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Jean-Francois Lyotard on Political Judgement

In the two books which both were published in 1977, *Rudiments païens* and *Instructions païennes*, Jean-Francois Lyotard sketches something that he then calls paganism. He defines paganism as a view that does not accept the notion of one God, one truth or one way of progress but is for a multiplicity of Gods, truths, and perspectives. He calls for Nietzschean “active nihilism” or “decadence” in relation to three categories: the truth, the unity and the finality. It is a decadence of a certain type of rationality, of unitary socio-cultural space with a central discourse, and of eschatological, finality-oriented temporality. The result is a condition of impiety.

He then specifies, that the object of his pagan instruction is “justice in the condition of impiety”. This combination of the concern for justice and consciousness of there being no absolute criteria for it, is the Lyotardian theme in matters of political judgement. He especially directs his instructions to the former Marxists, whom he asks to leave the discourse of truth and correct theory in politics.

I have elsewhere argued that it is essential for understanding Lyotard to realize that he is posing his questions from inside the framework of the Hegelian-Marxian political ontology. For example Seyla Benhabib misses the point in her critique of Lyotard, when she accuses him of interest-pluralism. My claim is that Lyotard operates within the political ontology that differs significantly from the liberal one which allows for the notion of interest-group pluralism. Lyotard actually is interested in disinterested judgements in the condition of impiety. (Pulkkinen 1996, 124-133)

Paganism means for Lyotard, that the ideal of rational politics is over, and that it is impossible to gain true knowledge of social and political facts, at least insofar as they would imply political judgements and decisions. The pagan situation is a situation where one judges without criteria.

Lyotard's problematics winds around the issue of how to avoid the thought of planning the society and simultaneously fight injustices politically, make political judgements, and act moral-politically for change. This all happens in the condition of agonistics which does not include a horizon of solution.

Lyotard's position is supposed to be that of a post-Marxian. The central feature of the Hegelian-Marxian political ontology is the assumption of a single communal subjectivity. The community is conceived of as a will (a single mind or consciousness) that is supposed to be autonomous, to govern itself. The crucial question for any post-Marxist position, I think, is whether it is able to dispose of the assumption of communal subjectivity (see Pulkkinen 1996). Also Lyotard's political thought finds its culmination point in the conception and presentation of communal subjectivity. In the Hegelian-Marxian political universe a political judgement is made in the name of the communal subject. A political actor, in the process of making a political judgement is ideally conceived of as approxi-

mating identity with the abstract general will of the community. The communal subjects in the national and socialist thought are conceived of as real subjects, which may either remain dormant or then be awakened. As an example the Finnish nation was “awakened” last century, the working class could be/may be awakened to consciousness, women as a nation may be awakened and gays and lesbians as a nation may be awakened to realize the oppression and gain heightened consciousness. (See Pulkkinen 1996)

For Lyotard, as a post-Marxist, the pattern of thought which founds a communal subjectivity and claims for its self-knowledge and self-determination has become problematic. A political judgement within this thought is aimed at the future of community and it is done in the name of community. The problem for Lyotard is how to figure the judgement when the idea of the project has been abandoned, when the idea of the communal will and its self-command as an indispensable element of political judgement has been rejected. (Lyotard 1977; 1985; 1993)

My interest in this paper lies in inquiring more into the problematics of subjectivity in the Lyotardian scheme: what actually happens to the communal subject in it? Does Lyotard succeed in abandoning the idea of communal subjectivity? Is Lyotard’s concept of communal subjectivity related to his concept of individual subjectivity? The three discourses Lyotard makes use of in expressing problematics of mind are: first, his peculiar phrasal philosophy, with its vague links to linguistics; second, the psychoanalytic frame; and third Kant’s third critique, the aesthetical judgement. I am going to briefly touch each of them, the first two especially in connection with Anne Tomiche’s interesting article “Rephrasing the Freudian Unconscious: Lyotard’s Affect-phrase” published in *Diacritics* spring 1994. The aim is to problematize Lyotard’s success in getting rid of communal subjectivity as a source and horizon for political judgement.

