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ennent completion is periodically announced. Ethnobiology and cultural anthropology give incompatible accounts of kinship rules in human societies. The importance of a genetic explanation for human behavior conflicts with that of the theories useful in psychotherapy and education.

The mathematician in the extraterritoriality of his or her office, the physicist in his or her laboratory, the astronomer at his or her telescope, the biologist in his rain forest camp, who listen to the voices of numbers and volumes, of molecules and stars, have turned away from the human voices that put urgent demands on them. But to turn away from the intrinsic importance of the fragile and endangered earth, the air, the skies, the lakes and the mountains, and flood plains of rivers and the rain forests, the insects and the fish is also an injustice done to human voices.

NOTES


On Obligation: Lyotard and Levinas

Hent de Vries

Opening a new chapter on thinking ‘obligation’, in what can be considered to be the pivotal section of Le différend (The Differend), Lyotard raises the scandalous question as to whether the Holocaust, in spite of its resistance to any dialectical thought—or, rather, because of its “speculative non-sense”—could not still somehow “conceal a paradox of faith,” similar to the one Kierkegaard analyzed in Fear and Trembling. Is there not a disturbing resemblance between the monstrousity named ‘Auschwitz’—in Lyotard’s words “the proper name of a para-experience or even of a destruction of experience” lacking all conceptual determination (D 155)—and the story, related in Genesis 22, of how God tempted Abraham by demanding that he take his son Isaac and offer him as a burnt offering on Mount Moriah? To be sure, Lyotard hastens to add, the name ‘Auschwitz’ haunts us with the impossible memory of an injustice, one that is not even describable in terms of a wrong or a différend, both of which presuppose at least the possibility of a future common idiom (D 160). Moreover, ‘Auschwitz’ does not let itself—cannot and ought not—be transformed into the enigma of a ‘beautiful death’; it is precisely the “forbiddance” (D 157) of the beautiful death which it can only come to signify if one resorts to a terrible “rhetoric” (D 168; cf. 156, 160) such as “the argument that it is precisely because God failed that one should be faithful to Him” (D 155). Yet one might still ask, Lyotard continues:

Is the order that Abraham receives to sacrifice his son any more intelligible than a memorandum directing round-ups, convoys, concentarations, and either slow or quick death? Isn’t it a matter of idiolect? Abraham hears: That Isaac die, that is my law, and he obeys. The Lord speaks at this moment only to Abraham, and Abraham is answerable only to the Lord. Since the reality, if not of the Lord, then at least of the phrase imputed to him, cannot be established, how can it be known that Abraham isn’t a paranoid subject to homicidal (infanticidal) urges? Or a false (D 162)?

These questions inaugurate an inquiry into the disturbing ‘fact’, albeit hardly a fact of reason (a Faktum der Vernunft, as Kant would
say), that it is characteristic of obligation that it “does not allow one to
distinguish the rightful authority from its imposture” (D 164). More
precisely, these formulations even seem to entail that obligation “be
described as a scandal for the one who is obligated” (D 170).

It is at this point, I would like to argue in the following, that Lyotard
touches upon a motif of central importance to the writings of
Emmanuel Levinas. In fact, I will demonstrate that Lyotard’s inquiries
into the structure and, indeed, the very “phrase” of obligation are, in
his pivotal philosophical writings, culminating in The Differend, deeply
indebted to the Levinasian rereading of the concept and the modality
of ethics: that is to say of an idea of asymmetrical rather than mutual
obligation and thereby of a responsibility beyond norms and duty, for-
mal rules and pragmatics, phronesis and pragmatic devices. This is not
to ignore that there are important differences in tone and argument
between these two authors. But in their rethinking of a radical—and, it
should be added, aporetic—idea of obligation, the formal similarities
at least are striking. What are the consequences of this observation,
which at first sight is perhaps unexpected?

Abraham obeys, Lyotard writes in the context under consideration,
because he is somehow, mysteriously, paradoxically, “affected” (D 93).
He—and he alone—is being addressed by the voice of God. Lyotard
cites Wittgenstein’s Zettel to underscore the loneliness of this singular
address: “You can’t hear God speak to someone else, you can hear him
only if you are being addressed” (D 145). However, wherever and whenever
this is the case, there is no way of knowing whether this feeling or affect
is not in fact an idiosyncrasy or a hallucination. Even supposing
that God indeed exists, as the highest Being or as the beyond of Being,
as the otherwise than Being, supposing, moreover, that his “orders” are
“just,” a fundamental uncertainty will always remain: “How can it be
known that God is the one giving the orders?” (D 166). How, in other
words, do we distinguish between a genuine obligation and a mere
delusion, an invitation to be just and an incitement to murder?
Parallels for both questions, I would like to stress, can be found in the
writings of Levinas.

The reference to Abraham is, of course, no accident and hardly an
exercise in biblical exegesis. Nor is it a contribution to Kierkegaard
scholarship. For these unsettling formulations remind us that Lyotard’s
more recent writings stand “under the authority and protection of him,
whom, under the name of Abraham, the young Hegel attacks with the
well-known, truly anti-Semitic bitterness in the Spirit of Christianity,”
that is to say, Kant. Lyotard’s oblique reference throughout these analyses
is to the Kant of the Critique of Pure Practical Reason, and, one
should add, to the author of the Critique of Judgment who, as well-
known, compares the “negative presentation” of the infinite (the abso-
lute, the idea) with the prohibition of images and idolatry as prescribed
by Jewish law.

It is first of all Kant, then, who sets the tone for the argument that
the language, more precisely, the phrases of absolute obligation or pure
prescription are characterized by the ‘fact’ that they cannot and should
not be confused with or deduced from any of the other genres (such as
the cognitive, the normative, the aesthetic) that structure the differ-
ent—indeed incommensurable—realms of experience. Obligation is cat-
egorical, that is to say unconditional. Strictly speaking, Lyotard
stresses in The Differend that it cannot itself, in turn, be a condition.
Pure obligation cannot cause or regulate the actions it prescribes:

Causality through freedom is immediate, that is, without media-
tion, but also without recurrence. Its efficiency is instantaneous,
pure will obligates and that’s all. It is but ‘beginning’ . . . come what
may (D 26).

We are not so far removed here from the central significance that
Levinas attributes to Kant’s moral philosophy in the concluding para-
graph of the central chapter of Otherwise than Being or Beyond
Essence. But here as well, Kant is read against the grain, against Kant
or at least against a common interpretation which goes under the
name of Kantianism (in Neo-Kantianism no less than in, say, the con-
temporary transcendental and formal pragmatics of philosophers like Karl-
Otto Apel and Jürgen Habermas):

If one had the right to retain one trait from a philosophical system
and neglect all the detail of its architecture . . . we would think
here of Kantianism, which finds a meaning to the human without
measuring it by ontology and outside of the question “What is there
here . . . ?” [qu’en est-il de?], that one would like to be preliminary,
outside the immortality and death which ontologies run up against.
The fact that immortality and theology could not determine the cat-
egorical imperative signifies the novelty of the Copernican revolu-
tion: the sense that is not measured by being or not being; but
being, on the contrary, determining itself on the basis of sense (AE
166; OB 129).

What makes obligation so compelling, Lyotard explains in his more
recent Peregrinations, is the ‘fact’ that it cannot be reduced to the act of
submission to a determinate set of rules that leaves no room for doubt
as to what might be their meaning and proper application in this or
that particular case. Instead, obligation imposes itself whenever a
judgment—more precisely, a reflective, indeterminate judgment—oper-
ating without recourse to unequivocal criteria or preestablished
schemes of linkage, is required in a given situation. Obligation entails
an 'affect', it demands a sensitivity with respect to singular 'cases' that may or, perhaps, must summon us in incomparable ways. Nor should obligation be confused with a certain, limited or restricted, interpretation of the political. Obligation is irreducible to all natural inclinations, social constructs and cultural phantasms and can therefore not be comprehended or analyzed in biological, sociological, psychological, or more general cultural terms. In fact, Lyotard insists, all genres of discourse, whatever the system of their legitimation (such as myth, revelation, or deliberation), can be said to cover over the heterogeneity of the prescriptive phrases of obligation by subordinating them to a rule, that is to say, to a common measure or finality. All acts of legitimation or authorization share this tendency to suppress, to neutralize or efface, if this were possible, the distinctive character of obligation—its dissymmetry, its 'transcendence'.

