Dooyeweerd – he did not even use the expression transcendental critique because he employs the terms “transcendental” and “critique” as *synonyms*.

withdraw themselves from the critical scrutiny of reason, for reason can only show respect to that which has withstood its critical assessment.¹⁴

According to Derrida it belongs to the very status of philosophy to have the right to judge the judge and to posit for itself the very principles of judgment in its constitution and conditions of possibility. This is just a different way to formulate the modern humanistic dogma of the autonomy (self-sufficiency) of human reason – the philosopher accords himself the privilege and right to set the principles (law) for its own enterprise. The human *autos* (self) sets for itself the *nomos* (law) – the classical formula of the modern humanistic idea of the *autonomy* of the human person. It reminds us of what Rousseau held, namely that “freedom is obedience to a law which we prescribe to ourselves” (Rousseau, 1975:247). In Derrida’s work “Who is Afraid of Philosophy” one of the paragraph-headings reveals a related perspective: “Drawing One’s Authority Only from Oneself—and Therefore, Once Again, from Kant” (Derrida, 2002:48).

Eloff does not see the connection between the views of Kant and Derrida and one of the main aims of Dooyeweerd’s transcendental critique, which is precisely to *challenge* this *dogma* of the *autonomy of human reason*! The small work of Dooyeweerd, frequently quoted by Eloff, namely *Transcendental Problems of Philosophic Thought* (1948), commences with the theme: “The Dogma Concerning the Autonomy of Reason and the Possibility of a Transcendental Critique of Philosophy” (Dooyeweerd, 1948:13 ff.). The reason why Dooyeweerd speaks of a “dogma” is because their ultimate supra-theoretical commitments are presented as purely rational or theoretical assumptions or axioms, precisely in the way it is claimed by Derrida.

Any attempt to find a connection between the views of Kant and Dooyeweerd will continue to be irrelevant and superficial as long as no account is given of the deepest convictions (ultimate commitment) which set these two thinkers apart. What is the basic motive directing Kant’s thought?

14 “Our age is, in every sense of the word, the age of criticism and everything must submit to it. Religion, on the strength of its sanctity, and law on the strength of its majesty, try to withdraw themselves from it; but by doing so they arouse just suspicions, and cannot claim that sincere respect which reason pays to those only who have been able to stand its free and open examination” (Kant, 1781:A-XI – translation F.M. Müller – see Müller, 1961:21).

3. Dooyeweerd and Kant

The thought of Kant reflects the fact that his philosophy is directed by the modern humanistic basic motive of *nature* and *freedom* (*science ideal* and *personality ideal*). In the first volume of his *A New Critique of Theoretical Thought* Dooyeweerd substantiated this insight by means a penetrating analysis of the place of Kant within the dialectical development of modern philosophy (see Dooyeweerd, 1997-I:216 ff., and in particular pages 325-412). Just recall Eloff's statement: "Dooyeweerd explicitly positions his philosophy as a response to Kant's critical philosophy, and he follows Kant in arguing that philosophy, as 'transcendental critique of theoretical thought' occupies a privileged position in relation to the various special sciences" (Eloff, 2014:177). We noted that Dooyeweerd does not claim a "privileged" position for philosophy vis-à-vis the special sciences and that he does not see philosophy as transcendental critique – and therefore cannot *follow* Kant in what he does not hold. What about the term *transcendental*? Dooyeweerd positions this term within his non-reductionist ontology (irreducible sphere-sovereign modal aspects and individuality-structures) directed at giving an account of the ontic order underlying and making possible our richly varied integral experience of reality. This view is informed by the biblical creation motive and directed by the ontic principle of the excluded antinomy. The latter principle unmasks the shortcomings present in all attempts to reduce the diversity within creation to one or another deified perspective. In Dooyeweerd's philosophy the term *transcendental* therefore has an *ontic* meaning.

In the philosophy of Kant the use of the term transcendental is motivated by the dialectical motive of nature and freedom. It surfaced in the context of distinguishing between essence (*Ding-an-sich*) and *appearance*. Since the science ideal initially reduced all of reality to a causal determination, Kant had to restrict the science ideal to appearances in order to safeguard a supra-sensory domain of (practical-ethical) human freedom. But his focus is on (a priori) conditions of possibility attached to the knowing human subject, which means that he does not employ the term *transcendental* in an ontic sense but rather in a subject-oriented (epistemic or cognitive) sense. The Kantian transcendental (a priori) forms rest on two epistemic stems, *sensibility* (with space and time as outward and inward forms of intuition), and *understanding* (with its twelve categories). He states: "I call all knowledge transcendental which is not as well concerned about objects, *but with our mode of knowing*

objects, insofar as these could be possible a priori."¹⁵ Occasionally the term transcendental is also used in the sense of exceeding the limits of experience: "The basic statements of pure understanding, [...] ought merely to be empirical and not transcendental, i.e. stretching beyond the limits of experience in its employment" (Kant, 1787-B,352-353).

Kant considers the freedom of the human soul as a *Ding-an-sich* and then remarks that "there is no contradiction in supposing that one and the same will is, in the appearance, that is, in its visible acts, necessarily subject to the law of nature, and so far not free, while yet, as belonging to a thing in itself, it is not subject to that law, and is therefore free" (Kant, 1787-B:vii-viii). The link between the distinction of *Ding-an-sich* and *appearance* on the one hand and its rootedness in the basic motive of nature and freedom is evinced in the following quotations from Kant's *Critique of Pure Reason*.

The common but fallacious presupposition of the absolute reality of appearances here manifests its injurious influence, to the confounding of reason. For if appearances are things in themselves, *freedom cannot be upheld* (my italics – DS; Kant 1787-B:564).

On the next page the basic motive of Kant's whole *Critique of Pure Reason* is clear:

My purpose has only been to point out that since the thorough-going connection of all appearances, in a context of nature, is an inexorable law, the inevitable consequence of obstinately insisting on the reality of appearances is to destroy all freedom. Those who thus follow the common view have never been able to reconcile *nature* and *freedom* (I am italicizing – DS; Kant, 1787-B:565).

The upshot was that Kant, in the final analysis, settled for the domains of the "nature concept" and the "freedom concept," totally separated by the large abyss dividing the supra-sensory from the appearances.¹⁶ For Kant this concerns the opposing elements of theoretical reason and practical reason which ultimately simply reinforces the basic dualism between natural necessity and super-sensory freedom – each with its own law-giver (Kant, 1790-B:LIII-LIV).

The difference between the biblical motive of creation and its secularized counter-part in the thought of Kant is best seen in his claim that human

15 "Ich nenne alle Erkenntnis transzendental, die sich nicht sowohl mit Gegenständen, sondern mit unserer Erkenntnisart von Gegenständen, insofern diese a priori möglich sein soll, überhaupt beschäftigt" (Kant, 1787-B:25).

