

SENSIBILITY AND THE LAW: ON RANCIÈRE'S READING OF LYOTARD

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This paper responds to Rancière's reading of Lyotard's analysis of the sublime by attempting to articulate what Lyotard would call a "differend" between the two. Sketching out Rancière's criticisms, I show that Lyotard's analysis of the Kantian sublime is more defensible than Rancière claims. I then provide an alternative reading, one that frees Lyotard's sublime from Rancière's central accusation that it signals nothing more than the mind's perpetual enslavement to the law of the Other. Reading the sublime through the figure of the "event," I end by suggesting that it may have certain affinities with what Rancière calls "politics."

I am aware that an essay that attempts to get between Rancière and Lyotard, to respond, in an always potentially polemical way, to the attack by the former upon the latter, to sort out what Lyotard would call the "differend" between them, runs the risk of being "un-Lyotardian"—one might even say unjust in the sense that Lyotard uses the term. Lyotard calls for the thinker to "save the honour of thinking,"¹ the honour, that is, of a thinking that is responsive to what comes, to what we might still call (but now, perhaps, with a little trepidation) "alterity." On the one hand, he describes this kind of thinking as artistic, by which he means, leaning on Kant's notion of reflective judgement, a thinking that doesn't take the rules of its procedure for granted but seeks those rules through the course of its own act. To tackle Rancière's reading of Lyotard, then, to say where it works and where it fails, to judge and pronounce upon it—would this not amount to playing the role, precisely, of the judge, that third party who possesses the rules and pronounces according to them, turning the differend into a litigation and downplaying the moment of

¹ Jean-François Lyotard, *Le Différend* (Paris: Minuit, 1983), 10, tr. by G. Van Den Abbeele as *The Differend: Phrases in Dispute* (Minneapolis: University of Minnesota Press, 1988), xii. Hereafter this translation is referred to parenthetically in the text as D.

dissensus? Would it not run the risk of subjecting both “sides” to a common logic and therefore a common law?

On the other hand, what Lyotard calls thinking also carries a responsibility, one that, contra Rancière, he conceives to be at least in part political: to bear witness to the differend. Though it ought to be what he calls “passible” in relation to the event, thought must not be passive in the face of the differend, an invocation, bordering on hyperbole, of a conflict that exceeds litigation in the absence of any agree-upon third-party judge.² What I would like to do here, then, is to attempt to bear witness to this differend in what I hope is not an entirely classical way, though it must, of necessity, follow some of the rules and procedures of classical philosophical discourse.

Let me offer in what follows, then, some thoughts on Rancière’s reading of Lyotard, collected roughly under two headings.

The Ethical Turn: The Law of the Other

This reading and its criticisms are rather well known. Lyotard’s work, according to Rancière, is a kind of exemplar of a particular mode of contemporary thinking, “the way in which ‘aesthetics’ has become, in the last twenty years, the privileged site where the tradition of critical thinking has metamorphosed into deliberation on mourning.”³ Lyotard’s thought appears to cap off the third of the three “regimes of identification” that Rancière distinguishes in the Western tradition of art, the regime known as the “aesthetic.” This regime is based on “distinguishing a sensible mode of being specific to artistic products” (PA, 22), and has as its main feature a “heterogeneous power, the power of a form of thought that has become foreign to itself.” (PA, 23) Artistic products in this regime are seen to involve an element of being that is separated from ordinary knowledge or conscious thought. The word

² For Lyotard’s famous definition of a differend, see *The Differend*, xi. For reference to the differend as resulting from a kind of hyperbole, a “calculated and methodological exaggeration,” see Gérald Sfez, *Lyotard: La partie civile* (Paris: Michalon, 2007), 13.

³ Jacques Rancière, *Le Partage du sensible: Esthétique et politique* (Paris: La Fabrique, 2000), tr. by G. Rockhill as *The Politics of Aesthetics* (London & New York: Continuum, 2004), 9. Hereafter this translation is referred to parenthetically in the text as PA.

“aesthetic,” taken in the sense invoked here, does not indicate technical perfection, but rather “a specific form of sensory apprehension.”⁴ Sensory or aesthetic form is “heterogeneous to the ordinary forms of sensory experience.” (AD, 30) This “form of thought” that is “foreign to itself” thus denotes a very specific kind of experience, one that “suspends the ordinary connections not only between appearance and reality, but also between form and matter, activity and passivity, understanding and sensibility.” (*Ibid.*) Kant’s conception of the genius whose work is dictated by nature, Proust’s dreamed-of book planned out entirely free of the will, the Surrealist turn toward the unconscious are all given as examples of what Rancière has in mind here. (PA, 23)

The aesthetic regime thus designates a realm freed from the constraints of ordinary experience and from the rules and hierarchies of technical production. And it is here, in this movement that both identifies the singularity of art while at the same time liberating it from rules and hierarchy, that Rancière identifies a paradox. Given that art is freed from any rules, those rules that had previously separated the artistic way of doing and making from other ways of doing and making are lost—and with them, any means of identifying the very specificity of art that is here being asserted. There is therefore a contradiction that is constitutive of the aesthetic regime of the arts. This contradiction “makes art into an *autonomous form of life* and thereby sets down, at one and the same time, the autonomy of art and its identification with a moment in life’s process of self-formation.” (PA, 26) Art is both cut off from the world of knowledge and *techne* at the same time that it becomes identified with a singular form of sensory experience attributed to the life of the community, a confusion of opposites epitomised in Schiller’s notion of the “aesthetic education of man.”

Now, the aesthetic regime can, in fact, be called the “true name” (*le nom véritable*) of what has confusingly and contradictorily been called “modernity.” (PA, 24) One should have no illusions here—Rancière’s aim in describing these artistic regimes is to clarify our thinking, to clear up the confusion that dominates both the conceptualisation of new forms of art and the relation between politics

⁴ Jacques Rancière, *Malaise dans l’esthétique* (Paris: Galilée, 2004), tr. by S. Corcoran as *Aesthetics and Its Discontents* (Cambridge: Polity, 2009), 29. Hereafter this translation is referred to parenthetically in the text as AD.

and aesthetics. It is to rid ourselves of confusion so that we may speak sensibly. And the term “modernity” is part of this confusion, this insensibility. This term covers over (in a gesture that even appears to be “deliberate”) (PA, 26) the paradox that Rancière identifies as characteristic of the aesthetic regime. Modernity as a concept naïvely traces a simple line of rupture between the old (representative art) and the new (non- or even anti-representative art). (PA, 24) The question is therefore one of historicity, of a naïve and oversimplified conception of modernity as a break with mimesis and figurative representation. Modernity symbolises for Rancière the idea that history has only one meaning and one direction, an oversimplification that is contrasted to the temporality specific to the aesthetic regime of art, which recognises “a co-presence of heterogeneous temporalities.” (PA, 26)