Lyotard's re-phrasing of the phrase regimen of obligation in terms of judgment is in keeping with a Kantian 'obsession,' in particular the "legal or judicial passion." Especially in its critique of practical reason, this passion gives judgment its specific form. In fact, Lyotard writes, judgment is "the most enigmatic of phrases, the one which follows no rules, although in appearance it is linked to ends, to givens, to means, and to 'consequences'" (D 214). For when we are speaking of the prescription 'You must act like this', it is understood, Lyotard continues, that

the 'like this' is not defined. The law does not state what must be done, it states simply that 'you must act' and 'it is up to you to decide what'. That is responsibility with respect to the law. You decide, the law does not decide for you, but the law will judge. That is the Kafkaesque side of Kant."

Kafka had seen, as Lyotard puts it in The Differend, that it is "impossible to establish one's innocence, in and of itself. It is a nothingness" (D 11).

In L'inhumain (The Inhuman), by contrast, the context of the reference to Genesis 22 is not so much to Kant's moral philosophy as to his Critique of Judgment and to the pathos of sublime art as opposed to the tranquil aesthetic experience of the beautiful. More particularly, it is the discussion of Barnett Newman's non-figurative paintings, of which the mode of presentation—the hic et nunc of space and color alone—marks already the "force" of an "obligation," of a "Me voici" and, more generally, the rupture of all genuine "beginning," in which delight and terror are closely intertwined. Newman's paintings, Lyotard explains, take on the character of angels who 'announce nothing' since they have become in themselves their very announcement. Lyotard presents (or

paints) the central traits of these canvases in terms that reveal a striking similarity with the Levinasian 'face' as interpreted in the middle phase of his work, notably in the period of Totality and Infinity; in its "non-representable annunciation" the painting is singled out by a 'nudity' (here, of course, a 'plastic' nudity), by a presence (here, indeed, a visual presence), but one that resists commentary, context, and 'allusions'. In short, the painting, Lyotard summarizes, is "neither seductive nor equivocal; it is clear, 'direct', open and 'poor'." And yet, at the same time a certain ambiguity inscribes itself on the face of this kath'auto for which the painting stands or, rather, that it comes to invoke and present. For whereas one might certainly say that Newman's painting "rises up, like the appeal from the Lord that stays the hand of Abraham," it is no less permissible to state—"in more sober terms," Lyotard writes—that the painting, in so doing, "arises, just as an occurrence," that is to say, just as any other occurrence. This ambiguity, I will argue below, is central to the understanding of Lyotard's texts as well as to the position these writings take vis-à-vis Levinas.

The feeling, then, that Newman's paintings inspire is one for which modern aesthetics reserves the name of the sublime. What is more, Lyotard continues: the painting is characterized by a singular structure of temporality, that of the 'instant'; and the feeling of this instant, Lyotard writes in this same context, is "instantaneous." Most significantly, this structure affects the very premises of the modern conception of semantics, communication and pragmatics.

Newman's space is no longer triadic in the sense of being organized around a sender, a receiver and a referent. The message 'speaks' of nothing; it emanates from no one. It is not Newman who is speaking, or who is using painting to show us something. The message (the painting) is the messenger; it 'says': 'Here I Am', in other words, 'I am yours' or 'Be mine'. Two non-substitutable agencies, which exist only in the urgency of the here and now: me, you. The referent (what the painting 'talks about') and the sender (its 'author') have no pertinence, not even a negative pertinence or an allusion to an impossible presence. The message is the presentation, but it presents nothing; it is, that is, presence. This 'pragmatic' organization is much closer to an ethics than to any aesthetics or poetics. Newman is concerned with giving colour, line or rhythm the force of an obligation within a face-to-face relationship, in the second person, and his model cannot be Look at this (over there); it must be Look at me or, to be more accurate, Listen to me. For obligation is a modality of time rather than of space and its organ is the ear rather than the eye."
these two attempts to establish or, rather, to respect the primacy of obligation also ends. For whereas Lyotard extends the "face-to-face relationship" to include the way any singular phrase or trait affects the listener or the beholder, Levinas, by contrast, reserves the asymmetrical structure of the face-to-face for the domain of intersubjectivity. A painting or, for that matter, any other object cannot concern us in the same way as a visage. And the story of creation as narrated by the book of Genesis is not to be read, as Lyotard following Newman does, as the recounting of "artistic creation," of the "beginnings" of the work of art and the sublimity it signals.

But things are more complicated than that. For Lyotard, the very "beginning," the origin or the genesis of all genesis, stems not so much from a mere nothingness (a nihil), from a mere absence, that is, but from chaos, from the marvel that something—a "trait," here and now—exists rather than nothing. Lyotard thus rephrases and decidedly displaces the perspective that Heidegger delineated in Was ist Metaphysik? by inscribing its central question in the language of a Jewish mysticism. This time around, this language is not generalized but cited and recited in order that it leave its indelible mark on the question, not of metaphysics, but, again, of obligation: "Chaos threatens, but the flash of the Tzim-tzum, the zip, takes place, divides the shadows, breaks down the light into colours like a prism, and arranges them across the surface like a universe... There is something holy about line in itself." As a pure, yet incisive, event, this here and now reiterates itself at every instant and at every place: for example, at Mount Moriah at the very moment in which Abraham raises the knife and then suspends his gesture. Lyotard reads this paradigmatic scene in a way which, to a certain point, resembles Levinas's essay on Kierkegaard's Fear and Trembling in Proper Names, yet differs from still another reading of these very same texts, namely Derrida's reading in The Gift of Death. This condensation of space and time—the contraction or Tzim-tzum which opens up the sacred place, the makom, the synagogue, where the law, the Torah can be heard—is associated with the "mystical" or the "mysterious," words that come to stand here for the pure or, rather, mere performativity of a taking place, of the quod of whatever quid, the intractable underlaying and derailing any commentary that addresses itself to it. "Presence is the instant which interrupts the chaos of history and which recalls, or simply calls out that 'there is', even before that which has any significance." It is the testimony of this mere occurrence, Lyotard notes, which in and for itself already evokes a "minimal commandment." And indeed, as The Differend reminds us, to take place is not necessarily the same as to be real (D 37, 131, 132).

Now, aside from the reference to the Kantian, Kierkegaardian, and Newmanian reinterpretations of the sacrifice (die Aufopferung) as the very figure of obligation in an extra- or more-than-merely moral or normative sense, we find in Lyotard's text an extensive and not merely tangential engagement with the work of Emmanuel Levinas. It is no accident, I would claim, that the central chapter of The Differend is centered around the analysis of the major preoccupation of the latter's thought. Nor should it surprise us that the chapter on "Obligation" pays homage to Levinas with a commentary whose intensity and concentration is matched only by the article "Logique de Levinas," first published in the volume Textes pour Emmanuel Levinas. This latter study is presented as part of a work in progress whose main aim, Lyotard declares at the outset, is to "establish that prescriptive statements are not commensurable with denotative ones—or in other words, with descriptive ones." Such a questioning, Lyotard notes in The Inhuman, differs in many respects from the Occidental and metaphysical mode of inquiry into the real where definite answers and an inherent teleology of their production and justification go hand in hand. Levinas, by contrast, is presented here as the author who illustrates more clearly than any other contemporary thinker that in the very same Western culture a radically different analogue of a purely prescriptive obligation can be found in the Judaic and Talmudic tradition.

In The Differend, Just Gaming (Au juste) and elsewhere, the reconsideration of the question of obligation goes hand in hand with the endeavor to "re-write Levinas into the language of phrases," to cite a formulation used by Geoffrey Bennington. And yet, the ethics of the differend that is the result of this process of re-inscribing and transcribing the Levinasian account of the 'ethic' of ethics in a different discourse hinges on two seemingly irreconcilable presuppositions which cannot be justified within the framework, if that is the right word, of Lyotard's own work. I will attempt to demonstrate why this is the case and also to argue that this conclusion, paradoxically, does not so much contradict but, rather, confirms the 'thesis' of Lyotard's book—if there is one (or just one). I would claim that the paradox or aporia, which is thus attested, resembles the very structure of Levinasian thought. Both thinkers deploy a strategy of argumentation and, indeed, a rhetoric of phrases whose performative contradictions are deliberate and, in a certain sense of the word, affirmed.

