

Legacy is a Category of Law, Not of Thought

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My thesis in this paper is rather simple. I hold that if there is a context within which one situates oneself as someone who tries to develop a thought, an idea, and who does so conceptually, this context, whether understood as a living tradition, a continuous history of ideas, or an influential school of thought, does not exist unless it is invented anew by the idea that is supposed to emerge out of it. Hence legacy, the transmission of an idea or a set of ideas that brings about a context, is not a category of thought. This is because in thought, the idea always comes first, and also because there is no idea without originality, without some kind of untraceable eccentricity in relation to all possible contexts, no matter how mediated, or how indebted, the idea may prove. While it may be true, as Adorno contends in his essay on tradition, that the “very idea of a legacy”¹, including the idea of a “spiritual” legacy, has turned into an “anachronism” in a society dominated by exchange abstraction, such historical diagnosis is not required to reject the postulation of a constitutive link between legacy and thought. To believe that whoever tries to come up with an idea and develop it conceptually begins by asking himself how to prolong a tradition, how to add an idea to a given history of ideas, or how to inherit the legacy of a school of thought, is a distorting view of the reality of thinking, just as it is misguided to assume that after stating and deploring, say, the absence, or the weakness, of Critical Theory in our times, one could move on and conceive of a Critical Theory that would succeed in both critically illuminating the contemporary world and inheriting the impulse that animated Critical Theory in the past. A legacy depends on the irruption and interruption performed by an emerging idea. Only on the basis of an idea may a tradition be prolonged, though always in an unforeseen—and that means in an essentially modern—manner. Only on the basis of an idea may a further idea be added to a history of ideas, though always in such a manner that an established historical continuity is called into question. Only on the basis of an idea may a school of thought persevere from one generation to the other, though always in such a manner that the coming generation will appear as a dissident and quarrelsome lot to the founders of the school, or to its previous members. Only on the basis of an idea will Critical Theory exist in the future. In each case, it is possible, and to some extent even necessary, that the tradition breaks off, the history of ideas comes to a halt, the students abandon their school of thought, Critical Theory vanishes into oblivion.

Legacy, then, is a concept of rationalisation and consolation used to diminish the effects of the shock that the idea imparts on the ones who have no ideas but also on the ones who have ideas. Invoking a legacy in thought is at best a manner of whistling in the dark. At worst, it is a transference of a category of law into the realm of thinking that aims at integrating ideas into a normative order, domesticating and normalising them, making them recognisable and manageable. At worst, it is a control mechanism that allows me to feel comfortable with an idea and thus abolish it while I pretend to cherish and cultivate it. A legacy is a case mounted against an idea. So when one asks what it

may mean to inherit the legacy of the so-called Frankfurt School, or of Critical Theory more generally, it is obvious that in order to remain truthful to the idea, to the ideas that inspired the Frankfurt School, or Critical Theory more generally, one needs to denounce the piety of the question by claiming that the Frankfurt School, or Critical Theory more generally, have no future, unless, of course, an idea emerges that will remain irredeemably and hopelessly embattled. Saluting X or Y as heir to an idea, as an adherent to a tradition or the representative of a school of thought, is perhaps a friendly and flattering gesture. Yet it is ultimately also a meaningless one if X or Y has not developed an idea of his own, as minimal as it may appear to be, an idea that provokes genuine disagreement amongst those who mount guard over a tradition, a history, a school. We may wish to be critical, to recover a critical attitude toward reality, particularly in circumstances in which the lack of such an attitude—call it thoughtlessness, impotence, resignation, or conformism—is perceived as having disastrous consequences for society as a whole. We may advocate an actively selective procedure in view of a legacy of critical thought. But the want of something merely engenders wishful thinking lest an idea comes to the rescue of what is missing by conceiving of criticism otherwise.