Although in *Aesthetics and Its Discontents* Rancière will rightly qualify the centrality to Lyotard’s thought of the term “post-modern” (see AD, 103), in *The Politics of Aesthetics*, he places Lyotard’s “post-modernism” within the context of the confused narrative of modernity.⁵ In either of the two forms modernity can take (either that which focusses, pace Greenberg’s modernism, on the autonomy of art and the development of forms specific to each medium, or that which identifies aesthetic forms with a task or destiny specific to modernity, the form that Rancière calls “modernatism”) (PA, 26–27), their “teleological model” becomes, at a certain historical point, untenable. It is then that certain artists and thinkers come to the realisation that modernism was nothing other than an attempt “to establish a ‘distinctive feature of art’ by linking it to a simple teleology of historical evolution and rupture.” (PA, 28)

It is in the next phase of Rancière’s story that Lyotard appears. The initial post-modern euphoria that came out of being liberated from the destinies of modernity suddenly turned serious, as “the freedom or autonomy that the modernist principle conferred...upon art the mission of accomplishing” was attacked. (*Ibid.*) There was a shift in post-modernism “from the carnival,” as Rancière puts it, to the “primal scene.” (*Ibid.*) But one ought not to see this primal scene as a starting point, the beginning of a process. Rather, Rancière links the power to begin anew suggested by this sense of “primal” to the free and

⁵ I do not accuse him of an inconsistency for this; the one point is theoretical, the other, as I take it, historical.

autonomous art that inaugurates the task and destiny of modernity. That is why he associates it not with post-modernity, but with “modernist faith,” and with Schiller via Kant’s *Analytic of the Beautiful*. (PA, 29) Such a starting point would be political for Rancière, as we will see. The post-modern primal scene reverses this sense of autonomous beginning into a scene of dependence, trauma and enslavement to the law of the Father or the Absolute Other. This primal scene, then, is the precise opposite of modernist free and autonomous beginnings. We shall have more to say about the significance of this below. Here, let us note that, for Rancière, this reversal has as its “theoretical foundation” Lyotard’s famous analysis of the Kantian sublime. (*Ibid.*) Lyotard reinterpreted Kant’s sublime “as the scene of a founding distance” separating the idea from sensible presentation. From this point onward, according to Rancière, “postmodernism came into harmony with the mourning and repenting of modernist thought.” (*Ibid.*)

This Lyotardian “counter-reading” of Kant’s sublime is given its most sustained attention in *Aesthetics and Its Discontents*.⁶ There we are treated to a complex historical story that is meant to contextualise this reading within a very particular tradition of thinking about art, one that runs from Kant and Schiller through to Adorno and, ultimately, to Lyotard himself. In order to correctly position Lyotard, to make his reading of Kant “comprehensible” (the word is Rancière’s), it must be read as a kind of “palimpsest,” as both a return to a primary political reading of Kant and at the same time an effacing of this politics.⁷ We should note this. Although Lyotard is attributed a certain specificity, it is only within the context of this historical ordering, this reduction of his thought to a very particular “chain of interpretations” in which it is described as the final link. (AD, 97) This presupposes that Lyotard’s reading of Kant is “incomprehensible” if not taken in this context, an assumption I will challenge.

⁶ Particularly in the final two chapters, “Lyotard and the Aesthetics of the Sublime: a Counter-reading of Kant” and “The Ethical Turn of Aesthetics and Politics,” in Rancière, *Aesthetics and Its Discontents*. See also an article that appears to be an earlier version of the former, “The Sublime from Lyotard to Schiller: Two Readings of Kant and Their Political Significance,” (tr.) M. Blechman, in *Radical Philosophy*, vol. 126 (July–August 2004), 8–15.

⁷ Rancière, “The Sublime from Lyotard to Schiller,” 12.

For Rancière, Lyotard's link in this chain inverts the promise of freedom found in Schiller's idea of aesthetic education. In Schiller, and following Kant's analysis of the beautiful in the *Critique of Judgment*, aesthetic experience suspends both the law of the understanding (and its demand for conceptual determination) and the law of sensation (and its demand for an object of desire). Rancière associates this with a suspension of "the power relations which usually structure the experience of the knowing, acting, and desiring subject." (*Ibid.*) The "agreement" between the faculties of understanding and imagination in the free play of the judgement of taste is thus, for Schiller, not that between matter and form. It is, rather, a break with this agreement, which Rancière sees as a form of domination. In order for *this* to be comprehensible, the relation between form and matter in question here has to be taken in the sense of what Rancière calls the "distribution of the sensible." The suspension of the laws of understanding and sensation in the Kantian judgement of the beautiful becomes, in Schiller, a liberation from such a distribution in "the rupture of a certain agreement of thought and the sensible." (AD, 98) This gives Schiller's aesthetic state a political significance in Rancière's sense: its "free agreement" is actually turned into a moment of disagreement or dissensus, a challenge to a particular distribution of the sensible.⁸

Lyotard's reading of the sublime is meant both to return to this reading and to efface its political significance by removing any hope of emancipation from the rupture with the sensible figured in Schiller. This he does by transferring this rupture from the beautiful to the sublime, and by subjecting human consciousness, through the "disaster" he describes there, to a never-ending enslavement to the law of the Other.

To arrive at this reading, Rancière takes as his focus a couple of chapters from Lyotard's *The Inhuman*, in particular, the short piece entitled "After the Sublime, the State of Aesthetics."⁹ There, Lyotard

⁸ For Rancière's conception of politics, see his *La Méésentente: Politique et philosophie* (Paris: Galilée, 1995), tr. by J. Rose as *Disagreement: Politics and Philosophy* (Minneapolis: University of Minnesota Press, 1999). Hereafter this translation is referred to parenthetically in the text as DPP.