On the one hand, it is clear, as Bennington rightly notes, that "analysing and respecting the specificity of the ethical is not primarily what is at stake in this work, but part of a more general 'ethics' of analysing and respecting the incommensurability of genres in gen-
eral." Rather than addressing the 'ethnicity' of ethics, let alone of a given ethics, the 'ethics' of The Differend would explore the 'injustice' of any imposition of one internal 'finality' of a genre of discourse upon that of another. Here, again, it would seem, Lyotard's analysis of obligation parts ways with that of Levinas, whose writings intend to speak to the specificity of the ethical (or the saintly) via the intersubjective relation to the other (to autrui) alone. There is, according to Lyotard, an obligation vis-à-vis the otherness of any single phrase, for any single occurrence, that Levinas would be reluctant to acknowledge. Interestingly, the pagan Lyotard is here—in his own terms—too Christian for Levinas's taste. The obligation to love does not, in Levinas, prescribe the "caritas for what can happen, whatever it might be" (D 233; cf. D 232).

On the other hand, it is hard to deny that Lyotard's writing itself attests to an ethics that is, if not particular, then at least singular; an ethics, moreover, that seems to have made the general 'ethnicity' of ethics possible, at least as much as it is made possible by it in turn. In the final analysis, it would seem that the author of The Differend, like the author of Otherwise than Being or Beyond Essence, can only speak of obligation as the sole one obligated (to speak thus). The obligation of which he speaks does not—must not and ought not—speak to all or at least does not speak to all in the same way, with the same intensity or urgency.

Let me begin with the first, more general feature of 'ethnicity' and then quickly move on to what Lyotard considers to be the specific traits of the so-called "pragmatics of Judaism," a pragmatics which finds its privileged example, so it seems, in the philosophical and exegetical writings of Levinas. For it is Levinas who, in Lyotard's eyes, provides us with a sufficiently rigorous definition of obligation—or, rather, with a plausible account of the impossibility thereof—an obligation whose elusive features will come to orient and, indeed, judge all other phrases, all phrases of the other, all phrases as other. Paradoxically, obligation in the Levinasian sense of the word serves as the example par excellence of the impossibility of all exemplarity, and this not in ethics alone.

It does not follow from this that one should or could opt for a particular ethics or politics that would someday somehow regulate all differences and all differs between the phrases. Least of all would this be a task for philosophy or philosophers. Lyotard writes:

For the philosopher to be at the governship of phrases would be as unjust as it would be were it the jurist, the priest, the orator, the storyteller (the epic poet), or the technician. There is no genre whose hegemony over the others would be just (D 228).

Given the fact that "conflicts" cannot be avoided, that "indifference" is impossible, and that there is no meta- or mega-genre that could somehow "regulate" the differences and differends, the task of The Differend would thus be at most or at best "to find, if not what can constitute judgment (the 'good' linkage), then at least how to save the honor of 'thinking' (D, Preface, xii) in the present, which is characterized by Lyotard as philosophy's finest, if also most contested, hour. On this reading, the ethics of the differend could well be said to consist in recalling a "vigil," a "feeling," an "anxiety," as well as a "joy" in the "expectant waiting for every 'occurrence'" (D 134, 135). According to The Differend, this ethics should bear witness to the 'fact' that a given phrase "calls forth another, whichever it may be" (D 101).

What is more: any passage from the one to the other, which is also a passage in and of time, could thus be found to be ultimately based, grounded or founded—words to be used with much caution—on an ontological necessity. For the law that orders phrases to link, be it ethically or not, be it under an obligation or not, is that of a must (a Müssen) rather than that of an obligation (an 'ought to', a Sollen) (D 102, 103). The law of obligation must not itself, in turn, be an obligation. And while there is no obligation without this must, the respect for the must—as well as the 'anxiety' and 'joy' that come with it—constitutes, come what may, if not the first or the last obligation, then at least obligation par excellence.

To be sure, this ontological necessity does not let itself be deduced by any logical implication, nor is it given in any phenomenological intuition. For its very demonstration or, rather, 'presentation' takes place in, or as, a phrase, that is to say in, or as, "one presentation," a 'presentation' which entails "one being, one time," and never Being as such (D 113). This interpretation explains why The Differend sets out to illustrate the insight that the problem of linkage between phrases is itself, as such, "the problem of politics," more precisely that of a "philosophical politics." This other politics "bear[s] witness to the differend" (D Preface xiii) and is therefore different from—and as such in differend with—the politics and the discourses of the academy, economy and the state. "Politics", in the emphatic sense of the word, is here nothing less than "the possibility of the differend on the occasion of the slightest linkage," that is to say, not "the genre that contains all the genres . . . not a genre" (D 192). Instead it "bears witness to the nothingness which opens up with each occurring phrase and on the occasion of which the differend between genres of discourse is born" (D 199). "Politics' thus defined, testifies to "the fact that language is not a language, but phrases, or that Being is not Being, but There is's" [des Il y a]" (D 190).

What is more: this "politics" is "immediately given with a phrase as a
differend to be regulated concerning the matter of the means of linking onto it" (D 198). For there are exactly two reasons which explain why to link or to simply continue phrasing is always, ipso facto and in itself, already unjust. The first reason is that although one has to make a new step, only one possible phrase can be actualized. The second reason is that any such actualized possibility is at bottom heterogenous. There is no meta-rule which could somehow guarantee, let alone justify, the transition from one phrase to the next.

To be sure, Lyotard seems to allow for the fact that within one genre of discourse a certain finality or telos governs the transition between the fundamentally heterogenous phrases. But in the final analysis the intra-generic and inter-generic conflicts, neither of which is solvable, remain premised upon the fact that justice, in the strict sense of the word must, yet cannot, be done.

At times Lyotard urges us not to confuse the “necessity” to link with an “obligation.” Thus, he writes, that the process of linking is “not a duty, which ‘we’ can be relieved of or make good upon. ‘We’ cannot do otherwise” (D 135). But this affirmation hardly prevents him from also stating that the “lesser evil,” or even the “political good,” consists in inventing and defending that constellation which does not interdict the “occurrence” of “possible phrases” and which, in that sense, is no longer “contempt for Being” (D 197).

It is at this point that, once more, we touch upon a significant analogy between the central intuitions explored by The Differend and the Levinasian preoccupation with the irreducibility of the infinitely other. While respect for Being is hardly a Levinasian topos, the formal structure of the motif of justice that Lyotard puts forward here does in fact bring us to a second and even more challenging aspect in the rethinking of obligation; one that makes a comparison between these two authors even more plausible and, I would add, imperative.

For, if the ethics of the differend should thus, on the one hand, be rephrased as a general ‘ethics’ or ‘politics’ of exploring and defending the incommensurability of all genres, one can, on the other hand, not fail to notice the testimony, given in Just Gaming, in The Differend and elsewhere, that it is most notably the Jewish idiom—the pragmatics of Judaism and, even more specifically, “the genre of discourse called Cabbala (tradition)—which is at odds with (aux antipodes) the savage narrative tradition” (D 160) of which Nazism is at once the most troubling mimicry and parody. The decisive difference here is that ‘barbarism’ pays tribute to the regime of the “already there” and thus “assails the occurrence, the Ereignis,” whereas, by contrast, the Judaic law is placed under the sign of the Is it happening?, the ‘Arrive-t-il?’ In other words, the mythic, pagan and savage prescription is “hypothetico-cal” in Kant’s sense of the word and addresses itself exclusively—through exclusion—to those who, together with the addressor, belong to a given circle, and make up the circle of the given according to a “cyclical” model of “pragmatic transmission.” The Jewish tradition, by contrast, stands for “a phrase regimen” of obligation “where the mark is on the addressee (Listen, Israel) and where identifying the addressee (the Lord) or the sense (what God wants to say) is a dishonorable and dangerous presumption” (D 160). Levinas says as much when he writes that the absolute responsibility for the absolute finds its proper element in an otherwise than knowing as well as in an otherwise than Being.