16 "... durch die große Kluft, welche das Übersinnliche von den Erscheinungen trennt, gänzlich abgesondert" (Kant, 1790-B:LIII).

understanding is the *formal law-giver of nature* for according to him, it does not derive its laws *from* nature, but prescribes them *to* nature: “understanding creates its laws (a priori) not out of nature, but prescribes them to nature” (cf. Kant, 1783:320, § 36).

From the foregoing summary of Kant’s position it is clear that the statement of Eloff, namely that in “some sense, we may say that Dooyeweerd, like Kant, conceives of philosophy as the law of law” is also incorrect. Interestingly Eloff nonetheless continues to defend the *autonomy* of philosophy: “If philosophy is to be the ‘law of law’, it cannot allow the non-philosophical a place in its founding moment, since this would pose a question to its authority” (Eloff, 2014:181).

In his transcendental critique Dooyeweerd argues that all theoretical thinking presupposes a supra-theoretical starting point, but the result of his incomplete account of Dooyeweerd’s transcendental critique is that Eloff neither mentions this line of thought nor does he pay attention to the crucial distinction on the basis of which Dooyeweerd developed his argument, given in the idea of the *Gegenstand*-relation. Dooyeweerd holds that theoretical thinking is characterized by opposing the logical aspect of thought to one or another non-logical aspect of our experience (designated as the *Gegenstand*). Eloff merely states that “the task of philosophy is to provide a synthetic view of the diverse aspects that are opposed to another in the antithetical relation” (Eloff, 2014:184) – without explaining the *Gegenstand*-character of this antithetical relation.

In his *A New Critique of Theoretical Thought* (1997) Dooyeweerd explains the transition from the first problem of the transcendental critique to the second one: we “must proceed from the logical antithesis to the theoretical synthesis between the logical and non-logical aspects, if a logical concept of the non-logical ‘Gegenstand’ is to be possible” (Dooyeweerd, 1997-I:44). The effect of this wanting account is that he does not even discuss what Dooyeweerd calls the “impasse of the immanence-standpoint and the source of all antinomies” (Dooyeweerd, 1997-I:45).

Dooyeweerd argues that

in order to maintain the pretended self-sufficiency of theoretical thought, the advocates of this dogma are compelled to seek their starting point in theoretical reason itself. But the latter, by virtue of its very antithetic structure, is obliged to proceed in a synthetical way. Now there are as many modalities of theoretical synthesis possible as there are modal aspects of a non-logical character belonging to temporal experience. There is a synthetic thought of mathematical, physical, biological, psychological, historical, and other character. In which of

these possible special scientific points of view may the theoretical vision of empirical reality seek its starting point? No matter how the choice is made, it invariably amounts to the *absolutizing* of a special synthetically grasped modal aspect (Dooyeweerd, 1997-I:45-46).

Eloff simply ignores the core of Dooyeweerd's argument in his transcendental critique. The only reason the reader can find for this neglect is the pre-occupation to arrive at his own interpretation of the basic motives (religious ground motives) in Dooyeweerd's philosophy on the basis of an appeal to conceptions of Derrida that are completely external to Dooyeweerd's philosophy and to the aim of his transcendental critique. This explains why he speaks about various disciplines that were "affected" by Afrikaner nationalism and Apartheid – next to philosophy also sociology, psychology and *Volkekunde* (ethnology).

4. Dooyeweerd and Derrida

The point of view lifted out by Eloff from the thought of Derrida slightly resembles the multifaceted structural principle of the university as a societal entity, although it merely refers to the functioning of the university within the historical and lingual aspects of reality (see in this connection Strauss, 1985 and Ouwendorp, 1994).¹⁷ The confusion of the distinctness of *structure* and *direction* shows that Derrida and Eloff do not have an integral understanding of the structural principle of the university. Taking notice of the third Volume of *A New Critique of Theoretical Thought* could have liberated them from this shortcoming (see also Strauss, 2009:595-598).

Eloff mentions that according to Derrida (2002) "philosophy is always already implicated in institutional structures – beginning with language – that are indispensable to the legitimation of philosophical discourse" (Eloff, 2014:180). In the next paragraph he moves to an *inside-outside* distinction by mentioning forces from without, be they cultural, ideological, political, economic, or other (Derrida 2001:55). What is "part and parcel of a philosophical discourse's founding moment" is its *corruption* or *contamination* "by institutional and political forces exterior to it". Eloff proceeds: "The institutional presupposition' thus entails that philosophy is always already 'corrupted' by the particular, the communal and the traditional. Another way of putting this would be to

17 Sometimes Derrida implicitly acknowledges the structure-direction distinction, for example when he calls upon the legacy of *natural law* in connection with the right to philosophize, which, according to him is "first of all a natural right and not a historical or positive one" (Derrida, 2002:23).

say that the moment of foundation is characterised by complexity” (Eloff, 2014:180).

Excurs: Remark on footnote 13 – abstraction and complexity

This footnote (Eloff, 2014:184) reads:

The notion that the antithetical relation abstracts the diverse aspects from the continuity of time is remarkable. One could fruitfully relate this to a certain understanding of complex systems. The argument from complexity entails that our theoretical descriptions of reality necessarily reduce complexity in as far as they cannot incorporate their own historical situatedness into the description. In other words, it acknowledges that there is an element of fiction to conceptual distinctions. Dooyeweerd’s insight that theoretical thought abstracts from the continuity of time implicitly recognises that theoretical thought entails a simplification of reality. Dooyeweerd also explicitly states that the antithetical relation is the product of an artificial abstraction (Dooyeweerd, 1948:34). Complexity theory, however, is sceptical of the possibility of a synthetic view that can, as it were theoretically reconstruct what is broken apart.

First of all it is not the antithetical relation that abstracts the diverse aspects – they are abstracted in the theoretical attitude with its characteristic *Gegenstand*-relation, keeping in mind that abstraction does not mean “broken apart” and therefore there is no need for a *theoretical reconstruction* as Eloff mistakenly alleges. Dooyeweerd categorically states that even when they are abstracted, the modal structures of the aspects continue to express their *coherence* (i.e., *not-being-broken-apart*) with the other modal aspects (Dooyeweerd, 1997-I:40).

That our theoretical descriptions reduce complexity in as far as they cannot incorporate their own historical situatedness into the description is simply postulated, not argued. Why is it the case that theoretical descriptions cannot incorporate their own historical situatedness? What about theoretical work done in respect of *contemporary history*? Moreover, abstracting from the continuity of time does not entail a “simplification of reality” as Eloff alleges. Abstracting the aspects of number and space may appear to be “simple” or a “simplification”, but anyone acquainted with the contents of modern mathematics would be aware of the immense *complexity* present in it. Modal abstraction is not the opposite of complexity – it explores modes of explanation that give access to the most complex realities imaginable within our experiential world.

The initial acknowledgement of the indispensability of language and the historical context (“situatedness”) of philosophy (or universities) stumbles upon inherent modal functions of universities, alongside all the other typical

functions of universities ignored by Eloff and Derrida (from the quantitative to the certitudinal aspects). Of course the distinction between inside and outside is not problematic. The problem arises when the relationship between what is internal to the university and what is external to it is no longer understood in *structural* terms, but in *directional* terms (thus confusing structural conditions with the directional antithesis between what is good and evil).

