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ON THE TRAGIC DIFFEREND (Dilemmas of Lyotard – Dilemmas of Postmodernity)

1.

One can get the impression that postmodern thought – together with the world of postmodernity that surrounds us – has been deprived of the tragic, being "flattened" or "de-dramatized"¹. Postmodern thinkers are often reproached for depriving their world of unresolvable conflicts, of contradictions, reproached 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 reason²). The tragic is supposed to have disappeared from philosophy upon 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 various diagnoses and readings critical of postmodernism, one can show in postmodern reflection such points in which there may be the (irreducible) tragic, whose dramatic character strikes us as if the world had not been totally disenchanted of *katharsis*... Let us consider as 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, I would like to do in the present essay two things at the same time: first, I would like to present

¹ The impression of "de-dramatization" of the world is especially evident in some texts of Baudrillard and Bauman. In the Baudrillardian *société de consommation*, the citizen – i.e. today primarily the consumer – is subjected to the "constraint" of happiness and pleasure. He simply, as Baudrillard says, "has no right not to be happy", otherwise he becomes "asocial" (J. Baudrillard, *Selected Writings*, ed. M. Poster, Oxford 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" (Z. Bauman, *Mortality, Immortality and Other Life Strategies*, Oxford 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...

² See in this context my English book *Rorty's Elective Affinities. The New Pragmatism and Postmodern Thought*, Wyd. Naukowe IF UAM, 1996.

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 more than a literary conflict of two reasons from *Antigone* (that of Antigone and that of Creon, obviously). The task seems not to be easy and requires the division of one's attention between two parallel planes of argumentation as well as some prudence because Lyotard does not provide us with any typical tools of analysis, not to mention any ready-to-use "method". The present essay has been born out of the search of a non-philosophical exemplification of a philosophical proposal in question, strongly lacking in Lyotard's writings. I get the impression that mutual and simultaneous interpenetration of both – literary and philosophical – threads might lead to a better elucidation of a philosophical content of his work. That will be, let us admit 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 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 a new recontextualization, as Richard Rorty would say, in this particular case locating an old, almost mythical question of judging Antigone's reasons and Creon's reasons within a new context imposed by postmodernity.

Let us begin with *Le Différend*. The book consists of 264 philosophical fragments arranged in seven parts which cover the problematics 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 deep and extremely erudite commentaries (*notices*) which refer to Protagoras, Gorgias, Plato, Antisthenes, Aristotle, together with Kant, Hegel and Lévinas. Besides, a single commentary is devoted to Gertrude Stein's writings, another one to the Declaration of 1789 and, finally, still another one to a tribe of Cashinahua Indians who appear 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"³ within an epoch one of chief features of which is "gaining time". That *dossier* which precedes the proper philosophical notebook of sketches (as *Le Différend* undoubtedly can be read) deserves in itself 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 – the author *himself* presents a (conceptual) summary of his book so that a

³ J.-F. Lyotard, *Le Différend*, Minuit 1983 (English translation by Georges Van Den Abbeele: *The Differend. Phrases in Dispute*, Manchester, 1988, hereafter references in the text will be given as LD, followed either by page number or paragraph number, LD, p. 13.

reader could know - with paralyzing certainty – "what is at stake" in it. He could 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 "content" or the "message" of a book in the form of a ready extract⁴. And yet – as a reader should be "a philosophical one, that is, anybody" (LD, p. xiv) – Lyotard presents a parody of such a reading that performs merely a conceptual reduction, which reduces comprehension of a work of philosophy to "possessing" its meaning. For reading (like judging) should be directed towards the *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 especially for this occasion, 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 la singularité du cas*⁵, sensibility to singularity of a case, is necessary) rather than it is a process of reducing a text to its "meaning" in already familiar concepts⁶. And perhaps the Preface to *The Differend* is supposed to serve just this function of expressing Lyotard's disgust with such kind of reading 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 a *telos*, without designing vast, utopian social "emancipatory" visions and, finally, to philosophize in narratives rather than in intellectual and abstract theories; in other words, the time has come 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"⁷.

Let us begin with the Lyotardian conception of a differend. 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 judgment applicable to both arguments. One side's legitimacy does not imply the other's lack of legitimacy. However, applying a single rule of judgment 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 consequent wrong comes from the fact that the rules of the genre of discourse on the basis of which judging is taking place are not the rules of a genre or genres of discourse being judged. Thus a wrong – to use Lyotard's words – is a "damage accompanied by

⁴ B. Readings, *Introducing Lyotard*, London 1991, p. xix.

⁵ J.-F. Lyotard, *Pérégrinations. Loi, forme, événement*, Paris 1990, p. 26.