⁹ Jean-François Lyotard, *L'Inhumain: Causeries sur le temps* (Paris: Galilée, 1988), tr. by G. Bennington and R. Bowlby as *The Inhuman: Reflections on Time* (Stanford: Stanford University Press, 1991). Hereafter this translation is referred to parenthetically in the text as IH.

claims that, in the last century, the arts have had as their main concern not the beautiful but “something which has to do with the sublime.” (IH, 135) This claim Rancière takes to be a kind of summing up of Lyotard’s thinking on art, positing as it does a “radical distinction” between the two types of aesthetics found in Kant’s *Critique of Judgment*. (AD, 88) On the one hand, there is the aesthetics of the beautiful, which is characterised by a harmonious play that Lyotard associates with the Enlightenment hope of compatibility between thought and natural forms, with the Idea (in the Kantian sense) of an affinity between nature and reflective thought that Kant calls a “subjective finality” of nature with the cognitive faculties.¹⁰ Lyotard’s initial interest is to situate Kant’s analysis of the beautiful within the larger framework of critical philosophy, and in particular, in terms of the role it is given in providing hope for the unification of the realms of nature and freedom. The horizon of this discussion and interest, then, is the relation between mind and world in what Kant calls the judgement of taste. Though this horizon is perhaps a little broader than Rancière’s description here, it already gives us some hint of the reversal he is leading us toward, which comes out of the other aesthetics in Kant’s third *Critique*, that of the sublime.

Rancière couches Lyotard’s interest in the sublime in terms of what he calls “the discrepancy between art’s sensible materiality and the law of the concept.” (AD, 88–89) In the text under consideration, Lyotard states that he wishes to discuss the question of the “state of aesthetics” in terms of the question of matter. (IH, 135) It is indispensable, according to him, to go back through Kant’s *Analytic of the Sublime* in order to get a sense of what is at stake in modernism, and in those artists referred to as *avant-garde*. (*Ibid.*) One of the essential features of Kant’s analysis is what Lyotard calls “the disaster suffered by the imagination in the sublime sentiment.” (*Ibid.*) We recall that, in Kant’s description of the sublime, the faculty of imagination, which is, in Lyotard’s parlance, the faculty of presentation (Kant’s word is *Darstellung*), is unable to form an image adequate to the manifold of

¹⁰ Jean-François Lyotard, *Leçons sur l’analytique du sublime* (Paris: Galilée, 1991), tr. by E. Rottenberg as *Lessons on the Analytic of the Sublime* (Stanford: Stanford University Press, 1994), 51. Hereafter this translation is referred to parenthetically in the text as LAS.

sensory intuition. This accounts for the “pain” of the sublime feeling, a “momentary inhibition of the vital forces,” as Kant puts it, that is immediately followed by an outpouring of those same forces as the faculty of reason steps in with ideas adequate to this unboundedness.¹¹ The question of the relation of form to matter that Lyotard takes from this comes from this failure of the imagination to present what has aroused this feeling. The beautiful in nature, says Kant, concerns the form of the object, while the sublime can only be found in formlessness. The sublime can thus be “contrapurposive” to the power of judging, incommensurate with the power of presentation (*Darstellung*), and even violent to the imagination. (CJ, 99/245)¹²

But the sublime feeling does not come simply from this “violence” done to the imagination. It comes, rather, from the ideas of reason that are “aroused and called to mind” by the inadequacy of the presentative powers of the imagination. (*Ibid.*) It is the mind itself, its reasoning powers, that are sublime, not the object that occasions the sensation. What is sublime is the feeling itself insofar as the mind has been “induced to abandon sensibility and occupy itself with ideas containing a higher purposiveness.” (CJ, 99/246) This “higher purposiveness” is ethical—the sublime makes reason’s superiority over nature manifest, and thus makes humanity’s higher vocation manifest at the same time. When Lyotard describes the sublime as “the sacrificial announcement of the ethical in the aesthetic field” (IH, 137), he is actually describing Kant’s view of the sublime, not his own. What is sacrificed is nature—the sublime is an “aesthetic without nature.” (LAS, 54) It is in this loss of the natural world that humanity’s ethical vocation is announced and made evident. Rancière appears to take this statement as Lyotard’s own view, and it leads him, perhaps a little too quickly, to connect Lyotard’s description of the sublime with a certain understanding of ethics.

What’s more, the pleasure of the sublime is that of a “mental agitation” (CJ, 101/247), something we should keep in mind when we

¹¹ Immanuel Kant, *Kritik der Urteilskraft* (Hamburg: Felix Meiner, 2001), tr. by W. Pluhar as *Critique of Judgment* (Indianapolis: Hackett, 1987), §23. Hereafter referred to parenthetically in the text as CJ, citing first the page number of the translation, followed by the standard German pagination.

¹² I do not follow Pluhar in translating *Darstellung* as “exhibition.”

come to Lyotard's re-description of the stakes in this pleasure. The pleasurable tension of this agitation is absent from Rancière's account of the Lyotardian sublime, but it will alter significantly the import of Lyotard's analysis, and perhaps even restore the sense of "primal beginning" that Rancière claims Lyotard's post-modernism reverses.

In any event, when Lyotard speaks of the "disaster" suffered by the imagination in the sublime moment, it is obviously to this failure of its presentative powers that he refers. This focus on presentation is what leads him to discuss the sublime in terms of matter and form. Given that "the imagination is the faculty of presenting data in general," and that "every presentation consists in the 'forming' of the matter of the data," this disaster becomes in Lyotard's description "the sign that the forms are not relevant to the sublime sentiment." (IH, 136) But if forms are no longer required to make matter presentable, where, as he puts it, "does matter stand?" (*Ibid.*) This question, as I have already insisted, is one of presentation (*Darstellung*), not representation (*Vorstellung*). Lyotard is interested in the limit of the mind's capacity to make an object present to itself in the moment of its "appearance," a limit that he takes the sublime to epitomise. Under normal circumstances, the imagination's formative powers are central to making an object available for experience. The sublime, on the other hand, is only a "negative presentation" of an unboundedness, an absolute. How would it be possible to experience this? It is not a question of representing such a thing, of naming it, duplicating it or bringing it back to presence, for it cannot be brought to presence at all. That is why, when he raises the question of matter in the absence of form, he immediately turns the question of matter into one of presence. (*Ibid.*)

In the context of "After the Sublime, the State of Aesthetics," this entire problematic is formulated in terms of art. This naturally enough leads Rancière to see Lyotard as advocating an art of the sublime, which he rightly suggests cannot be the case for Kant, since the objects that occasion the sublime feeling, as we have seen, are not in themselves sublime. But I don't think Lyotard's aim is to take the sublime quite so literally. His actual claim is that the arts have as their main concern "something that has to do with the sublime." In his "rapid considerations" of Kant's position, he clearly states that the sublime "cannot be the fact of human art" (IH, 137), a sentiment he reiterates in Heidegger and "the jews," in which he argues that "the sublime

affection” cannot be rendered by writing, painting or any other means: “The sublime cannot be produced, nor does it ‘project’ itself, it simply happens. Art is an artifact; it constructs its representation. Art cannot be sublime; it can ‘make’ sublime, and this is not better than the beautiful, only more ridiculous.”¹³ It is thus not the task of art to be sublime, nor of the avant-garde to create a sublime art. But art is a witness, as Rancière suggests, to something like the “disaster” invoked in the Kantian sublime. The sublime “happens.” Art can be a witness to the unprepared-for event of this happening, absolute because it is not in relation to recognisable forms or categories. But art cannot present it—one cannot present what is not presentable, say what is unsayable. It can, however, say, in the spirit of this “negative presentation,” that it cannot say it. (HJ, 47)