By the same token, prescription can be said to be categorical, absolved from every context and directed to all at all times. Even God, Levinas reminds us in one of his Talmudic readings, studies the Torah. And yet, all this by no means diminishes the asymmetrical character of my responsibility that Levinas illustrates on more than one occasion with the help of Fyodor Dostoyevski’s The Brothers Karamazov: “We are all responsible for everything and everyone in the face of everybody, and I more than the others.” Lyotard only summarizes and formalizes part of this argument when he writes:

Inasmuch as it is a matter of ethics, obligation has . . . no need of an addressor, it is even in need of the contrary. . . . To judge that one ought to do this because that thing has already been prescribed is to defy the occurrence and the addressee’s responsibility before it. The time invoked by the free examination of one’s conscience is no longer the before/after but the now. Narrative politics is shaken, including its way of receiving and neutralizing events (D 234).

The other tradition, called Cabbala (quite literally ‘tradition’—a tradition, by the way, from which Levinas keeps his distance because of its mystical tenets), can thus be said to do more justice to the occurrence, the happening, the ‘taking place’, the ‘Arrive-t-il?’, of the Ereignis of ‘Being’ or, rather, of the ‘There is’ than the mythical or the grand narratives. Yet this circumstance, Lyotard claims, cannot serve as a sufficient reason simply to make the ‘dispersion’ or the ‘diaspora’ to which it testifies into a new first principle. For the very idea of an original or originary splitting already presupposes the idea of a lost totality and thereby risks diffusing a certain nostalgia and covering over the differend it seeks to convey (D 234).13 In the same vein, the opening page of Heidegger and ‘the jews’ makes it explicit that the generalized expression “the jews”—in lower case and in the plural—comes to stand for those excluded from the nostalgia of the Graeco-German ‘West’. “The jews,” Lyotard writes here,
are that population of souls to which Kafka’s writings, for example, have given shelter only to better expose them to their condition as hostages. Forgetting souls, like all souls, but to whom the Forgotten never ceases to return to claim its due. The Forgotten is not to be remembered for what it has been and what it is, because it has not been anything and is nothing, but must be remembered as something that has ceased to be forgotten. And this something is not a concept or a representation, but a ‘fact’, a Factum: namely, that one is obliged to the Law, in debt.  

Between all phrases—and no phrase is first or last—a void opens up, but Lyotard refuses “to grant a ‘mystical’ profundity” to this abyss that drives constitatives and moral imperatives apart. And since the eternal recurrence of the void between phrases—and even silences, including the silences between phrases, are themselves, in turn, phrases—is the central theme of The Differend, the book could be read, Lyotard acknowledges, as “a negative, private ontology.” However, there should be no doubt that its author is, in the end, “more interested in the way phrases follow one another than in what may be between them.” This being said, one should be cautious to fill in this gap and to rush to the conclusion that Lyotard’s “ethics of the differend” simply reaffirms a certain tradition or even tradition as such. What is it then that is being affirmed here? Why does Lyotard refer here to Cabbala at all?

In a recent interview, published in Philosophy Today, Lyotard leaves no doubt that there is in fact a remarkable shift in his recent work away from the ‘paganism’ of Discours, figure and Économie libidinale towards the pragmatics of Judaism of Just Gaming and The Differend. And what is said of these latter books can be maintained with equal reason for the latest writings, such as The Inhuman, Heidegger and ‘the Jews’, Moralités postmodernes, and Lectures d’enfance. In the earlier period, he writes,

[I] was plunged ... into the anguish caused by the disappearance of the revolutionary alternative, by the loss of the notion of good and evil. That’s when I tried to lay out a kind of representation of what might be valuable in general, which I called ‘intensity’. Today I consider this to have been a wrong turn. A system of thought that emphasizes ‘intensity’ can turn into a perfect cynicism. This is the system I defined in general as paganism at the time, because it is true that in the pre-Christian tradition there were many examples of systems of values linked to emotional intensity. Whether it is a question of texts, persons, a pretty face, situations, or institutions, this energy-oriented kind of thinking is very hard to reconcile with prescription ... Just gaming is precisely the turning point where I tried to escape from indifferentisme ... There was a kind of shift then, I would even say a slipping away from my dear pagans, at

least those I found, and still find, admirable, that is, the Sophists. A shift toward a certain Jewish tradition, more precisely the Hasidic one, where I found the same striking paradoxes as in the Sophists, but with what the Sophists lacked: a feeling for the law, and for the testimony of the law. There is a law and we absolutely don’t know what it says, nor even from where it comes to us, but we have always to invent it through our actions. The law tells us that there are things to do and things not to do without telling us which is which. This is why in French the book was titled Au juste, because it was a call to rectitude, a reminder of justice.

It is no accident, then, that The Differend evokes the absolute finality of prescription by citing a Hasidic wisdom cited by Buber (yet another representative of a pragmatics of Judaism with whom Levinas is at a certain variance when it comes to thinking the asymmetry of the relation of self to other):

When Jacob Yitzchak of Lublin conceded ... that “when we seek to effect nothing, then and only then we may not wholly be without power,” he circumscribed the stakes of the genre of ethics: its success (justice) would be the perfect disinterestedness of the ego, the relinquishing of its will (D 181).

And yet, the discontinuities with Lyotard’s earlier work should not be exaggerated. It is also stated in The Differend that:

Our ‘intentions’ are tensions (to link in a certain way) exerted by genres upon the addressees and addressees of phrases, upon their referents, and upon their senses. ... There is no reason to call these tensions intentions or wills, except for the vanity of ascribing to our account what is due to occurrence and to the differend it arouses between ways of linking onto it (D 183).

How, then, in light of the aforementioned discrepancy, should we understand the relationship between the ethics of the differend, which is also a pragmatics preoccupied with the last and the first rumours of every resistance against the grand meta-narratives, and that other pragmatics, that other pragmatics of the other, the pragmatics of that other other, for which the term ‘Judaism’ stands here? Why, moreover, its preoccupation or even obsession with ‘the worst’, with the destruction, not only of the subject or the individual, but, if one can say so, of the singular or the phrase as such; with a silence, finally, that is marked by an undeniable “disauthorization” and echoes a “dispersion worse than disspora” (D 155)? What, conversely, if it is indeed central to Levinas’s account of the ethical that the anonymous and depersonalizing chaos of the il y a is seen and experienced, if one can still say so, as a modality of transcendence?
One way of answering this question would be to look more closely at the analysis Lyotard gives of the logic of prescription adopted in the work of Levinas, as discussed at some length in the "Levinas Notice," again in the central chapter of The Differend, as well as in the essay "Levinas’s Logic." Let me concentrate here on two aspects that shed some light on the notion, the modalities, and the law of obligation.

Levinas’s thought, Lyotard notes, leaves no doubt that in being obligated one is "deprived of the ‘free’ use of oneself, abandoned by one’s narcissistic image" (D 170). Strictly speaking, even these tentative characterizations of the relation to the other do not suffice insofar as they remain indebted to phenomenological or psychoanalytic presuppositions. They provide us with descriptions of a dispossessed or cloven consciousness, which, Lyotard writes, are all too human and far too humanist: "They maintain the self even in the very acknowledgment of its dispersion" (D 170). They should give way, therefore, to more paradoxical endeavors to think the "dispersion" or the "splitting" of the self "without any nostalgia," that is to say "apart from any finality" (D 170).

But this, Lyotard acknowledges, may well be the impossible itself. For the very notions of dispersion and splitting *ipso facto* presuppose at least the metaphysical idea of a preceding identity or harmonious totality.