⁶ As it is worth noting that it was already in *La condition postmoderne* that Lyotard wrote that "work and text have the characters of an *even*". *The Postmodern Condition*, Manchester 1984, p. 81

⁷ J.-F. Lyotard, *Pérégrinations. Loi, forme, événement*, p. 41.

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 possibly 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 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 according to Lyotard as much as the philosopher can dare – is to create the possibility of expressing a wrong. What is needed is a new idiom, new "prudence" (or Greek *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 animal⁸.

2.

The event (*occurrence, événement*) is a radically singular occurrence which for this reason cannot be *presented* within a framework of a general narrative without the loss of its singularity⁹. Writing after an event – that is to say, linking phrases (*phrases*) to it, should express its singularity: Lyotard's question appearing throughout the book

⁸ Richard Rorty wrote about the impossibility of existence of the "language of victims" – of the idiom that Lyotard searches – while analyzing Orwell's work in *Contingency, Irony, and Solidarity* (Cambridge, 1989). 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 Civilization* 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, 1978), as madness is *l'absence de l'oeuvre*.

⁹ As Bill Readings says about Auschwitz: "the event is the occurrence after which nothing will ever be the same again", op. cit., p. 57.

about the differend is that of Theodor W. Adorno: "how to philosophize 'after Auschwitz'?"¹⁰; and he gives it a new meaning – namely, how to link phrases about the unrepresentable horror of the death camp responsibly (ethically?) without at the same time presenting this horror? 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 the more distant past – let us add, going beyond Lyotard, as that will be necessary for a further analysis – the gradual separation of ethics and politics in the times of, as Hegel puts it in his *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 one's brother's body, on the other side there is the law of a "bright day" (as Hegel calls them)¹⁰ which does not allow under any circumstances to entomb a traitor. In *Antigone* there is thus a clash of two separate orders - that of a family, of blood ties and obligations of kinship on the one hand, and that of the citizen on the other. The divine law is not commensurable with the human law. Hegel says that an "acting consciousness can neither negate that it has committed a crime, nor can it negate its fault". The situation of Antigone is "a tragic collision between a duty and a lawless reality".

There is no possibility of finding a common language between the two protagonists; Antigone and Creon seem not so much to be in an opposition as they rather seem 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 politics¹¹. Their linguistic games remain mutually untranslatable: there is no possibility of finding *common* criteria of judgment which could be accepted by both sides of that differend. The acceptance of a perspective (language, criteria, laws) of one of the sides irresistibly

¹⁰ G.W.F. Hegel, *Phenomenology of Spirit*, vol. 2, the analysis from the chapter "True Spirit. Objective Ethics (*Sittlichkeit*)" (pp. 5-52 in a Polish translation).

¹¹ 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 are dealt with in two Hegelian masterpieces: the *Phenomenology of Spirit* 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*, Paris 1968, pp. 59-63; J. Szacki, *Historia myśli socjologicznej*, Warsaw, pp. 46-50 or Charles Taylor, *Hegel*, Cambridge, 1975, pp. 157-161 and A. Kojève *Introduction to the Reading of Hegel. Lectures on the 'Phenomenology of Spirit'*, Allan Bloom (ed.), Ithaca, 1980.

gives birth to a wrong on the other side, as we know from Lyotard's analyses of the differend in his book. It is a differend of opposite reasons every one of which - within a framework of *its own* linguistic game - would be an acceptable one. But brought together in the figures of *Antigone*, they begin a deadly differend¹².

The tragic - excellently perceived and exposed by Hegel - consists in both Creon's and Antigone's being right. There is no *good way out* of a 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 in which a private sphere is separated from a public space), whereas in an opposite case a violation of a public sphere (a never-avenged treason, a posthumous fate of a traitor of homeland 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 Antigone still lives.

That seems to be a classical case of a differend (rather than a litigation) in Lyotard's sense of the term. Why would it not be a litigation? Because there is no common discourse, no common "we" shared by both sides. There is no instance to judge "reasons" of both sides that would be acceptable by them. The conflict cannot be resolved without making use of the language (of the whole world in fact) 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, as well as laws, judges - and an accepted court 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 since Aristotle that the tragic is a category of life rather than of art - that is to say, that it is aesthetical rather than ethical (he said: "the tragic is rather an element of life itself"¹³). 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"¹⁴. Only such a conflict can be

¹² For us today it is a "conflict of values", while Antigone at her time was certain of being "totally right", says Charles Taylor, *op. cit.*, p. 175.

¹³ M. Scheler, "O zjawisku tragiczności" [On the Phenomenon of the Tragic], Kraków 1976, p. 51.

¹⁴ M. Scheler, *ibidem*, p. 58.