When Lyotard asks, then, what art can be in the context of the disaster of the sublime, he isn’t asking, as Rancière thinks he is, what type of art can be sublime. He is not, therefore, failing to ask the more fundamental question of whether a sublime art can exist. Nonetheless, he does suggest, as Rancière points out, that an art that distrusts “the idea of a natural fit between matter and form” can only have as its aim “that of approaching matter” (IH, 139)—something to which we should attend, since it is central both to Rancière’s reading and to the possibility of eliciting an alternative reading. For it is matter that introduces the problematic of alterity into the sublime, according to Rancière, of “sensuous matter in its very alterity.” (AD, 90) This alterity has two traits. In the first place, matter is pure difference; in the second, it has the power to “make passible” (*faire pâtir*). It is, in fact, slightly unclear where Rancière thinks Lyotard claims that matter is “pure difference.” But the context is Lyotard’s discussion of nuance and timbre (still in “After the Sublime, the State of Aesthetics”), where these are described as what differ and defer, what introduce indeterminacy and the “distress and despair of the exact division and thus the clear composition of sounds and colours.” (IH, 140) So we can, perhaps, see a kind of Derridean *differance* here. They are not themselves sublime, but they

¹³ Jean-François Lyotard, *Heidegger et “les juifs”* (Paris: Galilée, 1988), tr. by A. Michel and M. Roberts as *Heidegger and “the jews”* (Minneapolis: University of Minnesota Press, 1990), 45. Hereafter this translation is referred to parenthetically in the text as HJ.

refer to the problematic that the sublime signals: the unavailability of certain moments or elements that nonetheless define or delimit experience. This certainly suggests that they partake in a kind of difference, and indeed, unavailability is the word that Rancière uses to describe them. But according to him, this property has been smuggled by Lyotard into his description of the material event from Kant's analysis of form. Form, in Kant's *Analytic of the Beautiful*, constitutes what Rancière calls a *neither...nor...*: the beautiful is neither an object of knowledge nor an object of desire. (AD, 91) It is this unavailability of form that allows the subject to "experience a new form of autonomy." (*Ibid.*)

Now, this argument is a little strange, since Kant makes quite clear that the sublime is also a *neither...nor...* in this sense. In neither the beautiful nor the sublime does the liking depend on a sensation or a determinate concept. (CJ, 97/244). So if the material event here described were meant simply to be sublime (and I've already suggested that I don't think this is the case), it isn't clear why Lyotard would have to pilfer properties from the *Analytic of the Beautiful*. What appears to be of importance to Rancière is the autonomy at work here, an autonomy he associates with beautiful form and will argue is absent in Lyotard's sublime. And this goes hand in hand with the second feature of the alterity at work in Lyotard's analysis—its power to make passible. Lyotard tells us that the mind can be "touched" by the material event, that "a singular, incomparable quality," such as the grain of a piece of wood or piece of skin, designates "the event of a passion, a passibility for which the mind will not have been prepared." (IH, 141) Rancière describes this quality as "the disruptive power of the in-form, the discord specific to the experience of the sublime." (AD, 92) I would rather say, "the discord of which the sublime is exemplary." But what is doubtless more interesting is what this signifies for him. The material event, the *aistheton*, is both autonomous and disruptive. It is thus both pure materiality and the sign of a reality, the reality of "the mind's incapacity to grasp hold of an object." (*Ibid.*) Lyotard's "passibility" conforms to a logic of impossibility, the impossibility to prepare for the material event, which both unsettles the mind and gives it the feeling (comprised of both anguish and jubilation) of "an obscure debt." (IH, 141)

To a large extent, it is this language of debt that appears to motivate Rancière's reading. He is opposed to the feeling of

powerlessness in Lyotard's account of Kant's sublime and to the use Lyotard makes of it. And according to Rancière, the logic of this powerlessness is further evidence that Lyotard has read counter to Kant. In Kant, as we have seen, it is the imagination that is powerless in the sublime, powerless to give a presentation adequate to what is intuited sensuously. But for Rancière—and this we must concede is a very tempting reading—the powerlessness at work in Lyotard's counter-reading is suffered not by imagination but by reason, which “experiences its inability to be able to ‘approach matter,’ in other words to be able to master the sensible event of a dependency.” (AD, 93) As support for this, Rancière quotes from Lyotard's “Anima Minima”:

The soul comes into existence dependent on the sensible, thus violated, humiliated. The aesthetic condition is enslavement to the *aistheton*, without which it is anesthesia. Either it is awakened by the astonishment of the other, or annihilated.... The soul remains caught between the terror of its impending death and the horror of its servile existence.¹⁴

We will return to this unappetising dilemma. But let us note that this “sensory constraint,” this enslavement to the *aistheton*, is not all. The “sensory experience” of the sublime is also the sign of “the subject's relation to the law.” (AD, 93) For Rancière, the subordination to the *aistheton* described here “signifies subordination to the law of alterity.” So there are two levels to this reality: sensory passion, which is the experience of a debt, but also “ethical experience,” which is “that of subordination without appeal to the law of an Other.” (AD, 94)

For readers of Lyotard, the sudden invocation of ethical experience here perhaps comes as a surprise. But as I mentioned above, Lyotard himself has described the sublime in terms of a “sacrificial announcement of the ethical.” Though I take this to be Lyotard's description of Kant's sublime (and not his own), the key word for Rancière is “sacrifice,” which he appears to link to all of Lyotard's talk

¹⁴ Jean-François Lyotard, *Moralités postmodernes* (Paris: Galilée, 1993), tr. by G. Van Den Abbeele as *Postmodern Fables* (Minneapolis: University of Minnesota Press, 1997), 243–44. Hereafter this translation is referred to parenthetically in the text as PMF.

of “enslavement,” “disaster,” “anguish,” etc. as the situating of a certain helplessness and subordination of which the sublime would be the announcement. This ethics obviously invokes Levinas, but here it is described as thought’s “servitude” to “a power internal and anterior to the mind that it strives in vain to master.” (AD, 94)