Phrastics

In *Le Différend* Lyotard starts to offer a philosophy of phrases as a general frame for presenting his thought. Even if the term phrase evokes grammar and linguistics, Lyotard's phrase is not the linguist's sentence. As Tomiche notes: A phrase is not defined in terms of meaning and signification: it is a pragmatic entity that is defined by – and defines – the situating of its instances with regard to one another. Rather than conceiving of individuals speaking sentences, Lyotard conceives of phrases as events taking place. As they happen, these phrases-events present universes. The subjects (addressors and addressees) thus do not preexist the phrase universe: they do not exist outside or independently of it; they are positions within the universe presented by the phrase. (Lyotard 1983, 194; Tomiche 1994, 44)

The phrase interests Lyotard insofar as it is a pure occurrence, before representation, signification, and the subject: it is what merely happens, the presentation of the universe, before the question can even be raised of what has happened, before the question of the universe presented can be raised. The status of this pure occurrence is complex, however: it happens now, but taking that now as the referent of other phrases inevitably loses it as event. From the perspective of the phrase as event, even silence makes a phrase, since the refusal to phrase is itself an occurrence that “happens”, and affects have to be analyzed as phrases. As Tomiche says “There is therefore nothing before phrases, and there is no such thing as an absence of phrase.” (Tomiche 1994, 45)

Since there is no such thing as an absence of phrase and since it is impossible not to phrase, it is therefore necessary that a phrase be linked to another phrase: another phrase cannot not happen. But while to link is a necessity (it is not an obligation, a *Sollen*, but a necessity, a *Müssen*), how to link is a contingency. Linking of a phrase brings us

to the issues of political judgement, because, as Lyotard writes: "The social is implicated in the universe of a phrase and the political is its mode on linking" (Lyotard 1983, 141).

Differend

There are instances where linking phrases is not simple. Lyotard's *Le Différend* takes its name after a special situation, which is central in Lyotard's theorizing of political judgement. Lyotard calls a differend a situation of wrong (*tort*) where a damage (*dommage*) is accompanied by the loss of the means to prove the damage" (Lyotard 1983, 5). He writes: "I would like to call a differend the case where the plaintiff is divested of the means to argue and becomes for that reason a victim" (*ibid.*, 9). "A case of differend between two 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" (*ibid.*). "The differend is the unstable state and instant of language wherein something which must be able to be put into phrases cannot yet be" (*ibid.*, 13). "This state is signaled by what one ordinarily calls a feeling: one cannot find the words..." (*ibid.*).

Lyotard names differend a situation of radical exclusion or imbalance resulting in a wrong which is hard to express in the hegemonic language. An ordinary case of injustice may be taken to a court as a case of litigation in a situation where both parties share the same language-game. In a case of a "differend", however, there is an injustice, yet the victim is unable to put the wrong done in phrases because the justice functions within the discourse of the party that has committed the injustice.

Lyotard's examples refer to the radical imbalance of cultural power. A citizen of a French colony cannot take a

case of the injustice done to her culture to any court because they function as part of the French judiciary system. A wage-laborer may take a case about the labor conditions to court. But it is impossible to bring up a case about the wrong done to her by the economic system which forces her to sell her labor. The means of expressing the wrong done have in these cases been taken away from those to whom it is done. Another example that Lyotard takes up is the differend of women in a male-dominated world. There is extreme injustice, but it is very hard to express in the valid language, which is permeated with the same hegemony. (Lyotard 1977; 1983; 1985)

With the concept of “differend”, I would note, Lyotard grasps the nature of injustice and phenomena of power within structures elsewhere often referred to with such large diffuse concepts as “colonialism”, “capitalism” or “patriarchy” and, one could add “heterosexual hegemony”.

For Lyotard the judgement that phrases the wrong done in these circumstances is done on the basis of a feeling. A feeling of a wrong done, a feeling of injustice. Also, generally for Lyotard, in a conditions of paganism, where there is no criteria for political judgement, judgements are made on the basis of feeling. One judges like choosing a friend, not arbitrarily, but not with a criteria. (Lyotard 1983; 1985) Feeling, thus, is a very central term in Lyotard’s analysis of judgement. Feeling, in terms of phrases “the affect-phrase”, also connects to several discourses.

