

Philosophical Excursus II

Rorty and Lyotard, or about conversation and tragedy

1.

There are many more and less important points of discord between Rorty and Lyotard, there are many differences of fundamental importance for the two philosophers.¹ (Lyotard speaks precisely of a "radical divergence" between them²). One could write a lot about their different attitude towards utopia, liberal democracy, shape, place and role of philosophy in future culture, towards painting and literature, history of philosophy, the man/his work distinction³, different account of the role of particular great philosophers in recent history of philosophy (of Kant in particular) etc. etc. What we are interested here in, though, is mainly one problem and one difference revealing itself through Rortyan disagreement with the Lyotardian idea of "differends". In the statement that the task of philosophy is to "bear witness to differends" (to maintain them and to search for new idioms coined especially for the purpose of expressing them rather than turning them into mere litigations) on Lyotard's part – and, on the other hand, in questioning of any positive role of differends in culture on

¹ I wrote about them in more detail in my Polish book already referred to, *Rorty and Lyotard. In the Labyrinths of Postmodernity*, e.g. in the chapter "The Sign of History (Lyotard, Rorty, Foucault)".

² Jean-François Lyotard, "An Interview" (with Reijen and Veerman), *Theory, Culture and Society*, vol. 5 (1988), p. 304.

³ For instance, on the occasion of the so-called "Heidegger affair". See Lyotard's *Heidegger et 'les juifs'* from the Vienna conference (Wien: Pasagen Verlag, 1990) as well as his book *Heidegger and 'the jews'* (Minneapolis: Minnesota UP, 1991), and, on the other hand, Rorty's dismissive remarks from a review of Farias' book on Heidegger ("Taking Philosophy Seriously") as well as from notes to CIS and PP 2 such as the following: "On the general question of the relation between Heidegger's thought and Nazism, I am not persuaded that is much to be said except that *one of the century's most original thinkers happened to be a pretty nasty character*" (CIS, p. 11, n. 11) – emphasis mine.

Rorty's part, there is probably the crucial difference between them. Let us say by virtue of an introduction the following: if Lyotard says in a discussion with Rorty that "il y a entre Richard Rorty et moi un différend"⁴, then the point is undoubtedly worth being discussed.

Within the "differend" between Lyotard and Rorty (which within detailed discussions in *The Differend. Phrases in Dispute* of the former seems to be too strong a word, the one characterized by emotions of the ongoing controversy between them), I will confine myself to tracing why Rorty does not recognize differends as such, that is to say, to just a part of a larger "differend" between them, but potentially a very important part. For it seems to me that in his inacceptance of differends there is also the pragmatic inacceptance of tragedy (and let us remind here a brief, never-developed remark made by Richard Bernstein: "Rorty's liberal culture seems to be a world in which there is no place for tragedy"⁵). In a pragmaticized world of liberal democracy with a constant, unchangeable, radical and ahistorical separation between the private and the public, there is no place for the tragedy of obligations and duties, the drama of radically different obligations, the tragic choice between one good and another good, each of which is precisely a good rather than a good and an evil. I am discussing the point in more detail in chapters devoted to Rorty's Derrida and about philosophy and politics, let me just try to show here what might possibly mean Lyotard's memorable words that his own "genre de discours" is tragic, while that of Rorty – is conversational.⁶ The "differend" between tragedy and conversation is unavoidable (and therefore Lyotard rhetorically asks about the tribunal which would be able to say which of the two "genres de discours est le plus juste"⁷). Let us turn it in this

⁴ Jean-François Lyotard in: "Discussion entre Jean-François Lyotard et Richard Rorty", *Critique* 456, mai 1985 (Ed. Vincent Descombes, "La Traversée de l'Atlantique"), p. 581.

⁵ Richard Bernstein, "Rorty's Liberal Utopia" in *New Constellations* (Cambridge: the MIT Press, 1989), p. 287.

⁶ Jean-François Lyotard, "Discussion entre Jean-François Lyotard et Richard Rorty", p. 581.

⁷ *Ibidem*, p. 581.

book into one of many perspectives serving to show "European connections" of neopragmatism.

Let us first listen to Rorty from an answer given to Lyotard's text (both texts were pronounced in 1984 at Johns Hopkins University and then published):

In a very interesting and enlightening synthesis of philosophical and political problems, Lyotard suggests that we can see *everything* from the semantic paradoxes of self-reference to anticolonialist struggles in terms of these contrasts [i.e. between "differend" and "litigation" as well as between "damage" and "wrong" – MK]. Using this vocabulary, Lyotard's doubts about universal history can be put by saying that the liberal-pragmatist attempt to see history as the triumph of persuasion over force tries to treat history as a long process of litigation, rather than a sequence of *différends*. My general reply to these doubts is to say that political liberalism amounts to the suggestion that we try to *substitute litigation for différends as far as we can*, and that there is no *a priori* philosophical reason why this attempt must fail, just as (*pace* Christianity, Kant, and Marx) there is no *a priori* reason why it must succeed.⁸

Let us comment briefly on this passage which contains perhaps the very essence of the discord between Rorty and Lyotard discussed here. Rorty tries to turn Lyotard into a kind of old structuralist who imposes on the complicated reality his own grid of two oppositional concepts ("differend"/"litigation") and thinks that he knows answers to all questions ("from the semantic paradoxes of self-reference to anticolonialist struggles"). He associates Lyotard's philosophical project with politics (by clear biographical reference to Algeria) and writes about the "synthesis of philosophical and political problems" to show that Lyotard is a kind of totalist who, which Rorty mentions a bit later in the text –

⁸ Richard Rorty, "Cosmopolitanism without Emancipation: A Reply to Lyotard" in PP 1, p. 217 – emphasis mine.

horrible dictu! – makes use of forbidden, "suspiciously Kantian" terminology, who thinks about philosophical investigations in bad, Kantian, juridical metaphors... Thus Lyotard in Rorty's reading – does not separate philosophy from politics, the first fault; he still thinks in the Kantian way, the second fault, especially considering notoriously negative role played by Kant in all his books, from *Philosophy and the Mirror of Nature* to *Consequences of Pragmatism* to *Contingency, Irony, and Solidarity* (Kant as a founder of the idea of philosophy as a super-science – epistemology; Kant opposed to Hegel; Kant opposed to Freud). And finally, Lyotard in Rorty's view separates himself from reformist, pragmatist liberals – allying with revolutionary philosophers interested only in "radical criticism".⁹ The point is to transform differends into litigations and solve them rather than merely show existing differends. The replacement of force with persuasion and differends with litigations is, according to Rorty, a key to a future free from cruelty. As he says:

The history of humanity will be a universal history just in proportion to the amount of free consensus among human beings which is attained – that is, in proportion to the replacement of force by persuasion, of *différends* by litigations.¹⁰

Lyotard has to oppose this, for he cannot accept the equation between persuasion and convincing (one thing is *persuader*, another thing is *convaincre*). Persuasion is a rhetorical procedure, making use of strategies of rhetoric and dialectic. It is a mental violence. And thus how can one achieve, starting from *la violence mentale* (of which Lyotard says in his discussion with Rorty), the consensus sought by Rorty? How is one to unite achieving a free, unrestricted consensus – with the use of persuasion and rhetorical tricks? How is one to unite a free choice with an imposed redescription? What comes to mind here is Rorty's remark from *Contingency, Irony, and Solidarity* that redescription often

⁹ Ibidem, p. 221.