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 or seems to have and to fulfil equally sublime duty". In everything that is tragic there is the necessity and *unavoidability* of the destruction of values. (Therefore, let us add, the "differend" between Antigone and Creon is tragic in the sense suggested here, but a classical example of *differend* shown by Lyotard, namely Auschwitz, is not tragic unless in the abandoned by us sense of the Aristotelian *katharsis*, compassion and fear). There is also no tragedy 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 a tragic conflict in Max Scheler's account is that "even the most ideal, the wisest and the most just judge is not able to soften or heal it". For 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 supports his analysis of the phenomenon of the tragic by Hegel's classical intuitions. Although the name of Hegel, just as these of Antigone and Socrates, does not occur in his study, nevertheless one can feel while reading it a subterraneous course of the Hegelian reflection.

We can say that our world – modern world – still looks at Antigone with the eyes (and analyses 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 to her.

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 unresolvable) – 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 at the same time *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 always open. Its resolution 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, subsiding 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 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.

3.

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 silence. The difference at stake – i.e. a differend – cannot be phrased at a given moment. It is only later, sometimes much 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) epoch is, as a matter of fact, detecting, bringing to light and bearing witness to all differends with one aim in mind: to resist injustice which "deprives of voice those who cannot speak the language of the master"¹⁵.

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 newly 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 – is not 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. For the mechanism of "wrong" has been set in motion. The tragic event, i.e. death, happens. We feel compassion for Antigone but also Creon is not a less tragic hero.

It is also another time that the two orders (Lyotard would say: two genres of a discourse) that have just been separated from each other, that is ethics and politics, turn out to be incommensurable, take opposite sides after the destruction of Greek *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 more genre of a discourse, and a philosopher may be merely "a

¹⁵ As Readings puts it in op.cit, p. xxx.

kind of writer" (philosophy being "a kind of writing", as Rorty once provocatively wrote in his *Consequences of Pragmatism*).

Thus, 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 this particular 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 family obligations 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 to 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 (unresolvable 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 too grotesque extremities - come from different cultures, different worlds which remain "impenetrable" to each other (i.e. the two do not share much in common as "people"). There is not any *God's eye view* which would allow us to make a super-cultural analysis and a super-cultural adjudication of both "reasons". There is no strict cultural translation¹⁶. 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 had already not existed 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 right* in his own. But none of them could rely upon a just judgment of a super-cultural judge. Their "differend" could be resolved by Gods only, man entangled in his culture - in *Antigone* paradoxically still coexisting

¹⁶ 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 hole one. The formers' language is untranslatable in the language of the court of law, heterogeneous with respect to the juridical language. 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 1992).

There is no common, shared "human nature" - says Rorty in *Contingency, Irony and Solidarity*; personality is 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 (R. Rorty, "Human Rights, Rationality and Sentimentality", a typescript).

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 immediately results in the revenge of the other law. The other, opposite ethical power brings about only 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 an irrational power of kinship, the other on a newly opened political space. Neither Creon nor Antigone could surrender – they acted within frameworks of rationalities of their own worlds.

4.

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"¹⁷. Let us add here 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 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 the 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 was about to collapse). And just as it was Athenians' *duty* to condemn Socrates, it was also Creon's *duty* to condemn Antigone. They both resisted the existing order; Socrates did it in the name of (still unrecognized by Athenian prosecutors) future, Antigone – in the name of a (scarcely buried) past. Socrates wanted individual freedom, freedom of an individual who would no longer be saturated with the state – he put morality before objective ethics (*Sittlichkeit*) and he was bound to lose. Antigone wanted the right to close a human being in a (no longer available) totality of man-citizen. They are both innocent, but nevertheless so guilty

¹⁷ G.W.F. Hegel, *Lectures on the History of Philosophy* in: I. Krońska, *Socrates*, Warsaw, 1982.

in their innocence: innocent expressing a yet undiscovered (Socrates) or an already rejected (Antigone) principle, guilty - destroying the only principles existing at the time. The conflict of figures of Antigone and Socrates misunderstood by their own time 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 Hegel's influential analyses. And although neither of the names is mentioned there, it seems that behind the generalization in question there is precisely that Hegel's particular 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*"¹⁸. We can do justice to a tragic, lonely hero only in a 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 the "lack of an instance" in question is exactly "necessary" – a judgment 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 other way round. 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 unaccepted 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

¹⁸ M. Scheler, *op.cit.*, p. 90, p. 91, italics mine.

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"¹⁹.

5.