If *thinking* in the sense of theoretical reflection belongs to the inner nature of the university, why will it by definition be *corrupted* through interactions with (external) cultural, political or economic spheres within human society? As if the relationships between the various differentiated societal forms of life do not allow for norm-conformative as well as anti-normative actions.

Modal and typical societal principles are not *by definition* corrupt – and the same applies to philosophy. Furthermore, without (at least implicitly) applying a *normative standard* it will anyhow be impossible to identify what is corrupt(ed). Eloff mentions that the “institutional presupposition”, according to Derrida, entails that philosophy is always already “corrupted” by the particular, the communal and the traditional (Eloff, 2014:180). This *general claim* was already specified by Eloff two pages earlier with reference to the UFS: “the UFS presents us with an extreme case of philosophy’s corruption by the particular, the communal and the traditional” (Eloff, 2014:178).¹⁸ Eloff explains that for Derrida this means that philosophy does not first exist in some pure form, later to be corrupted by institutional and political forces exterior to it, but rather that this “corruption”, or contamination, is part and parcel of a philosophical discourse’s *founding moment* (Eloff, 2014:180).

It almost sounds as if Derrida accepts (with Dooyeweerd) that the effect of the fall into sin is that whatever creational ability (or possibility) we explore, it could still turn out to be a sinful perversion. Yet, the moment in which it is acknowledged that human actions may be fallible (‘corrupt’), not only a norming yardstick is presupposed, but also leaving open the possibility that they may in fact be *norm-conforming*!

On the last page of *Philosophy: Discipline of the Disciplines* the characterization of this structure-direction distinction is succinctly explained by in a quotation from AI Wolters:

It is in this feature of traditional philosophy, which I have called the ‘metaphysical soteriology’ (and which has been blunted but not completely eradicated, in most

18 The mere fact that the “particular” and “the communal” are by definition considered to be corrupt and contaminated *demonstrates* the confusion of *structure* and *direction* in the thought of Eloff and Derrida. We shall return to this point below.

Christian philosophies) that its religious nature comes most clearly to the fore. In my view, it ought to be a mark of philosophy which seeks to be as radical as the Bible that it renounces this whole enterprise, and simply accepts, as a point of departure, that every creature of God is good, and that sin and salvation are matters of opposing religious direction, not of good and evil sectors of the created order. All aspects of created life and reality are in principle equally good, and all are in principle equally subject to perversion and renewal (Quoted by Strauss, 2009:641; see Wolters, 1981:10-11).

At this point it should be pointed out that the work of Derrida (1992) which Eloff uses to establish “an interpretive violence” which is allegedly “also present in the foundational moment of Dooyeweerd’s philosophy”, namely “*Force of law: the mystical foundations of authority*”, has been subjected to a penetrating analysis in Strauss 2009 (see pages 578-589). This investigation also includes a comparison of the ideas of law and justice in the thought of Derrida and Dooyeweerd (see also Derrida, 2002a).

At certain points there are even striking similarities in the views of Derrida and Dooyeweerd. The first similarity between the two is that they both distinguish between the concept of law and what *exceeds* this concept. The difference between them is that, whereas Derrida believes that “exceeding” leaves behind every form of calculability and universality, Dooyeweerd holds on to the idea of universal deepened legal principles. Yet their views converge regarding the influence of modern *nominalism*. The latter denies the universal features of factual reality – concretely existing entities (individuals) and events are strictly individual, for nominalism rejects universality outside the human mind.

Derrida accepts universal principles and the universality of law-conformity (for example by talking about *messianicity* (the *messianic*) – as distinct from to *messianism* – see Derrida 1997:22),¹⁹ but when it comes to the meaning of justice, he wants to be free, liberated from universality and focused on what is unique and “singular” – as if factual reality in this case is also suddenly stripped from any universality. The nominalistic element in Dooyeweerd’s thought, given in his denial of the universal side of factual reality, is mirrored in Derrida’s thought in respect of his peculiar view of justice “as the experience of absolute alterity” of what “is unrepresentable” (Derrida, 2002a:257) and as

19 This distinction is the equivalent of what we shall presently designate as Dooyeweerd’s transcendental-empirical method. While this distinction does not confuse the distinctness of structure and direction, the ideas of a *founding moment* and *interpreting violence* projects antinormativity into the structural nature of a university as its institutional presupposition. *Violence* is a directional issue, always presupposing a norming structural order making both violent and non-violent interpretations possible.

concerned with “singularity, individuals, [...] irreplaceable existences, [...] in a unique situation” (Derrida, 2002a:245).

Confronted with the task to account for what justice means Derrida gives priority to the unrepresentable as an excess over law and calculation. It reminds us of the deepened idea of the jural aspect in Dooyeweerd's legal philosophy. When Derrida explains that there is an “excess of justice over law and calculation, this overflowing of the unrepresentable over the determinable, ...” (Derrida, 2002a:257), then he approximates what one can designate as idea-knowledge (concept-transcending knowledge) in Dooyeweerd's thought. The latter is portrayed by Derrida as an “excess of justice over law and calculation”, as an overflow “of the unrepresentable over the determinable”. If justice does not emerge from a *free decision* “it would only be the programmable application or the continuous unfolding of a calculable process. It might perhaps be legal; it would not be just” (Derrida, 2002a:252).

Derrida here struggles with the relation between universality and individuality. In *Deconstruction in a Nutshell* [DN] Derrida says to Caputo that “singularity is not opposed to universality” (Derrida, 1997:22). Let us compare what Dooyeweerd articulates in his transcendental-ontic approach with what Derrida says about the “general structure” of “messianicity” as a “structure of experience.”

Dooyeweerd holds that philosophy and the special sciences investigate the ontic law-order *making possible* whatever we can *experience*. For example, without the underlying ontic structure of the modal aspects we would be unable to experience numerical relations, spatial configurations, moving things, energy constellations, living entities, rational (philosophical!) thinking, communication, being polite, frugal and just, and so on. This is why one can designate this approach as a *transcendental-empirical method*.²⁰

In *Deconstruction in a Nutshell* Derrida not only treats universality and individuality with “equal justice”, but also advances a view approximating the transcendental-empirical method of investigation. We just mentioned that Derrida accepts the “general structure” of “messianicity” as a “structure of experience”. Does this “general structure” serve as a (transcendental-)ontic condition making possible our experience of specifically different “religions”? Let us see what Derrida holds in this regard. He says that the problem is “whether the religions [...] are but specific examples of this general structure, of messianicity” – and proceeds: and now you “would have to go back from

20 In assessing Einstein's special theory of relativity it is shown that this method is employed by Einstein – see Strauss, 2011 and also Strauss, 2006a:111-123.

these religions to the fundamental ontological conditions of possibilities of religions” (Derrida, 1997:23).

Clearly, both Derrida and Dooyeweerd (and Einstein) adheres to a transcendental-empirical method of investigation!