Obligation, thus, as it is thought by Levinas and taken up by Lyotard, hardly resides in an act of cognition or of vision. It is at best "an event of feeling," in which the self, the I, that is being addressed, in a sense, learns nothing: "a command is not a bit of information" (D Levinas Notice §1). Rather, the prescription is provoked by the other’s "poverty" and lack of "attributes": "the other has no place, no time, no essence, the other is nothing but his or her request and my obligation," the other is not "localizable" (D Levinas Notice §1). The other is not even "my other," the other is not the negation of the self: "he or she is not a momentary alienation in my odyssey" (D Levinas Notice §2).

The question "How do you know?" could only be answered here by testifying to my "dispossession" and my "passion" provoked by the other: "Far from enriching me, from giving me the opportunity to grow and to enlighten my experience, the arrival of the other suppresses me as the subject of my experience" (D Levinas Notice §2). And, even if the commentary that describes this event is the text of an author who seems to have ‘regained his spirits’ and who posits himself again as addressor and thus seeks to "overcome the ethical phrase in conserving it," nevertheless this writing also allows for a different reading. It does not only—or even primarily—"weave a mastery . . . a text together with what has no text" (D Levinas Notice §2), it first of all speaks to—but also of and as—the other: Levinas’s text, Lyotard claims, takes the form of "the confiding of a hostage," rather than that of "the deliverance of a message" (D Levinas Notice §3).

Instead, the "phrase"—this is Levinas’s word—in which the notion ‘God’ gives itself and gives itself away, in all the ambiguity of the à dieu, of the unto-God, the unto-the-absolute-Other, as well as the leaving-taking of an onto-theo-logical divine Being, does not let itself be rephrased in any descriptive or constative language, not even in the statement: "I believe in God." As a performative, the ethico-religious phrase "resembles" (D 155) a performative like the normative phrase regimen that makes it common by making it general or even universal.

I will come back to this at the end of this essay. Yet unlike the normative, the prescriptive phrase "cannot represent what it accomplishes" but only "presents it." Levinas could thus be said to have shown that one can only "phrase ethics ethically, that is as someone obligated, and not as a scholar" (D Levinas Notice §5). For obligation does not "result from an authority previously legitimated by me or by us. If I am obligated by the other, it is not because the other has some right to obligate me which I would have directly or mediately granted him or her" (D Levinas Notice §2). What is at stake in obligation is that "the other turns into a persecutor, the I into a hostage" (D Levinas Notice §2).

So much for the formal structure of obligation. But there is more. Transcribing the Levinasian idiom and perspective into the language of phrases, the Lyotard of Just Gaming and The Differend even insists that the ‘fact’ of being addressed by the other finds its "model" in the relationship between God and the Jewish people. Here the Jewish people are not "les juifs" in the generalized, intensified and trivialized, sense introduced in Heidegger and the Jews, but, if one may say so, the Jews as a historical category, particularity, or rather singularity. Here, as in the Abraham passage, it is not known "why what is said is said" (D 64). The obligation in question can neither be justified nor specified: it is a "pragmatic relation" (D 65) rather than any determinable content. Thus, Lyotard says: "When Abraham hears that he has to sacrifice Isaac, he sets out to do it, but he does not say: 'it is for my good', or 'it is for the good of Israel!'" (D 64). In other words: "the language game of prescription is kept in its purity; it is not taken over by ontological discourse" (D 64).

How, then, should we understand Lyotard’s apparent Levinasian turn? How, more precisely, should we comprehend the turn to a pragmatics of Judaism which is itself, in turn, to be distinguished from the generalized, intensified and trivialized, use of the somewhat disturbing—or should we say scandalous—reference to "les juifs"? That certain qualifications are needed here seems already clear from Lyotard’s own retrospective remarks in the interview included in Just Gaming:
Of course, my example of Judaism may seem somewhat forced; after all, there is a whole religion, an entire set of beliefs, that rest upon this pure prescriptive. But what I mean is that between this (actually Levinasian) conception of prescription and the conception of a given Sophist, or even Aristotle’s conception of prescriptive in matters of ethics and politics, there is not much difference. In both instances, though in different fashion, there is the same thought, namely that prescriptive cannot be justified; they cannot be made into the conclusions of a reasoning; there is no description and no definition of the prescribing authority. What has been called the conventionalism of the Sophists was probably not conventionalism, but rather an awareness of the fact that not only are laws given, but that they must be laws. There is a language game called command and be obligated, and one must play it. But who is authorized to issue laws, is a question that must be left hanging.

The privilege accorded to a certain tradition, here to the model of the Jewish law and the “pragmatics of Judaism,” is thus at once affirmed and obliquely negated. And one can easily see, after what we have found above, why this should—indeed must—be so. In discussing prescription, no ascription is ever assured. What holds true for any phrase, for any linkage, can be said a fortiori of the phrasing of obligation. And although the relationship between God and the Jewish people is taken here by Lyotard as the privileged example of the way in which the prescriptive phrase resounds or oblige, this privilege is by no means guaranteed, founded or justified, ontologically, historically, axiologically, or aesthetically speaking. The exemplariness of the example resides in its formal structure alone. For the rest, it can only be attested to. To speak of the example of obligation seems itself nothing but an instance of (this) obligation.

To conceive of the idea of justice in terms of a conformity to a rule or a law, would mean to reduce it to a mimetic of a state of affairs in nature and thereby violate the very nature of prescription. Lyotard formulates this insight in terms which turn it almost into a truism: “it is proper to prescriptive not to commensurate their discourse with a reality, since the reality they speak of is still to be.” The reality to come, we might add, is not of the order of Being or, more precisely—since we are dealing here after all with a respect for Being, for the Ereignis, for the plurality of des il y a, of the arrive-t-il which cannot be, first or last—not of the order of a being somewhere, sometime, somehow present. Obligation, the genre of the prescriptive phrases that have not yet become (the) norm, is (of) a different order. As such, it is, in fact, the order as such: an order, moreover, which is saved or resounds or signals itself in an irreducible way each time and on each different occasion. Obligation escapes the clear-cut distinction of the ontological axe, the one that, as Lyotard remarks in Just Gaming, “cuts a divide between that which conforms to being and that which does not, by calling just that which does.” Thus a conceptual and fundamentally metaphysical strategy has become untenable, and, Lyotard adds, “modernity knows it.”

Justice, then, may well be circumscribed in terms of a transcendence or, rather, as an empty transcendence. This ‘transcendence’ can be said to be “inmanent to the prescriptive language game” and be revealed by the circumstance “that the position of the sender, as authority that obligates, is left vacant”; and, once more with an implicit reference to the doctrine of the creatio ex nihilo: “the prescriptive utterance comes from nothing.” Again, this formal structure allows Lyotard to testify to an example par excellence which as a historical sign stands out even though, in its very incommensurability, it cannot represent or exemplify anything else (let alone the incommensurability of experience or, for that matter, of obligation as such).

That the traces of an unspeakable crime were erased at Auschwitz, that it is impossible to measure its monstrous in terms of the cognitive regimen, does not, Lyotard suggests, lessen but rather intensifies and deepens or inspires the responsibility vis-à-vis its victims. That the “shades of those to whom had been refused not only life but also the expression of the wrong done to them by the Final Solution continue to wander in their indeterminacy” (D 93), gives rise, as the Adorno of the Negative Dialectics already knew, to a new categorical imperative. Lyotard rephrases this categorical imperative as follows:

The indeterminacy of meanings left in abeyance [en souffrance], the extermination of what would allow them to be determined, the shadow of negation hollowing out reality to the point of making it dissipate, in a word the wrong done to the victims that condemns them to silence—it is this and not a state of mind, which calls upon unknown phrases to link onto the name of Auschwitz (D 93).

And it is here, again, that the double focus, the ambiguity or the aporia, of the ethics of the differend becomes clearer than ever. For whereas, on the one hand, it must be said that every reality entails this exigency insofar as it entails possible unknown senses,” it follows, on the other hand, that Auschwitz—“in this respect”—is “the most real of all realities.”

Its name marks the confines wherein historical knowledge sees its competence impugned. It does not follow from this that one falls into non-sense. The alternative is not either the signification that learning [science] establishes, or absurdity, be it of the mystical kind (D 93).
Mutatis mutandis—and this formulation summarizes our problem—‘Auschwitz’ resembles the situation immediately after an earthquake that has not only destroyed lives and goods but also the seismographic instruments used to determine its very intensity on a given scale. This destruction of ‘history’, Lyotard writes, does not so much ‘prohibit, but rather inspire(s) in the minds of the survivors the idea of a very great seismic force’ (D 93). It imposes “a complex feeling,” that is “one averted by the negative presentation of the indeterminate” (D 93). 

