

Chapter 1



The Sophists?

Every question selects a field of battle.

—Kenneth Burke

As I read *The History of Rhetoric*—as it has been processually unfolded in this century—one of the foremost problems (or questions) has been that of the Sophists. But then, Have not the Sophists always posed a problem, from Plato to the present? Has not the problem always been What to do with the Sophists? (I will anticipate: Has not the problem always been What to do with the Jews/“jews,” with the Gypsies, the Queers, the rootless; always been What to do with that-which-cannot-be-represented? The Others? The Waste? [see Lyotard 1990; Barthes 1978, 134-35, 209]). It is now time—for time is running out—that we come to understand that what we, or I, do with the Sophists, when writing histor(ies) of rhetoric(s), will have established the conditions of the possibilities for any (future-past) history of rhetoric. Again, the Sophists are *The* problematic that must be addressed here. To ignore them is to turn them into the Forgotten, which will *not* have remained forgotten. But to address them (How does one speak of, or even to, the Sophists?), to readdress¹ them, we, or I, must re/address them not directly or in any referential-representational mode. And certainly, we, or I, must not re/address them, most of all, in any definitional mode. (But I greatly anticipate myself.)

How to Speak of the Sophists?, For They have been exTerminated: This, then, is the problem that I will examine, the question that I will interrogate, and address in this chapter and throughout this book. As a case in point, I will examine what I consider to be a typical way that the Sophists have been addressed, and most recently by Edward Schiappa (1991). Eventually, I will examine Schiappa’s argument closely, but for now some of his conclusions are that

- “sophistic rhetoric” should be considered a mirage (8);
- the label *sophistic-anything* may be more misleading than useful (10; Schiappa’s emphasis);
- “sophistic rhetoric” is largely a fiction (14);
- the principle of Ockham’s Razor suggests that “sophistic rhetoric” is expendable (15);
- I believe that “sophistic rhetoric” is a construct that we can do without; a fiction, originally invented by Plato for his own ends. We no longer need to maintain the fiction for ours. (16)

There is much that we can learn from the particular ways that we have and still do *think* of the Sophist. (We must discover ways of thinking about the Sophists that are not reactionary-revengeful ways.) For Plato, the possibilities for *representing* the Sophists, is to be realized by way of *diaeresis* (division, naming) and purification (*Sophist* 226c). Plato—or the Eleatic Stranger—concludes, after throwing his net repeatedly, that the Sophist practices “the art of contradiction making, descended from an insincere kind of conceited mimicry, of the semblance-making breed, derived from image making” (268c–d). As we know, Plato continually speaks against *mimesis*, or representations three times removed (see *Republic*, bk. III; cf. Pefanis 1991, ch. 4). It is the three times removed, however, that I would desire and eventually in the name of a *nonpositive affirmative sublime*.² (I would reclaim for and re-add to *The History of Rhetoric* not only the Sophists but also all those contemporary dissemblers such as Nietzsche, Bataille, Foucault, Cixous, Deleuze and Guattari, J. Butler, Derrida, Lyotard, Dora, the Wolf Man, Judge Schreber . . . the list goes on.)

For Schiappa, the possibilities of representation are to be found in *diaeresis* as well, but without the intention of using them to capture the Platonic “real,” or “ideal,” though Schiappa, nonetheless, displays a modernist nostalgia for the “real,” or so-called “actual.” After all, Schiappa, like Plato, rejects the “mirage” (the three times removed) in favor of *the real thing*. And to boot, the classical, philological real thing. (Whether ideal or actual makes little difference here. My sense is that Schiappa is, at times, a Platonist, while, at other times, an Aristotelian, at least, in relation to “knowing,” i.e., “theoretical sciences.”) For Schiappa, no matter how much he claims that he is not a Platonist, the possibilities of representation are still determined by ontological conditions, whether some thing *is* or *is not* (cf. *Sophist* 236c–237b). Aristotle is a similar ontologist. It is no wonder, then, that when Schiappa asks the ontological question (Did the Sophists exist?) that he asks it in terms of whether the Sophists are an “oasis” or a “mirage.” It is also no wonder that his answer—perpetrated and perpetuated by *diaeresis*, or species-genus analytics—is that the Sophists were/are, in fact, a “mirage,”

or a mere imitation without an original. They are three times removed. He concludes, therefore, that there is no reason whatsoever to refer to the Sophists or to sophistic rhetoric, except for whatever uses we might have for a construct that is “largely a fiction” (14). (Yes, we are being asked to choose disjunctively between either a “fact” or a “fiction.”³) Schiappa’s conclusion, concerning the Question of the Sophists, is arrived at because it is, he insists, “historically grounded” (16). (The issue here is not Schiappa, but the methods he, and we, associate ourselves with; and yet, the issue *is* Schiappa, for he is the method that he consumes and ask us, in turn, to consume so as *to forget* the Sophists, so as to make the Sophists the Forgotten.)

Foucault has warned us repeatedly of how subjects, or agents, become subjects by way of what he calls “dividing practices”; the subject is “objectified,” so as to be excluded (1982, 208; see Rabinow 1984, 7–11). The subject is negatively essentialized. Schiappa and his use of dividing practices, of *diaeresis*, of species-genus analytics, represent the hermeneutics of forgetting, and hence the politics of forgetting. I will not drink from this cup! Schiappa’s is a *knowing* that I would expel.

As Stanley Rosen reminds us, however, the more that philosophical (rhetorical) discourse has attempted to *terminate* the Sophists, the more that they, the Other, live on in the *body* of philosophical (rhetorical) discourse (1983, 321–22). The more that the Sophists are repressed, the more that they return, and not only within but also, as Gilles Deleuze and Félix Guattari would say, all along the surfa(r)ces of the body, the “miraculated” body (1983, 17). Hence, Schiappa and his method are not only a manifestation of congregation by segregation but also the eternal return of the repressed, suppressed, politically oppressed.

