

DIFFEREND AND “POST-TRUTH”

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Abstract

This paper unpacks Lyotard’s notion of “differend” and shows how it sheds light on a “post-truth” socio-political climate. The differend is explored through its linked themes of heterogeneity, victimization, and the challenges of minority voices in the dominant idiom. The paper argues further that Lyotard’s account is descriptively rich but insufficient as a normative approach to the current crisis, though it may nonetheless serve to inspire a political response.

Key Words

Lyotard, differend, post-truth, heterogeneity, victimization

Résumé

Cet article examine la notion du « différend » selon Lyotard et démontre comment il illumine un contexte socio-politique dit « post-vérité ». Le différend est abordé selon les thèmes reliés à l’hétérogénéité, la victimisation et les défis subis par des voix minoritaires. De plus, l’article soutient que la position de Lyotard, normativement insatisfaisante, peut néanmoins servir d’inspiration politique.

Mots-clés

Lyotard, différend, post-vérité, hétérogénéité, victimisation

INTRODUCTION

Due to his association with an ill-defined, dated and often straw-man conception of “postmodernism”, it has been too easy to dismiss the philosophy of Jean-François Lyotard as faddish or intellectually lightweight. This is regrettable, since his work on the concept of “differend” can make a serious contribution to understanding and perhaps ameliorating certain troubling contemporary social and political phenomena. In particular, a look back at Lyotard’s work on the differend may help us to get our bearings in a socio-political climate that has been dubbed “post-truth”.

In what follows I will substantiate this claim by first unpacking the concept of differend as Lyotard presents it in his book of the same name, and then demonstrating the extent to which it sheds light on and assists us in conceiving of the transformation of the present. In addition, I will make a contribution to the critical literature on Lyotard by explaining the limitations of his account on this score. My critical thesis is as follows: Lyotard’s work on the differend is *descriptively* powerful as an account of the echo chambers and communitarian languages – but also the attendant pragmatic injustices – that define the current socio-political landscape. However, while discussing the ethical genre of phrasing he speculates upon a *normative* force of judgment that, by his own account, does not at all follow from the description. By way of a partial rehabilitation, I will suggest that while he thus falls short on the *ethical* front, i.e. as regards the possibility of deriving a convincing normative framework from his account, he does provide grist for a properly *political* response to the present, as demonstrated for example by the critical appropriation of his work by Ernesto Laclau and Chantal Mouffe.

DIFFEREND, POST-TRUTH AND ECHO-CHAMBER

“Differend”, from the French “différend”, in general names a dispute or a lack of agreement (Larousse, n.d.). The word also carries a special sense, or rather three special senses, in Lyotard’s usage. According to Gérard Sfez’s unpacking, a differend occurs when two or more parties “do not speak the same language at all and do not share even a minimum of common ground which a third party would be able to exploit in order to ensure that each party makes the effort to put herself in the place of the other” (Sfez, 2007, p. 12)¹. Whenever there is a differend in Lyotard’s sense, the parties do not share “une raison commune” (“a common reason or rationale”); it is as though there were no universal logic and no “language in general” that they could appeal to in order to resolve their conflict (Sfez, 2007, p. 12).² Rather, in a situation of differend the parties speak radically heterogeneous languages (Sfez, 2007, p. 12). But this means that there are cases when “there will be no means of going to meet the other without bringing her to oneself” (Sfez, 2007, p. 12)³. In such cases, any instance of translation from one idiom to the other would automatically beg the question; descriptively speaking it would amount to at least a partial failure, and normatively speaking it would constitute a betrayal.

1 My translation.

2 My translation.

3 My translation.

While Sfez is admittedly glossing the concept of differend as Lyotard conceives it, he goes on to correctly note and unpack three important variations on the definition. The first he distills from Lyotard's (1988a) following claim:

As distinguished from a litigation, a differend 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. (p. xi)

The differend is a pragmatic misfire, not a logical contradiction. Since the parties do not share the same idiom, both of them might conceivably be right, despite their being in conflict (Sfez, 2007, p. 16).⁴ Lyotard claims that "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 (and both of them if neither side admits this rule)" (Lyotard, 1988a, p. xi). He is warning here that the attempt to resolve a dispute by invoking a higher-order rule, i.e. a third idiom, risks perpetuating and even compounding the dispute.

