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Author(s): Robert Harvey

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ROBERT HARVEY

Telltale at the Passages

Thought itself gets swept away in succession yet it retains the ability, at every moment, to represent to itself that which is no longer or not yet present. [CS, 11–12]¹

Lyotard's suggestion, in *The Differend*, that one might juxtapose the notion of a passage that will not pass with the means by which the "critical lookout" (*veilleur critique*)² must *bear witness to the differend* is as perplexing as it is compelling. Taken on its own, this prescription—one that critiques the foundations of law while opening a post-Auschwitz ethical horizon—may sufficiently satisfy the reader's understanding: the critical watchman's calling is henceforth to bear witness to that which cannot be litigated. But questions linger nonetheless: Am "I" to bear the differend forth? Or am "I" to bear its weight? Here or beyond? And what did Lyotard mean, precisely, by service as witness when the witnessing that "I" might bear is that very testimony irremissibly negated through the bodies of my sisters and brothers?

Rather than create art, Lyotard's oeuvre seems to answer that this witnessing that "I" should strive to train itself to bear is a positioning of "I" as passage. "I" am to become and remain passages everywhere I can, as plural as possible, taking care, all the while, that this "I-as-passages" never favors the facile tendency to tidily fill the abyss over which the passage is suspended. Not *creation* so much, then, as service at the passage by means of some yet unknown extensibility that should impel me to suspend the temptation to pass over.

Three motifs motivate the bipartite title proposed above. First, one of the most prickly semantic constellations that *Signed*, *Malraux* pre-

1. Translations of previously unpublished texts are mine. I have slightly modified some existing translations.

2. Lyotard uses the term *veilleur critique* as an alternative to "philosopher" in *The Differend* (D, 123ff, 180ff in the original French). Although the English translator accurately gives "critical watchman," I prefer to use "lookout" as this term is both devoid of gender specificity and implies heightened vigilance.

sents is the use of the word *passage*, its derivatives, its idiomatic usages, and the multiplicity of meanings that all of these bear. Further, in discussing with Lyotard the repercussions that he hoped his style would cause his readers to *hear*, it became evident to me that through demetaphorization a necessary relation between the notions of passage and witness was meant to appear. Finally, allowing the hypothesis of this connection to contaminate thought has permitted me to imagine a heuristic conjunction of *Signed, Malraux* and *Soundproof Room*—Lyotard's late books on Malraux—and *The Differend*.

Before describing the path to and the lay of that crossing, I should like to discuss—in the briefest terms—what may be meant by the differend in terms of literary history—literary history of the most local nature. What pertinence does the operability of differend have in describing Lyotard's oeuvre? With stylistic effects and the various affects that motivate them as my parameters, we should recall what could be termed textual differends within that oeuvre—that, for example, between *Discours, figure* and *Libidinal Economy*, in their manners of presenting desire in art and politics; the extreme stylistic (not to mention the positional) differend between *The Postmodern Condition* and the one explained to children or, rather, to the *infans*. A differend of this type appears to gape especially wide between *The Differend* and *Signed, Malraux*.

This last differend, involving a text where personal identification has been detected by some, warrants an attempt at passage over a portion of Lyotard's written corpus in search of figurations of thought that might elucidate the differend. If the experience of literature can serve as guide, I may wager that figural language is capable of supplementing argumentation and thus aid in learning the means by which the critical watchman is to "save the honor of the thinking." For as Flaubert said of style, it "is as much *beneath* words as *in* words; it is as much the soul as the flesh of a work."³ I shall try to add a phrase in passing concerning the Lyotardian injunction, even if this phrase be nothing more than a tiny amplification applied to a message poorly heard.