I will report in greater detail precisely what Schiappa’s (Platonic, yet Aristotelian) argument is, but it will take me a while to get to the point of reproblematising Schiappa’s views concerning the Sophists. For first, I want to lay the un/groundwork (*abgrund*)—may I still use this word?—for re(ap)proaching this problematic of seeing (theorizing, spectacularizing) the Sophists. Where we begin, or rebegin, will have determined where we will have ended; will have *pre/determined* what we see as our possible choices/alternatives. (The Sophists? Either Oasis or Mirage?) Have we not learned, at least, this much about beginnings and *predeterminations* already from rhetoric?⁴ There is an important lesson here for historiographers and would-be historians of rhetoric. Let us begin this reorientation—at least, in passing—by rebeginning on familiar grounds, for eventually I will switch us—very abruptly, perhaps rudely, and at length—to thinking on more unfamiliar grounds. We will have moved from the canny to the uncanny.

Therefore, let us first look at what Kenneth Burke through Paolo Valesio says about *representation* so that I later can introduce us to the more perhaps uncanny, unfamiliar ways of what Jean-François Lyotard and others have to say potentially about representing, seeing (paratheorizing) the Sophists.

Mechanisms of Exclusion, Negative Essentializing: Valesio, discussing his concept of “regional ontology” (not to be confused with any philosophical, total view of ontology), writes: “[E]very discourse in its functional aspect is based on a relatively limited set of mechanisms—whose structure remains essentially the same from text to text, from language to language, from historical period to historical period—that reduce every referential choice to a formal choice” (1980, 21; Valesio’s emphasis). Valesio continues:

The choice is only between what mechanisms to employ, and these mechanisms [persona, genre, mode of emplotment, dramatic ratio, whatever] already condition every discourse since they are simplified representations of reality, inevitably and intrinsically slanted in a partisan direction. These mechanisms always appear (so much more convincingly if the discourse is more polished and well organized) to be *gnoseological*, but in reality they are *eristic*: they give a positive or a negative connotation to the image [oasis or mirage?] of the entity they describe in the very moment in which they start describing it. (22; Valesio’s emphasis; cf. H. White 1978)

Now, in pointing out this formalist view of rhetorics and their possible different historiographies, I am not evidently telling Schiappa and company something that they do not already seem to know. (Again, ever again, a historian’s choice of historiography, his/her choice of “mechanisms,” will have *determined*, the conditions of any choice of history with its conclusions.) As I say, Schiappa suggests that he does sympathize with this understanding. I have in mind Schiappa’s earlier article on rhetoric (1990b), in which he appropriates Richard Rorty’s “The historiography of philosophy: four genres” (1984). Specifically, Schiappa focuses on the differences between *two* of Rorty’s genres, namely, “rational reconstructions” (anachronisms, fictions) and “historical reconstructions” (the way things “really” were).

Rorty, in his exposition of these two historiographies, *bases* his distinction on Quintin Skinner’s maxim, and most importantly whether we decide to “obey” or to “ignore” it (54). (Skinner’s maxim: “No agent can eventually be said to have meant or done something which he could never be brought to accept as a correct description of what he had meant or done” [qtd. in Rorty 1984, 50; Skinner 1969, 28]). In qualifying his use of Skinner and *what he meant*, Rorty wisely implies: “‘what [Skinner] meant’ is different depending upon who is asking such questions” (54)! The implications are that the

distinctions that Rorty makes between rational reconstructions and historical reconstructions are fluid, not fixed. Rorty's view of this maxim is a provisional, pragmatic one: At one moment, epistemic (philosophical); at another, forensic (rhetorical); at yet another, sophistic (playful). I myself find the maxim problematic in the light of psychoanalytic and postpsychoanalytic hermeneutics or ideology critique. As Marx says: "they do this [speak it, hear it, mean it] without being aware of it" (1977, 166–67). The mechanisms of denial and disavowal, basic defense mechanisms, cause me to pause and not give assent to Skinner's (pre-critical) maxim, which is so nostalgic for foundations.⁵

Now, when Schiappa appropriates Rorty's distinction between "rational" and "historical reconstructions," he retraces in places precisely what Rorty says: "Those alternatives [rational or historical] do not constitute a dilemma. We should do both of these things, but do them separately. We should treat the history of philosophy as we treat the history of science" (1984, 49). Schiappa states the same: "I am not suggesting that historical reconstruction should be done to the exclusion of rational reconstruction. With Rorty, I believe that both ought to be done, but done 'separately' " (1990b, 196). So far, so good; or so one might think. But my sense of what Schiappa is *doing*, which Rorty is *not doing*, is sorting sheep from goats (satyrs) as the early Puritans did. (And so, Can Schiappa make Rorty say what he had not intended? Of course. The more interesting questions for me, however, are *How* is it that Schiappa reinvests Rorty? and For *what* purposes and outcomes?, intended or not.) Schiappa's plea in reading Rorty the way he does is more invested, I believe, in sorting out and privileging "historically grounded" (would-be responsible) historiography over and against fictionalized, therefore, ungrounded (irresponsible) historiography. There is a moral and a logic here, in this not-so-hidden allegory, that I, as well as others, personally do not wish to identify with. The logic, as I have suggested, is that of a privileged position over supplementary position(s).

Let us read Rorty's article on historiography and Schiappa's appropriation of it within the context of Rorty's larger discussion. (Let us take a *scenic* view.) And let us note first of all that Rorty is describing for us "The historiography of philosophy," not *the*, or *a*, historiography of *rhetoric*. What Schiappa finds attractive in a decontextualized version of Rorty's thinking—and of course this is ironic, given Rorty's ever-shifting standpoints elsewhere (see 1979; 1989)—is a residual philosophical bias. In his article under consideration, Rorty turns from analytical philosophy to hermeneutical philosophy. This is fine and I assume that many of us in rhetoric applaud such a shift. However, Rorty later in a book-length study, *Contingency, Irony, and Solidarity* (1989), turns, and continues to turn, from hermeneutical

philosophy to sophistic (liberal) rhetoric. In writing about the differences between a “metaphysician” and an “ironist,” Rorty says that, in part, for ironists “anything can be made to look good or bad by being *redescribed*” (73; my emphasis. Cf. Burke 1984b, 39–44; and 1969a, xv–xxiii, 3–517). How many of us in rhetoric would be willing to give assent to Rorty’s shift from philosophical (hermeneutical) metaphysician to a sophistic (posthermeneutical) ironist? Would Schiappa? I ask about Schiappa because he does not in his article incorporate Rorty’s earlier statement concerning historiography into this processual unfolding of Rorty’s thinking about writing history.