*Mutatis mutandis, Auschwitz provokes a ‘complex feeling’; the “suffering” of necessary—and necessarily insufficient, indeed, scandalous—other phrases “in abeyance of their becoming event [en souffrance de leur événement]” (D 93). Faced with this ‘reality’ the ethics of *The Differend* becomes categorical or, paradoxically, more categorical than categorical, even more incommensurable than incommensurable. Paradoxically, for what holds true a *a fortiori* for the wrong that is conjured up by the name of Auschwitz, casts its shadow on any other injustice as well:

Even if the wrong is not universal . . . the silent feeling that signals a differend remains to be listened to. Responsibility to thought requires it (D 236).

It is on this aporia or on this hyperbolic figure that the structure of this central chapter of Lyotard’s thought rests: it is this aporia, moreover, which explains the very differend that the *The Differend* has with itself. In this respect, the rephrasing of the concept of obligation is only the most striking—indeed, privileged—example. For it is here more clearly than anywhere else—or, for that matter, more significantly than in any of the other genres of discourse or phrase regimens—that the ontology of *The Differend* adopts the Levinian rearticulation of the via eminenter, the mode of excess or emphase by which ontology is stretched beyond itself, to the point of becoming ‘more ontological than ontology’, the very ‘exposure’ of any possible exposition.

To sum up: one way of reading *The Differend* is to view the citation of a pragmatics of Judaism as a sign or testimony of the author’s (more precisely still, the elusive A.’s) singular linking onto the singularity of the addressing and the address of obligation. As Lyotard notes: “phrases from heterogeneous regimes or genres ‘encounter’ each other in proper names, in worlds determined by networks of names” (D 80, 81, 60, 39). On this view, no commentary on the idea of obligation could hope to escape the proper names from which it takes its lead, but from which it must also seek to set itself apart. What more, any invocation or acknowledgment (however oblique) of a proper name, conjures up others and thereby whole “worlds determined by networks of names” (D 80).

The singularity of the account that respects the very singularity of obligation, the radical incommensurability of the prescriptive phrase, must thus inscribe this phrase in a language that is not its own, must transform it into a normative, a narrative, and ultimately a constative. So or it seems.

Another reading consists in stressing the warning given in the book’s own “Preface” where it is stated explicitly that the exploration of the ‘archipelago’ of phrase regimens, of faculties and language-games—precisely to the extent that it refrains from all anthropomorphism and distinguishes itself in its philosophical endeavor from the theoretical aspiration of both speculation and analysis—“denies itself the possibility of settling, on the basis of its own rules, the differends it examines” (D Preface xiv, xiii). The very distinction between the ethics of the differend and the pragmatics of Judaism would be one, perhaps the most significant, of these differends. And the answer to the question it poses—or, for that matter, leaves open—should not be prejudged. Rather, the ‘reflection’ of the thought required here would demand that one cannot anticipate the *Arrive-t-il?*, but, instead “tries to keep up with the now [maintenir ie maintenan]” (D Preface xv). Paradoxically, the *Arrive-t-il?* would ‘itself’ the “sole addressee” (D Preface xvi) of the book. Its *au juste*, the call to rectitude, the reminder of justice, would only be possible to the extent that it addresses itself or, rather, its writing to the unknown, to the indeterminacy, to the nothingness or the “abyss of Not-Being” (D 100) that opens up the *Arrive-t-il?* Absolute injustice occurs whenever and wherever one *prejudges* this linkage. Absolute injustice occurs, Lyotard writes,

if the pragmatics of obligation, that is, the possibility of continuing to play the game of the just, were excluded. That is what is unjust. Not the opposite of the just, but that which prohibits that the question of the just and the unjust be, and remain, raised. Thus, obviously, all terror, annihilation, massacre, etc., or their threat, are, by definition, unjust. The people whom one massacres will no longer be able to play the game of the just and the unjust. But, moreover, any decision that takes away, or in which it happens that one takes away, from one’s partner in a current pragmatics, the possibility of playing or replaying a pragmatics of obligation—a decision that has such an effect is necessarily unjust."

These words evoke a paradoxical or even aporetic law of obligation, one that dictates the “preservation” of the very “possibility of the prescriptive game.” At times Lyotard argues that this law that orients or “regulates” the phrases of obligation resembles the Kantian idea in that it takes into account the existence not so much of ‘humanity’, but of “the whole of reasonable beings.” But the formal resemblance is in fact
mentioned with reluctance. For, fundamentally, the ‘fact’ or the ‘feeling’ that it is ‘just’ to respect the law that makes the game of prescription possible in the first place, cannot itself, in turn, be justified. That there be obligation is thus, in a sense, the condition of possibility for all future phrases to be taken for what they are: incommensurable and to be respected, if not always honored, as such. But this phrase is not so much a constitutive or a normative as an obligation in its own right which, slightly rephrased, comes down to saying, “Let there be obligation.” That there be obligation, then, is a ‘must’—indeed a necessity of sorts—as well as an obligation.

Bennington describes this ‘unresolved paradox’ which he sees as the outcome of The Postmodern Condition and Just Gaming in even more succinct terms:

On the one hand there is a ‘multiplicity of justices’, to do with respecting the rules of each genre, and on the other a ‘justice of multiplicity’, in which a universal prescription enjoins us precisely to such a respect. The tensions and difficulties this involves are not resolved (and the value of ‘resolution’ could only be suspect here), but further specified in The Differend.

While in particular the prescriptive phrase is incommensurable with all others—more incommensurable, as it were, than all others—it should also be noted that no phrase could stand on its own, not even the one that states this law:

No phrase is able to be validated from inside its own regimen: a descriptive is validated cognitively only by recourse to an ostensive (And here is the case). A prescriptive is validated juridically and politically by a normative (It is a norm that), ethically by a feeling (tied to the You ought to), etc. (D 41).

The law of (all) laws is thus that of a double bind. For, if every phrase is always in need of being respected in its singularity and its differ with others, it is also, at the same time, in need of being followed up upon, of being ‘repeated’, reiterated, supplemented, displaced. And it is this need or, rather, necessity of linkage which forever prevents the auto-presentation of the absolute, the kath’ auto, whether in the Platonic or the Levinasian sense of the word. As a consequence, the very idea of an “absolute witness for a reality,” for example the reality of obligation and its law, would be “inconsistent” (D 103; cf. D 70). Indeed, Lyotard concludes, in Auschwitz there was no “collective witness” (D 155).

One should ask, then, whether or to what extent obligation should not also—by necessity as well as ethically speaking—entail a crossing-over or cross-reference, however elliptically, to the other genres, not only to those of the order of the normative, of laws and jurisprudence (which seems the least difficult linkage), but also to that of argumentation and the so-called cognitive procedures for establishing reality. Seen against this background, these ‘transcriptions’ from prescription into description or, for that matter, from gesture into commentary, are just as inevitable as they are impossible. And, in a sense, they would be just and unjust at once. For they enforce as much as they neutralize the ‘feeling’ or the ‘affect’ to which and from which they speak, or about which they remain silent (and the difference matters little here).

Two things should thus be affirmed at once. On the one hand, it must be maintained that obligation is a mode of phrasing which stands on its own:

In its strictly ethical sense, obligation in and of itself does not need the authorization of a norm to take place, quite to the contrary . . . by legitimating prescription, one suppresses precisely the dissymmetry of the obligation, which is what distinguishes the regimen of prescriptive phrases. It is precisely a function, though, or at least an effect, of the normative phrase to make the obligated one’s situation symmetrical (D 206).

In so doing, the normative phrase mitigates that “anxiety of the idiolect,” which is due to the “marvel” of encountering “the other” as much as to the horror religiosus, to cite Kierkegaard’s Fear and Trembling, or, in Lyotard’s words, the “mode of the threat of the Ereignis,” of the “nothingness” (D 206) with which one is faced in any transition from one phrase (gesture, genre, and regimen) to the next, that is to say, everywhere and at any single moment.