PASSAGE

Of all the rememorations of which *The Differend* is the repository, that which motivates the thunderous political warning at the work's con-

3. Letter from Flaubert to Ernest Feydeau in 1860; Gustave Flaubert, *Correspondance* (Jean Bruneau, ed.) (Paris: Gallimard, 1973-).

clusion is the retraced history of the concept of passage and the death-dealing consequences of its having been forced. The concept of passage may be considered the work's nerve center: Lyotard retraces its history. He recounts the passage backward, from the "linguistic turn" with Wittgenstein (and its "presentation" with Gertrude Stein), back through Marx to Hegel and, ultimately, to Kant. He dwells at length among the ambiguous feelings expressed by Kant concerning the concept of passage in *The Critique of Judgment*. While this major preoccupation may have been a pretext for hope concerning the powers of reason, Kant was cautious and hesitant, seeming at certain moments to foresee evil as well, warning of disastrous uses to which the forcing of passages may yet be put. Put in Lyotardian terms, when the different is no less (or more) than an abyss to be filled, crimes appear on the horizon. For Lyotard, no less than for Montaigne (that old postmodern thinker whose project was to "paint the passage" rather than to "paint being"), that which disrupts phrasing and disengages names must become and remain the central concern of our being-with, our *être-avec*, our *con-être*. The notion of passage, as it is deployed in *The Differend*, is the site of this crucial tension.

Beginning with Wittgenstein, *The Differend* undoes our forgetting of the progress and disaster of the passage. "The general form of passage"—*Übergang* is Wittgenstein's term—comes to occupy the core of the critical watchman's thought in sections 94 through 97 of *The Differend*. If a general rule for the linkage from one phrase to another exists, then to state this rule is to create a passage and to imperatively stand vigilant at that passage. "As opposed to the logician or the theoretical linguist, the philosopher has as his or her rule not to turn away from the fact that the phrase formulating the general form for operating the passage from one phrase to the next is itself subject to this form of operating the passage" (*D*, 60). Lyotard's rhetorical form has all too often been assimilated to a paratactic deployment of thinking, though it would be more precise to credit him with a particularly clever use of the asyndeton. Be that as it may, parataxis figures a level of differend that can be resolved only with great difficulty. "Parataxis . . . connotes the abyss of Not-Being which opens between phrases, it stresses the surprise that something begins when what is said is said" (*D*, 66). This situation of impossible bridging worried Kant greatly, especially in cases where the feeling of surprise before the natural passage from one phrase to another seemed to give way to the enthusiastic forcing of the passage in other circumstances (a human energetic thrust that would replace nature).

Lyotard's exposition of unforgetting reminds us that from modernity's greatest hope, the passage becomes the site of the temptation to violence and, finally, the cause of unimaginable despair. Benjamin knew this even in thinking through the formation and consequences of architectural passages. "Passages are the nuclei of commerce in luxury merchandise. In fitting them out, art enters the service of the merchant. Contemporaries never tire of admiring them."⁴ Yet the convenience afforded by the passages for commodity capital barely hides the fact that they are also *couloirs de la mort*—death rows. "Empire is the style of revolutionary terrorism, for which the state is an end in itself" (4).

We are henceforth before the abyss or, in Lyotard's words in commenting on "the presentation of the Infinite" according to Kant, before "the most inconsistent 'passage' possible: the impasse as 'passage'" (*D*, 166). And it is here, in the Kantian vision of a future for the Enlightenment, that the weak lose what little strength they might have had, that they are deprived of speech and even of their capacity to bear witness:

As can be seen, the "passage" does not take place, it is a "passage" in the course of coming to pass. Its course, its movement, is a kind of agitation in place, one within the impasse of incommensurability, and above the abyss, a "vibration," as Kant writes, that is "a quickly alternating attraction toward, and repulsion from, the same object" (*KUK*, §27). Such is the state of *Gemüt* for the spectators of the French Revolution." [*D*, 167]

Before the abyss, all that is needed is a little push and there we go, off the deepest end imaginable. "In an exchange, the debt must be canceled, and quickly" (*D*, 178). And we are not talking about monetary debts here: we are talking names, the other, the Thing.