Whereas Rorty is fluid, provisional in his use of Skinner and in his historiographical distinctions, Schiappa is fixed; whereas Rorty is an “ironic” formalist (cf. K. Burke), Schiappa is a traditional-philological-“metaphysical” formalist.⁶ The difference here, then, lies between the new philology (as practiced, say, by Nietzsche and Rorty) and the old philology (as practiced by Ulrich Wilamowitz-Moellendorff and Schiappa). The two have radically different notions of “describing” the world: Again, for Rorty, the ironist believes in no “final vocabulary” (1989, 73) and, thus, in redescrptions (anything *can be made to look* either good or bad, like an oasis or mirage, a fact or fiction) while the metaphysician, in descriptions (anything *is* either good or bad, etc.). I would redescribe redescrptions—which is my interest as I work through this playbook—in terms of forces (desires, wills) being brought to bear on an already existing re/description, or force (cf. Deleuze 1988, 94–123).

In any case, if Schiappa has a penchant for laying the ground work for a historiography of philosophical rhetoric, Why in the world—I cannot not ever ask—should the various “we’s” or “I’s” agree that *the*, or *a*, history of rhetoric be determined by the conditions or rules and regulations established by the interests and investments that *determine the historiography of philosophy*? Why should we or I use the same “mechanisms” (Valesio)? If Rorty in his discussion of the historiography of philosophy wishes—if Schiappa wishes for a decontextualized reading—that the history of philosophy be based on the same conditions as the history of science (1984, 49), there is no necessary, compelling reason why historiographers of rhetoric should follow his (momentary) predisposition toward philosophy. (Unless, of course, it’s for a laugh!) And there is no reason that we should follow Schiappa’s subtle plea for a so-called responsible historiography when it is based on this predisposition toward philosophy. (Unless, of course, it’s for a farce!)

I am well aware that I have not by any means sufficiently argued my position that Schiappa “really has” a bias in favor of “historical reconstruc-

tions" at the expense of so-called "rational reconstructions." After all, I am an "ironist" not a "metaphysician." I agree with Rorty "that a talent for speaking [writing, thinking] differently, rather than for arguing well, is the chief instrument of cultural change" (1989, 7; cf. 8-9).⁷ To argue is not my purpose here, that is, to make Schiappa agree to something that he never intended! My purpose is to redescribe perpetually by way of new idioms. (More so, I would mix idioms while I redescribe *and* redescribe so as to create the conditions for the possibility of new configurations.) However, it could be countered, by what Rorty calls a "metaphysician," that I am reading into Schiappa's argument ("redescribing") my own bias and that, therefore, I should be dismissed out of court. I agree that I have a bias. How could I humanly not! Is that not what court is all about, a place for people to speak their various biases and have them heard and not heard? (I will take up this issue of not being heard [the issue of silence] later in reference to Lyotard's concept of the *differend*. And I will situate it, as Lyotard does, in court, in the forensic.) I also maintain that it would be extremely difficult to locate in Schiappa's argument the precise place, or places, where his feigned balanced-view is slightly, subtly tilted. I could cite all the other historians and historiographers that agree generally with my position, some quite reputable. But what would that prove, as far as Aristotelian inartificial proof goes?

Finally, however, I cannot emphasize enough that I am not interested (invested) in "proving" this subtle tilt in Schiappa's article; rather, I would hope to compel the reader to see that the *Question of the Sophists* must be guarded, held ever open; for if not, then, as I will aver throughout this book, we will have continued to engage in pernicious, reactionary thinking. We will have continued to engage in negative essentializing. Such thinking is vengeful thinking. I take seriously, as well as playfully, Nietzsche's view, as Heidegger interprets it, that "revenge is the fundamental characteristic of all thought so far"; in other words, Nietzsche "thinks of revenge metaphysically . . . not only psychologically, not only morally" (1968, 97, 98). As Heidegger continues to describe it, this thinking that is vengeful is strictly modernist thinking. What goes for thinking = nostalgia. The "It Was" real has become "It Is Not." Oh, how traditional philologists suffer from this loss, inflict their revenge on the past ("It Was"); oh, how they negatively desire to know/no what was really/actually said or done! Traditional (Modernist) philologists, therefore, invest in historical reconstructions (the way things *really* were [intended]) instead of rational reconstructions (anachronisms, fictions)! Oasis or Mirage?

Therefore, my interests and investments are in demonstrating and performing that instead of favoring rational over historical reconstructions or vice versa, we should affirmatively deconstruct the favoring, the privileg-

ing. And I will rely less on logic, or inference, as Schiappa does (after all, he wants to be a traditional-modernist-philologist); but will lie, in an extra-moral sense, by *throwing a metaphor* in(to) the Question concerning the Sophists (after all is said and perpetually undone, I desire to be an ironist-cum-humorist).⁸ Dear reader, do you find this a shocker? This is the abrupt shift that I spoke of earlier. The shifts will have become even more rapid and expansive as we continue here and mostly elsewhere. I will throw a metaphor—by the way of Favorinus—into this discussion toward the end, so as to reopen, perpetually reopen, the Question of the Sophists.

What I propose to do, therefore, is to demonstrate and to perform just why Schiappa's argument to diminish and then to exclude "the Sophists" and "sophistic rhetoric" is dangerous and pernicious, and why it must be resisted and disrupted. In dis/order to accomplish this end for perpetual rebeginnings, I am going to establish the conditions for the possibilities of both revisionary but especially sub/versive readings of Schiappa's award-winning and influential article.⁹ Specifically, I am going to use a constellation of language games (really paragenres, both hybrids and "sports") that requires that I reinvent myself as a "critic," more so a "paracritic," which means, in turn, that I will have to establish an *improper, proper persona* from which to criticize Schiappa's position.¹⁰ (Therefore, my discourse[s] will not be classically well-organized or even polished [Valesio].) After suggesting a new ethos, I will then turn to a discussion of Lyotard's *The Differend*, so as to further establish the conditions for rethinking the Sophists and sophistic rhetorics. So you see it will take a while to get to Schiappa's article, but the getting-there (becoming-there) is as important as arriving-there (being-there), and in fact there may be no difference.