Psychoanalysis

Anne Tomiche pays attention to the link to the psychoanalytical discourse in the case of Lyotard’s affect-phrase. She notes, that for Lyotard, the unconscious happens in phrases, hence as phrase, but as inarticulate phrase. The inarticulate phrase, she says is a nonsignifying, nonaddress-

ing, and nonreferenced phrase. However, it points to a meaning that is only of one type: a feeling (of pleasure and/or pain: anxiety, fear, and so on). The inarticulate phrase thus does not “speak of” anything but “says” (without articulating) that there is something, without signification, reference or address. The inarticulate phrase “says” that there is something here and now, insofar as this something is not anything, neither meaning, nor reference, nor address. The something that the inarticulate phrase “presents” is its own “presence”, its “being-there-now”. To say that “the unconscious happens as inarticulate phrase” thus means that it happens as a pure “it happens”, a pure presentation without anything being presented.

Tomiche argues that Lyotard with inarticulate phrase returns to Freud, and his notion of unconscious affect. She contrasts him to Lacan, for whom the signifier represents (manifests) the subject, whereas Lyotard’s inarticulate phrase, insofar as it is a pure occurrence, comes “before” not only representation or signification but also the subject. The inarticulate manifests itself a “presubject” what Lyotard calls the infant. (Tomiche 1994, 46-48)

Tomiche here studies Lyotard’s more recent work: his article “Emma” (*Nouvelle revue de Psychanalyse* 39), his books *Heidegger and the Jews* (1988), *The Inhuman* (1988) and *Lectures d’enfance* (1991). Lyotard argues his case through Freud’s case of Emma and the issue of primal repression and seduction. Emma was touched with sexual intention at the age of 8 by a shopkeeper, but only at a later event of a slightly similar situation did she feel the traumatic effect, because, according to Freud at the time of the first, prepuberty, event she was not able to understand the sexual nature of the deed, which then occurred to her at the memory of the event caused by a slightly similar occasion after her puberty. With this case Lyotard comes up with the notion of “pure” possibility of being affected, pure in a sense that the possibility of being affected by an

event is independent from the possibility of representing the event. Such a pure possibility of being affected is what Lyotard calls passibility. Passibility is not passivity. Passivity is opposed to activity, passibility is not: active/passive opposition presupposes passibility.

The scene of Emma and the shopkeeper can therefore be described as the scene of an encounter between two kinds of phrases: an articulate phrase (the shopkeeper's sexual aggression) on the one hand and Emma's inarticulate affect-phrase on the other. The affect-phrase and articulation can meet but cannot link up, since Emma's inarticulate phrase does not allow for any kind of linkage. Between this affectivity and articulation, the differend is inescapable. Lyotard also says, that such a differend is not only irreducible but also ineluctable "one could not avoid it". The adult articulate phrase always comes to awaken (excite) passibility." What Lyotard's rephrasing of primal repression thus suggests, according to Tomiche, is the principle of an originary, ontological "seduction" that consists less in a physical aggression to which a passive child is being subjected than in the intrusion of articulation into the child's universe of inarticulate and affects, a seduction that is thus the awakening of passibility. (Tomiche 1994, 50-57)

I would pay attention here to the very word that Lyotard makes use of here: "awakening". He emphasizes the originary traumatic and seductive nature of the "touch". But in his terms, what makes the encounter traumatic is the impossibility of linkage – the shock stems from the incommensurability between the two types of phrases – and what reveals that the encounter is seductive is that it awakens the infant's passibility and produces a "pure effect".

Tomiche also pays attention to the linkage between Lacan's concept of the missed encounter and Lyotard's theorizing. She says that in it is precisely the Lacanian

concepts of the Thing and of the missed encounter that can be compared to Lyotard's affect-phrase and differend.