And yet the ontological givenness of the differend and language (despite Babel, or perhaps because of it), guarantees that the passage remains with us as an ontological given. Even the mute phrases; the passage is our baggage as well. The passage is the remainder and the reminder both of the most horrific misdeeds and of the most incontrovertible of moral obligations: those without criteria. The passage survives in a world of names. Discovering a way of handling it and utilizing it with responsibility is our duty. If exchange means canceling

4. Walter Benjamin, "Paris, the Capital of the Nineteenth Century" in *The Arcades Project*, translated by Howard Eiland and Kevin McLaughlin (Cambridge: Harvard University Press, 1999), 3; translation modified.

the debt, "in a narrative, it must be recognized, honored, and deferred" (*D*, 178). Kant's attempts to figure the means of avoiding a passage that annihilates are especially heartening and intriguing. One of these attempts is the hypothesis of an "as if" passage which, writes Lyotard, "is no longer simply the extension of a legitimation from one realm to another, but the establishment of a differential for the respective legitimations. . . . It neither hollows out nor fills in the abyss, it passes or comes to pass over it, and takes it therefore into consideration. It is an *Übergang* which is the model for all *Übergänge*" (*D*, 123). Another of these Kantian attempts at life-preserving passage occurs around the image of the archipelago in which "the faculty of judgment would be, at least in part, like an admiral or like a provisioner of ships who would launch expeditions from one island to the next, intended to present to one island what was found (or invented . . .) in the other, and which might serve the former as an 'as-if intuition' with which to validate it" (*D*, 130–31).

Inexorably, in Lyotard's remembering of the passage, Kant's attempt to establish some "faculty of the milieu" (*D*, 131) gets buried under expediency and "the passages promised by the great doctrinal syntheses end in bloody impasses. Whence the sorrow of the spectators in this end of the twentieth century" (*D*, 179–80). The risk run by responding to the call for passage and the historical proof of wrong (as opposed to damage) done by action before thought are patent. The aversion of "humanity" to abysses, its irrepressibly "reasonable" desire to fill gaps—here is where the differend may very well get pushed into abjection and the witness most menaced. The possibility of passage seems to fade as the tranquility of navigation in the archipelago evaporates. The "human" is a beast of reason and it is reasonable that the real remain reasonable. So let us make that abyss passable, let us render the crossing a reality, let's make it all negotiable—right away, without delay, at all cost: "The finality that the twentieth century has known has not consisted, as Kant hoped, of ensuring fragile passages above the abysses but rather of filling them in at the cost of destroying whole worlds of names."⁵ If to pass is to make a voice incarnate, deciding once and for all to establish resolutions even if resolve leads to a bloody impasse,

5. Jean-François Lyotard, "Judicieux dans le différend" in Jacques Derrida et al., *La faculté de juger* (Paris: Minuit, 1985), 235 (my translation). This essay appears in English, translated by Cecil Lindsay in Andrew Benjamin, ed., *The Lyotard Reader* (Oxford: Blackwell, 1989), 324–59.

then what *are* “we” if we do not resist at the point of passage? This deferral at the passage would be our duty as judges stripped of criteria.⁶ The judge of whom Lyotard speaks is indeed a witness. But given the efficiency of the last century’s attempted annihilation of witnesses (and this century’s perpetuation of that annihilation through negationism), a modified conceptualization of witness is of the most urgent necessity. And I do not find a clear enough conceptualization of this witness in *The Differend* where I thought I should. Were it a question of simply avoiding the passage, the problem would end in a quietist approach. But not only are passages impossible to avoid, *The Differend* teaches us, we must make them our dwelling-place. And, given their givenness, how are passages to be prevented from becoming forcings? Again, I am returned to the question: How can I serve as passage and yet suspend the temptation to pass over?

In addition to sharing Malraux’s precocious lucidity regarding the crimes incubated by grand narratives and a quasi-mystical belief in the power of art to form a community—if “only” one based on dissensus—, *Signed, Malraux*, Lyotard’s first meditation on Malraux, revisits, from the perspective of figural language, key notions in *The Differend*, the foremost of which is that of passage. In that book on a French cultural icon who was more than a little preoccupied by style, in that study of an André “signed,” Malraux, Lyotard takes up the exploration of an issue left in suspense where *The Differend*’s presentation returns upon itself at the end of §264. That exploration is the quest for a *passage that does not pass*. And he pursues this search in the intertwining of the several styles that he deploys. It is as if Malraux’s voice and that of Lyotard intermingled in one throat, as if their inks flowed from the same pen. This is perhaps the profound sense of the gesture that Lyotard called “hypobiographical.”