However, as soon as Derrida embarks on contemplating the relationship between *law* and *justice*, his preference for *freedom* undermines the “equal justice” assigned to universality and what is individual owing to the “excess of justice over law and calculation” which is given in an “overflowing of the unrepresentable over the determinable” – as quoted earlier. Justice now turns away from universality while being directed towards what is unrepresentable, singular, individual and unique.

The deepened legal-ethical principles of justice, also known as principles of juridical morality, entail an inherent universality, whether or not conforming to the conditions for actions that may be just or unjust. It is only a *dialectical* view of freedom that sets it off against the universal conditions making it possible in the first place.²¹

According to Derrida the homogeneous fabric of law making, of a previously founding law, of a pre-existing foundation is ripped apart by a decision (Derrida, 2002a:241), while “the decision between just and unjust is never insured by a rule” (Derrida, 2002a:244). Even when a law is obeyed in the sense of autonomy – the “freedom to follow or to give” to oneself “the law” – Derrida holds that such an application of a rule (the effect of a calculation) may “perhaps” be “legal” – in the sense “that it conforms to law” –but one would be wrong to say that the decision was just. And “at no time can one say presently that a decision is just, purely just (that is to say, *free* and *responsible*)” (I am emphasizing – DFMS) (Derrida, 2002a:252).

A decision opens the way to justice (which is free and responsible), but as soon as one attempts to interpret a decision as conforming to a universal principle (law), there is no decision. Only a decision is just or unjust and it is only in respect of a being that is free and responsible in a given act that one can say “its decision is just or unjust” (Derrida, 2002a:251). This is contrasted with a “programmable application or the continuous unfolding of a calculable process” which “might perhaps be legal” but “it would not be just” (Derrida, 2002a:252-253). A discourse of justice reflects “the undecidable, the incommensurable or the incalculable, on singularity, difference and heterogeneity” (Derrida, 2002a:235).

21 For an overview of the dialectical legacy of freedom and normativity and an alternative perspective, see Strauss 2011a and 2011b.

However, this shift represents a problematic view of *freedom* and *normativity*, very similar to what became known as *situational ethics*. In the absence of universal (moral) principles the sole guide for justice is based upon a free and responsible *decision*, embedded in an *unpresentable, singular, individual and unique situation*.

Derrida shies away from the normativity presupposed by what makes a decision *just* or *unjust*. But stripped from such a *normativity-of-justice* one gets lost in an *irrationalistic relativism (normlessness)*,²² capable of sanctioning any antinormative political dispensation, such as the one found in Apartheid!

These shortcomings in Derrida's thought are ultimately rooted in and informed by the humanistic ground-motive of *nature* and *freedom*. The universality and calculability of law brings to expression the classical science ideal, while the freedom of a just decision embodies the classical humanistic freedom ideal.

Eloff concludes his article with the sentence: "The political violence implied does not intrude on philosophy from the outside; it is accommodated by the mystical foundation of its authority". The idea of a "mystical foundation" of authority is derived from Derrida 1992 and 2002, which we have discussed in this section – and we have shown that the dialectical view of law and justice present in Derrida's thought produced its own mystical foundation of authority, terminating in an *irrationalistic normlessness*, ultimately directed by the humanistic ground-motive of nature and freedom.

5. The transcendental critique and ground motives

We have noted earlier that although Dooyeweerd's transcendental critique stands and falls with his view of the *Gegenstand*-relation, Eloff did not even once mention what this relation entails. When he returns to the transcendental critique in the context of Dooyeweerd's search after the true starting point of philosophy, this shortcoming emerges again. He does refer to the "antithetic relation" without connecting it to the key concern of the transcendental critique, namely to show that since the inter-modal synthesis (required for forming a concept of the non-logical *Gegenstand*-aspects), cannot take its starting point either in any non-logical aspect or in the logical-analytical aspect, theoretical thought is in need of a supra-theoretical central starting point.

²² The problems of relativity, relativism and historicism behind this view are discussed in Strauss 2005 and Strauss 2014.

Instead of following in the footsteps of Dooyeweerd's argument, Eloff jumps to "the task of philosophy [which] is to provide a synthetic view of the diverse aspects that are opposed to another in the antithetical relation. The question that now arises is: From what starting point is this possible?" (Eloff, 2014:184).

Earlier, with reference to Dooyeweerd 1997-I:45-46, we provided an extensive quotation of Dooyeweerd's argument in respect of the *problem* flowing from the structure of the *Gegenstand*-relation. According to the transcendental critique of Dooyeweerd the issue is how the two poles of the *Gegenstand*-relation could be united by means of an inter-modal synthesis. The antithetic attitude opposes "the logical, i.e. the analytical function of our real act of thought, to the non-logical aspects of our temporal experience. The latter thereby becomes 'Gegenstand' in the sense of 'opposite' (*Widerstand*) to our analytical function" (Dooyeweerd, 1997-I:39).

In order to obtain a concept of the non-logical *Gegenstand* one has to "proceed from the theoretical *antithesis* to the theoretical *synthesis* between the logical and the non-logical aspects, if a logical concept of the non-logical 'Gegenstand' is to be possible" (Dooyeweerd, 1997-I:44). On the next page Dooyeweerd once more explains his line of argumentation:

Now it is evident, that the true starting point of theoretical synthesis, however it may be chosen, is in no case to be found in one of the two terms of the antithetic relation. It must necessarily transcend the theoretical antithesis, and relate the aspects that theoretically have been set asunder to a deeper radical unity For one thing is certain: the antithetic relation, with which the theoretical attitude of thought stands or falls, offers in itself no bridge between the logical thought-aspect and its non-logical 'Gegenstand' (Dooyeweerd, 1997-I:45).

Totally ignoring this *actual line of argumentation* of Dooyeweerd we find the following "explanation" in the article of Eloff:

To put this in slightly more technical terms, the theoretic attitude abstracts the different modal aspects from the continuity of time, positing an antithetical relationship between the different aspects; the task of philosophy is to provide a synthetic view of the diverse aspects that are opposed to another in the antithetical relation. The question that now arises is: From what starting point is this possible? (Eloff, 2014:184)

The phrase "positing an antithetical relationship between the different aspects" continues to side-step an explanation of the *Gegenstand*-relation. Then Eloff says: "the task of philosophy is to provide a synthetic view of the diverse aspects that are opposed to another in the antithetical relation". At this point of the transcendental critique the focus is not at all on the "task of philosophy". It is rather concerned with "the true starting point of [the]

theoretical synthesis" (the synthesis between the logical aspect of the thought-act and the non-logical aspect made into a *Gegenstand* of theoretical thought). In other words, the transcendental critique at this point is not at all engaged in accounting for the *task of philosophy*. Therefore, what Eloff here mentions (namely that the task of philosophy is to provide a synthetic view of the diverse aspects), is irrelevant. Eloff proceeds by saying that the question that now arises is: from what starting point is it possible to provide a synthetic view of the diverse aspects (the "aspects that are opposed to another in the antithetical relation")?²³ Dooyeweerd, by contrast, argues that the inter-modal synthesis between the logical aspect and the non-logical *Gegenstand* aspects cannot be obtained by choosing any aspect as a starting point. Eloff neither accounts for why a synthetic view is necessary according to Dooyeweerd, nor does he discuss the point Dooyeweerd makes, namely that the inter-modal synthesis between the logical aspect and the non-logical *Gegenstand* aspects cannot be obtained by choosing any aspect as a starting point. Much rather, Dooyeweerd explains that in order to avoid theoretical antinomies (flowing from *ismic* orientations – see Dooyeweerd, 1997-I:47-48) a central (supra-modal) starting point is required.