The second variation on the definition of the differend emphasizes the notion of victimhood (Sfez, 2007, p. 22). As Lyotard puts it, "I would like to call a *differend* ... the case where the plaintiff is divested of the means to argue and becomes for that reason a victim." (Lyotard, 1988a, para. 12, p. 9) Sfez points out that the notions of victimhood and differend seem at times to be interchangeable in Lyotard's work, as he shifts from the language of pragmatic incompatibility to the language of radical wrongs (these would be distinct from damages or torts, which may be resolved according to a common measure) (Sfez, 2007, pp. 22–23). Injustice on this view would be a case of a wrong that cannot even be presented as such, according to the dominant idiom (Sfez, 2007, pp. 23–24).

A third variation (Sfez, 2007, p. 30) holds the differend to be:

... the unstable state and instant of language wherein something which must be able to be put into phrases cannot yet be. This state includes silence, which is a negative phrase, but it also calls upon phrases which are in principle possible. This state is signaled by what one ordinarily calls a feeling: 'One cannot find the words', etc. (Lyotard, 1988a, para. 22, p. 13).

Sfez emphasizes the sense of obligation inherent in Lyotard's account. As he puts it: "The feeling announces and prescribes" (Sfez, 2007, p. 31)⁵. The particular pragmatic power of the differend manifests as the feeling that accompanies it, interpellating the addressee to respond in a particular way. Through affect, the differend obliquely announces injustice and therefore obliges her to search for an idiom that is capable of faithfully phrasing that which the feeling signals. At the very least, she is obligated to phrase that there is something which cannot be phrased in the current idiom (Sfez, 2007, p. 31).

What then is the link then between Lyotard's three senses of "differend" and the social phenomenon that has been called "post-truth"? (Oxford Dictionaries, n.d.) Note that the latter is a new and highly contestable entry into the English language, so any answer will be provisional. With this in mind, my wager is that it is indeed possible to get our bearings. First,

⁴ On this view, it would be legitimate to describe the colors of a sunset, for example, according to several radically heterogeneous idioms: physics, optics, the biology of the human eye, poetry, impressionistic painting, and so on.

⁵ My translation.

take the lexical definition: the Oxford English Dictionary named “post-truth” the word of the year for 2016, describing an adjective “relating to or denoting circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief” (Oxford Dictionaries, n.d.). Second, and moving beyond the lexical definition, we find the concept of “post-truth” and the related adjective “post-factual” invoked in an ongoing landslide of media and academic interventions roughly describing a situation of generalized skepticism, rampant political lying, disinformation, and retreat into communitarian or private languages.⁶ While it is fair to question whether the phenomena gathered under the term “post-truth” are really that new (Hansen & Møller Stahl, 2016), it is clear that there has been an explosion of interest in them following Brexit and the Trump election.⁷ Taking all of this for granted, it becomes apparent that there is a link to the differend as Lyotard uses the term.

Starting with the sense of “differend” which emphasizes the heterogeneity of languages (or idioms, or genres of discourse), we find echoes in the present post-factual discourse and the discourse about post-truth. For example, populist currents which rally against “elites” in electoral politics, education, science, public health or other aspects of public life carry an implicit or explicit presumption that “common folk” or “common people” – note, an inherently contestable and always provisional category of political articulation (Laclau, 2007) – are in some sense *a priori* correct in their beliefs, or that their beliefs are self-evidently true, and that they are therefore beyond (certain types of) criticism. This only makes sense on the assumption that elite discourse is indeed entirely out of touch with and cannot comment upon everyday reality; in other words, on the assumption that it has no traction with a certain naïve empiricism of “common sense”. Regardless of whether or not this is true, the political danger is in stoking antagonism by suggesting that a given articulation of “common sense” operates under an entirely self-sufficient, hermetic and untouchable set of criteria. But such a situation, whatever its dangers, describes a form of pragmatic heterogeneity precisely as Lyotard conceives it. On this account, common people and elites are at best talking past each other, and at worst “the elites” – however these are defined according to common sense – are perceived as spreading lies, misdirection and nonsense.