And so, in his late work, Lyotard performs an example of witnessing at the passage, of witnessing without precipitous erasure of the differend. “The hearse was . . . passing through the Charenton gateway. The toddler could feel the ‘passing-of-things,’ that mixture of well-being and ill-being ‘which has no name in the West,’ as he would put it

6. I am well cognizant of Giorgio Agamben’s recent critique of the easy confusion between the legal and the ethical. I believe that Lyotard’s work is one of the rare instances of meditation on judgment after Auschwitz that stands above that critique. Cf. Giorgio Agamben, *Quel che resta di Auschwitz: l’archivio e il testimone: homo sacer 3* (Torino: Bollati Boringhieri, 1998); translated as *Remnants of Auschwitz: The Witness and the Archive* (New York: Zone Books, 2000), trans. Daniel Heller-Roazen.

shortly before his own death—a passing that does not pass, one that a tollhouse can stamp but not stop” (*SM*, 1). On the first page of *Signed, Malraux*, Lyotard is already at work, subjecting the notional expression of passage (the notion whose devastating history he retraced in *The Differend*) to a process of metamorphosis. Already, at the beginning of this life of Malraux—a life so linked to its end, a life experienced under the sign of Lazarus—, already Lyotard appears to promise a survival for the honor of the name and a passage to saving it.

STYLE

Style is like the allure of facile consensus: one wants to believe in the power of negotiated links and before one knows it another wrong has been wrought. Style must be handled with care. Each one—with its origin in the Latin *stilus*—is like a pointy object and, lest one not exercise extreme caution, great harm to oneself or to others may be inflicted. “Writing is a struggle ‘against words,’” Michel Collot wrote regarding Francis Ponge’s awareness of the lethal potential of style in its singularity (and Collot was using Ponge’s own expressions). “The poet never forgets the etymology of *style*, an instrument with which the writer ‘turns’ the figural weapons of language against language in order to escape its anonymity, in order to ‘disfigure’ it and impose his own mark or signature.”⁷ Lyotard, on the contrary, and despite whatever textual evidence of style one might muster, did not engage in this particular type of play with language. The softly mocking and self-mocking laughter of the man, Jean-François Lyotard, should echo as ample proof of this differend.

A “literary” Lyotard is unqualifiable (and the reader, in pronouncing the word “unqualifiable,” should be attentive to all of its senses). Rather, we might recall what some have heard before: the remarkable *heterogeneity* of his writing. It is quite simply that it is so multiple and varied that Lyotard’s style remains unqualifiable, ungraspable. Yet as heterogeneously stylized as *Signed, Malraux* and *Soundproof Room* are, the “junkyard writing” of the former (to borrow Lyotard’s “qualification” of Malraux’s writing [*SM*, 45]) and the lyophilized prose of the latter bring the question of styles to the limit encapsulated by Jules Renard’s formula of “the forgetting of all styles.”⁸

7. Michel Collot, *Francis Ponge, entre mots et choses* (Seyssel: Champ Vallon, 1991), 37.

8. Jules Renard, *Journal* (Paris: F. Bernouard, 1927), entry for 7 April 1891.

Lyotard's readers know what his presentations owe to Diderot's dialogues that pit an "I" against one-of-one's-others in texts such as *Que peindre?* or *Instructions païennes*. Like Diderot, Lyotard knows that "our discourse is always just this side or just beyond sensation."⁹ Yet, if in Diderot the visual aspect of a work guides the writing, for Lyotard it may be the tactile. Linking the passions and thought to the sensible body via some discourse calling for gestures, screams, whispers, laughter: this was always the unattainable Lyotardian stylistic *geste*. Well-known also is his adherence to the proposition of a Pierre Klossowski that "the book, in its text, is like the body's skin"—a proposition that he framed with reverence in *Libidinal Economy* (*EL*, 97) and which remained intact as part of his craft all the way to the final writings. As he deploys his styles, therefore, he has them bend so as not to pierce as would a stylus and certainly a stiletto.¹⁰ His styles only point in the figurative: in no way do they punch. It is by other means that the "hypo-biography" of Malraux gets under the skin. It passes into us by way of mouth. It touches us within the throat. If Lyotard's beginnings, his exordia, tend to precipitate audiences and readers onto the passage, if his intonations *in media res* sweep us up, it is because his styles are crafted to demand our position at the passage.