According to Tomiche Lacan's Thing emerges as the pure "this" of the object without properties – *quod* without any *quid*. In relation to Freud's distinction between what is "inside" and what is "outside" the subject, Lacan's Thing emerges as the excluded interior, that which is excluded inside. Tomiche writes: "Like Lacan's Thing, which constitutes a primordial exclusion at the center of the subject's unconscious (the Thing is at the heart of the unconscious but is there as excluded, as a hole, a cut around which the signifier structures reality), Lyotard's affect is excluded inside: it inhabits articulated discourse while being its radical other" (Tomiche 1994, 59; Lacan 1986, 87, 122).

Tomiche further analyses: "For Lyotard the encounter between the affect-phrase and the articulated phrase can only be a missed encounter" (Tomiche 1994, 60). This is where I disagree with her otherwise enlightening presentation. A differend is not doomed to muteness according to Lyotard. On the contrary, Lyotard presents an obligation to try to put differends to phrases. He literally says this in several texts: "What is at stake in a literature, in a philosophy, in a politics perhaps is to bear witness to differends by finding idioms for them" (Lyotard 1983, 13). "In the differend, something asks to be put into phrases, and suffers from the wrong of not being able to be put into phrases right away" (*ibid.*). The dimension of witnessing, which is a central one in Lyotard, often is underestimated when attention is paid to the theme of unrepresentability, which is such a central one in his work. (E.g. Bennington 1988; Readings 1991)

Despite of this omission, Tomiche, I think is right, when she concludes, that although Lacan and Lyotard think the unconscious from different perspectives, they share a basic assumption about the construction of "psychical reality": beyond, beneath, and in "psychical reality" there

is something that cannot be reduced, something around which “reality” is constructed. For Lyotard what is at stake is doing justice to the event, the pure happening of the affect-phrase. Being attentive to the Real, doing justice to the event necessarily entails a reduction, a betrayal of the nature of the real, an injustice: such is the paradox of the obligation toward the irreducible. (Tomiche 1994, 61)

The two figures that stand out for me in Tomiche’s analysis of Lyotard’s recent psychoanalytic work, are first: the figure of awakening of an infant’s passibility, and, second, the figure of excluded interior, the inside as a hole. Both of these I would like to link to the problematics of the communal subjectivity where I started from.

Let’s consider again differends such as colonialism, capitalism, patriarchy, and the heterosexual matrix. The figure of awakening evokes the thought of the passibility of the communal subjectivity and the touch of the oppressor which (in a succession of time and because of its radical differend) awakens political consciousness: in these cases the consciousness of the colonized, of the working class, of women, of the homosexuals. What is disturbing to me here – besides the infancy metaphor – is the frame of the potential subjectivity in the community. The possibility of emergence of political agency is already there in the community, as passibility. This potential agency is located in the community already before any situation of power.

The potential subjectivity in the community – which is uncontrollable – is the one that does not find its expression, that has no possibility of becoming conscious of itself, that is inarticulate, but that nevertheless is there in the heart of the subject, as the excluded center (as the Lacanian Thing). What is disturbing to me there, is that even if this core of subjectivity is a hole, even if nothing can be said about it, even if it is uncontrollable, it nevertheless, in this theorizing, is there – it has a site. For me it seems to be, that a thoroughly post-Marxian (and I would

say postmodern) description of community cannot be made with this interior hole (in mind). That is why I would say, that Lyotard stands at the edge of the postmodern.

But, let me consider another angle to the same problematics. This is the angle of Kant's *Kritik der Urteils-kraft*. Lyotard, just as Hannah Arendt, takes Kant's third critique as his inspiration when theorizing about political judgement. Kant's aesthetic judgement is a special kind of judgement: it is made without criteria. Kant distinguishes what he calls reflective judgement from what he calls determinate judgement. A determinate judgement presupposes a law or a regulation, but for reflective judgement there is no pre-established criteria for judging. (See e.g. Kant 1974, 15-17 [XXV-XXIX]; 113-147 [113-162])