It is interesting to note that Lyotard himself discusses the protocols for establishing the truth of statements and the reality of referents at some length in *The Differend*. This belongs to a wider discussion on the nature of “cognitive” discourse, i.e. discourse of the type that seeks to produce true claims about the reality of referents by means of a logically sound method, incorporating inter-subjective verifiability as one of its criteria. As Jürgen Habermas succinctly puts it, this kind of discourse would be about “describing and explaining facts” in such a way that implies that successful communication is possible between two or more parties (Habermas, 2001, p. 62). The crucial step taken by Lyotard in this discussion occurs in trying to demonstrate, in various ways throughout his career, that the cognitive genre of discourse is simply one among many, that it is not self-justifying, and that it cannot serve as a meta-principle or benchmark for other genres of discourse. As I have argued in a different context (McLennan, 2015, pp. 73–75), Lyotard’s skeptical reasoning to this effect echoes Hans Albert’s “Münchhausen trilemma”, which posits that it is impossible for a rational or cognitive discourse to stipulate its own ultimate foundations without committing a fallacy of

⁶ The alt-right movement, for example, has developed a variety of terms, concepts, and memes through which they express their ideas and spread their political message and project (Roy, 2016).

⁷ The usage of the word “post-truth” increased by 2000% in 2016, according to Oxford’s monitoring of the English language and its use (Steinmetz, 2016).

some kind. According to the Münchhausen trilemma, either such foundations will always have to rest on an appeal to other foundations which themselves are in need of foundation (i.e. the problem of infinite regression), or they will be derived by circular argumentation (i.e. the problem of begging the question), or the searcher will just have to be satisfied with breaking off at some point (i.e. the problem of arbitrariness) (Albert, 1985, Chapter 1, Section 2). Any honest account of cognitive discourse will have to face up to this trilemma and therefore note its own inherent limitations.⁸

What this boils down to for Lyotard is that the cognitive genre therefore holds no obvious claim to pre-eminence; in other words, for Lyotard it is not self-justifying since it rests upon unanalyzable principles and is therefore not truly a meta-discourse, despite any meta-discursive pronouncements that might be made in its name. In general for Lyotard (as interlocutor Jean-Loup Thébaud summarizes), “There is no metalanguage; there are only genres of language, genres of discourse” (Lyotard & Thébaud, 1999, p. 28). The reader will note however that this is, itself, a meta-linguistic statement, and so Lyotard’s approach to language is broadly incoherent if it is taken at face value. Lyotard is aware of the paradox and his method of dealing with it is a pervasive rhetorical self-effacement which also serves as an oblique swipe at his opponents: effectively, he relativizes his own claims about discursive genres at the moment he makes them, and associates the demand for coherence with the perpetration of a *differend*.⁹ The idea here is that if a subject matter is itself contradictory, inconclusive or elusive, then to some extent, so might legitimately be one’s discourse about that subject matter; since skeptical claims about the scope and power of language have to be made within that very language, they can’t be tasked with doing more than they can do. Georges Bataille (2007), an important influence on Lyotard during the years preceding *The Differend*, puts the issue thus:

... in choosing to hear no other reasons but its own, the intellect errs; for it can go into the reasons of the heart if it so chooses, provided it does not insist on reducing them first to the calculation of reason. Once it has made this concession it can define a domain in which it is no longer the sole rule of conduct; [i.e. a domain which] surpasses it by nature. The most remarkable thing is that it is quite capable of speaking of what surpasses it ... (pp. 111–112)

Such arguments assume that reason or cognitive discourse can encourage or impose a kind of blindness with regard to aspects of subject matters lying outside of its scope, insofar as it “attempts to disconcert” thought which would otherwise be open to those aspects (Dumas, 1999, pp. 214–217).¹⁰ According to this way of looking at things, Lyotard is not saying