The multiple writing of Jean-François Lyotard mimes—as far as it is possible by one writer—the heterogeneity of the world of phrases, the multiplicity of proper names with their little narratives. This multiple writing, then, maintains the differend between them. No stylistic consensus. Cohabitation of multiplicity. The differend may very nearly be imperceptible: we must be vigilant to it and maintain our watch. Placing emphasis on the differend will never prevent the occurrence of justice (the reparation, that is, of legitimate damages); placing the emphasis on consensus, however, sometimes (which is always too often) forces the passage.

CRACK AND TELLTALE

The world of names, our world of survivors, is a world cracked like an ancient wall. The world cools and the fissures appear in the shrinkage. These cracks are our hope: they compel us forth. To plaster the wall of differends is another way of filling the abyss. Yet the cracked wall must

9. Denis Diderot, *Le rêve de d'Alembert* [1769].

10. As Lawrence Schehr has kindly *pointed* out to me, Flaubert declared the wish that his style have the effect of a stab with a stiletto [*un coup de stilet*].

not be allowed to collapse either. How can this builder's paradox be resolved? The puzzle's solution gives us the *type* of witness we are looking for in order to bear witness/testify to the differend. Instead of plastering, we must improvise, "jerry-rig" with the help of a tool forgotten in the houses of today built, as they are, with wallboard, or sheetrock. On the wall cracks in old houses one placed what are called telltales. These calibrated and dated plates bore testimony (if the solemnity of the situation might for a moment be exaggerated) of the wall's continued movement, the shifting between integral spaces. By their presence over a crack, the telltale—another witness—provides a fragile passageway across the tiny abyss without filling it.

The word for the plasterer's telltale in French is the same as the word for witness—*témoin*. Object and person alike may be "called upon" to attest to or to verify a fact or an event. According to a precept from old French law—a precept that retains its currency—, "witnesses pass before letters." In the context of a trial, witnesses are given more credence than physical evidence. A telltale testifies to the way a wall works against its smooth integrity: it attests to *work* as movement. At the heart of the theory of the differend, it is just such a witness that is missing. The differend cannot provide an ethical product of work as long as there is no telltale. In face of negationist eructations, to think the witness, to renew and reinvigorate the strength of this weak one, to free up its deepest truth is our prescription.

The chapter of *Signed, Malraux* concerning Malraux's years as Minister of Culture is aptly entitled "Witness." Yet while ample differend there is in Malraux's witnessing of Charles de Gaulle (Lyotard views them as spouses), it is in Lyotard's writing about Clara (Malraux's first wife) that the relationship of witnessing to passage, left open in *The Differend*, finds new figurations. And it is not through André's style but through Clara's ankles—the metaphor for commitment—that we can begin, anew, to reflect on our role as witnesses after Auschwitz. *Chevillie* is the French word for the articulation between leg and foot that we call the ankle. It is also the construction element we call the peg. One who has, so to speak, "nine lives" is said to have his soul pegged to his body—*avoir l'âme chevillée au corps*.

These figures will inform the witness. And this putatively "non-philosophical" context is prefigured in the Gertrude Stein section of *The Differend* where Lyotard ponders at length this axiomatic statement from *How to Write*: "A sentence is not emotional a paragraph is." Though he knows that any interpretation will threaten to fill the

abyss that Stein opens and says so, Lyotard rephrases anyway: "In Stein's text, a phrase is one time, an event, it happens. The anxiety that this will not start up again, that Being will come to a halt, distends the paragraphs." Here we are very close to the hinging metaphor, the metaphor of the hinge, the linchpin. Among the cats, the *entrechats*, the inexorable Redundant One, the limbo that haunt Malraux as they inhabit *Signed, Malraux*, a woman's voice whispers. More than a voice (a *voix*—like that of May heard in *Man's Fate* by Kyo, through his own throat, as if it were his own voice), the feminine voice heard in *Signed, Malraux* is a way (a *voie*—a passage, a process, a manner of bearing witness). The intuition of a new image for that which can still save the passage from the impasse comes to Lyotard through his manner of describing things in the chapter entitled "Exit Clara," in the figures that he marshals, that is, to describe this particular passage in Malraux's life:

Clara will fight. That's her business. That of a Jewess, a German, an immigrant, a woman, a fatherless daughter, the companion of a delinquent mythomaniac. I'm not very good-looking, though, she tells herself, except for my ankles. It's not that she's looking for her true place, since her challenge is to occupy all places and to excel. Translator and transit agent, four languages speak in her mouth. A German woman in France, a Frenchwoman in Germany, nowhere a Jewess, woman everywhere. Not for a fling, but one who is bent on forcing the way through. [SM, 114]¹¹

Here, the translator simply pauses, meditating the multiple connections being made. This woman ferociously bent on fighting for life wherever she is, this woman whose sexuality both subjugated and surpassed Malraux, she who would never submit to any manhandling, she who also never hesitated to force the hand of he who might hold her harbors the secret of the passing that does not pass.

[E]xpertly mature (to the point of jealousy) regarding the licentiousness that a violent and curious spirit can bring upon itself when it cohabits with the enigmatic feminine body, [Clara] will devote herself to the cause of liberating that body, of liberating herself. . . . Her inability to give up, her refusal (to the point of vindictive meanness) to forget,

11. Lyotard plays throughout this chapter with different expressions employing *passé*. Here are the two sentences in the original: "Allemande en France, Française en Allemagne, juive nulle part, femme partout. Non pas de passage mais acharnée à forcer la passe."

all inhere to her well in advance of any ideological considerations. Her ankles then, do indeed merit her paying them homage. [SM, 114–14]¹²

I repeat that the “enigmatic feminine body” that gets Lyotard back onto the poetic track of the witness appears in *The Differend*, fleetingly but unmistakably, in the discussion of the distinction made by Gertrude Stein between the sentence and the paragraph. The metaphor of the telltale/witness that marks and measures dissensus is thus right up close, next to the feminine *cheville*.

WITNESS AS TELLTALE

As witness of the crack, the telltale is positioned on the weaker, more neutral side of what we might think of as the strength scale of joints which includes the peg (*cheville*). It is thus more helpful, remetaphorized, for envisioning our role as “names” than what Kant had hoped for in the “fragile passages above the abyss” and even than the peg (the image of Clara’s commitment). To save the honor of the name, “I” must place myself as telltale at the passage. “Though not passages,” Lyotard wrote in “Judicious in the Differend,” “proper names are at least meeting points among heterogeneous phrase regimens.”¹³ “I” am indeed one point where heterogeneous phrases meet. But “I” must refrain from causing the passage. “Kant, the abominable agent of the bourgeoisie,” says “X”; and “Y” retorts, “Kant, the great moral philosopher.” If, however, “I” let myself think of myself as some “procureur of synthesis” and start forcing the passage, “I” then lead myself to “claim to administer proof [and this] absurdity prepares terror.” A thousand times more sound is to live, as the poet René Char suggested, like saxifrage—the breakstone that grows and remains in the cracks.¹⁴

To assume my responsibility as witness has nothing to do with bringing evidence that might advance litigation. Testifying to the differend occurs well in advance of any possibility for justice: its purpose is to prevent the wrong [*tort*] of injustice caused by the forcing of passages. To make a gift of one’s being to the state of witness is to acquire

12. To quote, again, the last part of the paragraph: “bref l’incapacité de céder, le refus d’oublier, jusqu’à la méchanceté vindicative, sont chevillés en elle bien en deçà d’aucune idéologie. Elle peut rendre hommage à ses chevilles.”