. . . excess reveal[s] itself as truth.

—F. Nietzsche

Therefore, unlike virtually all of my colleagues, but definitely like Barthes in *The Pleasure of the Text*, my parathinking about the question of writing histories of rhetorics is driven by the desire to have a *Society of the Friends of the Text (or Hysterics and schizzies of Rhetorics)*:

. . . its members would have nothing in common (for there is no necessary agreement on the texts of pleasure) but their enemies: fools of all kinds, who decree foreclosure of the text and of its pleasure, either by cultural conformism or by intransigent rationalism . . . or by political moralism or by criticism of the signifier or by stupid pragmatism or by snide vacuity or by destruction of the discourse, loss of verbal desire. Such a society [of

rhetoric] would have no site, could function only in total atopia; yet it would be a kind of phalanstery, for in it contradictions would be acknowledged, . . . difference would be observed, and conflict rendered insignificant (being unproductive of pleasure). (1975, 14–15)

Yet, desiring *some more*, just as Barthes himself ever desires *still more*, I would accept the “fools” and the jokers as I accept myself. (And hope that my [good] readers, in turn, will have accepted me.) For how else, as Barthes says, could I be “the writer [who] is always on the blind spot of systems, adrift; . . . be the joker in the pack . . . [or] the dummy in the bridge game; necessary to the meaning (the battle), but deprived of fixed meaning; [my] place, [my] (exchange) *value* . . . varies [as floating signifier] according to the movements of history, the tactical blows of the struggle” (35; Barthes’s emphasis).

A wild practice . . . , one that does not provide the theoretical credentials for its operations and which raises screams from the philosophy of “interpretation” of the world. . . .

—Louis Althusser

If possible, however, I would desire to be even a wilder card than a joker. (A wilder jester at court than ever previously tolerated. My “I” would be a floating, drifting signifier.) And to that end (or beginning) I would have us move on, perpetually, to a *third place* outside this dispute (*paradoxa, dissoi logoi*), to that of a sub/versive paralogy (*dissoi paralogoi*). We will have eventually been there. (We will have perpetually returned to, ventured there to that wild place, that-which-has-been-repressed place, because of discipline, metadiscipline.) Let’s cut and paste, blast and uproot. Let’s, hereafter, dis/engage in anacoluthons and asyndetons. Our motto: *Tmesis*.

It is equally deadly for a mind to have a system or to have none.

Therefore, it will have to decide to combine both.

—Frederich Schlegel

In addition, I will be, not only like Barthes but also again like and yet un/like Lyotard, less interested in *sentences* (after all, I desire to unhinge them), and less interested in *speech acts* (after all, I would dispel author/ity), and will be, even more than Lyotard, more interested in what I will have

called *theos-tricks* or *theatrics*. This latter quasi-subject position is based on my casuistic stretching of Lyotard's notion of "paganism" (1985, 16–18) and is related to my notion of a Third Sophistic (or *Society of the Friends of the Text or Hysterics and schizzies of Rhetorics*).¹¹ Whereas Lyotard links his notion of paganism to Aristotle (27–29), I would, as excessively suggested, move beyond, way beyond, Aristotle to a view linked up with Diogenes of Sinope and even more so with Ovid. (The choice for me, as Peter Sloterdijk best states it, is not between Plato *and* Aristotle—or a so-called bad cop and a good cop/y—but between Plato *and* Diogenes of Sinope [1987, 103].)

What is both needed and more so wanted, therefore, are ways of provisionally-temporarily negotiating with exclusionary structures of violence (politics, litigation, the *polis*, binaries) and then ways of re/including greater, greater, excessively greater—but I cannot say "numbers of"—the suppressed, repressed, politically oppressed (or *differends*, re/situated in the *pagus* or *les domaines inférieurs* or temporary autonomous zones or homosocial space or Baroque deterritorializations). And yet this is a conservative suggestion of what I'm about. (As we trek through this book-that-is-not-a-book, there will have been more radical re/considerations. For finally, I will not have wanted to even negotiate with narratives of violence!) What I will have suggested is that what is wanted is a movement, but not necessarily a *political* movement, from "1" to "2" (*polis*) to "some more" (third) subject positions (*pagus*, TAZs, perpetual deterritorializations). As Rorty says: "freedom [is] the recognition of contingencies" (1989, 26). At least, on occasion! For I would also trek with the unaccountable (chance, hazard).

It is necessary to link, but the mode of linkage
is never necessary.

—J.-F. Lyotard

I. The *Differend*, Incommensurable Phrases in Dispute (or, Preparing the Way to Toss a Metaphor)

If you, dear reader, have made it to this point, you are a more gracious (sado-masochistic) reader than most. Bravo! Much of what I will say about the radical form of dissensus (or expulsion of the principle of expulsion) comes out of Lyotard's discussion in *The Differend* (1988a). From this point on, it would be helpful, beneficial, to forget (like Nietzsche's cows) the opening section of this chapter, especially if *you*, dear reader, are wondering about "connections" or what mode of linkage it might have with what is to

follow. (You see, it is the so-called . . . illegitimate lineage that I am after. The “uncivilized.” The negated so that there might be—so we have been told—a civilized. It is the excluded middle [muddle] that I am after. And therefore my rude interventions, disruptions, and perhaps annoying waywardness.) For my more immediate aims, however, the discussion that follows has two purposes: (1) To introduce any new reader, or rereader, to *The Differend*, that is, to *my way* of reading, stretching, this remarkable sophistic book; (2) and to suggest how the discussion in the book, at key points, might be even more radicalized for Sophistic rhetorics of radical dissensus. In more traditional sense, I am laying the un/ground work, or the conditions, for rethinking the Sophists after Schiappa has systematically excluded them or redescribed them as mere “fictions.” (In other words, if you catch my drift, I would denegate Aristotle’s *Sophistic Refutations* so as to get to Lyotard’s *Sophistics*. After all has been said and undone, I would reclaim the Sophists but without redomesticating them. And that will require Other in[ter]ventions, con-fabulations.)