It is through the invocation of the mind’s initial misery in its subjection to the law of the Other (AD, 104) that Lyotard’s thought becomes the site of the “deliberation on mourning.” Lyotard introduces into the field of art a concept—the sublime—that Kant had located beyond it, and in so doing, all the more effectively makes art “witness an encounter with the unrepresentable that cripples thought.” (PA, 10) Why do this? To turn art into a very particular kind of witness, “a witness for the prosecution against the arrogance of the grand aesthetic-political endeavour to have ‘thought’ become ‘world.’” (*Ibid.*)

Lyotard’s counter-reading of Kant, Rancière says, “is therefore most certainly an attempt to efface a first political reading of aesthetic experience” (that of Schiller described above), in order to “efface the original link between aesthetic suspension and the promise of emancipation.” (AD, 104) Lyotard’s reading of the sublime turns the neither...nor... that gave aesthetic judgement its autonomy and allowed it to appear as a moment of dissensus into an either...or..., either the “disaster” of the sublime and its “sacrificial” pronouncement of ethical dependency, or “the disaster that is born of the forgetting of that disaster,” that of the promise of emancipation, which leads either to the Nazi camps or the “soft totalitarianism” of commerce and communication. (AD, 105)

Rancière has thus rather ingeniously turned Lyotard’s claim that all narratives of emancipation are potentially violent toward some excluded other into a kind of political (and artistic) impasse. If there is no more hope for emancipation, then there is nothing left other than to bear endless witness to this inalienable law of the Other and to mourn the loss of the philosophico-political project of liberation. Politics, in Rancière’s sense, is thus impossible. If politics is an activity that “breaks” (*rompre*) with the distribution of the sensible associated with the order of the police (in the name of equality and of “the part of those that have no part” (DPP, 29–30)), this irrevocable law precludes any such rupture; the dependency signified in the Lyotardian sublime “marks the fact that there is nothing to be done except obey the immemorial law

of alienation.” (*Ibid.*) Politics gives way to ethical subservience to the law of the Other, which is the law of the absolute victim. Indeed, if Lyotard has worked to “extricate artistic modernism” from the narratives of political emancipation, it is only in order to link it with another narrative, the one that describes the West’s modern history with “the programmed extermination of the Jews.” (AD, 103) Lyotard’s avant-garde artist is responsible for witnessing the shock of an alienation from which there is no escape. And this shock is in turn linked to the immemorial law of the other as victim and with the Jews as both originary witness to this law and ultimate victim of its forgetting. We are left with the either...or... articulated in the quotation from Postmodern Fables above: either the “soul” is awakened to the astonishment of the other, and thus placed in servitude with regard to it, or it is annihilated. “Freedom or death” becomes “servitude or death” (AD, 104), while the “anti-representative” destiny of modern art is linked with “the immemorial fate of the Jewish people” through this figure of an “original poverty of mind.”¹⁵

Lyotard thus comes to epitomise what Rancière calls the “ethical turn” of aesthetics and politics. As should be clear, the notion of ethics invoked in this “turn” describes neither the act of submitting the principles of our actions or their consequences to moral judgement, nor the “old morality” that distinguished between fact and law, the is and the ought. (AD, 109) On the contrary, the notion of ethics at work here elides the distinction between fact and norm and subsumes all forms of practice and discourse under an “indistinct point of view.” (AD, 110) Although Lyotard has, from at least *Au Juste* on, insisted repeatedly on the heterogeneity of what he has at various times referred to as “language games” or “*phrase universes*,” so that the distinction between, for instance, those discourses concerned with fact (discourses Lyotard would call “descriptive”) and those concerned with norms (“prescriptive”) be kept carefully separate, we have seen how Rancière thinks he fails to maintain this distinction. For Rancière, the sublime is the figure that both describes a reality of the “human” or even “inhuman” condition and gives that reality normative force.

¹⁵ Jacques Rancière, *Le destin des images* (Paris: La Fabrique, 2003), tr. by G. Elliott as *The Future of the Image* (London & New York: Verso, 2007), 131.

It is the “universality” of this inhuman condition that allows Lyotard, the thinker of dissensus, to be associated with what Rancière calls consensus. Now, this word, too, is used in a variety of ways, but at its core it designates the denial of a central fact of political community—that it is structurally divided in relation to itself. (AD, 115) A political “people” is never identical to the population but is, rather, always supplementary to what Rancière calls the distribution of the sensible: “It is always a form of supplementary symbolization in relation to any counting of the population and its parts.” (*Ibid.*) Classical political conflict opposes several peoples in one; consensus reduces these various peoples into a single people that is identical to the population, and in so doing, “reduces right to fact.” (*Ibid.*) The political community is thus transformed into an ethical one (in the bad sense, obviously) in which every individual is to be counted. This situation, which at first glance may not seem so terrible, hides, for Rancière, something that amounts to an injustice; those who are supplementary to the count, who stand outside of the community, have no obvious place as political actors. This means that the excluded have no status in the “structuration of the community,” not even as conflictual actors. (AD, 116) The excluded thus become a radicalized other, separated from the community in the sense of being alien to it, not only lacking its identity but threatening it in that very lack of identity, particularly as it appears in ourselves. (*Ibid.*)

This is the “Other” to which Lyotard’s law would have us subordinated. And this “threat” to the community is what links the other with another catchword of our time—terror. This word, as Rancière claims, characterises multiple aspects of what counts as politics today: the attacks in New York on September 11, 2001, and in London and Madrid in the following years; the strategies behind these attacks; the “shock” they produce in the minds of those who suffer them; the fear that similar events will again take place. (AD, 114) And Rancière goes further, arguing that this sense of terror is also linked to the trauma figured in Lacan’s *Antigone*, “the secret terror that underlies the social order,” and to what he describes as “the intimate angst that can inhabit each of us in the same chain.” (*Ibid.*) In fact, this form of terror appears to be what underlies the move to consensus in Rancière’s account. Terror licenses the eliding of fact and norm precisely by subordinating all interaction to the law of this “trauma.” And Lyotard is the thinker who galvanises this figure for thought today. We are left with a

provocative dilemma: on the one hand, the “terror” of the sublime and of the trauma of the Thing, subordinating the (in)human to the law of the Other, which Rancière, through what might be a somewhat hasty association with Lyotard’s discussion of “the jews” (lower case, in quotations) in Heidegger and “the jews” and the Jewish law banning representation, turns into the Law of Moses; or, on the other hand, the “terror” of George W. Bush and humanitarian war, identified with enslavement to commercial culture and the law of McDonald’s. (AD, 105)

One might wonder at the identity of so many different forms of terror, but Rancière knows very well that Lyotard would describe Bush’s war on terror as a response to that other terror, the one from which Hitler, too, was hiding, the terror that Rancière associates with Lacanian “birth trauma” and that Lyotard himself describes in terms of the “engima” of appearance and disappearance.¹⁶ So while Lyotard might want to distinguish between what today falls under the name of “terror” and the “obscure debt” that he tries to identify under the names “trauma” and “sublime,” he does suggest, in most of the texts of the 1980s and 1990s, at any rate, that political totalisms are always responses to the spectral presence of this originary stranger or debt. In this sense, one can see Lyotard as describing a kind of “universal” condition, the inhuman condition that has often been invoked in his name (or in spite of it), a condition that Rancière describes as the “secret terror” underlying the social order.