¹⁰ Ibidem, p. 218.

humiliates... Persuasion in Lyotard's view is force and cannot lead to a free consensus. Lyotard asks Rorty the following:

How a consensus can be free if it was achieved with the help of persuasion? I think that the whole question of imperialism, including mild one – the question of what I would label *Rorty's conversational imperialism* – is right here.¹¹

One could add – mild, conversational imperialism can easily lead to a monologue, especially when the only remarkable voice in a conversation is the voice of a liberal democrat... And it is very wise of Rorty to lead a discussion in his answer to Lyotard's text towards, finally, as he puts it in the last sentence, "our different notions of how politically conscious intellectuals should spend their time".¹² For the question whether one should be a witness, whether one should "bear witness" (to differends, truth, the past) – a *topos* common to moralists, novelists, poets, to refer to Orwell, Miłosz or Zbigniew Herbert – is a question about the intellectuals' self-image. Edward Said, undoubtedly a "committed intellectual", in his 1993 Reith Lectures asks "*the* basic question for the intellectual: how does one speak the truth? What truth? For whom and where?"¹³, and answers somehow with the title of one of his lectures – "Speaking the Truth to Power". That "speaking the truth to power" in a country with strong reformist traditions is doomed to marginalization (hence unheard-of aversion of high-circulation papers like "New York Times" or "Newsweek" to radical theories put forward by Derrida, Foucault, Baudrillard or their followers, manifested strongly, for instance, during the so-called "de Man affair" in the end of the eighties). The situation in France is different, this can become there almost an institution in the way it was in the times of Zola, Sartre and even – functionally at least –

¹¹ Jean-François Lyotard, "Discussion entre Jean-Francois Lyotard et Richard Rorty", p. 582.

¹² Richard Rorty, "Cosmopolitanism without Emancipation: A Reply to Lyotard" in PP 1, p. 222.

¹³ Edward Said, *Representations of the Intellectual* (London: Vintage), 1994, p. 65.

Foucault. As Bernard-Henri Lévy wrote about the (French) intellectual: "He has and must have betrayal in his blood". Reformism or revolution, lifting spirits through utopian fantasies, as Rorty wants – for "We Deweyans have a story to tell about the progress of our species, a story whose later episodes emphasize how things have been getting better in the West during the last few centuries, and which concludes with some suggestions about how they might become better still in the next few"¹⁴ – or, on the other hand, bearing witness to "the unbearable", or "resistance through writing", as Lyotard wants. The difference between them is the difference in seeing their own tasks, different traditions, different obligations. Perhaps in broader terms – looking towards the future on the part of neopragmatism (and "hopes" put in a liberal "utopia" associated with it) and Lyotard's inclination against the past, against (any, even liberal) utopia and utopianism, fearing violence and totalitarianism which in America may sound strange and incomprehensible (for it is a "future-oriented country", as Rorty says). French philosophers are haunted by specters of the bloody past, more and less distant, *mémoire du crime*, which Lyotard merely mentions in his discussion with Rorty. Philosophy, literature, politics in France still remember the regicide of 1792, "we cannot fail to remember that this crime was horrible".¹⁵ American philosophers are rather not haunted by anything with a similar degree of intensity. To close that theme with one sentence - the French look with fear to the past and think what to do so that the past never returned; the American look forward and are bold in inventing social utopias. The difference in attitude between them is clearly shown in Rorty's remark made on the margin of Lyotardian considerations of "signs of history" and *defaillance* of modernity:

From our standpoint, nothing could refute that doctrine [the doctrine of parliamentary liberalism – MK] except some better idea about how to organize society. No

¹⁴ Richard Rorty, "Cosmopolitanism without Emancipation", in PP 1, p. 212.

¹⁵ Jean-François Lyotard, "Discussion entre Jean-Francois Lyotard et Richard Rorty", p. 583.

event – not even Auschwitz – can show that we should cease to work for a given utopia. Only another, more persuasive, utopia, can do that.¹⁶

It is a philosophical creed rather impossible to be maintained from the perspective of European experiences, and this is testified by philosophical and intellectual controversies accompanying the *Historikerstreit* in Germany, *l'affaire Heidegger* in France or violent polemics surrounding the revisions of history suggested by Robert Faurisson (in which Lyotard, Lacoue-Labarthe, Vidal-Naquet and others were engaged). In Europe, since 1789, there were so many tragic events that it is becoming more and more difficult to look with hope to the future in the form of a utopia.¹⁷ It is not to say that America has been just a land of happiness at that time, there is much to be said about that as well.

Rorty explains his differences with French philosophers in a still different way: "Like Lyotard, we want to drop *metanarratives*. Unlike him, we keep on spinning edifying first-order narratives".¹⁸ And what is important in this sentence is not only – visible at first sight – opposition between narratives and metanarratives but also that of mere narratives and edifying narratives. Lyotard – and other postmodern French philosophers – do not construct *edifying* narratives for they do not believe as strongly as Rorty in liberal democracy.¹⁹ What worries Rorty? "Their [French – MK]

¹⁶ Richard Rorty, "Cosmopolitanism without Emancipation" in PP 1, p. 220 - emphasis mine.

¹⁷ Zygmunt Bauman asks in the context of the collapse of communism - how "to live without an alternative?". See *Intimations of Postmodernity* (London: Routledge, 1992).

¹⁸ Richard Rorty, "Cosmopolitanism without Emancipation", PP 1, p. 212.

¹⁹ Lyotard advises Rorty to "revise his too great trust put in democracy, even liberal democracy" ("Discussion", p. 583). Perhaps it might be interesting to show a more, so to speak, philological theme, although the one full of philosophical consequences. In the original version of Rorty's text "Cosmopolitanism without Emancipation", the opening sentence is the following: "In the form John Dewey gave it, pragmatism is designed to be a *philosophical apology for political liberalism* – a way of making social democratic politics *look good*". The French translator from *Critique* (where the text was first published) performed some revisions in the first part of the sentence emphasized by me, and he did not understand the second part of it, perhaps being unaware that for Rorty the most

antiutopianism, their apparent loss of faith in liberal democracy".²⁰ Edifying narratives cannot be built by someone who is antiutopian, but nor can they be built by someone who would see the history of recent centuries as a sequence of (unsolvable) differends rather than a sequence of (always solvable) litigations. Rorty cannot accept Lyotard's account of history – his "signs" in the form of "Auschwitz" or "May '68" – as long as he wants to present it as a permanent, pragmatist progress in the history of humankind; although chance and contingent, nevertheless the one leading in a good direction (and therefore, as Rorty explains in his response to Thomas McCarthy, "we do not need more theory" for the most important conceptual theory has already taken place – and has given us the vocabulary of liberal democracy). Philosophy has to give way here to (liberal) democracy. If Rorty accepted the differend-related account of history, he would lack a moral belief necessary, as it seems, for building edifying stories about the present and constructing utopian visions of the future. Rorty's pragmatism cannot accept the differend, it has to maintain the private/public split, has to "drop the revolutionary rhetoric of emancipation and unmasking in favor of a reformist rhetoric about increased tolerance and decreased suffering".²¹ For Lyotard this is just rhetoric, precisely the rhetoric that gives us *pistis* rather than logic that gives us *episteme*.