⁸ Bertrand Russell gives an example of an honest response to the challenge when in *The Problems of Philosophy* he posits a self-evident “general logical principle” involved in any inference: specifically, that “anything implied by a true proposition is true” or “whatever follows from a true proposition is true” (Russell, 1912, p. 71). As Russell (1912) puts it: “Whenever one thing which we believe is used to prove something else, which we consequently believe, this principle is relevant. If anyone asks: ‘Why should I accept the results of valid arguments based on true premises?’ we can only answer by appealing to our principle.” (p. 72)

But this, for Russell, is a perfectly acceptable move on the grounds of its purported self-evidence. To this extent, he demonstrates that an appeal to rational first principles terminates in an unanalyzable bedrock.

⁹ See for example the “Reading Dossier” which prefaces *The Differend*.

¹⁰ Denis Dumas draws attention to *Überrumpelungsversuch*, roughly “an attempt to disconcert”, as examined by Heidegger and Gadamer.

something false when he relativizes genres, but rather something *senseless*, according to the rules of cognitive discourse.¹¹ That is to say, he is saying something that cognitive discourse can neither affirm nor deny. Just because it cannot *affirm* it without losing pragmatic consistency, it does not follow that cognitive discourse can thus *deny* the methodological posit of the heterogeneity and plurality of genres. The partisans of cognitive discourse may demonstrate that either the *form*¹² or the *contents*¹³ of Lyotard's methodological statements fail to live up to the criteria of cognitive discourse; about the *truth-value* of his methodological principles, expressed as propositions, they can give no final word. We are in the territory tread by the Vienna Circle and the early Wittgenstein: failing to soundly establish a referent, it is not obvious that such an argument can be settled. But whereas Wittgenstein claims that we must "pass over in silence" that which does not fit into a cognitively-inspired structure of meaning (Wittgenstein, 2002, p. 74), Lyotard, following Bataille, nonetheless speaks.

It is worth noting at this point how the logic of Lyotard's account, even granting its subtle evasion of cognitive criteria, risks taking on a pernicious and self-defeating cast in practice. If cognitive discourse is held to be inherently question-begging or arbitrary, then a retreat into a communitarian or even private language is always in principle possible and, on first blush, justifiable (especially since justification itself would appear to depend upon idiom-specific, in-house rather than metalinguistic pragmatic protocols). Such a retreat would entail that one is free from the obligation to give a rational account of one's own claims in the public arena, since the demand for such an account would automatically constitute a differend. This move is already familiar in situations where private faith commitments are invoked against norms of public reason, but it also appears across the political spectrum whenever criticism is neutralized by the imputation of inherent illogic or corrupt motives or personal failings to the critic. Thus criticism of the Trump regime is by definition "fake news" (Diaz, 2016); the critic of Scientology is by definition a "suppressive person" (Nededog, 2015); the critic of Israeli policy in Gaza and the West Bank is by definition anti-Semitic (even when she is Jewish, i.e. she is a "Self-hating Jew") (Mason, 2014); the critic of intersectional/campus activism or its methods is by definition a racist and/or a cissexist and so on (Laermer et. al., 2015); the denier of conspiracy theories is by definition part of the conspiracy (Willingham, 2013); and the list could go on. These phenomena are nicely captured under the idea of the "echo-chamber," which has become another well-worn term in the discourse following Brexit and the election of Trump (Cheshire, 2017; DiFonzo, 2011). Effectively, in an echo chamber discussion is hermetic; it is shielded from outside criticism and sets its own criteria of evaluation. Note however what each of the aforementioned echo chambers has in common: in rendering criticism of their respective communitarian languages impossible, each of them in turn perpetrates a differend of its own against other discourses. Thus the insistence on pragmatic heterogeneity is not, by itself, sufficient to prevent differends; on the contrary, it appears to multiply and perpetuate them. The concept of differend therefore stimulates a deeper reflection on the nature of injustice. And to be fair to Lyotard, this is precisely his goal; not

11 Adherence to basic logical principles like non-contradiction, and the criterion of having a clear referent, would be two of these rules. According to a classical understanding of cognitive discourse, the failure to observe them would appear to produce a *senseless*, rather than a *false* claim. Think for instance of the proposition "Unicorns eat hay"; it is neither true nor false, but rather ill-formed and therefore senseless, because the term "Unicorns" does not refer to anything which for cognitive discourse would qualify as real.