It appears as if the lack of precision present in Eloff's understanding of the transcendental critique of Dooyeweerd follows from his pre-occupation to use Dooyeweerd's idea of central, religious ground motives as a point of entry for the politics of Apartheid. But at this point we once more find a lack of understanding. He states that it is Dooyeweerd's

contention that his own philosophy is the expression of a particular common spirit, or motive force, for which Dooyeweerd claims the distinction of being the "true religion of Revelation".

He quotes Dooyeweerd (1948:61) in support of this claim (Eloff, 2014:183). However, the first part of this reference derives from page 59 of Dooyeweerd 1948 and it is not directed at Dooyeweerd's "own philosophy" but towards philosophy in general! On page 59 Dooyeweerd speaks of the *social task* of philosophy which "requires a spiritual community as its root."

Moreover, philosophy itself, according to Dooyeweerd, is not the mere product of individual thought. Rather, it is, just as human culture, a social task,

23 In passing we note that the remark made by Eloff, namely that the "aspects display a hierarchical structure", is not correct. According to Dooyeweerd they are fitted in a *temporal cosmic order of earlier and later*: "As a matter of fact the modal aspects are bound by cosmic time in an order of before and after, which is expressed in their very internal modal structure" (Dooyeweerd, 1997-I:29). Every instance of the 21 occurrences of the term "hierarchical" in Dooyeweerd's *A New Critique of Theoretical Thought* (spread through all three volumes) concerns points of view criticized by Dooyeweerd.

which can be fulfilled only on the base of a long common tradition of thought. This too, requires a spiritual community as its root – to which Dooyeweerd adds the remark: “Now, a spiritual communion is bound together only by a common spirit, which as a dynamic, as a motive force, dominates the centre of our existence” (Dooyeweerd, 1948:59).

The second part of Eloff’s quote [for which Dooyeweerd claims the distinction of being the “true religion of Revelation”] comes from Dooyeweerd 1948 page 61 and it also does not refer to Dooyeweerd’s “own philosophy” for it actually deals with the issue of a religious antithesis (in general). Dooyeweerd writes:

Religious antithesis in the starting point of philosophy can be overcome only if the wholly or partially idolatrous motive, which has controlled theoretical thought, is conquered by the motive force of the true religion of Revelation (Dooyeweerd, 1948:61).

What Eloff presented here is a mere *compilation* of two arbitrarily chosen phrases extracted from two paragraphs concerned with issues that are the opposite from what is claimed: (i) the first part allegedly refers to Dooyeweerd’s own philosophy while it does not, and (ii) the second part allegedly claims that Dooyeweerd accepts a “common spirit, or motive force, for which Dooyeweerd claims the distinction of being the ‘true religion of Revelation’” while in fact Dooyeweerd here discusses the problem of the religious antithesis in the starting point of philosophy which can be overcome only if the wholly or partially idolatrous motive is conquered by the motive force of the true religion of Revelation.

A supra-individual religious ground motive determines and gives direction to the religious starting point of theoretical thought. This depth dimension transcends the diversity of modal aspects. In the hope to formulate the final outcome of the transcendental critique Eloff once more misunderstands Dooyeweerd’s view. On the one hand Eloff states that for Dooyeweerd the “self is not individual” and on the other hand (within the same paragraph) he holds that “such a religious community shares a common spirit, which, as shared and accepted by the *individual self*” (my emphasis – DFMS), (Eloff, 2014:185). If according to Eloff the self for Dooyeweerd is *not individual*, how can he then still speak of the *individual self*?! Yet Dooyeweerd emphatically states: “The ego, however, is merely the concentration-point of our individual existence, not of the entire temporal cosmos” (Dooyeweerd, 1997-I:59).²⁴

24 It should be noted that it was a relief to find a paragraph covering almost the first half of page 186 containing no error or misunderstanding!

6. Dooyeweerd's alleged "institutional presupposition"

Derrida's argument concerning the interpretive violence through which the law founds its own authority, is embedded in the humanistic idea of autonomy as we explained earlier. It does not apply to anything Dooyeweerd holds.

Since Eloff has not had a chance to study and master the systematics of Dooyeweerd's philosophy, it is understandable that he would not be informed of the way in which Dooyeweerd analyzes the issue of power and authority. First of all Dooyeweerd does not confuse, as we demonstrated earlier, structure and direction, as it is done by Eloff and Derrida.

Dooyeweerd holds, on the basis of the transcendental-empirical method, which Derrida also advocates in a different work (as highlighted earlier – see Derrida, 1997:23) that the term "authority" (power over persons – a subject-subject relation) finds its modal seat within the cultural-historical aspect of reality. It is not inherently bad (or violent) because within the cosmic order it is constituted as a cultural-historical *calling*, that can be executed in a better or worse way. It differs from cultural-historical subject-object relations (power over objects – explored in technology). Moreover, the former, namely power over persons, entails the idea of an *office* – which is important for an understanding of the office of government within a state.

7. Eloff and Dooyeweerd

Dooyeweerd's philosophy does not contain an interpretive violence and does not display any link with "the mystical foundation of authority", as alleged by Eloff with reference to Derrida 1992.²⁵ Dooyeweerd's structural (systematic) analysis, embedded in the transcendental-empirical method, in addition also avoids the confusion of structure and direction, as demonstrated earlier.

Eloff once again refers to "Derrida's argument concerning the interpretive violence through which the law founds its own authority" (Eloff, 2014:186). But we have noted that what Eloff attributes to Dooyeweerd in fact is what

²⁵ Recall the brief analysis of this publication of Derrida given earlier, based upon a more extensive analysis of it in the 2009 work of Strauss, *Philosophy: Discipline of the Disciplines* (see Strauss, 2009:578-589). Keep in mind that Eloff has a copy of this work but apparently did not realize that in it his entire appeal to this publication of Derrida has already been subjected to critical scrutiny. Not only were inherent problems in the thought of Derrida highlighted, but what is shared between Derrida and Dooyeweerd has also been pointed out.

Dooyeweerd opposes in his transcendental critique, namely the dogma of the autonomy of theoretical thought! Eloff does not see the connection between the views of Kant and Derrida and one of the main aims of Dooyeweerd's transcendental critique, which is precisely to *challenge* this *dogma* of the *autonomy of human reason*!