Heidegger and Derrida, two philosophers who both engage in a conceptual analysis of legacy and who are at times considered friends and at times enemies of Critical Theory, may each contribute to clarifying the sense in which the idea is preeminent above all intellectual legacy. For Heidegger, inheriting comports the resolute choice of a possibility of existence that has come down to *Dasein*, regardless of whether *Dasein* is aware of this transmission or not. The choice is all the more resolute, it has all the more the qualities of an actual choice, the more *Dasein* confronts its finitude and in that confrontation snatches itself from the “endless multiplicity of possibilities which offer themselves as closest.”² However, a *Dasein* bereft of ideas would still not be in a position to inherit a doctrine, a teaching, or a theory, by resolutely choosing a possibility of existence handed down to it. Is it not the confrontation with finitude, some kind of awakening estrangement, that is supposed to trigger the awareness, the insight, that will protect the choice from succumbing to a false closeness and abandoning the heritage, the “excellence” (*Güte*) that defines it? Excellence, Heidegger suggests in a hidden allusion to Nietzsche, defines heritage to the extent that anything that has not been inherited remains imperfect, a mere beginning. Hence a good idea is required to link up with the excellence of heritage, to invent the excellence of a legacy that does not persist independently of such invention, and a good idea may be had only when one renounces the false closeness of the commonplace, of whatever pretends to have secured a spot on the mind’s map and claims the authority attributed to such securing. When discussing repetition, the explicit handing down of a possibility of existence, Heidegger observes that “the repeating of that which is possible does not bring again something that is ‘past’.”³ Nor does it “bind the ‘present’ back to that which has already been ‘outstripped’.” Rather repetition should be comprehended as a “rejoinder” that revokes, or disavows, the effectuation of the past in the present—at least if what is at stake in this effectuation is a received, unexamined idea of the “past.” Heidegger here puts the word “past” within quotation marks. For there to be a legacy and for a legacy to be there explicitly, as a legacy to which one appeals or as a legacy one affirms and vindicates, an idea that has the force to function, or act, as a rejoinder, or an idea that has the force to function, or act, as a counter-force, must tear the exchange apart before it may take place on unforeseen grounds, on grounds that cannot be located in advance.

In *Specters of Marx*, Derrida maintains that a legacy, a spiritual legacy, is never a unified set of ideas but always a heterogeneous gathering of different possible understandings of an idea, and that inheriting amounts to the task of filtering, selecting, choosing a particular understanding and thereby reaffirming the legacy that is thus handed down. If a legacy consisted of a given set of immediately intelligible ideas, it would be impossible to hand it down for it would then affect the one to whom it is passed on merely as a kind of “natural or genetic”⁴ cause. Derrida identifies a legacy with an injunction, a summons, a claim, or a demand for critical interpretation that stems from what he labels a “secret.” But what else is such a “secret,” the “secret” without which there would be no legacy, if not an idea? That there is a legacy presupposes an idea that can be handed down and another idea that can receive the initial idea, the idea or the set of ideas that form the legacy, though not independently from their being handed down or inherited. What can one do when faced with a number of possible understandings of an idea and with an instigation to choose between them? What can one do when faced with an essentially secretive idea, with an idea that presents itself as secretive precisely because it is an idea, a manifestation of thought, not a piece of knowledge? Nothing. One is lost among the many and often incompatible possibilities of understanding and interpreting the idea and, no matter how much one may want to exercise one’s critical powers, one’s powers of discerning and discriminating, one feels quite simply dumb and empty. Only if one has an idea oneself, the same idea as the other yet also a radically different one, a secretive idea that constitutes a rejoinder, will one be able to relate to the initial idea. This entails that, contrary to Derrida’s proposition, the encounter with the initial idea does not happen in the course of a critical activity that picks and adopts one particular understanding of the initial idea in order to unfold it by way of interpretation. If an encounter happens, if there is excellence or a spiritual legacy, an inheriting of an idea or a set of ideas, it must take place much later and in a much more unlikely, uncertain, unpredictable and controversial fashion, as the result of an autonomous developing of the new idea. One could say that any spiritual legacy is an effect of the idea, never its origin. The idea comes first and the invocation of a legacy, the piety of thinking, is a simulation of thought, an ideology.