The Fate of the Three Classical Speech Acts (forensic, epideictic, deliberative discourses): Let’s rebegin by examining the central term of the title of the book: For Lyotard, a *differend*, as opposed to a *litigation*, “would be a case of conflict, between (at least) two parties, that cannot be equitably resolved for lack of a rule of judgment applicable to both arguments. One side’s legitimacy does not imply the other’s lack of legitimacy. However, applying a single rule of judgment to both in order to settle their differend as though it were merely a litigation would wrong (at least) one of them” (1988a, xi). The distinction, then, is that though we have rules to settle *litigation*, we have no rules for settling a *differend*. Hence, we have epistemic violence: While litigation enables one side, it disenables the other. It is difficult to remedy this problem because no final set of rules can be developed to accommodate the *differend* into the discourse of *litigation*, for the simple reason that the introduction of rules—statements based on *how*—only introduce new *differends* (see 181). Though there is no final set of rules, this does not mean, however, that there are not perpetual attempts to universalize rules by a (synecdochic) genre of genres, which *is* the act of real epistemic violence (see 128–150). The cure (the *pharmakon*), however, becomes, for Lyotard, “some more” *differends*.¹²

What Lyotard has in mind with this definition of the *differend* and the primary example that he opens with is what in *The History of Philosophical Rhetoric* is called *forensic* discourse. (This discourse centers around questions of fact, value, and quality: Is it? What is it? What quality is it?) Lyotard’s primary example is the War-Crime Trials and how examinations of the transcripts disclose on occasion that the Jews and others were further

victimimized, that is, silenced, by the very rules of evidence that were specifically designed to allow them to speak in their defense. But the violence and silence does not stop with the trials. For now, Lyotard tells us, there is a group of historians who are saying that, as they look through the court transcripts, *they can find no evidence of the holocaust*: One historian writes, "I have tried in vain to find a single former deportee capable of proving to me that he had really seen, with his own eyes, a gas chamber" (3–4). Lyotard gives an account of the rule (or the question, Is it?) and how it informs reasoning: "To have 'really seen with his own eyes' a gas chamber would be the condition which gives one the authority to say that it exists and to persuade the unbeliever. Yet it is still necessary to prove that the gas chamber was used to kill at the time it was seen. The only acceptable proof that it was used to kill is that one died from it. But if one is dead, one cannot testify that it is on account of the gas chamber" (3–4).

(Oh, sophisticated reader, do you see where I might be event-ually taking all this? Well, if so, do not project too much, do not fill in the enthymeme too quickly!)

Lyotard with Adorno on "What happened to the beautiful death?": But Lyotard does not stop with the problem of forensic discourse. As I read the book, Lyotard is equally concerned with the apparent impossibility of *epideictic* and *deliberative* discourses as well. This impossibility is in great part linked with *the sign of Auschwitz*. It's a "sign," as Lyotard sees it, at the end of the road of history, a "sign" that Adorno himself had already summoned in his *Negative Dialectic* (1987). It is a "sign" that is a counter-product of a perfect metaphysical identification (noncontradiction, excluded middle), or a way of achieving perfect understanding, or congregation/integration, by way of exclusion/segregation, which is touted to be the end of all Hegelian onto-theological History. And how? Adorno answers: "Genocide is the absolute integration" (362; cf. Plato, *Sophist* 226d, 227d). For Adorno, *metaphysics*—which attempted to link life with death in obligatory terms—is "*absolute integration*." Genocide (Genus-cide) is the segregating and silencing of the *differend*. As Deleuze says, if the "lineage" (1983b) is not proper, the species is illegitimate and, therefore, it must be systematically exiled, *ex-terminated*. As Catherine Clément says: "Somewhere every culture has an imaginary zone for what it excludes, and it is that zone we must try to remember today. This is history that is not over" (Cixious and Clément 1986, 6).

For Lyotard, it is a question of violence done both to human beings and our resources of language. He asks, How can one engage in epideictic discourse after Auschwitz? How can we, say, as Gorgias and Isocrates had said about the Athenians, that the Jews, the Gypsies, the Poles, the Queers, and

Others died the true, the good, the beautiful death? As Adorno wrote: "Auschwitz confirmed the philosopheme of pure identity as death" (1987, 362). Auschwitz, as the locus of the *differend*, the excluded, is the very embodiment of epistemic violence. As Lyotard says in his "Hegel" Notice: "We wanted the progress of the mind, we got its shit" (91). Philosophically, rhetorically, historically, Athens has enabled (made a necessity) Auschwitz: If for Nicole Loraux (1986), epideictic discourse *invented* Athens, for Adorno and Lyotard, Auschwitz put an end to epideictic discourse, in fact, silenced all discourse, past or future—that is, judicial (that which would have righted the wrongs) and deliberative (that which would have attempted to prevent the wrongs from ever happening again). But let's not despair too deeply, for, in Lyotard's view, Auschwitz did not lead to the end of history; as is expressed in the final chapter of *The Differend*, Auschwitz is paradoxically (but negatively) both the end, the impossibility of history, but also the beginning, its eternally returning possibility: *Auschwitz is*—as the last chapter of the book "entitles" it—one of "The Sign[s] of History." (As we will eventually see, in a *litigation*, which is determined by cognitive rules and regimens, often a *differend* is created, and *silence* is created; but the creation of this *differend* and its state, silence, "does not impose the silence of forgetting"; on the contrary, the *differend* "indicate[s] that something [variously referred to as a 'feeling' and a 'sign'] which should be able to be put into phrases cannot be phrased in the accepted idioms" (1988a, 56). And, therefore, it is necessary to bear witness to this silence and consequent sign/feeling, and to discover idioms for them (13).