The Lyotardian conception of the differend allows one to take into consideration the question of an entanglement of two orders: the private and the public, in all its dramaticity and irresolvability. The solution put forward by Richard Rorty – strangeness of "solidarity" and "self-creation", their "incommensurability"²⁰ – 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-to-be-solved *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 philosophical idioms (as Rorty would like to see Derrida from *La carte postale, Limited Inc.* and *Glas*²¹) ever lead to a situation of a tragic, existential choice? It seems to us that the answer has to be in the negative as Pascal's dramatic struggles from his *Pensées*, Kierkegaard's uncertainty from *Fear and Trembling*, not to mention Nietzsche, Shestov or Camus, cannot be

¹⁹ 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" (a Polish translation, p. 508). It is from here that the Adornian "drastic guilt of those who have been saved" comes from...

²⁰ See Richard Rorty, *Contingency, Irony, and Solidarity*, Cambridge, 1989. I am dealing in more detail with the nuances of Rorty's attitude toward the private and the public in the text "Rorty and Self-Creation" (A. Szahaj (ed.), *Around R. Rorty's Philosophy*, Toruń, 1995).

²¹ The most fervent defender of Derrida against his "pragmaticization" 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, 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, 1992, pp. 171-3) to his continuous philippics in almost every essay from *What's Wrong with Postmodernism* (Baltimore, 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, 1988, pp. 29-110).

heard in Rorty's writings. Tragedy – inscribed in the human condition by "existential", to use the broadest term, thinking – seems to be absent there²². 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 essay²³.

Thus the question asked at the very 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"²⁴ – divides in a multitude of questions, as many of them, to be exact, as many there are these "postmodernisms" in question. 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*²⁵.

One could also ask the question whether the effect of a differend – i.e. a wrong – is always tragic? Not necessarily, it seems. If we assumed that a tragic conflict of reasons is such 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

²² 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 his book on 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).

²³ R. Rorty, "Cosmopolitanism Without Emancipation" in: *Philosophical Papers*, vol. I, Cambridge, p. 217, p. 218.

²⁴ See Z. Bauman, *Intimations of Postmodernity, Introduction*, London, 1992.

²⁵ 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 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 (cf. 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 theorizations demonstrate unavoidability of presence of such power, in *Foucault: A Critical Reader*, ed. D. Hoy, Oxford, 1986).

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) 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 in it – 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 judgment passed without a criterion – which has been known at least since Aristotle and his judge guided by *phronesis* – must assume that it will be judged itself. And then next judgement, and then next once again, and so ad infinitum²⁶. 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 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 all 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 a 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 heteronomous character of language games could be broken is the case of a "wrong" – and simply transcendental hegemony of duties, obligations, in a word – of ethics. But that is a story to be told in another micrology...²⁷

²⁶ See J.-F. Lyotard (with J.L. Thébaud) *Just Gaming*, Manchester, 1985, pp. 25-29.

²⁷ I want to express my deep gratitude to Professor Anna Zeidler-Janiszewska for a number of inspiring suggestions made after reading of a draft version of the present text. The text has benefited greatly from Professor Marek J. Siemek's years' long seminars in ancient philosophy.

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LINGUA ac COMMUNITAS

N^o 7
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CONTENTS

ARTICLES

Josef Simon – Die Sache des Verstehens	3
Gerhart Schmidt – Von der Zeichen-Setzung	15
Heinrich Beck – Exigencies of ethics in technical culture: Principles of ethics in concordance with nature	31
Jürgen Bolten – Ökonomische Transformation als interkulturelle Kommunikation	39
Ewa Czerwińska – Max Adlers Begriff und Verstehen der Religion	53
Maciej Manikowski – Some Remarks on Language-Games	69
Marek Kwiek – On the Tragic Differend (Dilemmas of Lyotard – Dilemmas of Postmodernity)	75
Ewa Rewers – Is Everything a Discourse (in Linguistics)?	89
Zbigniew Blok – Language of Politics and Language of Political Science	101
Elżbieta Gawel-Luty – Psycholinguistic Aspects of the Individuals Communication Process	111
Adam Szeluga – Theorien der kommunikativen Kompetenz vom glottodidaktischen Standpunkt aus betrachtet	123
Magdalena Lisiecka-Czop – Zur Funktion und Verwendung ausgewählter sprachlicher Mittel in der deutschen Pressesprache	139

CHRONICLE

Bericht über das 31. Linguistische Kolloquium in Bern (12-14.09.1996), von <i>Zofia Bilut-Homplewicz, Urszula Żydek-Bednarczuk</i>	147
---	-----

BOOK REVIEWS

Zur ästhetischen Transformation der Transzendentalphilosophie Heinz Paetzold: Ästhetik der neueren Moderne. Sinnlichkeit und Reflexion in der konzeptionellen Kunst der gegenwart, Franz Steiner Verlag, Stuttgart 1990 (<i>Bspr. von Anna Zeidler-Janiszewska</i>)	149
--	-----