In our paragraph on Dooyeweerd and Kant it has been shown that ultimately the thought of Kant is in the grip of the modern humanistic ground motive of nature and freedom, which resulted in elevating human understanding to become the *a priori formal law-giver of nature* and which ultimately reinforces, as it was also pointed out earlier, the basic dualism between *natural necessity* and *super-sensory freedom* (each with its own law-giver, see Kant, 1790-B:LIII-LIV). This dialectical motive of nature and freedom reappears in the thought of Derrida in the opposition between law and calculability on the one hand and freedom (intimately related to what is unique and individual), on the other.

With reference to the so-called "interpretive violence through which the law founds its own authority" Eloff continues:

Something similar is at work in Dooyeweerd's attempt to furnish a "starting point" for his philosophy. In some sense, we can see that this "starting point", this "common spirit", is an invention of the very philosophy it is supposed to found. Dooyeweerd's philosophy becomes at one and the same time the expression of, as well as that which expresses a particular "starting point" (Eloff, 2014:186).

Dooyeweerd does not attempt "to furnish a 'starting point' for *his* philosophy" (I am emphasizing – DFMS). First of all, in a negative way, he has only shown that the starting point of [any!] philosophy cannot be found within theoretical thought itself and if this is attempted theoretical thought entangles itself in antinomies. Secondly, he merely calls upon a state of affairs which is not the *product* of theoretical reflection, but one of its *conditions*. The transcendental critique does not "invent" ground motives and it does not pretend to "furnish" a starting point for philosophy. At most it claims to have *discovered* the four main ground motives operative in the history of Western civilization. The proof of the pudding would have been to assess the extensive and penetrating analyses of the ground motives as analyzed by Dooyeweerd. Eloff quotes from *A New Critique of Theoretical Thought* Volume I in which Dooyeweerd accounts for the dialectical development of the humanistic ground motive of nature and freedom. He was presented with the PDF files of *Reformation and Scholasticism in Philosophy* Volume I (this work focuses on Greek philosophy and includes an extensive analysis of the dialectical development in Plato's thought) and *Roots of Western Culture* (in which all four ground

motives are discussed). He therefore had ample opportunities to assess the validity of Dooyeweerd's ground motive analyses, but did not attempt to do it. In all of this he robbed himself of the possibility of discovering the motive of nature and freedom directing the thought of Derrida, accompanied by the fusion of the directional antithesis between good and evil with structural traits of reality – *elevating the freedom of a decision* while *devaluing law and calculability*. The humanistic freedom motive acquired the *primacy* in the thought of Derrida and at the same time we see how the directional opposition between what is good and evil now coincides with two *traits* of reality: freedom with the uniquely-individuality of a decision and *calculability* with the universality of law.²⁶

Alternatively, one would have expected from Eloff at least to respond to Chapter 1 of Dooyeweerd 1948 – a work frequently quoted in his article. In this Chapter Dooyeweerd addresses the *state of affairs* that although adherents of different philosophical schools of thought “profess” that their theories are “founded solely on purely theoretical and scientific principles; in other words, that they are all adherents of the so-called autonomy of reason in science”, they in fact do not “succeed in convincing one another by purely scientific arguments” (Dooyeweerd, 1948:16; see also Dooyeweerd, 1997-I:36).²⁷

In addition to the inevitability of a theoretical frame of reference (a theoretical view of reality or paradigm), the philosophy of science of the 20th century also realized that human rationality is not self-sufficient. Previously, it was not realized that this long-standing trust in reason is not itself *rational*. Twentieth century philosophers from different philosophical traditions started to acknowledge this fact. Karl Popper, for example rejects what he calls an uncritical or comprehensive rationalism based upon “the principle that any assumption which cannot be supported either by argument or by experience is to be discarded” (Popper, 1966-II:230). He argues that this kind of rationalism is demonstrably inconsistent in terms of its own criteria: since “all arguments must proceed from assumptions, it is plainly impossible to demand that all

26 It is striking that Derrida is not consistent, because what we have said about his adherence to the transcendental-empirical method does reveal a proper understanding of the difference between structure and direction.

27 On the same page Dooyeweerd continues: “When, for example, a philosopher of the Thomist school alleges that he can prove by purely scientific arguments the existence of a supreme God, First Cause and Final End of the universe, and the existence of a rational immortal soul, a substance immaterial, indissoluble and simple, he meets a philosopher of the Kantian ‘critical’ school, who alleges on the contrary that all these arguments issue from a vain and sterile metaphysic, based on the misuse of the categories of the understanding and the theoretical ideas of pure reason. The Thomist on the other hand does not believe his position to be affected by the ‘critical’ arguments”.

assumptions should be based on argument” (Popper, 1966-II:230). Popper is also aware of the fact that behind the idea of an “assumptionless” approach, a huge *assumption* hides itself – something eventually also criticized by the prominent hermeneutical philosopher, Hans-Georg Gadamer who mocks the prejudice of Enlightenment against prejudices (see Gadamer, 1989:276 – and Dooyeweerd would have added, not merely *theoretical prejudices*, but also *supra-theoretic prejudices*). Popper’s own position unequivocally demonstrates his insight into the self- insufficiency of “rationality”. He knows that the rationalistic trust in reason is not rational itself, and explicitly speaks of “an irrational faith in reason” – which means that, according to him “rationalism is necessarily far from comprehensive or self-contained” (Popper, 1966-II:231). Stegmüller, an equally formidable philosopher of science from the second half of the 20th century, holds a similar conviction when he says that there is no single domain in which a self-guarantee of human thinking exists – one already has to believe in something in order to justify something else (Stegmüller, 1969:314).²⁸

The statement of Eloff, namely that in Dooyeweerd’s thought the “law conceals the obscurity of its origins by incorporating into itself the narrative of its foundation” does not find any point of support in the thought of Dooyeweerd. It rather merely reflects an external and uncritical scheme superimposed upon Dooyeweerd’s transcendental critique. It is an extreme and unproductive form of *transcendent* critique.

Discovering the inevitability of a starting point transcending theoretical thought does not in any way “retro-ject[s] its own origin” and equally less does it “establish[es] the foundation of its authority” (Eloff, 2014:187). This is also clear from the next sentence in Eloff’s argument: “Put differently, it finds itself by inventing a beginning capable of giving birth to itself.” The entire argument used to discredit Dooyeweerd’s philosophy rests on confusing the difference between a *structural* and *genetic* view. Dooyeweerd states explicitly that his transcendental critique aims at “a critical inquiry (respecting no single so-called theoretical axiom) into the *universally valid conditions which alone make theoretical thought possible, and which are required by the immanent structure of this thought itself*” (Dooyeweerd, 1997-I:37).

For this reason Dooyeweerd employs the idea of a starting point in his transcendental critique in a *structural* sense and not in a *genetic* sense. His

28 Van Peursen, who critically interacted with Dooyeweerd over four decades, said that Dooyeweerd’s philosophy is today more relevant than ever and that many books written within the domain of philosophy of science should not have been written, had the authors first read what Dooyeweerd wrote (see Van Peursen, 1995).

concern is not at which moment (“beginning in time”) does one start to do philosophy (where such a philosophy supposedly is “giving birth to itself”), but rather: what are the ontic (structural) conditions making possible theoretical thought as they are required by the immanent structure of this thought itself? Just recall what has earlier been said about the transcendental-empirical method and also remember that the outcome of Dooyeweerd's transcendental critique is given in a transcendent and a transcendental condition – the former identifies the necessity of the religious ground-motive and the latter the inevitability of a transcendental ground idea.