13. Lyotard. “Judicieux dans le différend,” 235.

14. I refer the reader, of course, to “Pour un Prométhée saxifrage” (René Char, *Œuvres complètes* [Paris: Gallimard, 1983], 399–400), but also to the aphorism, “Fureur et mystère tour à tour l’attirèrent. Puis vint l’année qui mit fin à son agonie de saxifrage.”

the patience of that which may never budge but speaks nonetheless, the patience of the *trait d'union*—both hyphen and link.¹⁵ To remain on this side of the passage, as telltale, one may never have the occasion to testify in the ordinary sense. To be the telltale at the passage is to keep oneself on the alert to that which neither of the adversaries may ever find a common language game to say. It is to prohibit oneself from speaking *for* either party. It is the obligation to keep watch for the phrase of that which is to come, to say “it’s coming,” but not *what* is coming, and even less to “explain” or “enlighten.” It is to be, simply, readable: like a wall’s telltale. To be an instrument. To be a way, the passage; not a voice. A voice strives for incarnation; the way allows the passage to happen. It is to be on the lookout for what might transform the differend into litigation while preventing the crack—even the most minute of abysses—from being filled.

There can be no rest for those critical watchmen who choose to remain on this sentry. Relativism and quietism are two of their principle antagonists. Filling the gap, forcing the way, arrests the process of work and opens the gates for massacres. While the resistance of Lyotard’s body expired not long ago, it is never too early to go on facing with his thought the outrageous accusations and insinuations that are bound to be rekindled after a “respectful” period of mourning, of apolitics and ethical dereliction. So, to be witness constitutes a general strike against “commitment,” the neglect of historical engagement? According to what ideology? And what has the praxis of ideologies—all of which call for some form of “engagement” through a constituted “we”—accomplished by their passages into action? Who can, with reason or guile, affirm that it is to refuse action to attempt to determine, at each differend, through the organization which is thought, “that which might legitimate judgment” and to defer indefinitely if a common language game proves unavailable? Is this not to *work* at being the most impartial judge of all?—a judge whose criteria must be thought out in each case?—a judge capable of hearing within his or her own throat the voice of the beloved who dwells on either side of the differend? To find the expression that might become the passage is the duty and *raison d’être* of thinking. It is the demand, the silent entreaty of the mute.

15. Lyotard, *D’un trait d’union* (Sainte-Foy, Québec: Le Griffon d’argile, 1993); translated as *The Hyphen: Between Judaism and Christianity* by Michael Naas and Pascale-Anne Brault (Amherst, NY: Humanity Books, 1999).

PASSAGE AND VOICE: THE THROAT

The voice of otherness warms our throat to warm itself in our throat. Sometimes otherness finds an incarnation in an other. Sometimes it remains altogether other. It is to remain. And "I" must unforget that forgetting. As we let the voice of otherness speak through us, sounds rise up from the deaf chamber, the "soundproof room"—a chamber that is also mute. Herein lies the heroic consistency of Lyotard's inconsistency. In one short paragraph of *Soundproof Room*, in a terrible, unpitying flash, Lyotard sums up while launching once again—for those who will hear—his position with regard to the political. It is the very same position he can be seen holding "already" in his drifts with and from Marx and Freud, the one he furiously spewed in *Libidinal Economy*, the one we see inscribed in the final sections of *The Differend*, and the position, finally, firstly, for consistency, that he held throughout the *Socialisme ou barbarie* years.

The modern decision invents a temporality unknown to antiquity. The voice is incarnated and promises ultimate fulfillment through redemption from the pain of enduring. Such is the Christic mystery elaborated by Saul of Tarsus and Augustine and propagated by the West across two millennia of Western thought and practice. The diverse modernities that follow this initial move repeat the incredible gesture: Here is my body, says the voice, here and now. My Ego, says Descartes: thought, in actuality, appropriating nature. "To possess truth in one soul and one body," echoes Rimbaud. In the American and French Declarations, the same ostentation: Here we are, free peoples. And in the Bolshevik Revolution: Power to the Workers' Councils (Soviets), right away and here. [CS, 14–15]

Sole alternative to the voice and its modern incarnations: the way of the throat that may not even articulate anything sensible. The only passage in which passage is permitted is the way of the throat: my throat confused with that of the beloved other.