Wittgenstein and Lyotard, on Silences; or Let's Rethink Linkages: In order for Lyotard to establish his concept of linkage—to link is necessary, but how to link is *not* necessary¹³—Lyotard must retell the whole history of philosophy and rhetoric. (He has, in a sense, to reestablish "the sign of the history of philosophy [and rhetoric].") The book *The Differend*, therefore, vacillates between what Lyotard calls "presentations" (or "phrases," which are antithetical to numbered "propositions" as we find in Wittgenstein's *Tractatus* [1961]) and what Lyotard calls "Notices," or "Reading Notes," which are his "readings" of the "signs" of the history of philosophy. He has "Notices" on Protagoras, Gorgias, on Plato, Aristotle, Kant, Hegel, and others. This is a whole continuum of critical coordinates, or "signs," or perhaps rude in(ter)ventions that Lyotard has to establish in dis/order to rethink linkages.

If someone were going to read *The Differend* for the first time, I would suggest that what has to be understood about Lyotard in this work, is that he is not an advocate for traditional philosophy and Enlightenment-emancipatory thinking such as is perpetrated by an early or mid-Wittgenstein

or a Habermas. (Lyotard sees the impulse to philosophize systematically, in the name of the language game of knowledge or of *litigation* or of universal pragmatics, as ethically and politically dangerous.) If not an advocate for traditional philosophy or its rhetoric, he is then an advocate for the language games of avant-garde art. (Lyotard, like the latter Adorno, is very much a child like and of Nietzsche.)

In dis/respect to the language game of knowledge, therefore, we might come to see that the book *The Differend* is a loose continuation of Wittgenstein's thinking, but a continuation that attempts to move beyond the impossibilities of *litigation* (traditionally situated in the *polis*) to the possibilities of the *differend* (situated in the *pagus*). In other words, whereas Wittgenstein starts out with the *Tractatus*, an exploration of the grounds for formal logic and its connections with nature, he then continues by way of amends with *The Philosophical Investigations* (1968), a development of his concept of "language games"—which is a concept further developed by Austin, Searle, et al. Many people in our field—widely defined as criticism, rhetoric, communications—are happy with this movement from the *ideal* to the *actual*, from Plato (bad cop) to Aristotle (good cop/y). But others of us are not so happy, though we are *cheerfully pessimistic*: For Wittgenstein reaches the end of the rules and falls into silence (as later Heidegger does!), not just in the *Tractatus* but even in his *Investigations*; but though he reaches the end of his road, he stops short of the *pagus*. In the simplest words, Wittgenstein stops short of "magic," or what he calls "bewitchment" in language (1968, 47e). Wittgenstein leaves some of us, at this point, consequently, with a "feeling" and a "sign" of what has been silenced/repressed, what has been systematically excluded/negated.¹⁴

Therefore, my linkage: I see the movement from the *Tractatus* (formal logic, the true) to *Philosophical Investigations* (informal logic, the good) to *The Differend* ("paralogic," the negative sublime). This movement—like Kant's movement in his three critiques—creates, however, a greater level of *contingencies* among the three discussions of the true (pure reason), the good (practical reason), and the beautiful (the aesthetic). Lyotard and Kant's latter thirds, the *paralogic* and the *aesthetic* (negative sublime), foster this looseness, but also a danger.¹⁵

The concept of *differends* becomes for Lyotard—as he would envision it as an extension of Wittgensteinian (and Heideggerian) silence—"the unstable state and instant of language wherein something which must be able to be put into phrases cannot yet be." He writes: "This state includes silence." But not the silence of forgetting! As we know, Wittgenstein, after kicking his ladder away, had concluded his *Tractatus* with proposition no. 7: "What we cannot speak about we must pass over in silence." However,

Lyotard continues—by virtue of a *paralogic* linkage—where proposition no. 7 leaves off: “This state [of silence] is signaled by what one ordinarily calls a feeling: ‘One cannot find the words,’ etc. A lot of searching must be done to find new rules for forming and linking phrases that are able to express the differend disclosed by the feeling, unless one wants this differend to be smothered right away in a litigation. . . .” And then, he writes: “What is at stake in a literature, in a philosophy, in a politics perhaps, is to bear witness to differends by finding idioms for them” (1988a, 13; cf. 80). The key words here are “to bear witness” and to find “idioms.” The concepts of bearing witness and searching for new idioms are reminiscent of the Sophistic antitradition of making the weaker argument the stronger (159), or I would add now *making the feeling hold precedent over the argument*. (Feyerabend, a modern-day Sophist, has called this activity “counter-induction” [see 1978, 1988]. This is the same Feyerabend who has influenced Lyotard in his writing *The Postmodern Condition* [1984b].)¹⁶

In “presentation” no. 137, Lyotard extends this concept of the *differend*. (Let us now return to and relink up with the war-crime Trials.) Lyotard says:

By forming the State of Israel, the survivors [of the holocaust] transformed the wrong into damages and the differend into a litigation. By beginning to speak in the common idiom of public international law and of authorized politics, they put an end to the silence to which they had been condemned. *But* [let’s not miss Lyotard’s more important point] the reality of the wrong suffered at Auschwitz before the foundation of this state remained and remains to be established because it is in the nature of a wrong not to be established by consensus. . . . What could be established by historical inquiry would be the quantity of the crime. But documents necessary for the validation were themselves destroyed in quantity. . . . The result is that one cannot adduce the numerical proof of the massacre and that a historian pleading for the trial’s revision will be able to object at great length that the crime has not been established in its quantity. But [Lyotard continues] the silence imposed on knowledge does not impose *the silence of forgetting*, it imposes *a feeling*. . . . the *silence* that the crime of Auschwitz imposes upon the historian is a *sign* for the common person. *Signs* . . . are not referents to which are attached significations validatable under the cognitive regimen, they indicate that something which should be able to be put into phrases cannot be phrased in the accepted idioms. (1988a, 56–57; emphasis mine)

Then referring to those historians who wish to claim that there was *no* holocaust, Lyotard writes: “They will say that history is not made of *feelings* and that it is necessary to establish the *facts*. But, with Auschwitz, something

new has happened in history (which can only be a *sign* and not a *fact*) . . .” (57; emphasis mine).