The encounter of the idea with itself in the guise of radical disparity, the encounter of the idea with another idea in which it recognises itself while being deprived of such self-recognition, the encounter that institutes a legacy and simultaneously undermines it, is cast by Adorno in terms of a latency that turns it into an unconscious encounter. In a radio talk on “New Music and Legacy” that dates from the mid nineteen-fifties, he not only warns against a discourse that advocates the “legacy of culture”⁵ with the aim of “slandering” whatever proves “unregulated” and expresses “negativity,” but also detects a double caesura in all legacy. For inasmuch as the handing down of a legacy is not to be confused with an organic and natural unfolding, a confusion Derrida, too, denounces; inasmuch as a legacy, within the realm of art and thought, refers to an intentional activity, to something that features the “spontaneity”⁶ attributed to human consciousness, it is inseparable from an “experimental” dimension that encompasses discontinuity. The idea is discontinuous. It is urgent and abrupt, its assertion and its imposition betray an amnesic praxis, while a legacy is reflective and “historical,”⁷ one could state in the wake of, but also in opposition to, Paul de Man’s essay on literary history and literary modernity. Is it not this interruptive element, the disclosure of newness, that brings intentional activity alive and that must have an impact upon the constitution and transmission of a legacy if inheriting a product of culture, or

civilisation, is to be something more than the conservation and perpetuation of something dead, of a chimera of spirit?

Yet the caesura inherent in a legacy is a double one because Adorno also highlights its unconscious aspect, the fact that one does not know exactly what one inherits and how one inherits it. Inheriting an idea or a cultural achievement originates in a “salutary lack of knowledge about what is being handed down,”⁸ since to escape regulation, to evade the law that cripples a legacy and a tradition, it must be regarded as the creation of a memory of forces excluded and repressed, not as the establishment of a “manifest legacy.”⁹ Latency is not a phase in the inheriting process that is eventually superseded by openness, by an idea transpiring in the midst of consciousness. Rather legacy must remain “secret,”¹⁰ no matter what an idea brings to the fore, and in this manner it must resist its own normative reification, the stifling of excellence. A legacy is, in truth, a message in a bottle whose plug cannot be removed.

Hence, in detecting the double caesura on which a legacy depends, Adorno reveals the importance of the idea as that which must come first and remains irreducible to a legacy being handed down. For a genuine idea is by definition a new and unsecured idea, an idea that interrupts the continuity and the coherence of a tradition and its legacy. It is never entirely transparent and always secretive with regard to itself. So it seems that one could draw similar conclusions as to the relationship between idea and legacy when turning to Adorno and Derrida, though also when looking at Heidegger, for whom the formation of a thought is the emergence of something unthought. That Adorno is compelled to distinguish between a “manifest” and a “secret” legacy, that he seeks to protect the legacy of culture, or civilisation, against its “resurrection,”¹¹ confirms both the intrinsic link between legacy and law and the reliance of thinking on ideas. Only when the idea comes first can there be a legacy, a legacy whose reliance on secrecy, or latency, is proof to the idea’s fundamental anarchy.