Referring to the Rortyan metaphor of language islands on which Frenchmen should invite other philosophers rather than build connections between them and the mainland, Lyotard responds

important strategy is redescription: thus what was left was "le pragmatisme est une sorte de *défense philosophique du libéralisme politique* – une manière de rendre acceptable la politique social démocrate". And, finally, here is the final English version of the passage from *Philosophical Papers*: "... pragmatism is a philosophy tailored to the needs of political liberalism, a way of making political liberalism look good to persons with philosophical tastes". The metamorphoses of a single sentence show the whole range of standpoints in the debate on relations between philosophy and (liberal) politics. See "Cosmopolitanism without Emancipation", p. 1 (a manuscript), "Le Cosmopolitisme sans Emancipation", *Critique*, op. cit., p. 569, "Cosmopolitanism without Emancipation" in PP 1, p. 211 (emphasis mine)

²⁰ Richard Rorty, "Cosmopolitanism without Emancipation", in PP 1, p. 220.

²¹ *Ibidem*, p. 213.

in his recent *Moralités postmodernes* that "guarding our [= French – MK] archipelagos seems to be a wiser attitude". The mainland is not desirable because it is occupied by *l'Empire de la méta-conversation* (which unmistakably directs our attention towards Lyotard's discussions from *Le Mur du Pacifique* devoted to American Empire and its European provinces), the empire – among other things – of Rortyan metaconversation²² – which does not notice heterogeneity and incommensurability of various genres of discourse – e.g. ethics, aesthetics, politics, knowing. "Conversational" Rorty and "tragic" Lyotard speak radically different languages, there is no tribunal to judge which way of thinking is more *just* (and that is Lyotard's perspective in his discussion with Rorty). According to Lyotard, there is a differend between them. Rorty cannot accept differends as the very idea of a differend cannot find its place in pragmatic account of practising philosophy in which the most important features are persuasion and rhetoric. It is important to bear this in mind reading another "context" of Rorty's philosophy in its European entanglements. Reading Lyotard and his thinking about the differend (which is *tragique* in his own words), it is worth while thinking about Rorty and his permanent doubts. As in any differend (if it really were to be one), the choice is only in an idiom of one of the two sides. It is worth while tracing – in the manner of thinking through the relations between the aforementioned mainland and surrounding islands – what remains out of the constellation of possible questions asked in neopragmatism. So let us listen to Lyotard for a moment, remembering about Rorty's connections. Let us start in a very general way.

2.

One can get the impression that the postmodern thought – together with the whole world of postmodernity that surrounds us – has been stripped of the tragic, being "flattened" or

²² Jean-François Lyotard, *Moralités postmodernes*, "Un partenaire bizarre" (Paris: Galilée, 1993), pp. 130, 130.

"de-dramatized"²³. Postmodernists are often reproached for depriving their world of insoluble conflicts, of contradictions, for making it simple and comprehensible. (Richard Rorty may serve as a paradigmatic object of criticism that goes along these lines, perhaps not without some reason). The tragic is supposed to have disappeared from philosophy together with the arrival of the existentialist absurd and to have never come back, the world is supposed to have lost for ever its apocalyptic dimension... And yet, despite diagnoses and enunciations critical to postmodernism, one can show such points in postmodern reflection in which there may be the (irreducible) tragic, whose dramatics strikes as if the world had not been totally disenchanted of *katharsis* yet... Let us consider in virtue of an example the philosophical thought of Jean-François Lyotard.

In order to be able to discuss the possibility of "the tragic" in today's world, let me do two things at the same time in the present part of the excursus: first, I would like to present briefly the Lyotardian project of the differend (*le différend*) presented in his most significant – as he admits himself – philosophical work, entitled precisely *Le Différend* and, second, I would like to present a particular application of the project to a more than literary conflict of two reasons from *Antigone* (that of Antigone and of Creon, obviously). The task seems not to be easy and requires division of one's attention between two parallel planes of argumentation as well as some prudence because Lyotard does not provide any typical tools for analysis, not to mention a ready-to-use "method".

²³ The impression of "de-dramatization" of the world is especially evident while reading the texts of Baudrillard and Bauman. In Baudrillardian *la société de consommation* the citizen – i.e. primarily the consumer – is subjected to "constraint" of happiness and pleasure. He simply, as Baudrillard says, "has no right not to be happy", otherwise he becomes "asocial" (Jean Baudrillard, *Selected Writings*, ed. M. Poster, Oxford: Polity Press, 1988, p.48). In Bauman's postmodern world there is no determination – nor chance or contingency, the world of games "offers neither certainty nor despair; only the joy of a right move and the grief of a failed one" (Zygmunt Bauman, *Mortality, Immortality and Other Life Strategies*, Oxford: Polity Press, 1992, p.187). The world of games and moves, without contingency – thus without responsibility and ethical choices – is the world that we cannot see around us and, besides, it is in our view the world of deadly boredom...

The present piece has been born out of the search of a non-philosophical exemplification of a philosophical proposal in question that I strongly lacked in Lyotard's writings. I have the impression that mutual – and simultaneous – illumination and interpenetration of both – literary and philosophical – threads might lead to better elucidation of philosophical content of the Lyotardian *oeuvre*. That will be, let us admit contritely at the very beginning, a work of the Lévi-Straussian *bricoleur*, a philosophical tinker who unites discourses of (Greek) literature and (postmodern, as well as Hegelian) philosophy, mixes together different epochs, crosses borders of cultures and genres. One could question the legitimacy of such collage-like procedures but we think them to be justified by the conviction that what is at stake is not *one* truth about Sophocles or about Hegel (nor that of Antigone or Socrates) as – within today's horizon- there are no such truths. What is at stake is rather recontextualization, as Richard Rorty might like to say, locating an old, almost mythical question of judging Antigone's reasons and Creon's reasons within a new context imposed by the postmodern aura.