By Way of Finally Beginning. Some Further Ruminations on Non-Humanism, the Pagus, Differend, and the Sign of History: In “presentation” no. 63, Lyotard recalls, from language theory, the distinction among *designation*, *nomination*, and *signification*. (Notice here the drift toward a third term.) Or, in other words, the distinction among an *ostensive* phrase, a *nominative* phrase, and a *subjunctive* phrase. Or still again, a distinction among *showing* the facts, *naming* them properly, and *signifying* not facts but “feelings.” It is this third concept of *signification*—a concept that is excluded due to the epistemic violence of the rules of litigation—that we need to readdress, finally in relation to Lyotard’s non-Humanist position, and in relation to the possibilities of my perpetual search for third subject/object positions.¹⁷

The question, for Lyotard, *is*, How to link *feeling/sign* to designation and nomination? The answer is “to just-link.” (Yes, there is a pun on this word “just,” as in “justice.”) Lyotard says that the conjunction *and* “signals a simple addition, the apposition of one word with another, nothing more.” Lyotard favors *parataxis* over *syntaxis* (or *hypotaxis*). He says:

Conjoined by “*and*,” phrases or events follow each other, but their succession does not obey a categorical order (i.e., the order of] *because; if; then; in order to; although* . . .). Joined to the preceding one by “*and*,” a phrase arises out of nothingness—here is the problem of the negative again—to link up with it. Parataxis thus connotes the abyss of Not-Being [cf. Heraclitus, Gorgias, Heidegger] which opens between phrases, it stresses the surprise [remember, Wittgenstein said there are no surprises in nature!] that something begins when what is said is said. ‘*And*’ is the conjunction that most allows the constitutive discontinuity (or oblivion) of time to threaten, while defying it through its equally constitutive continuity (or retention). (1988a, 66)

It is in this statement that we have the oxymoronic yoking of a loss of control and an appearance of control, of non-Humanism and Humanism, of *kairos* and *chronos*, of “tock-tick” (*and* as nothingness, threatening discontinuity) with “tick-tock” (a momentary reestablishment of continuity, or retention). Linking “tock-tick” and “tick-tock,” Lyotard tells us: “For there to be no phrase is impossible, for there to be *And a phrase* is necessary. It is necessary to make linkage. This is not an obligation . . . , but a necessity, . . . To link is necessary but how to link is not” (66). This is what *paralogy* is all about—“just-linking.” For Lyotard, *paralogy*, not rules, precedes consensus. This is Lyotard’s game of the future-anterior, or of *prolepsis*, with the rules

developing out of the processual realization of them—with questions, out of the answering of them; and with “WEs,” out of the elaborating of the question. Once realized, however, the rules are to be discarded for another future-anterior, or *avant-garde*, language game. This is the *just-game* of “paganism,” as in playing the game without criteria. It is a game of sophistic anti-foundationalism. The just-game of “paganism” is played out in the “*pagus*, on the border zone where genres of discourse enter into conflict over the mode of linking” (151; cf. 1885, 73–83). (But this game, as admitted by Lyotard himself, is not only sophistic but also Aristotelian!)

Lyotard points out that Marxists and Capitalists, however, do not want to play the (just) game this way, the pagan way. (Nor, I would add, do Aristotelians.) Both systems of thought are informed by what Lyotard calls “the economic genre,” which demands *litigation* at the expense of the *differend*—demands *litigation*, which in turn demands centralism and monopoly and the suppression of heterogeneity. (This economic genre, as I will make clear in the forthcoming excurses, is a restrictive economy, not a general economy.) Marx, Lyotard says (171–72), heard the cry of the proletariat, which, indeed, was voicing the “feeling” of “communism, the free linking of phrases, the destruction of genres.” This “feeling” was *signaling* a finality of history. But we must ask, What went wrong? It was simply the economic genre, which favors/demands *litigation* over the *differend*; which favors hypotaxis over parataxis; which pretends to be the genre of genres.¹⁸ Marxism demands *litigation* as centralism and monopoly, *not* unlike its alleged antithesis, capitalism. Moreover, it was (is) Humanism (anthropologism), which goes wrong, namely, the belief that human beings actually choose, or make, their own history; and the belief that sometimes human beings, as when making a grammatical error, choose incorrectly their own history, and it is just a matter then of learning to choose correctly.¹⁹

Lyotard says: “It is not the people that is fickle, but ‘language.’ . . . [Still more importantly, he says:] Maybe prose is impossible. It is tempted on one side by despotism [syntaxis, hypotaxis] and on the other by anarchy [parataxis]. It succumbs to the seduction of the former by turning itself into the genre of all genres. . . . But the unity of genres is impossible. . . . Prose can only be [the people’s] multitude and the multitude of their differends” (158). Lyotard continues: “The wisdom of nations is not only their scepticism, but also the ‘free life’ of phrases and genres. That is what the (clerical, political, military, economic, or informational) oppressor comes up against. . . . Prose is the people of [radically heterological] anecdotes” (158–59). Deleuze and Guattari speak similarly in terms of “a minor literature” (see 1986). Lyotard is primarily non-Humanist, which means for him that human being is, more so, the function of language than vice versa. He makes

it clear in his closing two “presentations” that human being is the function of the *differend*, though human being attempts to take charge in the grand narrative and in the proper name of *litigation*. What is left to human being is to come to understand that we are best, at home, when re/located at the site of the unhomely, the “*pagus*, a border zone where genres of discourse enter into conflict over the mode of linking.” And therefore as an avant-gardist, Lyotard hails “Joyce, Schöenberg, Cézanne: *pagani* waging war among the genres of discourse” (1988a, 151). To insist on the traditional philosopher’s ideal of the *polis*, however, will only return us to deep trouble. After all, as Lyotard says, for 2,500 years “We wanted the progress of the mind, we got its shit” (91).