This reference to a certain psychoanalytic understanding of the roots of consciousness is one part of the dispute between Rancière and Lyotard that I am seeking to elucidate, not entirely innocently, under the Lyotardian heading of differend. We’ll return to this, but first let us be clear: what Freud calls trauma and what Kant calls sublime are, for Lyotard, *analogous* terms. He does not identify them purely and simply. He knows, in fact, that there is no real terror in the sublime. Even in Burke, and especially in Kant, the source of terror, the threat associated with the sublime, must be removed for the pleasure or delight of this

¹⁶ See Jean-François Lyotard, ““Survivant: Arendt””, in *Lectures d’enfance* (Paris: Galilée, 1991), 59–87, tr. by R. Harvey and M. Roberts as “The Survivor,” in Jean-François Lyotard, *Toward the Postmodern*, (ed.) Robert Harvey and Mark S. Roberts (Amherst, NY: Humanity, 1999), 114–63.

positive aesthetic feeling to be possible. When physically threatened by the raging sea, one does not feel aesthetic pleasure. One runs for one's life. Lyotard does not forget this, as other of his analyses of the sublime in *The Inhuman* make clear.¹⁷ The eighteenth-century naturalist caught by the feeling of the sublime while hiking among the craggy mountains is not undergoing the same "experience" that Freud's Emma, too young to understand or name the shopkeeper's assault, undergoes (or more properly, given the logic of *Nachträglichkeit* that is central to Lyotard's analysis, does not quite "undergo" from a subjective point of view) as a child in the candy shop. But Rancière is, of course, quite right to suggest that they both signal for Lyotard the mind's susceptibility to what we have been calling this "originary debt." I would, however, caution against the overuse of this word "terror." Thought does suffer, for Lyotard, and must respond to the "anguish" of its "disasters." But it need not, indeed, ought not give in to terror.

The relation of Lyotard's thought to psychoanalysis is a difficult one. For our purposes, perhaps we can simply suggest that one does not have to believe in the psychoanalytic fiction in order to follow Lyotard. In psychoanalysis, he finds descriptions (his explicit reference is Freud rather than Lacan) that single out, in the way that Kant's sublime or Augustine's complex relation to the event of confession also single out, certain traits of thought and its relationship to time that we might suggest have a kind of transcendental status for him.¹⁸ Or perhaps we could say that this relationship is "quasi-transcendental," in the sense that Rodolphe Gasché and Geoffrey Bennington have used this term to discuss those figures in Derrida, such as "metaphoricity," "frame" or "context," that operate both as conditions of possibility and, at the same time, as conditions of impossibility.¹⁹ The descriptions of the sublime or

¹⁷ See, for instance, Lyotard, *The Inhuman*, 84.

¹⁸ For a discussion of Lyotard on Augustine and confession, see Geoffrey Bennington, "Time—for the Truth," in *Augustine and Postmodernism: Confessions and Circumfession*, (ed.) John D. Caputo and Michael J. Scanlon (Bloomington and Indianapolis: Indiana University Press, 2005), 53–67.

¹⁹ See Rodolphe Gasché, *The Tain of the Mirror: Derrida and the Philosophy of Reflection* (Cambridge, MA: Harvard University Press, 1986), 316ff., and Geoffrey Bennington, "Deconstruction and the Philosophers (The Very Idea)," in his *Legislations: The Politics of Deconstruction* (London: Verso, 1994), 11–60.

of trauma that Lyotard analyses are characterised, according to him, by a suspension of the experience of time, taken either chronologically or phenomenologically—they “happen” before the mind is prepared, they must be thought “after.” Since the formative powers of the mind must strive, as it were, to catch up to them, they never quite take place or have a place. We might say that they have to be given a place. Their temporality, as I’ve already intimated is that of Freud’s *Nachträglichkeit*, of an event the repercussions of which are only “experienced” after, the meaning of which is only ever provisional. Having suggested that Lyotard’s reading of Kant is perhaps more defensible than Rancière is prepared to concede, I do think he is right that Lyotard’s aims are not those of Kant. This reference to time, which is strangely absent from Rancière’s reading, provides us with perhaps another way to contextualise what Lyotard says about suffering, unrepresentability and debt, a way opposed to the static condition of thought’s “failure” described by Rancière. Rather than this image of thought as continually enslaved and humiliated in the face of its obscure debt, this description would focus on the suffering of thought as both the condition of its possibility and, at the same time, as the condition of the impossibility of its ceasing to need to reflect upon, to find an idiom for, what defies the order of presentation. I shall now try to say a few words about this around the figure of politics.

The Event of Dissensus: Politics’ Law

For, in fact, Lyotard resists the mourning of which Rancière accuses him. To take the world as a disaster—this is to take it as Benjamin’s Angel, the past as a presence that is now gone, the past as lost presence, as “dis-astered.” This melancholia places the stress on death, the absence of being, the going out of presence. What it omits is the other relation to being: “the enigma of appearance.” “Rather than nothing, being gives entities, instants, objects. Since being appears in ‘objects,’ it gets forgotten. Yet it gives objects, something happens.”²⁰ We recall that the question for aesthetics “after the sublime” is indeed one of matter, which Lyotard associates with presence. We can take this presence in two senses: that there is something (rather than nothing) whose “presence”

²⁰ Lyotard, “The Survivor,” 147.

must somehow be announced in the absence of the power to do so; and that it is now, just as the sublime, in Newman, is now.²¹ The sublime is a “sudden blazing,” as Lyotard puts it elsewhere, “and without future.” (LAS, 55) In the sublime, this presence is not present in any positive sense because it is accompanied by the failure of imagination, the faculty of presentation. Kant, as we have seen, calls it a negative presentation. Art’s analogon is to say that it cannot say that there is an absolute, a without-relation, but in so saying brings thought toward it. This is what it means to bear witness to the unrepresentable. But this is not something to be deplored, for it does not amount, as Rancière contends, to the claim that “there is nothing to be done except obey the immemorial law of alienation.” (AD, 105) This is because reason, contrary to appearances, does not fail.