Let us begin with *Le Différend*, though. The book consists of 264 philosophical fragments grouped in seven parts which cover the problematic of the differend, the referent and the Name, presentation, result (*Resultat* of thinking), obligation, genres and norms as well as the signs of history, interspersed with "dense" and extremely erudite commentaries (*notices*) which refer to Protagoras, Gorgias, Plato, Antisthenes, Aristotle, together with Kant, Hegel and Lévinas. Besides, a commentary is devoted to Gertrude Stein's writings, another one to Declaration of 1789 and, finally, still another one to a tribe of Cashinahua Indians that appears in many Lyotard's writings. The proper text is preceded by a text entitled *Fiche de lecture* – a partially ironic, partially parodic "summary", so to speak, of the whole work which will allow the reader, "if the fancy grabs him or her, to 'talk about the book' without having read it"²⁴ within an epoch one of chief features of

²⁴ Jean-François Lyotard, *Le Différend*, Minuit 1983 (English translation by Georges Van Den Abbeele as *The Differend. Phrases in Dispute*, Manchester: Manchester UP, 1988, hereafter references will be included in the text as LD, followed either by a page number or a paragraph number; LD, p.13.

which is "gaining time". That *dossier* which precedes the proper philosophical notebook of sketches (which *Le Différend* undoubtedly is) in itself deserves a moment of our attention. It describes or explains e.g. the title of the book, its object, thesis, philosophical context, as well as its reader, presenting a parody of a certain style of reading (not only philosophy). The situation a reader faces is seemingly strange – an author *himself* presents a (conceptual) summary of his book, so that a reader will know – with paralyzing certainty – "what is at stake" in it. He will master the book intellectually even before he has actually approached it. So it may turn out that the very act of reading will become just a "waste of time" (Lyotard remarks sadly that "reflection is not thrust aside today because it is dangerous or upsetting, but simply because it is a waste of time. It is 'good for nothing', it is not good for gaining time. For success is gaining time", LD, p. xv). Reading takes too much time if one can get the "contents" or the "message" of a book in the form of a ready extract.²⁵ And yet – as a reader should be "a philosophical one, that is, anybody" (LD, p. xiv) – Lyotard parodies such reading that performs merely a conceptual reduction, which reduces comprehension of a work to "possessing" its meaning. For reading (like judging) should be directed towards *singularity* of a text (of an event). Thus just as judging in Lyotard's account assumes the anti-universalistic shape of judging a particular event on the basis of – individual – criteria forged for it, it may also be the case that reading is a process of listening to a text in search of its peculiarities, its uniqueness (precisely therefore this *sensibilité à la singularité du cas*,²⁶ sensibility to singularity of a case, is necessary) rather than a process of reducing a text to its "meaning" in familiar concepts.²⁷ And perhaps the Preface to *The Differend* is supposed to serve just this function of expressing Lyotard's disgust with such reading

²⁵ Bill Readings, *Introducing Lyotard* (London: Routledge, 1991), p. xix.

²⁶ Jean-François Lyotard, *Pérégrinations. Loi, forme, événement* (Editions Galilée, 1990), p. 26.

²⁷ Bill Readings, *Introducing Lyotard*, p. xix. As it is worth while noting that it was already in *La condition postmoderne* that Lyotard wrote that "work and text have the characters of an *event*". *The Postmodern Condition* (Manchester: Manchester UP, 1984), p.81.

of philosophical texts and to make us sensitive to *quid* (that something is happening) rather than to *quod* (what is happening). The introduction in inverted commas says that "the time has come to philosophize" – to philosophize, let us add, without dreams of *telos*, without designing vast, utopian social "emancipatory" visions and, finally, to philosophize in narratives rather than in intellectual and abstract theories, to be "pagan", to "bear witness to differends" and to "save the honour of thinking" which, as he writes in his autobiographical *Pérégrinations*, requires "much subtlety (*finesse*) in the perception of small differences".²⁸

Let us begin to approach the Lyotardian conception of a differend, partially quoting and partially paraphrasing some of the most important passages. Lyotard says at the very beginning that "as distinguished from a litigation, a differend would be a case of conflict, between (at least) two parties, that cannot be equitably resolved for lack of a rule of judgement applicable to both arguments. One side's legitimacy does not imply the other's lack of legitimacy. However, applying a single rule of judgement to both in order to settle their differend as though it were merely a litigation would wrong (at least) one of them (and both of them if neither side admits this rule)" (LD, p. xi). A wrong that results in such a case comes from the fact that rules of the genre of discourse on the basis of which judging takes place are not rules of a genre or genres of discourse being judged. Thus a wrong – to use Lyotard's words – is a "damage accompanied by the loss of means to prove the damage" (LD, 7). This is the case if the victim is deprived of life, of his or her liberties, of freedom to express public opinions or – to put it in the simplest way – when a sentence which bears witness to a wrong is (structurally) devoid of any meaning. In a word, a victim is deprived of the possibility to disclose his or her knowledge about a wrong to anyone else, including the tribunal before which it might be judged. The difference between a plaintiff and a victim is the following: a plaintiff is someone who has suffered damage and possesses means to prove it; he becomes a victim when *presenting a wrong* – expressing suffering – is *impossible*. The pair of plaintiff/litigation is symmetrical with the pair of victim/differend: a litigation becomes a differend when a

²⁸ Jean-François Lyotard, *Pérégrinations*, p. 41.

plaintiff is divested of the means to argue – when he or she is forced to remain silent – and becomes for that reason a victim (let us mention e.g. the case in which an author of damages is then a judge of them). "A case of a differend between parties takes place when the 'regulation' of the conflict that opposes them is done *in the idiom of one of the parties* while the wrong suffered by the other is not signified in that idiom", says Lyotard (LD, 12). To bear witness to a differend – as this is as much as the philosopher can dare according to Lyotard – is to create the possibility of expressing a wrong. What is needed is a new idiom, new "prudence" (*phronesis*). Philosophers, seeing that not everything can be held in sentences – that certain sentences exceed the existing discourse, should "institute idioms which do not yet exist" (LD, 23). If a victim could phrase the wrong it suffers – could present it to a tribunal to be judged – he or she would merely be a plaintiff as there would be no structure within which he or she could be forced to keep silence. A paradigm of a victim is – for obvious reasons – an animal.²⁹

3.

The event (*occurrence, événement*) is a radically singular occurrence which for this reason cannot be *presented* within a framework of some general narrative without the loss of its singularity.³⁰ Writing after an event – that is to say, linking phrases (*phrases*) to it, should express its singularity: Lyotard's question

²⁹ Richard Rorty wrote about the impossibility of existence of the "language of victims" – of the idiom that Lyotard searches – while analysing Orwell's work in CIS. Rorty is obviously right if we take into consideration the time which accompanies victims' wrong but he is wrong if we realize that a "victim himself" is not capable of phrasing his wrong. What is needed is an idiom to be forged later, a new representational framework in which (as in a new horizon of sense) a wrong will appear precisely as a wrong rather than as a damage. The Foucault – Derrida conflict about the *Madness and Civilisation* was just about that: can one "give voice back to those deprived of it", without reinforcing the power of voice over silence, the power of rationality over madness. To give voice to madness itself makes the book "impossible", as Derrida states in "Cogito and the History of Madness" (in *Writing and Difference*, Chicago: Chicago UP, 1978), as madness is *l'absence de l'oeuvre*.

³⁰ As Bill Readings says about Auschwitz: "the event is the occurrence after which nothing will ever be the same again", op. cit., p. 57.

appearing throughout the book about the differend is that of Theodor W. Adorno: "how to philosophize 'after Auschwitz'?" and he gives it a new meaning – namely, how to responsibly (ethically?) link phrases about unrepresentable horror of the death camp without presenting this horror at the same time? Other events which are often "signs of history" are, for instance, the French Revolution (whose significance as *Begebenheit* Kant immediately perceived in his *The Conflict of the Faculties*) or May '68, and looking back towards more distant past – let us add from ourselves as that will be necessary for a further analysis – gradual separation of ethics and politics in the times of, as Hegel puts it summarily in *Phenomenology*, "stoicism, scepticism and the unhappy consciousness".