According to Kant judging is a faculty, and an a priori principle governing its operation is the "formal purposiveness of nature". In a judgement without criteria, one judges as if what one judges is purposive, even if one is not able to exhibit, as in the case of a determinate judgement, the objective validity of the judgement (ibid., 17 [XXVIII]). In an aesthetic judgement taste is the feeling of the natural destination of the faculties to subjectivity; the principle of such a nature being universally valid, the feeling of this destination must also be so; this is why aesthetic pleasure can legitimately claim to be universalizable by demanding the consent of everyone. (Ibid., 197-205 [234-246]; Lyotard 1992; Beardsworth 1992)

Kant thinks that reflective judgement resides in a subject's feeling. However, by "feeling" Kant does not mean a purely subjective affect. Kant argues that the feeling that accompanies reflective judgement, despite the fact that it cannot be objectively presented, is not subjective in the sense that a sensation or a private opinion is subjective. Rather, it implies a common sense to all, a *sensus communis*, which is a capacity shared by all. *Sensus communis* brings us back to community (Kant 1974, 144-147 [157-161]).

Liotard emphasizes that *sensus communis* cannot be presented as a transcendental subject, as in the case of a knowing subject. There simply is no aesthetic transcendental I. As Lyotard writes: At the most a pre-I, a pre-cogito, some sort of floating synthesis between the faculties, whose I isn't in charge, but "nature". Lyotard, in recasting political judgement as analogous to a Kantian aesthetic judgement, underscores that "it should not be said, either, that the community will have an interior once the subject is born, that we will move from feeling to concepts, from art to philosophy, from *sensus communis* to *intellectus communis*, which is the I think. For this move does not exist." (Lyotard 1992, 22)

I would emphasize that Lyotard's main concern with respect to the idea of communal subject is the possibility of its command. The issue is whether the subject can be present to itself and in control of itself. The issue is not whether there is the communal subject or not. This means that Lyotard criticizes the Hegelian-Marxian tradition of the urge to control social subjectivity. He is critical of the claim of anyone to "know" or being able to "represent" or "present" the communal subject. He is actually critical of the entire notion of autonomy in the sense of German Idealism's tradition for its implications for political thought, much in the same manner that Hannah Arendt is (cf. Pulkkinen 1996, 224-231). – But is he critical of the very notion of communal subjectivity? When he writes "The community has no interior that needs protecting" (Lyotard 1992, 22), does he stress "needs protecting" rather than "has no interior"?

For Lyotard there remains Kant's "natural substratum" in the subject that makes an aesthetic judgement. This is, if we follow Tomiche's analogy, the Lacanian hole. Of that Lyotard writes: "Thus it is a region of resistance to institutions and establishment, where is inscribed and hidden what happens "before" we know what it is and before

we want to make it into anything at all. This pleasure is an inscription without support, and without code by which it can be read off. The task is to...reinscribe it, without filling it full, and without getting rid of it." (Ibid., 24)

Transferred into the realm of political judgement this means listening to the interior (will) of the community (nation), being attentive to it even if resisting the definitive description of it or prescriptions on the basis of knowledge of it. For me, crucial is that the communal subject remains there as the pattern of thought.

There are also (uncontrolled) expressions of the (hidden) communal subjectivity according to Lyotard, at least momentarily: In the article "A l'insu" (translated as "Unbeknowst") he writes about "the thing that inhabits the *polis* unconsciously". He condemns political praxis for trying to know it, to catch "it", but he seems to be fairly willing to acknowledge its expressions, which (not surprisingly) are spontaneous uprisings of "the people": He writes: Revolutions, all revolutions, are attempts to approach it, to make the community more faithful to what, unbeknowst to it, inhabits it."

Lyotard writes that the community has no interior that needs protecting, but there still is a site for that interior in his thought, the site of the interior that is not there to be described. This is the Lacanian excluded interior, the hole, which simultaneously is the source of pure affects in the Freudian sense.

For Lyotard, I think, this means only a partial separation from the tradition of Hegelian-Marxian political thought. To envision a possibility to think of political judgement without the notion of the communal will is, I would say, the interest of a post-Marxist or postmodern political thought. Even if there is only the site of the communal subject as an inside hole, it provides for a horizon of communal will as a criterion for judgement, which, I think, is undesirable for postmodern pursuit.

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