WORK OF ART

In this respect, the work of art is eloquent. Their thought on its true function is perhaps the one actual passageway linking Lyotard and Malraux. In the flux of visibility and readability upon which painting opens, we may detect something on this side of the passage. "The artwork 'means nothing.' It is a singular, unexpected arrangement of its constituent elements: words, in literature; shapes and colors in painting"

(CS, 56). This unique power of the artwork and the unmitigated confidence that one may have in its power are testimony to its adequacy to the role of model for gratuitous and highly moral witnessing. "Let us cut credulity short, even Nietzschean credulity. There is a fact: the artwork. It testifies for nothing. It arises out of a sinister quarrel with idleness [*désœuvrement*]" (CS, 69). The artwork serves as plastic model for the passage that does not pass, a passage that leaves open the question and the possibility of an ethical relation to the other. In *Soundproof Room* more clearly than anywhere else, we witness the crossing of Lyotard's path with that of Emmanuel Levinas: "The artwork never gets clear of anything, never exceeds its subjection to the world. It is a first step beyond, the beginning of an entry into the desert: the exodus out of the sensual Egypt is not and must not be accomplished" (CS, 108).

As witness/telltale, we function as does the artwork, which remains, moreover, as stupid as the painter (CS, 56), to evoke Duchamp from whom Lyotard learned much. Like the judge after Auschwitz, the artwork is without criteria and in this final book published while he was alive, Lyotard demonstrates his loyalty to the spirit of every artistic avant-garde: experimentation always and recoil before the pretense of having ever found the rules.

TIME

Akin to stupidity is the radical inefficiency of Lyotardian judgment in its practical opposition to the draconian tempo of exchange at all cost. It was not just wry irony that motivated this observation from the preface of *La faculté de juger*: "It is true that thought which is still doing its morning wash-up, thought which is still in its bathrobe is a pretty miserable piece of merchandise: enough to cause the ruin of an editor."¹⁶ In thinking through the possibilities of judging Lyotard with respect to the rites of the door that Kafka stages in "Vor dem Gesetz" ["Before the Law"], Jacques Derrida evokes, in both cases, the life-giving lateness of the passage into the law. Opposed to the passage (understood as efficient, prompt, quick, violent) are thought, with its inherent slowness, its propensity for losing or even wasting time, its resistance to incarnation (another way of saying its "inhuman" side), the "as if" (*comme si, als ob*, short of being, doing, incarnating the voice), the just-

16. Lyotard, "Avertissement" in Jacques Derrida et al., *La faculté de juger*, 8.

this-side (*l'en-deça*), the threshold. All too quickly have the programmers of history habitually found passageways. It is the quickness, the impulsion to pass (certainly not the passage itself) that is at the origin of crimes. Even in that book of "a great sinner" that is *Libidinal Economy*, Lyotard always steals the time for reflection: "Let's not go too fast. Let's differentiate, make distinctions. Let's refine this some more" (*EL*, 95). To set up a philosophical politics apart from the politics of 'intellectuals' and of 'politicians,' as Lyotard called for in *The Differend* (xiii), is to radically modify deliberative time by forcing it to correspond to the time of thinking. It requires that the task of philosophy become humbler, meeker, that thought cease being tempted to fill gaps at all cost instead of applying itself to the cracks as telltales. "To bear witness to the differend" is to keep watch over the powers of poetic language.

A witness does not pass and hardly forms a passage. There is no abyss to be filled but a multiplicity of cracks that make up the world of names. Telltales apply themselves to the cracks. The differend can always become litigation all by itself. Total confidence in thought as our last resort is a lesson that many received from this obstinately dissident thinker. This confidence is a confidence in spite of *all*, in face of *all*, where all think it wise to force the passage. "Surely the millennial shift will not put an end to this ability to render present both past and future" (*CS*, 12). The duty of thinking through the heterogeneity of idioms ensures the passage.

Another sense of *témoïn* is that of remainder, the sole survivor of a disaster. A chimney-rock is such a remainder following an ancient flood. A Giacometti sculpture. Through his work, a Lyotard-*témoïn* remains to remind us to develop our patience so that we never cancel the debt, so that we live as witnesses at the passage.

"Thought itself gets swept away in succession yet it retains the ability, at every moment, to represent to itself that which is no longer or not yet present"—words of promise for the exercise of wisdom (*CS*, 11–12).