Antigone and Creon were literary witnesses of this Lyotardian in spirit (although, as a matter of fact, imposed upon him by the author of the present essay, which is worth being kept in mind) *événement*. On the one side in this conflict there is the "law of shadows"- relentless necessity to bury brother's body, on the other side there is the law of a "bright day" (as Hegel calls them)³¹ which does not allow to entomb a traitor. In *Antigone* there is a clash of two orders -that of a family, of blood ties and obligations of kinship, and that of a citizen. Divine law is not commensurable with human law. Hegel says that an "acting consciousness can negate neither that it has committed a crime, nor can it negate its fault". The situation of Antigone is "a tragic collision between a duty and lawless reality".

There is no possibility of finding a common language, Antigone and Creon seem not so much to be in an opposition as rather to be incommensurably, radically different because they express two different worlds: a primitive world of ethical unity and a new world of separated ethics and politics.³² Their linguistic games remain

³¹ G.W.F. Hegel, *Phenomenology of Mind*, vol. II, the analysis from the chapter "True Mind. Objective Ethics (*Sittlichkeit*)" (in the Polish translation pp. 5-52).

³² It is one of many possible interpretations of *Antigone*, worth mentioning at least due to its persistent presence in the culture of modern Europe. Antigone – like sophists and Socrates – witnesses the destruction of the ancient *polis*, the disintegration of the Aristotelian household (*oikos*) into morality on the one hand and the Roman law on the other. The two aspects of the disintegration in question

mutually untranslatable, there is no possibility of finding *common* criteria of judgement which could be accepted by both sides of that differend. The acceptance of a perspective (language – criteria – laws) of one of the sides irresistibly gives birth to a wrong on the other side, as we know from Lyotard's analyses. It is a differend of opposite reasons every one of which – within a framework of *its own* linguistic game – would be an acceptable reason. But united together in the figures of *Antigone*, they begin a deadly differend.³³

The tragic which appears – excellently perceived and exposed by Hegel – consists in both Creon's and Antigone's being right. There is no *good way out* of thereby created differend: Antigone's wrong is accompanied by the said lack of means to prove it (in Creon's world of separated ethical and political orders, of a private sphere separated from public space), whereas in an opposite case a violation of public sphere (unavenged treason, a posthumous fate of a traitor of homeland being the same as that of its defender) would require to be phrased and actually could not be presented in an incommensurable world of blood ties in which – still – Antigone lives.

It seems to be a classical case of a differend (rather than a litigation) in Lyotard's sense of the term. Why would not it be a litigation? Because there is no common discourse, even common "we" shared by both sides. There is no instance judging "reasons"

are dealt with in two Hegelian masterpieces: *Phenomenology of Mind* and *Philosophy of Right*. When the split of ethics and politics was started in stoicism, at the same time man ceased to be *only a citizen*, he started to belong to two orders, a moral and a political one. It was for the first time in human history that "private man opposes particularities of his own needs to common life, society and the state" (p. 63). The Roman citizen no longer fights – he has to work for himself as a private owner, for money and property. Instead of "constantly waging prestigious wars" (i.e. wars for respect), as Alexandre Kojève says, he for the first time becomes an individual, accepting simultaneously ideologies of his slaves – stoicism, scepticism and Christianity. On the radical split between ethics and politics in stoicism see J.-M. Palmier, *Hegel* (Editions Universitaire, Paris 1968), pp. 59-63; Charles Taylor, *Hegel* (Cambridge: Cambridge UP, 1975), pp. 157-161 and A. Kojève, *Introduction to the Reading of Hegel* (Ithaca: Cornell UP, 1968).

³³ For us today it is a "conflict of values", while Antigone at her time was certain of being "totally right", says Charles Taylor, p. 175.

of both sides acceptable by them. The conflict cannot be resolved without making use of the language (the whole world) of one of the two sides, and it is for this reason that it is not a case of a litigation. What is needed for a litigation is just a code, laws, judges – and an accepted (be it even after making an appeal) sentence. In the case of a differend there is no such a possibility. Choosing the universe of one of the sides, we are "doing wrong" to the other one, we deprive it of the right of defence in a neutral vocabulary of an uncommitted judge.

Antigone and Creon speak *radically different languages* and their conflict of reasons cannot be expressed in any of them without doing "injustice", without prejudging, by means of the idiom used, which of the two sides is "right". (Either we speak the language of a premodern unsocialized world – and then Creon turns out to be a tyrant who illogically insists on an incomprehensible law, or we speak the language of a modern, i.e. socialized world in which Antigone, let us beg the reader's pardon in advance, turns out to be a hysterical neurotic, additionally driven by the will to death).

Let us stop for a while by certain classical accounts of the tragic. Max Scheler, for instance, as his commentators stress, assumed as the first after Aristotle that the tragic is a category of life rather than of art - that is to say, that it is aesthetic rather than ethical (He said: "the tragic is rather an element of life itself"³⁴). So in order to be able to talk about the possibility of a "tragic differend" in Lyotard, we have to first follow Scheler's paths of understanding the tragic - as the Aristotelian definition saying that the tragic is what "bears compassion and fear" will not be of any use for us here. In the most general terms, a tragic world, according to Scheler, requires values because: "In the world deprived of values ... there is no tragedy".³⁵ Only such a conflict can be tragic which arises between subjects possessing some high positive value – for instance between highly ethical individuals. Not only both sides of the conflict "are right", but also each of the individuals taking part in it "represents equally sublime law – as he says – or seems to have and to fulfil equally sublime duty". In everything that is tragic there

³⁴ Max Scheler, "On the Phenomenon of the Tragic", Lwów, 1938, p. 51.

³⁵ *Ibidem*, p. 58.

is necessity and *unavoidability* of the destruction of values. (It is therefore, let us add, that the "differend" between Antigone and Creon is tragic in the sense suggested here, but a classical example of *différend* shown by Lyotard, Auschwitz, is not tragic unless in the abandoned by us sense of the Aristotelian *katharsis*, compassion and fear). There is also no tragedy in the case when one is capable of answering clearly the question: "who is to be blamed?". What belongs both to the essence of the Lyotardian differend, as well as to the essence of tragic conflict in Max Scheler's account is that "even an ideal, the wisest and the most just judge is not able to soften or heal it". Since what the Lyotardian judge lacks are universal criteria, he still has to forge them for a particular case. Just as in Scheler's view a conflict which can still be ethically or legally solved is not tragic, in Lyotard's view the conflict at stake would not be a differend, but merely a litigation. Let us also add here that Scheler to a large extent bases his analysis of the phenomenon of the tragic on the classical Hegel's intuitions. Although the name of the latter, just as these of Antigone and Socrates, does not occur in his study, nevertheless one can feel all the time while reading it a subterraneous, unrevealing course of the Hegelian reflection.

We can say that our world – postmodern world – still looks at Antigone with the eyes (and analyzes with the language) of Creon. Thus to apply our criteria – just like to apply his criteria – would make Antigone a Lyotardian "victim" (as she would not have any possibility of demonstrating her wrong which is incomprehensible and reasonably inexpressible out of the context of the idiom of ancient myths about Hades and obligations of blood). To apply them would bear injustice.