Eloff asks:

“Could a philosophy that proposes to discover the ‘true’ starting point of philosophy ever conceive itself to be anything but an expression of that very same starting point?” (Eloff, 2014:187).

In his transcendental critique Dooyeweerd argues that theoretical thought cannot find its starting point within itself (either in the logical aspect of the act of thought or in one or another non-logical *Gegenstand*-aspect) – because the inter-modal synthesis between the logical and a non-logical aspect requires a supra-theoretical central religious point of departure.

For Dooyeweerd to discover the “true” starting point of philosophy boils down to the insight that this starting point is not theoretical but truly *religious* in nature. Note that it does not concern the “truth” of any particular religious starting point, but solely the necessity of *having* a religious starting point. And “discovering” this unveils a *universal condition* for all theoretical thought: it is inevitable *to have a religious starting point*. Adding to this the subsequent question, namely whether philosophy ever can “conceive itself to be anything but an expression of that very same starting point”? actually erroneously suggests that Dooyeweerd's philosophy has the same religious starting point as *having* a religious starting point. But one's own (particular) religious starting point simply cannot be: *to have a religious starting point!*

The single quoted sentence of Eloff highlights at once a number of shortcomings, so let us reflect in some more detail upon it. First of all we find here a confusion of what is *universal* and what is *individual*. When Dooyeweerd speaks of “the ‘true’ starting point of philosophy” he intends to assert the necessity for all particular philosophies to *have* “a” religious starting point. Eloff extracts his reference to the ‘true’ starting point of philosophy from the following sentence in Dooyeweerd 1948:59: “But is the Self, as religious centre of our theoretical thought, the true starting point of philosophy?” Dooyeweerd then proceeds to speak in *universal* terms about what conditions a(ny) philosophy as such, namely to have a communal motive

(ground motive). On the same page Dooyeweerd says: “Now, a spiritual communion is bound together only by a common spirit, which as a dynamic, as a motive force, dominates the centre of our existence.” The phrases “a spiritual communion” and “a common spirit” have a universal scope: having **a** religious starting point differs from having **this** or **that** religious starting point. The “a” makes an appeal to an *universal condition* of philosophical thinking which makes possible all particular religious ground motives. For this reason it is nonsensical to allege that the philosophy which discovers the inevitability of **a** religious starting point never can “conceive itself to be anything but an expression of that very same starting point”. The starting point of Dooyeweerd’s philosophy is not to be found in the *condition that every philosophy has its own specific starting point* since it is rather given in the biblical ground motive of creation, fall and redemption.

Dooyeweerd employs the word “true” in the sense of *truly* (genuinely, really) when he speaks about “the true *starting point of philosophy*” which lies at the root of all theoretical thinking. This *universal condition*, embracing all possible starting points, can never be the *specific* starting point of any philosophy.

Therefore it does not follow from what Dooyeweerd says that he cannot help but see his own philosophy as “an expression of that very same starting point”. To be “an expression of that very same starting point” entails that the particular starting point of Dooyeweerd’s philosophy is elevated to be the condition for having a starting point, whereas in reality the biblical ground motive only constitutes the starting point of his particular philosophy (or of Christian philosophies). The phrase “the same starting point” always refers to one starting point alongside all the others – and we know that “one” does not coincide with “all” (the “many”). Confusing the *one* and the *many* reminds us of the child saying: “I am a children”.

In the argumentation of Eloff the expression “starting point” undergoes a *shift in meaning* (from “starting point in general” to “starting point in particular”), for there is a transition from the *general* (universal) perspective that *every* philosophy has a “true” (has truly a) supra-theoretical starting point, to a *particular* starting point, ambiguously interpreted as an expression of that very “*same starting point*”.

On the same page Eloff suggests that Dooyeweerd’s concern for a “Calvinist philosophy” is a “result of his studies in law” (he refers to Chaplin 2011:24),²⁹

29 Eloff is unaware of the fact that Dooyeweerd later on explicitly rejected the term “Calvinistic philosophy”. In Dooyeweerd 1997-1:524 one finds the following paragraph heading: Why I reject the term “Calvinistic philosophy”.

which prompts him to ask: "is this early exposure to legal thinking to be discounted in trying to account for the origins of his philosophy"?

Consulting page 24 (and further) of Chaplin's (2011) work does not substantiate what Eloff here suggests, apart from the fact that the *contents* of Eloff's suggestion is also mistaken. Dooyeweerd's studies within the field of the science of law brought him in contact with the dominating philosophical schools of thought of the day and their impact upon this discipline. This reality prompted him to delve deeper into the general philosophical roots of legal philosophy. What impressed him was the fact that prominent philosophers in the history of philosophy oriented their understanding of the universe to one or another idea of a cosmic world-order. Dooyeweerd explains his terminology as follows:

From the start, I have introduced the Dutch term *wetsidee* (*idea legis*) for the transcendental ground-Idea or basic Idea of philosophy. The best English term corresponding to it seems to be "cosmonomic Idea", since the word "law" used without further specification would evoke a special juridical sense which, of course, cannot be meant here. This term was formed by me, when I was particularly struck by the fact that different systems of ancient, medieval and modern philosophy (like that of Leibniz) *expressly* oriented philosophic thought to the Idea of a divine world-order, which was qualified as *lex naturalis*, *lex aeterna*, *harmonia praestabilita*, etc. (Dooyeweerd, 1997-I:94-95).

The above-mentioned remark of Eloff could have benefited from two works explicitly accounting for the development of Dooyeweerd's thought, written by Henderson (*Illuminating Law, The Construction of Dooyeweerd's philosophy 1918-1928* – it appeared in 1994) and Verburg (*Herman Dooyeweerd, Leven en werk van een Nederlands christen-wysgeer* – published in 1989, an English translation is forthcoming). In addition the intellectual influences on Dooyeweerd's philosophy are investigated in an article by Strauss (2004): *Intellectual influences upon the reformational philosophy of Dooyeweerd*. Without having consulted these analyses Eloff simply claims that Dooyeweerd "in his 'transcendental critique of theoretical thought', [left] these complex origins out of consideration and instead we find the appeal to a particular 'motive force' as the starting point of his philosophy, a motive force, which, according to this very same philosophy is unadulterated by other, apostate forces" (Eloff, 2014:187).