Of course an idea needs an element or a medium in which to emerge, and this element or medium arises through the sedimentation of other ideas, through the tradition shaped by a legacy or a series of legacies. Each element has its own density, its own viscosity, and cannot be dissolved into another element and into a further element yet so as to finally attain the ideal and almost imperceptible element of universal transparency, or intelligibility. When Kant advocates craftsmanship to parry original nonsense and promote the idea’s transformation into an exemplary artwork, he ascertains the necessity of a resistance to the idea. Does the element in which an idea emerges not fulfill an arraying, gathering, logical function without which the idea would be incapable of constituting itself as this or that idea? Also, there is an idiosyncratic twist that makes one feel attracted to certain ideas while one cannot help but reject a great many other ideas, or turn away from them unconcerned. When someone speaks of the second or third generation of the Frankfurt School, a boisterous laughter comes out of my throat quite irrepressibly since for me the Frankfurt School comprises only one teacher, two at the most, Adorno and Marcuse. When Giorgio Agamben inserts the ideas of immanence and transcendence into a diagram that represents two modern legacies, two genealogies crossing paths in the thought of Heidegger, with one genealogy running from Kant to Levinas and Derrida by way of Husserl, and the other stretching from Spinoza to Foucault and Deleuze by way of Nietzsche, I quickly realise that, on the one hand, I am pulled irresistibly in the direction of a genealogy of immanence while, on the other hand, there are few philosophers whose thought I find more immediately appealing than Derrida’s. However, neither the logical nor the emotive function of a legacy can relegate the idea to a secondary place. Where the idea

is missing, the logical and the emotive functions have nothing to which they can be applied. This means that an idea will neither leave logic untouched nor substantiate an existing and previously experienced idiosyncrasy. Ideas are violent little beasts when it comes to legacies in the traditional and conventional sense of the word. They don't respect the law to which they seem to submit in order for their emergence not to be aborted.

So if one stays with the example of the Frankfurt School and asks what inheriting its legacy today would amount to, one is not asking for a fine scholar to come forward and demonstrate the ongoing and increased relevance of some of its major concepts, such as negativity or enlightenment, and of some of its major motifs, such as the culture industry or the one-dimensional man. One is not asking for a more or less justified dismissal of other concepts and motifs to which the philosophers who represent this school of thought were still committed. And one is not asking for a smooth philosopher to take up one of Adorno's, Horkheimer's or Marcuse's central arguments and to elaborate it critically with tools proceeding from, and in a style rehearsed by, authors belonging to another, seemingly incompatible philosophical tradition, say the tradition, or non-tradition, of analytic philosophy. In fact, what one is really asking when one asks about ways of inheriting the legacy of the Frankfurt School, or of Critical Theory, is how long one is willing to wait until one requests the law to intervene, calls in the lawyers or calls up the police. It is not an easy decision to make. After all Adorno himself relied on the police when he believed that the Institute of Social Research was under threat, if not under attack, and might fall into the hands of revolting students led by one of his most gifted pupils. What was he thinking? Was he attempting to keep the treasures guarded in the Institute's vaults from being vandalised? Was he under the impression that he, his colleagues and his students, could turn into victims of a larger group occupying the premises? Was he fed up with what he deemed to be acts of pseudo-activism? Or was his decision a symptom of thoughtlessness?

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Notes

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¹ Theodor W. Adorno, "Über Tradition," in *Obne Leitbild. Parva Aesthetica, Gesammelte Schriften*, vol. 10.1 (Frankfurt am Main: Suhrkamp, 1977), 311.

² Martin Heidegger, *Sein und Zeit* (Tübingen: Niemeyer, 1979), 384.

³ *Ibid.*, 385.

⁴ Jacques Derrida, *Spectres de Marx* (Paris: Galilée, 1993), 40.

⁵ Theodor W. Adorno, "Das Erbe und die Neue Musik," in *Gesammelte Schriften*, vol. 18 (Frankfurt am Main: Suhrkamp, 1984), 686.

⁶ *Ibid.*, p. 685.

⁷ Paul de Man, "Literary History and Literary Modernity," in *In Search of Literary Theory*, ed. by M. W. Bloomfield (Ithaca: Cornell University Press, 1972), 242.

⁸ Adorno, "Das Erbe und die Neue Musik," 686.

⁹ *Ibid.*, 691.

¹⁰ *Ibid.*, 691.

¹¹ Theodor W. Adorno, *Dissonanzen*, in *Gesammelte Schriften* vol. 14 (Frankfurt am Main: Suhrkamp, 1973), 142.