So we might be allowed to look at this classical conflict with different eyes (which, obviously, do not exist, and which is precisely why differends remain for ever unsolvable) – not in order to resolve them but to add our thoughts about these times – to link our sentences (*phrases*) to the existing ones, to think *after* Sophocles and *after* Lyotard – forming an idiom which would "save the honour of thinking", as the latter puts it. As what is at stake is to phrase or express a differend rather than to resolve it because a differend – contrary to a litigation – must remain open.

Its solution transforms a differend into a mere litigation, depriving it of its specific character. When a differend becomes a litigation, one of the sides (and sometimes two of them, or all of them) becomes a victim. Its wrong cannot be expressed, put in phrases, it subsides into silence. Lyotard does not identify himself with an (ideological, theoretical and always conceptualizing) "intellectual", perhaps best described in his *Tombeau de l'intellectuel et autres papiers*: he is a "philosopher" whose "responsibility before thought – as he says – consists ... in detecting differends and in finding the (impossible) idiom for phrasing them" (LD, p.142). The intellectual smoothes a violent surface of social life, helps to forget about the existence of differends, first transforming them into litigations and then resolving.

4.

A differend always occurs between two (incommensurable) language games, two little narratives – as what results from incommensurability, a radical difference, is the impossibility to find and to apply common criteria to pass a judgement. The existing criteria, well settled, fixed and obligatory representational frameworks do not suffice to judge a difference unless one wants to reduce or repress it, annihilate it, make it keep silent. The difference at stake – a differend – cannot be phrased at a given moment. It is only later, within a framework of new representational rules, that one can try to show it in a new idiom formed particularly for that case (just as the singularity of Auschwitz disappears the moment it is not regarded – following Adorno – as a breach in a speculative discourse of reality and rationality: it is then merely one among many atrocities).

In Lyotard's view the task of art, philosophy or aesthetics in our (post-metaphysical and post-metanarrative) postmodern epoch is, as a matter of fact, detecting, bringing to light and bearing witness to all differends with one aim: to resist injustice which "deprives of voice those who cannot speak the language of the master".³⁶

³⁶ As Readings puts it in *op.cit.*, p. xxx.

Antigone is bound to lose (although it is worth bearing in mind that the chorus takes her side in the play). Her world no longer exists. A homogeneous unity of the private and the public, of the man and the citizen, is already a thing of a past. The "differend" finds here no other solution than a tragic one. Oedipus' daughter is not able to prove that her conduct is right; in a new world of split obligations it is Creon who has a reason, evidence before a possible tribunal and, finally, power at his disposal. It is Creon who – let us add – neither is a tyrant nor destroys a weak individual in the name of utopian reasons or pathological ambitions, but who is just a legalist in the world of politics. Although in the end he gives up and changes his mind (not without the influence of Teiresias' prophecies), it is too late anyway. The last act of the tragedy is completed. As the mechanism of "wrong" has been set in motion. The tragic event, death, happens. We feel compassion for Antigone but also Creon is not a less tragic, not a less split hero.

It is another time that the two orders (Lyotard would say: genres of a discourse) that have just been separated from each other: ethics and politics, turn out to be incommensurable, take opposite sides after the destruction of *oikos*; one has to bear in mind, at the same time, that every attempt to unite them once again – when "power" belongs to "virtue", as Hegel says in *Phenomenology*, as Jacobins and Bolsheviks had wanted – gives birth to terror (and then heads go down like "cabbage-heads"). It looked some time ago as if philosophy might be an adjudicating tribunal in controversial cases. Today it is a more and more common view that also philosophy is just one of genres of a discourse, a philosopher being merely "a kind of writer" (and philosophy being "a kind of writing", as Rorty once provocatively wrote).

The conflict of Antigone's and Creon's opposite reasons becomes in our account a "differend" of incommensurable orders. Could one say – non-historically, so to speak – who "was right" in the differend? One could not do that, I suppose, without privileging one of the sides, that is to say, without doing wrong to the other. The classical opposition: *either* Antigone, *or* Creon, either obligations of blood, or public obligations, cannot be maintained (as we leave aside here the interpretation starting from the choice made by Antigone herself, at stake being placing of two worlds

side by side rather than dealing with the psychology of the heroine). Is there a good "resolution" from such a perspective?

Perhaps one could "write narratives", "build micrologies" after what had happened in *Antigone*. Lyotard says: "let us wage a war on totality", "let us activate differends" – not so that we could confront an old totality with a new one or so that we could "resolve" differends (unsolvable without a "wrong"), but so that we could know something new, say something which cannot be phrased in the case of a homogeneous paradigm of the human nature. Perhaps the following could be stated: it is impossible to adjudicate Creon's "reasons" and Antigone's "reasons" within a classical account of the humanistic whole which bears the collective name of "man". Creon and Antigone – pushing the differences between them to perhaps grotesque extremities – come from different cultures, different worlds which remain "impenetrable" to each other (i.e. they do not share much in common as "people"). There is not any *God's eye view* which would allow a super-cultural analysis and super-cultural adjudication of both "reasons". There is no cultural translation.³⁷ Cultural differences cannot be abandoned in some "objective" gaze of the uncommitted researcher or judge. The world of Antigone, her culture (like pre-Socratic world and culture) do not exist, just as they did not exist in the literary space governed by Creon. Although they did share a common (Greek) language, the universes built upon it were incommensurable and untranslatable, mutually incommunicable. Antigone was *right* in her own world, Creon was

³⁷ A similar argumentative course is taken by Bill Readings somewhere else – in his analysis of Werner Herzog's film "Where Green Ants Dream": for Aborigines from whom the Whites want to buy land the place at stake is a wholly one. The formers' language is untranslatable in the language of the court, heterogeneous with respect to the language of law. Their identity as "men" would be imposed on them (See "Pagans, Perverts or Primitives? Experimental Justice in the Empire of Capital" in: *Judging Lyotard*, ed. A. Benjamin, London: Routledge, 1992). There is no common, shared "human nature" – says Rorty in CIS, personality being a "web of contingent beliefs and desires". There is no common "we" for Antigone and for Creon, just as there is no common "we" for Aborigines and Westerners (Readings), Cashinahua Indians and Europeans (Lyotard) or Serbs and Americans (Richard Rorty, "Human Rights, Rationality and Sentimentality", typescript).

right in his own. But none of them could rely upon a just judgement of a super-cultural judge. Their "differend" could be resolved by Gods only, man entangled in his culture – in *Antigone* paradoxically still coexisting in the same time and in the same place – could not do that. The world of the "divine law" and that of the "human law" according to Hegel's *Phenomenology* are the two worlds of two different (contradictory) forms of objective ethics (*Sittlichkeit*): a family and the state. To follow the duties of one law results in the revenge of the other law. The other, opposite ethical power brings about destruction. In *le différend* from Sophocle's *Antigone* a pre-modern or ancient world and a modern world face each other, two different ethical orders confront each other, one of them basing itself on irrational power of kinship, the other on newly opened political space. Neither Creon nor Antigone could surrender – they acted within frameworks of rationalities of their own worlds.

5.