Dooyeweerd does not approach immanence philosophy from an exalted (*ex cathedra*) position claiming a privileged status for his own philosophy because his criticism of humanism should in the first place be understood as *self-criticism*. In the *Foreword* (page viii) of his *A New Critique of Theoretical Thought* Dooyeweerd therefore explicitly states:

In tracking down a philosophical train of thought to its deepest religious foundations I am in no way attacking my adversaries personally, nor am I exalting myself in an *ex cathedra* style. Such misunderstanding of my intention is very distressing to me. An act of passing judgment on the personal religious condition of an adversary would be a kind of human pride which supposes it can exalt itself to God's judgment seat. I have continually laid emphasis on the fact that the philosophy which I have developed, even in the sharp penetrating criticism which it exercises against non-Christian immanence-philosophy, constantly remains within the domain of *principles*. I wish to repudiate any self-satisfied scientific attitude in confronting immanence-philosophy. The detailed criticism of the Humanistic immanence-philosophy in the second part of the first volume, must be understood as self-criticism, as a case which the Christian thinker pleads *with himself*. Unless this fact is understood, the intention of this philosophy has not been comprehended. I should not judge immanence-philosophy so sharply were it not that I myself have gone through it, and have personally experienced its problems. I should not pass such a sharp judgment on the attempts at synthesis between non-Christian philosophy and the Christian truths of faith, had I not lived through the inner tension between the two and personally wrestled through the attempts at synthesis.

Dooyeweerd's argument aims at showing that theoretical thought is only possible on the basis of a transcendental ground idea which forms the *hypothesis* of philosophy (and the special sciences) (see Dooyeweerd, 1997-I:86-88). Yet nowhere in Eloff's argumentation does one find a proper explanation of the difference between ground motive and ground idea in Dooyeweerd's thought or of the way in which Dooyeweerd distinguishes between the terms transcendent and transcendental.

It should be remembered that the e-mail interaction between Eloff and myself occurred *before* he finalized his article. In this conversation I pointed out to him that he has a lack of understanding of what the transcendental critique is all about and how its line of argumentation is structured – a shortcoming still present in his published article. In reaction to the dogma of the autonomy of reason Dooyeweerd, through his transcendental critique, is guided by the two points below (contained in one of my e-mail letters to Eloff, 20-08-2014):

- (i) All scientific thought is controlled by a central ground motive which takes hold of the heart, self-hood or I-ness, as the religious root-unity of human life and which, from this central depth dimension, gives direction to scientific (i.e., theoretical) thought.
- (ii) This direction-giving nature of a ground motive laying claim of the human self-hood, is theoretically brought to expression by means of the transcendental ground idea (cosmonomic idea). The ground motive determines the ground idea directed by it and this ground idea

embodies the *hypothesis* which serves as the theoretical foundation for philosophical thought.

These two points highlight the systematic-structural (and not genetic) aim of the transcendental critique. The first point concerns the transcendent (structural) condition of theoretical thinking and the second one represents the transcendental condition of theoretical thought.

8. Looking back – the upshot of Eloff's article

Given the multiple shortcomings, ambiguities, lack of factual data, non sequitur arguments and in particular, regarding the transcendental critique, confusing the difference between the structural intention of the transcendental critique and its genetic misunderstanding by Eloff, his confusion of the distinctness of structure and direction as well as Derrida's idea of the "institutional presupposition", the attempt of Eloff to find an opening in the genetic idea of the "foundational moment" of Dooyeweerd's philosophy, through which Dooyeweerd supposedly could be linked to Apartheid, did not succeed. He disregarded the interaction we had about the thought of Derrida (see Strauss, 2009:578-589) where Derrida's view of *Law and Justice* is analyzed in detail and where shared convictions between Derrida and Dooyeweerd are highlighted – not to forget the fact that in Derrida 1997 (page 23) we find an appeal to the same philosophical method used by Dooyeweerd (and Einstein), namely the transcendental-empirical method.

There is no single statement in Dooyeweerd's transcendental critique from which anything supporting the Apartheid dispensation could be validly inferred.

Even if Eloff had investigated Dooyeweerd's legal and political philosophy in an attempt to show that his idea of the state entails or supports the assumptions and practice of Apartheid he would have come to a dead end. The reason is that Dooyeweerd's idea of the state and the nature of civil private law and public law reject emphatically any encroachment upon the freedom and equality of its citizens.³⁰

Although Eloff's account of the political views of E.A. Venter and H.J. Strauss is basically correct, it is not properly informed in many respects.³¹ Of the

30 The fact that Eloff did not enter into a discussion of Dooyeweerd's political philosophy makes one wonder why this avenue was not pursued – *Apartheid* after all was instituted as a political system.

31 This issue will be left for another article, since in this one the aim was merely to show that Dooyeweerd's philosophy does not provide a point of entry for the politics of Apartheid.

two main derailing influences on their political theory only one is mentioned explicitly, namely the ideology of a “volk”, a people in the cultural-ethnic sense of the term. The entire colonialist idea of *guardianship* (*voogdyskap*) is left untouched.³²

When the colonialist and *Folk*-ideological elements of their political theory are removed, leaving behind the basic structure of Dooyeweerd’s systematic philosophy, nothing objectionable is left. These elements can be regarded as a *Fremdkörper* (literally a *foreign body*), to use a German expression. This *Fremdkörper* is certainly an aberration, but it did not constitute the “identity” of the department of philosophy at that time.

While the first angle of approach failed (the gateway of the transcendental critique), the second option (attempting to show that Dooyeweerd’s conception of the state provides a point of entry for Apartheid) was not even embarked upon (which in any event was doomed to fail because Dooyeweerd’s idea of the state precludes the negation of civil legal and public legal freedom and equality). Instead genetic ideas from Derrida were sneaked in the discussion without realizing that Dooyeweerd’s transcendental critique has a (non-genetic) structural aim – an example of an *uncritical* external (transcendent) criticism.

All-in-all this leaves us with no grounds for justifying the allegation that the philosophy of Dooyeweerd, through the “perversion of critique” and a “mystical foundation of authority”, supports Apartheid in any way. What Eloff legitimately lifted out in the thought of E.A. Venter and H.J. Strauss are real inconsistencies present in their thought – but they provide no basis for ascribing pro-Apartheid sentiments to Dooyeweerd’s legacy.

32 Another consideration should here be contemplated. Johan van der Vyver (see Van der Vyver, 1982:18-19 for his acceptance of Dooyeweerd’s view of religion) and Dirk du Toit, who respectively criticized Apartheid and contributed to the design of the new Constitution of South Africa, were employing Dooyeweerd’s legal and political philosophy. One can also look at contemporary organizations in the USA and Canada which launched their criticism of societal injustices on the basis of Dooyeweerd’s philosophy, including their constant radical critique of Apartheid. This is the case both with the *Centre for Public Justice* in the USA (key person: James Skillen) and the *Centre for Public Justice* in Canada (key person: Gerald Van der Zande). In 1977 James Skillen, Bob Goudzwaard and Bernie Zylstra visited South Africa as part of their constructive involvement in searching for ways to move towards a just dispensation in South Africa. Dooyeweerd’s rejection of the Apartheid-system (stated in 1950 during his visit to South Africa) and that of his successor, Henk Hommes (articulated during his visit in 1972), are in themselves sufficient to invalidate any attempt to relate Dooyeweerd’s philosophy to Apartheid.

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