Or rather, it does not fail if its task is not to “approach matter” or to “master the sensible event of a dependency” (AD, 93), nor to master all that comes as already comprehended or understood. In Kant, reason’s task is to synthesise larger and larger unities, up to and including the absolute. These are Ideas of reason; they cannot be experienced as such. Thinking must go beyond experience. In the sublime, loosed from the principle of succession, it makes a leap, “in the exaltation of recovering the maximal power that thinking has of beginning a series of givens without being bound to it.” (LAS, 145–46)²² If there is, in the sublime, “a sorrow felt before the inconsistency of every object,” there is also, and at the same time, “the exultation of thought passing beyond the bounds of what may be presented.” (PMF, 29) In another discussion of the sublime in *The Inhuman*, “The Sublime and the Avant-Garde,” Lyotard refers to the pleasure that comes with welcoming the unknown, the pleasure or even joy of “the intensification of being that the event brings with it.” (IH, 92) This intensification is tied, for Lyotard, but also for

²¹ Barnett Newman, “The Sublime is Now,” in *Barnett Newman: Selected Writings and Interviews*, (ed.) J. O’Neill (Berkeley & Los Angeles: University of California Press, 1992), 170–73. For Lyotard’s discussions of Newman and the temporality at work in his conception of the sublime, see Lyotard, *The Inhuman*, particularly chapters 6 and 7.

²² For the relevant passages in Kant, see his *Kritik der reinen Vernunft* (Hamburg: Felix Meiner, 1998), 634ff., A550-59/B578–87, tr. by P. Guyer and A. Wood as *Critique of Pure Reason* (Cambridge: Cambridge University Press, 1997).

Kant, to the agitation of thought in the sublime, to which we have already referred. The tension of this agitation is pleasurable.

This is not to deny the language of suffering, anguish and disaster—Lyotard insists upon this. He is very nervous about the tendency to cover over this anguish, a tendency he associates with the worst kinds of injustice. Rancière is right about this, but the dilemma he presents is false. We are not left with nothing but the task of bearing perpetual witness to our enslavement to the Other. The suffering Lyotard invokes in the sublime, and elsewhere, is rather the birth of thought itself in the tension of its “agitation.” If thinking is comfortable, then one is not thinking at all. One is following a program, adhering to a system. As the “She” character in “Can Thought Go On Without a Body” suggests, “true thought,” any thought worthy of the name, thinks the unthought—and the unthought, the unfamiliar, is painful. (IH, 20) When Lyotard speaks of saving the honour of thinking, it is this conception of thought he has in mind. As I have suggested, this thought is artistic, by which Lyotard means it is open to the singularity of the “it happens”; it works reflectively, without pre-existing criteria.²³ Psychoanalysis is an art in this sense, and so, too, is Kant’s reflective judgement, which does not judge according to determinate rules, but seeks to find a rule adequate to the particular. In the sublime, as in trauma as Freud described it, something “happens” that cannot be presented at the moment of its happening; thought has to come back upon it, find an idiom adequate to it. This something is an other, as Rancière says. But it is also an excitation; it elicits thought, it demands to be brought into the light of the law (E, 23), which means that the law must make room for it, that a new law must be found.

The sublime for Lyotard indicates that the mind is susceptible to what does not speak to it in good and due form. (LAS, 54) This susceptibility is constitutive of thought. But it also means that the task of finding idioms adequate to what he more generally calls the “event” is never complete. Thought cannot be done with it. This is why thought is

²³ Jean-François Lyotard, “Emma,” in *Misère de la philosophie* (Paris: Galilée, 2000), 55–95, tr. by M. Saunders *et al.* as “Emma: Between Philosophy and Psychoanalysis,” in *Lyotard: Philosophy, Politics, and the Sublime*, (ed.) Hugh J. Silverman (New York and London: Routledge, 2002), 23–45. Hereafter this translation is referred to parenthetically in the text as E.

in its debt; it excites thought, it makes it think what has yet to be thought. But, in a separate move, it also places a demand on it—it must reorder itself in order to find a way of linking on to this event, to make sensible what begins as insensible, to make visible what begins as invisible, including that which invisibly organises the visible, the sensuous presentation of which is the paradox of (and maybe for) art.²⁴ Thus, in *Peregrinations*:

[T]o respond to a case without criteria, which is reflective judgment, is itself a case in its turn, an event to which an answer, a mode of linking, will eventually have to be found. This condition may be negative, but it is the principle for all probity in politics as it is in art. I am also obliged to say: as it is in thinking.²⁵

The event is that for which the mind cannot prepare, for which thought as yet lacks an idiom. In this sense, it has certain affinities with the event that Rancière calls politics. It breaks with the system of the already-thought. It liberates thought from the usual orders of organisation and representation.

There is undoubtedly a reference to the other in Lyotard that constitutes, in its own way, this differend with Rancière. And the “soul,” the anima, is no doubt dependent on the sensible, even violated and humiliated by it if it dreams of its independence, of its thought as disembodied, otherworldly. But what does this enslavement to the *aistheton* amount to? In “*Anima Minima*,” just before the passage from which Rancière quotes in order to illustrate the dilemma between servitude and death, Lyotard says the following:

The anima exists only as affected. Sensation, whether likable or detestable, also announces to the anima that it would not even

²⁴ Jean-François Lyotard, *Ecrits sur l'art contemporain et les artistes/Writings on Contemporary Art and Artists*, Vol. 1, *Karel Appel: Un geste de couleur/Karel Appel: A Gesture of Colour*, (Eng. tr.) V. Ionescu and P. Milne (Leuven: Leuven University Press, 2009), 28–29.

²⁵ Jean-François Lyotard, *Peregrinations: Law, Form, Event* (New York: Columbia University Press, 1988), 27.

be, that it would remain inanimate, had nothing affected it. This soul is but the awakening of an affectability, and this remains disaffected in the absence of...the sensible event that excites it. This soul does not affect itself, it is only affected by the other, from the “outside.”... Existence is to be awoken from the nothingness of disaffection by something sensible over there. (PMF, 242–43)

This passage puts the dilemma we articulated above in a rather different light. Either the soul is awakened by the astonishment of the other (dependent on that other, it is true, but dependent for existence, for life)—and astonishment can just as easily result in joy as in terror—or it is annihilated, not by the disaster of the death camps, but by disanimation, disaffection, stasis. For Lyotard, one does have a responsibility to the other, but the mind’s dependence on matter is not precisely the same thing.