II. The Included Third:

The Death of Rhetoric and History and the Sophists, and their Rebirth in the the Sign of a “Third Sophistic”

To hold a dialogue is to suppose a third man and to seek to exclude him; a successful communication is the exclusion of the third man. The most profound dialectical problem is not the problem of the Other, who is only a variety . . . of the Same, it is the problem of the third man. We might call the third man the *demon*, the prosopopeia of noise. . . . Dialectic makes the two interlocutors play on the same side; they do battle together to produce a truth on which they can agree, that is, to produce a successful communication. In a certain sense, they struggle together against interference, against the demon, against the third man. Obviously, this battle is not always successful. In the aporetic dialogues, victory rests with the powers of noise.

—Michel Serres

. . . we do not need the fiction of “sophistic rhetoric” as a way into pressing contemporary issues.

—Edward Schiappa

Let us return to the beginning of this chapter. Or return to the improper name of the repressed—the Sophists. What needed to be said by way of preparation, or rude in(ter)vention, has been said. What remains is what

desires to be said. What remains is to include what has been excluded. Let us, therefore, return to the Question of the Sophists.

I agree with, though paradoxically/ironically, Schiappa's major point, namely, "that we cannot identify a defining characteristic of 'the sophists' that allows us to narrow the group to a degree sufficient to adduce a common perspective or set of practices" (1991, 8). We not only cannot identify a defining characteristic, but also, I would insist and incite, we *do not have to*. Schiappa, however, writes: "Scholars defending 'sophistic rhetoric' typically *must engage in some act of defining* what the terms mean to them, or else rely on readers' intuitions as to what the terms denote" (15; my emphasis).²⁰ I do not think so!

When Schiappa insists on "defining" (limiting, as a single rule of judgment) and, more generally, when he insists on engaging in traditional philosophical/philological rules of judgment, he is no longer engaging in a *litigation* but in what Lyotard has called a *differend*. I would add that Schiappa is engaging in a very violent and potentially dangerous and pernicious *differend*. Schiappa's thinking is much like the contemporary revisionary historians' thinking who would deny—given the rules of evidence in the courtroom—the less-than-factual testimony of the holocaust survivors (Lyotard 1988a, 3–6). As I summarized Lyotard's position earlier, in respect to the war-crime trials, what is said in the courtroom, and more recently in the scholarly journals, and in U. S. Senate hearings (Hill vs. Thomas) gets ruled out of court as not "facts" but feelings, emotions, intuitions, etc. (Again, the rules and regimens that are exclusive to one side's argument are used not only to shape, but to find, the other's argument lacking.) Hence, history gets rewritten: No holocaust. In our case here, The History of Rhetoric gets rewritten: No "sophistic rhetoric." (It is both this *method* and this kind of history that the method creates, therefore, that I would denegate. There is, I would incite, *justice* in such denegations.)

To recapitulate and to move on: When we move out of *litigation* and create the (ontological) conditions for the possibilities of a *differend* (which is the using of rules and regimens proper to one party and not the other, and using them as the means of excluding *the other*), we inevitably purify, silence, and exclude. And we do so traditionally by asking, Is it? What is it? And What quality is it? As Derrida says, "One cannot name [sophistic-*anything*] within the logocentric system—within the name—which in turn can only vomit it and vomit itself in it. One cannot ever say: what is it? That would be to begin to eat it, or—what is no longer absolutely different—to vomit it" (1981b, 25).

Yet, Schiappa asks, What is it? As I made clear, Adorno in his *Negative Dialectic* warns us of the inherent destination of ontological thinking, which

is the thinking of, and the thinking warranted by, the question "Who were the sophists?" (Schiappa 1991, 5) and "What is sophistic rhetoric?" (8). Though Schiappa seems to be aware of the dangers behind thinking of "a 'correct' definition of a word in any absolutist, metaphysical sense" (15), he, nonetheless, engages in this kind of correct-thinking, when he employs species-genus analytics, *and* when he, more importantly, does so *with the sole purpose of excluding* those historians who are incorrect. Adorno writes: "Genocide [Genus-cide] is the absolute integration" (1987, 362). Burke similarly writes against employing segregation to justify integration/congregation (see Desilet 1989, 76; Burke 1970, 4–5). Schiappa, however, writes: "Sophistic rhetoric" (apparent species) is not distinguishable by any genus and differentiae. He concludes: ". . . *we do not need the fiction of 'sophistic rhetoric'* " (14; Schiappa's emphasis). Throughout his article, the species "Sophist" and "sophistic rhetoric" are dismissed, except at the end, when he comes back around, though not really, to saying that both might have some value as a "reservoir"—but this last stance seems greatly disingenuous, especially since, in the remaining paragraph Schiappa returns, once again to excluding both concepts (16).

Allow me to continue with *why* I think that the kind of thinking Schiappa engages in, as an historiography of exclusion and a hermeneutic of forgetting, is not only in practice dangerous but also puzzlingly ironic (or perhaps confused, which in some ways I take to be, in dis/respect to Schiappa's mode of historiography, unintentionally virtuous, for an act of con-fusion—such as an act of metalepsis—is akin to and a beginning sign of virtuosity). Though Schiappa says that the Sophists and their rhetoric are both "a fiction, originally invented by Plato for his own ends" (16), Schiappa, nonetheless, goes on to use the very in/terror/gating method (*diaeresis*) that Plato and later Aristotle, though differently, used in the first place, according to Schiappa, to create the very concept of "sophistic rhetoric." My sense, then, is that what Schiappa does—and without any conscious irony (or confusion)—is to recapitulate Plato himself. What Plato creates, Schiappa ex-creates. What a versatile methodology! It destroys no matter what! My provisional conclusion, however, is that the concept of "sophistic rhetoric" or "Sophist" itself is not the culprit as Schiappa would have it. Nor is the culprit necessarily Plato, unless we make our judgments based on Humanists predispositions. I would say, again, that the culprit is the very *method (or process) itself* that produced the so-called Platonic concept—or as Schiappa might have it, "effect"—sophistic-*anything*; and produced this person/thing called "Plato." From a non-Humanist perspective, the concept here and the personage are functions of the methodology (strategy). But all this can be seen in even darker ways, for my sense is that in language (*logos*)