On the other hand, it should be noted that the normative phrase, as it exiles itself from the realm of the ethical, of obligation or prescription, strictly speaking, leads over into what is called the political: a notion, we have seen, whose meaning hesitates between the philosophical politics discussed above and the foundation of a “community of addressers of the prescriptive” (D 206). Politics, defined in the latter sense, “does not make the obligation transitive, that is impossible . . . it makes it common” (D 208). Obligation must, but cannot be made common; or what is made common is no longer and not yet obligation. Obligation calls for a normative that it also should, and of necessity must, exclude.

The ambiguity between the general and specific ethics of The Differend—its being at once a testimony of the singularity of and the respect for any Ereignis or Arrive-t-il? as well as a defence of a privileged incommensurability of the prescriptive phrase, of obligation, in particular of the “pragmatics of Judaism”—is thus repeated on yet another level. The unresolvable tension between the incommensurabil-
ity of the ethical phrase ‘as such’, on the one hand, and ‘just any other phrase’, on the other, finds its formal parallel in the unbridgeable gap between the singular “Obey!” and its translation into a norm for all (or, more often than not, for all that are ruled). In both examples, there is a differend between the single prescriptive phrase and all others (prescriptive and other), between ethics, the normative, and politics in the usual sense. But then again, there could be no ethics without this contestation. The “marvel,” “threat,” and “anxiety” of the ethical demand that the command be uncertain as well as absolute, uncertain because absolute. For obligation ‘to be what it is’, it has to call forth its other.

In Lyotard this is implicit in his introduction of a logics of citation and of performativity in whose structure the normative finds a certain resemblance. Indeed, Lyotard writes, the ‘normative’, while being distinct from obligation in its emphatic sense, “entails the citation of a prescriptive” (D 206; cf. D 45, 46). The normative is a “phrase about a phrase” and, in that sense, a “meta-language,” though it is not one that can rightfully be called descriptive. By being cited or performed, then, obligation can never “engender a universal history, nor even a particular community”; its very “idea”—which, Lyotard writes, is that of “freedom”—resists the narrativization of all legitimations surrounding “national names and traditions” (D 235).

Neither the genre of ‘myth’ nor that of ‘divine right’ nor, for that matter, that of ‘deliberative consensus’ and ‘proletarian communism’, can hope to forge an auto-referential narration, an ultimate redemption or a ‘free linking’ of heterogeneous ‘phrases’. Nor can they bring about a ‘destruction’ of all irreducible phrases and genres of discourse. These different names (myth, divine right, etc.) stand for irreconcilable ways of instituting the ‘litigations’ for irresolvable ‘differends’ that are given with the Ereignis of language as such, before or after its purported ‘fall’ and whether its phrases are silent or not, human or not. Again, according to Lyotard, what is said here of phrases ‘in general’ holds true a fortiori for the prescriptive phrase, for the phrase of obligation. At times it even seems that the latter is incomparably, indeed incommensurably, more incommensurable than all other phrases, which are already incommensurable in their own right. More weight, then, is put on obligation than on any other phrase; justice carries the weight of all discourse, of its differences and of its differends. Lyotard’s analysis remains thus at once close to and at a certain remove from Levinas’s rethinking of the primacy of the ethical over and against ontology, including the ontology of phrasing, Ereignis, the Arrivée-t-il?, and des il y a. But then again, these distinctions might not be too clearly drawn in the writings of Levinas either. Especially in his later work, Levinas comes close to describing—or, rather, attesting to—a modality of responsibility whose contours are structurally contested, enigmatic, and haunted by the negative sublimity of the il y a. And the latter resembles the very effect of melancholy that Lyotard evokes with reference to the Kantian motif of sorrow (Kummer). Neither of these other figures of the other lets itself be represented or presented as such. But each of them bears witness to an insurmountable discrepancy between reality, the world of facts and ontological categories (as well as existentialia), on the one hand, and the “idea” or the “idea of the Infinite,” on the other.

Up to a certain point, Lyotard suggests, this “idea” can be ascribed to the spirit of Marxism and be said to differ radically from the resigned practice of reformism. But, in the end, the difference between these two historical instantiations of a certain “idea” of justice matters little. For while the idea of Marxism as we have come to know it remains premised on the genre of idealistic speculation, the sober reformism of social democracies retains something of the necessary yet impossible transition of the asymmetrical obligation into a distributive justice for all and addressed to all. Still, Lyotard hesitates to affirm reformism as such.

If Marxism, by contrast, has not become totally obsolete, then this is only because of the fact that it survives itself. And it does so, not by virtue of any of its ontological theses, let alone on the merits of its historical praxis, but solely on the basis of its being “the feeling of the differend” (D 236). In fact, Marx’s thought was in itself the sign of this differend, of the differend that it has with itself:

The proletariat demands communism, the free linking of phrases, the destruction of genres; the gemeine Wesen. This finality is signaled by signs of history, by the enthusiasm which workers’ struggles can arouse . . . A prisoner of the logic of the result . . . and its presupposition of a self, Marx understands the feeling of enthusiasm as a request emanating from an (ideal, emancipated) self. The referent of the idea of communism is transcribed as a subject (addressor) who prescribes communism. The common being wants itself. This can be formulated only within the speculative genre (D 237).

Again, this insight leads Lyotard to mitigate the harsh judgment which he passes, in the final pages of The Differend, on the project of social-democratic “reformism.” Yet it is difficult to see how a politics that orients itself, if not toward the best or the better, then at least toward the avoidance of the worst, could be anything other than this reformism. Not that it could subscribe to the reformist program, but its engagement with politics—beyond the testimony of the heterogeneous phrase (and first of all of the phrase of obligation), that is to say,
beyond any "philosophical politics"—could be nothing but de facto reformism. For while the obligation to be just ("Sei gerecht!" or "Obey!") marks a radical rupture—the greatest of all abysses or voids between phrases—it is nonetheless nothing determinable outside of or beyond the work of citation, betrayal, commonality and compromise that it begins by putting into question.

Once again, it is impossible not to be intrigued by the striking formal parallels between these formulations and the Levinasian analysis of the oscillation between the Saying and the Said (le Dire and le Dit), of the emphatic idea of justice in its intermittently interrupted relation to the distributive justice of modern states. Lyotard, it seems, draws on a similar and no less complex logic of the impossible yet necessary translation of obligation into rules and rights, into institutional and social practices, economic transactions and deliberative democracy. Both for Lyotard and Levinas the phrase of obligation must of necessity be rephrased and this ad infinitum. Yet at the same time they both acknowledge that what must and should be done—the general and universal distribution of the prescriptive genre—is also that which threatens to neutralize, synchronize, and thus betray the obligation it seeks to respect and, indeed, obey. It is this very aporia, however, which, according to both of them, is the element of responsibility, of ethics and politics, but also of thought. Wherever it occurs, it signals or announces philosophy's finest hour (l'héure de philosophe).

We began by analyzing Lyotard's conviction that it is crucial to the notion and experience of obligation that it must "not allow one to distinguish the rightful authority from its imposture" (D 164). Moreover, we found that any obligation that is worthy of the name must "be described as a scandal for the one who is obligated" (D 170). One final confirmation of this complex structure can be found in Lyotard's discussion of Kafka. In concluding, I will mention only one telling aspect of this analysis, one, I believe, that casts an interesting yet troubling light (or shadow?) on Lyotard's reception of Levinas's work.

In a reading of In der Strafkolonia (In the Penal Colony), published in his more recent Lectures d'enfance and entitled "Prescription," Lyotard states that according to Kafka's narrative the condition of the law is also presented as "inhuman." The law, that is the empty transcendence of a mere order, here: Ehre deinen Vorgesetzten! (Honor your superiors!) or, even more abstractly, Sei gerecht! (Be just!). Yet, for this law to be what it is, for the law to take effect, it has to be inscribed—quite literally, it would seem—on a body. Here we would touch upon the very condition inhumaine of morality.