It is also the death of Socrates that Hegel describes in a similar tone. Death in the sense that someone is dying is not tragic in his view, it can be merely sad. Real tragedy occurs only – he explains - where there are ethical forces on both sides and they collide with each other. In Socrates' fate the tragedy of Athens, the tragedy of Greece were exposed. We have here two forces which confront each other. One of them is the divine law, a naive, traditional custom. The other principle is an equally divine law of consciousness, the right of knowledge (of subjective freedom); it is the fruit from the tree of knowledge of good and evil, i.e. reason. These two principles clashed in Socrates' life and philosophy. Let us add to that the Hegelian saying from his *Lectures on the History of Philosophy* that "tragedies in which tyrants and innocent men play are flat, they are empty and irrational to a highest degree. The great man wants to be guilty, he takes up a great conflict". Antigone frightens us with her drive to death much more than rational Socrates does. It seems to me that while Socrates had to die because the world of Ancient Greece could not tolerate a subjective will to knowledge yet, Antigone meets her failure

because modern world of split ethics and politics could *no longer* tolerate a subjective will to live in that old world which Hegel used to call a "political world of art" and which had just collapsed. And just as it was Athenians' *duty* to condemn Socrates, it was also Creon's *duty* to condemn Antigone. They both resist the existing order; Socrates in the name of (still unrecognized by Athenian prosecutors) future, Antigone – in the name of (scarcely buried) past. Socrates wished individual freedom, freedom of an individual who would not be saturated with the state – he put morality before objective ethics (*Sittlichkeit*) and he was bound to lose. Antigone wished the right to close a human being in (no longer available) totality of man-citizen. They are both innocent, but nevertheless so guilty in their innocence. Innocent expressing a yet undiscovered (Socrates) or an already rejected (Antigone) principle, guilty – destroying the only principles existing. The conflict of misunderstood by their own time figures of Antigone and Socrates has much in common with *le différend*.

Max Scheler discussing the "tragedy of a noble man" once again reaches for a figure of Socrates, or rather to such an image of him that had been formed by Hegelian analyses. And although neither of the names is mentioned there, it seems that behind the generalization in question is precisely that Hegel's example. Thus "a noble man" – Scheler says – has to break 'moral law' or whatever can be a 'commandment' in the domain of morality. *Actually without guilt, he necessarily has to appear to be 'guilty'*. At the same time a crowd of prosecutors "with clear conscience" fulfils their "bounden duty". The tragic is born from the fact that prosecutors cannot be condemned on "ethical" grounds. A tragic hero does not have to differ from a criminal in the eyes of his epoch. Moreover, he may even die as a criminal... Let us quote here *in extenso* that moving passage: "A tragic man steps his way among his 'contemporaries' calmly and without renown. He walks around unrecognized by the crowd; if he is not seen by people as a criminal. *Lack of an instance* which would draw a distinction between the former and the latter is not here *casual, but necessary*".³⁸ We can do justice to a tragic, lonely hero only in a

³⁸ Max Scheler, p. 90, 91 – emphasis mine.

different epoch – just like in the case of idioms coined by Lyotard which "save (often after a long time) the honour of thinking". At present that "lack of an instance" is exactly "necessary" – a judgement devoid of a "wrong" will be passed only by the future. A tragic hero is not to be blamed for his "guilt", he is caught in it, says Scheler. It is guilt that comes to him, not the reverse. Antigone and Socrates are tragic with a different kind of the tragic...

Both Antigone and Socrates suffer wrong in the Lyotardian sense of the term. But in the existing (and obligatory) language their wrong *cannot be phrased*. The Athenian prosecutors, similarly to Creon, act in a just manner in every respect. Socrates' too early language game as well as Antigone's too late language game are reduced to silence, remain unrealized, incomprehensible. The two heroes do not appear in the times proper to them. Socrates and Athenians, Antigone and Creon - these are differends between one law and another law, each of them being precisely a law rather than lawlessness (and therefore their individual fate is a tragic one). Hegel says about Socrates that he is a "hero who consciously recognized and expressed a higher principle of spirit", that yet unaccented individuality. Antigone, on the other hand, was late with her law, she expressed the principle which had just been overcome by the constantly changing world. While Socrates was a "historical hero" who was defeated as an individual but the principle discovered by whom succeeded – because it was used by the "cunning of reason", Antigone was merely "manure" of history... She was not given a posthumous satisfaction that Socrates was given, her death was a death in vain, a death that could not change the course of history (although it still was an example of *Belle mort*, beautiful death, which was later refused to prisoners in Auschwitz dying – as Adorno wrote – "as specimens".³⁹

³⁹ Theodor W. Adorno said in *Negative Dialectics*: "The fact that in death camps died the specimen rather than the individual cannot not pertain to dying of those who have avoided these administrative means" (Polish translation, p. 508). It is from here that the Adornian "drastic guilt of the saved" comes...

6.

The Lyotardian conception of the differend allows one to take into consideration the question of an entanglement of two orders: private and public, in all its dramaticity and irresolvability. The solution put forward by Richard Rorty – strangeness of "solidarity" and "self-creation", their "incommensurability" – makes disappear the aura of tragedy which accompanies human choices from the highest existential registers (one could simply ask whether it is not the case that he "flattens" in his conception what cannot be "de-dramatized" if only tragedy should be inscribed in human fate). What Rorty would suggest? How would he solve our conflict of tragic reasons – perhaps he might take the course of avoiding it as one of those age-old and never-solvable *perennial problems of philosophy*? In other words, *can* a self-creating, Rortyan "liberal ironist" be a tragic figure in the sense given to the term here or perhaps the tragedy has been taken away from him with a radical pragmatic gesture? Can fantasies, idiosyncrasies, singular and unique – Lyotard's *singulier* – philosophical idioms (as Rorty would like to see Derrida from *La carte postale*, *Limited Inc.* and *Glas*⁴⁰) ever lead to a situation of the tragic, existential choice? It seems to us that the answer has to be in the negative as dramatic Pascal's struggles from *Thoughts*, Kierkegaard's from *Fear and Trembling*, not to mention Nietzsche, Shestov or Camus, cannot be heard in Rorty. Tragedy – inscribed in the human condition by "existentialist", to use the broadest term, thinking – seems to be

⁴⁰ The most fervent defender of Derrida against his "pramaticization" by Rorty is probably Christopher Norris: starting with arguments of the kind of – "Rorty has no time for Derrida's more detailed or complex passages of textual argumentation" (in *Derrida*, Harvard UP, 1989, p.150), through a sophisticated argumentation that it is precisely Rorty who is responsible for and lies at the basis of Habermas' misunderstanding of Derrida in *The Philosophical Discourse of Modernity* ("Deconstruction, Postmodernism and Philosophy" in: *Derrida: A Critical Reader*, Oxford: Blackwell 1992, pp. 171-3) to his continuous philippics in almost every essay from *What's Wrong with Postmodernism* (Baltimore: Johns Hopkins UP, 1990). A question appears whether Norris is not such a "authorized depository of truth" about Derrida as Searle is of Austin – which Derrida so masterfully deconstructs in *Limited Inc. a b c...* (Evanston: Northwestern UP, 1988, pp. 29-110).