What is at stake in Rancière’s reading of Lyotard? Why does he insist on reading him only as the last link in a very particular “chain of interpretations”? (AD, 97)²⁶ One effect of this reading is to reduce what Lyotard says to the ends of a very particular tradition, ignoring what might challenge this reduction (or this tradition) and removing any chance that Lyotard might surprise us. We should note that Rancière’s historicising and narrativising tend to do exactly what Lyotard claims these things do: downplay the possibility of anything like an event taking place. In this contextualising, Rancière imposes a certain silence on Lyotard, turning everything he says into a particular kind of ethical discourse. This is not to deny Lyotard’s language here, nor to deny what Derrida, in suggesting a commonality with him, calls “an indispensable reference to Levinas” in his work.²⁷ But is there, in any ethical notion of responsibility to be found here, the confusion between fact and norm that Rancière claims characterises the “ethical turn”? Indeed, is it not

²⁶ For one cannot deny that Lyotard’s thought is indebted to various of the other “links” in this tradition, and especially to Adorno.

²⁷ Jacques Derrida, “*Amitié-à-tout-rompre*,” *Libération* (22 March 1998), tr. by P-A. Brault and M. Naas as “All-Out Friendship,” in *The Work of Mourning*, (ed.) Pascale-Anne Brault and Michael Naas (Chicago: University of Chicago Press, 2001), 214–15.

possible that, in describing Lyotard solely in terms of the indefinite reiteration of the debt owed by the mind to Moses' God or (what amounts to the same thing) the law of the unconscious (AD, 128), it is Rancière who conflates fact and norm? To use Lyotard's language, there is a descriptive phrase describing thought as relational, as responsive. This is always the case, but in the moment that Kant describes as the sublime, a certain vulnerability of thought is revealed, a passibility to what does not speak in good and due form. Thought can find itself in the paradox of having to relate to the absolute, the without-relation, which means having to find an idiom for it.

Now, the question is, Does this "having to" not smuggle a prescription into the descriptive phrase? Rancière is right, I think, to identify a tension here. But I am reluctant to close this gap as thoroughly as he does. To answer this question, we need to ask what politics is for Lyotard, a question that has its complications. But in *The Differend*, he identifies politics with the threat of the differend itself, a threat that results from "the multiplicity of genres, the diversity of ends, and par excellence the question of linkage (*l'enchaînement*)" between those genres. (D, 138, §190) Politics is not a genre for Lyotard, but the encounter among genres. (D, 139, §192) It is that space where there are no shared rules—a "plunge" (*plonge*) into the "emptiness" (*vacuité*) of the event that he calls the "it happens" (D, 138, §190), of which Kant's sublime is but one instance. Where, then, does prescription arise? In the demand to "witness" the differend that originates in that space between phrases, to respond to it by finding an idiom for what one does not recognize within the terms of one's own discourse or the system that orders that discourse. Thus the difference between Lyotard's "law" and that of G. W. Bush: whether one is willing to live with the discomfort of the unfamiliar and attempt to find "a mode of linking" for it, or whether this event is reduced to "terror" in the sense of the irrational, the insensible, the "against" that is structurally always partnered with a "with," and especially a "with us." The law of this "terror" is indeed exclusionary, reactionary. Lyotard's "law," on the other hand, is, in fact, not one; it is the need to find a law for this particular passage.

Thought "suffers" in the sense that it endures the discomfort of the unfamiliar and the challenge to the familiar structures of appearance that this discomfort signals. This can happen in the realm of art (though not under the category of the sublime), through the creation of new

forms. But this is also how Lyotard would describe the event that Rancière calls politics. The “appearance” of “forms of expression that confront the logic of equality with the logic of the police order” (DPP, 101) are themselves events in Lyotard’s sense; they have the liberating quality of a challenge to the given order that the event of the sublime announces and that is the real task of the avant-garde in art. Such expressions are not sensible, not intelligible. And they can be put down, resisted by an order unwilling to recognise them.²⁸ Where can Rancière’s hope for emancipation lie, then, if not in the possibility that the distribution of the sensible is always open to a redistribution?

I am aware that Rancière distinguishes what he calls “disagreement” from Lyotard’s differend (DPP, xi-xii), and I will not push the similarities too far for fear of being guilty myself of a reduction.²⁹ I only wish to suggest that Rancière’s reading of Lyotard disallows the possibility of recognising any similarities or points of contact. Rancière has explicitly thematised disagreement as a methodology in his work. His reading of Lyotard, then, must surely be seen as a “setting of the stage” for such a disagreement.³⁰ But I admit to being somewhat suspicious of the setting of this particular stage. Nonetheless, I must confess that my own attempt to witness the differend between his thought and Lyotard’s leaves me with an obligation that I cannot hope to fulfil here. Might this oblique (and perhaps slightly blasphemous) suggestion of certain points of contact between Lyotard and Rancière offer a glimpse at how this obligation might be fulfilled?

²⁸ This is the thrust of Lyotard’s argument against the various “calls for order” he identifies in “Answering the Question: What is Postmodernism?” (tr.) R. Durand in *The Postmodern Condition: A Report on Knowledge* (Minneapolis: University of Minnesota Press, 1984), 71–82.

²⁹ Though I wonder whether Rancière’s claim that disagreement is less concerned about lines of argument and more about what can be argued isn’t raising, with this question of what can be argued, precisely the question of what appears in good and due form. See Rancière, *Disagreement*, xii. This might imply that the principle of equality that he argues underlies and is opposed to the police order is more discursive, and therefore more contentious, than he lets on.

³⁰ See Jacques Rancière, “The Thinking of Dissensus,” Paper presented at the conference, “Fidelity to the Disagreement: Jacques Rancière and the Political,” London, September 16–17, 2003.

<http://homepages.gold.ac.uk/psrpsq/ranciere.doc>, page 2.

But in using this language I am aware that I have already “taken sides.” As I do not wish to forestall the fruits of any future disagreement, perhaps it will do to end with another oblique reference, this time to Derrida’s talk of a “structural unconsciousness” that “prohibits every saturation of a context.”³¹ This structurally necessary opening is what both provides the need for the law and makes it vulnerable to what can interrupt it. In a certain sense, the law and this opening are, in fact, all we have been speaking of here.

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³¹ Jacques Derrida, “*Signature, événement, contexte*,” in *Marges de la philosophie* (Paris: Minuit, 1972), tr. by Alan Bass as “Signature, Event, Context,” in *Margins of Philosophy* (Chicago: University of Chicago Press, 1982), 307–30, 327.