The strong . . . reason for naming the work of the machine 'aesthetic' is that its purpose is to make the verbal formulation of the law pass into a corporeal impression . . . To be, aesthetically (in the sense of Kant's First Critique), is to be-there, here and now, exposed in space-time, and to the space-time of something that touches before any concept or even any representation. This before is not known, obviously, because it is there before we are. It is something like birth and infancy (Latin, in-fans)—there before we are. The there in question is called the body. It is not T who am born, who is given birth to. T will be born afterwards, with language, precisely upon leaving infancy . . . When the law comes to me, with the ego and with language, it is too late.

And a little further:

Only the sacrifice of the body maintains the sanctity of the law. . . .

What the officer describes is the absolute condition of morals, and its cruelty toward innocence. Innocence is in all certainty the sin because it knows nothing of good and evil. It is not jenseits, beyond, but on the hither side, diesselbst. . . . [W]hat comes first, is not the commandment; it is birth or infancy, the aesthetic body. The latter is inscribed so much in advance, on this side, diesselbst, that the law can only inscribe itself by reiterating on the body and in the body an inscription analogous to the one that instituted it. The law is always the body's afterward.

Levinas, it is well-known, hardly ever refers to Kafka's narratives.
The universe that haunts Kafka's writings is not his. Or so it seems.

For it is no less clear that in Levinas's later writings—which return to some of the central motifs of the earliest essays—genuine obligation and delusion, violence, and scandal become almost indistinguishable from each other. The insistence on the haunting and traumatic character of my becoming hostage of the other and through this other to all others who haunt (in) this other, and who oblige(s) me to give all to all, that is to say, everything to everyone—all this finds its most tantalizing expression in the view that the para-experience of an immense surplus of non-sense over sense constitutes the very element and modality of ethical transcendence or, more precisely, of holiness.

Like Lyotard, Levinas insists—with reference to the discourse of phenomenology rather than to that of psychoanalysis—that the madness of obligation leaves a "corporeal impression" of sorts. The pour soi becomes a pour l'autre, a pour tous even, and this, Levinas stresses, to the point of substituting for this other and the others that haunt the other; to the point, that is, of giving itself up for these others. The response to this obligation signals itself in a hyperbolic and excessive passivity of donation. Come what may. This passivity responds to a call for which, however, it comes already too late; that is to say, a call that has the structure of belatedness (albeit, again, in a non-psychoanalytic
sense), and that, in a sense, cannot even be heard. Obligation, then, touches in the first place upon the “body” and does so well before any possible perception, stimulus, response or reflex. It marks itself in the traits of the “erosion of aging,” in a gnawing away at the subject’s flesh (as if in-carnation were perversely re-read here as a carnage in the flesh), in patience, but also in virility, maternity, youth, and in a materiality whose passivity surpasses that of matter strictly speaking; in short, in a singularity before and beyond all identity. At times it would seem as if obligation can be discerned in a single trait, the curvature of a person’s neck, but also of social space.

To suggest, however, that the drama of obligation is therefore ‘aesthetic,’ as Lyotard has it, is already saying too much. For Levinas, it seems, neither the modern, limited, nor the original, transcendental meaning of ‘aesthetics’ succeeds in capturing the singular affect by which the other makes the self responsible by taking it hostage. To propose, moreover, that the complex affection called obligation is solicited or signaled by a “negative presentation of the indeterminate” (D 93) and thus resembles the modern and postmodern understanding of the sublime, is to ignore the stakes involved in Levinas’s critical assessment of all art and every aesthetics, whether classical and mimetic or modernist, avant-garde, non-representational, non-figurative, etc.

A simple conclusion, then, might impose itself. Lyotard suggests that ethics is premised on aesthetics or, more exactly, takes on the forms of a certain ‘aesthetic’ in the original and postmodern sense of the word. As an intense, indeterminate affect or trait, however, it thereby also exemplifies just about every occurrence of any phrase and only thus, paradoxically, affirms a certain primacy of the ethical phrase.

Levinas, by contrast, starts out from the premise that any aesthetics must remain secondary with respect to obligation and to holiness. At the same time, however, the latter are radically rethought so as to contrast the common understanding of the ethical appeal as one of valoir or Geltung (from, say, neo-Kantianism all the way up to the formal pragmatics of Habermas and others). The affect of obligation “weighs down” on the subject, but it does so in a sense that is neither causal nor mechanical, teleological nor intentional. Obligation, then, touches before—and beyond—any touching. Its idea—the idea of the Infinite—is one that exceeds and precedes the grasp of the intellectual and the spiritual. The not-being-able-to-contain—or-comprehend—or-intuit the idea of the Other is, however, not some defect of thought, due to its supposed finitude. For Levinas stresses its ‘positivity,’ ‘eminency,’ and, indeed, ‘sublimity,’ ‘delight’ and ‘horror’; the fact that it expresses an echo of the infinite in thought which, paradoxically, leaves this thought “quasi-désarçonné.”

By the same token, the affect of obligation is not merely corporeal, material, nor, for that matter, ‘aesthetic.’ However, to speak here of a ‘primacy’ of the ethical in any intelligible meaning of the word—whether understood as an ontological, logical, chronological or even axiological priority or, say, in transcendental terms—would be no less problematic.

In the final analysis, then, these two radical perspectives on obligation, epitomized by the writings of Lyotard and Levinas, remain at once indistinguishable and caught up in an irresolvable difference or even differend. This paradox or, rather, aporia should not surprise us. For, if my reconstruction of their respective positions is at all plausible, then this outcome is only consequent. In a sense, it proves their point.

NOTES


5. Ibid., p. 8


7. Ibid.

8. Lyotard, L'inhumain, p. 94; English p. 83.

9. Ibid.

10. Ibid., p. 92; English p. 81.

11. Ibid., pp. 85-8; English p. 96.


14. Ibid., p. 97; English p. 87.

15. See Ibid., pp. 98-99; English p. 88: “When we have been abandoned by meaning, the artist has a professional duty to bear witness that *there is,* to respond to the order to be . . . Being announces itself in the imperative.”


17. Ibid., p. 117.


21. See D 100, 131, 160, 170, 178, 182, 190, 199, 221, 237.


24. Ibid.

25. Ibid., p. 404.


27. See D 205, where Lyotard stresses that the structure of performativity can be extended to virtually all other phrase regimens as well, and thereby, paradoxically, loses much of its “descriptive value for the structure of the normative.”


29. Lyotard, *Just Gaming*, p. 64.

30. Ibid., p. 65.

31. Ibid., p. 66.

32. Ibid.
gularity par excellence” to which several proper or common names may be
given. And yet, this singularity marks what is fundamentally a “non-quid-
dity,” a ‘person’ and ‘nobody’ at once (personne) (AE 135). It is around this
‘neuralgical’ point, then, that the gesture of the “hyperbolic passivity of
the giving”—without any specific content, origin, context, and addressee—
revolves. It is on the basis of this absolute performative alone that lan-
guage, experience, and action are no longer condemned to the mere dou-
bling or mimickry of preexisting thoughts, states of affairs, and events, of
possibilities, that is to say, of Being.

45. See ibid., p. 158 n. 28: “Valoir c’est certes ‘peser’ sur le sujet, mais
autrement qu’une cause ne pèse sur l’effet, un être sur la pensée à laque-
lle il se présente, une fin sur la tendance ou la volonté qu’elle sollicite.”

26: The “descent” of the infinite into finite thought or desire is the “affect
ion du fini par l’infini, par-delà la simple négation de l’un par l’autre.”
And, a little further: “amour ou crainte de Dieu—ou adoration et épousis
dont parle Descartes dans le dernier alimenté de la troisième
Méditation métaphysique—l’idée de Dieu est, de fond en comble, affectivi,
té, laquelle ne se ramène pas à celle de la Befindlichkeit de Sein und Zeit
ou l’angoisse de la Jemeinigkeit pour sa finitude de l’être-a-mort vient tou-
jours doubler l’intentionnalité du sentiment ému par un état appar
tenant au monde.” See also Hent de Vries, “Levinas,” in A Companion to
Continental Philosophy, eds., Simon Critchley and William R. Schroeder

II. SUBJECTIVITY