absent there.⁴¹ While Lyotard had in mind detecting differends, Rorty in a polemic with him in *Philosophical Papers* would like to repress them, to replace differends with litigations, according to a more general idea of replacing force with persuasion. But that seems to be an option of political liberalism rather than a philosophical choice – an example of this title "priority of democracy to philosophy" in another essay.⁴²

Thus the question asked at the beginning whether postmodernism in philosophy really deprives human fate, culture, world - of the tragic, the dramatic, apocalypticism, ability to choose or just, as Zygmunt Bauman wants somewhere else, bears "existential insecurity – ontological contingency of being"⁴³ – divides in a multitude of questions, as many of them, to be exact, as many there are these "postmodernisms". It seems to be problematic whether in Rorty's world of "contingency" there is some room left for the drama of human fate. It seems possible to solve (overcome, avoid, repress) most contradictions according to him, to flatten the tragic of existential conflicts of reasons, take away from drama its horror, in a word – to "de-dramatize the world". But in Lyotard that is not the case, at least in Lyotard of his conception of *le différend*.⁴⁴

⁴¹ The significance of the private-public distinction in Rorty's philosophy is testified e.g. by his (as autobiographical as *Pérégrinations...* for Lyotard) text "Trotsky and the Wild Orchids". It was only after forty years of struggles – in *Contingency...* – that he realized that the two perspectives: that of solidarity and that of self-creation, cannot be united: it is impossible to unite "Trotsky" ("fight with social injustice") with "wild orchids" ("socially useless flowers"). Rorty says that it was only when he was writing *Contingency...* that he solved the problem: "[T]here is no need to weave one's personal equivalent of Trotsky and one's personal equivalent of my wild orchids together. Rather, one should try to abjure the temptation to tie one's moral responsibilities to other people with one's relations to whatever idiosyncratic things or persons one is obsessed with" (p.147).

⁴² Richard Rorty, "Cosmopolitanism Without Emancipation" in PP 1, pp. 217, 218.

⁴³ See Zygmunt Bauman, *Intimations of Postmodernity*, Introduction.

⁴⁴ It is worth adding that also Michel Foucault "de-dramatizes" the modern world when in *Surveiller et punir* he shows the point of transition from the theatre of pain (how difficult it is to forget the opening scenes from the book!) to the theatre of surveillance, punishment, in a word - to *Panopticon*. Neither power nor

One could also ask the question whether the effect of a differend – a wrong – is always tragic? Not necessarily, it seems. If we assumed that a tragic conflict of reasons is such one in which both reasons are morally right and one of them has to give up, it would turn out that if a victim could simply become a plaintiff before some tribunal, the element of tragedy would disappear immediately. And a tribunal to judge a wrong in Lyotard's sense of the word does not exist – in a paradigmatically binding picture of the world a wrong can be neither phrased, nor represented. A wrong is only looking for new forms of expression. Lyotard says that in order for the wrong to find an expression and for the plaintiff to cease being a victim philosophizing (always in experimental, judging *coup par coup*, case by case, respecting singularity of an event way) has to search for "new rules for the formation and linking of phrases ... a new competence (or 'prudence')" (LD, p.13). The differend is such a situation in language when something that ought to be phrased in it – that begs for being phrased – cannot be phrased. At least – cannot be phrased immediately, within existing representational frameworks and according to binding criteria. It is therefore, let us add, that Lyotardian justice is neither a discovered norm or an invented one, but always a horizon out of our reach. Each judgement passed without a criterion – which has been known at least since Aristotle and his judge guided by his *phronesis* – must assume that it will be judged itself. And then next judgement, and then next once again, and so *ad infinitum*.⁴⁵ The Lyotardian account of justice does not tell us *how* to judge, it merely makes us sensitive to unavoidable *necessity* of judging itself (ethical necessity, let us make it clear). Judging in the form of linking (adding) phrases to existing ones is necessary though

resistance to it are dramatic – power penetrates everything as it is "capillary", while resistance to it is hopeless, for which Foucault is even today often reproached (see e.g. quite a representative criticism by Edward Said in "Criticism and the Imagination of Power" dealing with the paradox that is born when one realizes that Foucault's *analyses* of power detect its injustice and cruelty, while his *theoretizations* demonstrate unavoidability of presence of such power, in *Foucault: A Critical Reader*, ed. David Hoy, Oxford: Blackwell 1986).

⁴⁵ See Jean-Francois Lyotard (with J.L. Thebaud), *Just Gaming*, trans. Wlad Godzich (Manchester: Manchester UP, 1985), pp. 25-29.

contingent – Lyotard says the following: "It is necessary to link, but the mode of linkage is never necessary" (LD, 41). If there occurs an event, a previously existing representational framework is destroyed, so for this event to be judged one has to find a peculiar, singular idiom precisely for this case. In the case of language games "justice" would equal resistance to the situation in which a certain game becomes a meta-game, a meta-language, providing rules and criteria to other games. The meta-game most attacked by Lyotard is that of cognitive rules to which other, heterogeneous and irreducible games of ethics, politics or aesthetics are reduced (which always gives birth to the differend). It is also sometimes the case that politics becomes an existing meta-game – especially with respect to ethics or aesthetics. Perhaps it might be said that the only acceptable case in which heteronomy of language games could be broken is the case of the "wrong" – and simply transcendental hegemony of duties, obligations, in a word – of ethics. But that is a story to be told in another micrology...

There may arise here the following question: why in this philosophical excursus did I decide to give voice to Lyotard for such a long time? I did it in order to present briefly another, incommensurable vision of philosophy and philosopher, of their past, present and future. Rorty is a strongly "reactive" philosopher – in the sense of reacting to others' philosophy. He possesses an exceptional and unique talent of coining his own philosophy mainly in confrontation with other philosophers – with Habermas, Derrida, Foucault, Lyotard (apart from Dewey, Heidegger, Wittgenstein or Nietzsche from among more distant figures). Who, as a matter of fact, said the following, asked about what philosophy was, if not Rorty:

The reason I write philosophical books is all the other books I have read, and my reaction to those books. I react to some books and not to others.⁴⁶

Lyotard's book about the differend gave rise to many serious generalizations about recent French philosophy; it gave rise to

⁴⁶ Richard Rorty in a conversation with Giovanna Borradori, *The American Philosopher* (Chicago: University of Chicago Press, 1994), p. 117.

comparisons, to another *traversée de l'Atlantique*, as we can say following Vincent Descombes, this time looking for one's identity in confrontation with Lyotard's thought. Each Rorty's confrontation with European philosophy is extremely stimulating to him. While in philosophical reports from his confrontations with Derrida, Habermas or Foucault we gave incomparably more possibility of expressing his voice to Rorty, here we decided to allow Lyotard to present his case (although in our own redescription) more fully. It seems to us that such a European context will turn out to be useful for the book.⁴⁷

⁴⁷ I want to express my deep gratitude for Professor Anna Zeidler-Janiszewska for a number of inspiring suggestions made after reading the draft version of the present chapter. The chapter would have never been written without the stimulation of Professor Marek J. Siemek's years-long lectures and seminars. I owe my fascination with Hegel and Plato to him.

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