12 E.g. Lyotard has committed a performative contradiction: the manner of *saying* negates what is *said*.

13 E.g. Lyotard is speaking of pure heterogeneity or pure singularity, things that are not clear referents about which intersubjectively verifiable claims can be made.

retreat into private languages, but rather, reflection upon the ethical risks attendant to any attempted “passage” between them (Harvey, 2001).

This leads us, in second place, to consider the sense of the differend which emphasizes victimhood. The claim, recall, is that a differend is a radical wrong; specifically, the wronged party is divested of the means to even express that she has been wronged. At best she can pursue litigation, which assumes that reparations are possible, i.e. that there is a common language and currency capable of resolving the dispute. This assumption thereby fails to express the radical nature of the wrong. Since the idiom of the litigation is, moreover, often precisely the idiom of the oppressor, the victim is not only unable to articulate her point of view on an equal footing, but also finds herself in a situation which may compound the initial wrong.

This picture is highly relevant in considering several key contemporary socio-political phenomena. For example, indigenous anti-colonial struggles and the push to reform the handling of sexual assault cases by courts continue to butt up against systems and structures that are rigged against the full recognition of their claims. More specifically, in the case of certain indigenous claims, plaintiffs or litigants are required to navigate and defer to the very settler-colonialist legal system they contest (Simpson, 2014); in the case of sexual assault cases, an impossible standard is often placed on women to be a “perfect victim” (McDonough, 2015). But in the context of the discourse on post-truth specifically, it is highly significant to note the shift from openly white and male supremacist language to a more coded language of white and especially white male victimhood and fragility (DiAngelo, 2011). In general, whereas it was once politically acceptable to openly declare one’s hatred of or superiority to communitarian others, it is now necessary in most public spheres of the global North to couch one’s language in terms of diversity and the putative outrages that are being done to the members of politically dominant groups.¹⁴ Thus when we consider the language of post-truth specifically, white cisgender men in North America – even those at the upper echelons of political power – can claim that they are being disadvantaged because, among other factors, an amorphous “political correctness” or “liberal bias” stoked by the “fake news” or “crooked mainstream media” prevent them from “saying anything” or “telling it like it is”. Exemplary in this regard is the Twitter feed of the top politician in America, which reads as a laundry list of grievances over the “very unfair” criticisms and opposition he has had to weather from his myriad political opponents and from the very checks and balances built into the United States Constitution. At the time of writing, and in the context of a deepening crisis over allegations of collusion with Russia and obstruction of justice, Trump has gone so far as to declare that “No politician in history — and I say this with great surety — has been treated worse or more unfairly.” (McCaskill, 2017). But while Trump’s rhetoric is hyperbolic to the extreme, and his complaints belie an obvious political opportunism, it is now an increasingly common practice for those in a dominant position to adopt a posture of persecution and oppression. This perfectly describes “white nationalism”, i.e. white supremacy, when it codes itself as an expression of communitarian and cultural pride rather than hate (Vozzella, 2017). On the face of it, though surely not in substance, this kind of framing could seem difficult to refute – since cultural integrity, heterogeneity and pluralism are after all the order of the day.

¹⁴ Such defensive rhetoric can take extreme forms. To protest plans for the removal of a statue of Confederate general Robert E. Lee, torch and gun-wielding white protestors took to the streets of Charlottesville, Virginia in August of 2017 shouting slogans like “white lives matter” and “Jews will not replace us.” Former KKK Grand Wizard David Duke went so far as to describe their actions as a protest against “the ethnic cleansing of America.” (Vice News, 2017)

Finally, consider the sense of the differend which emphasizes the inability of something to be put into language (at least in the current idiom). The lexical definition of “post-truth” which privileges “appeals to emotion and personal belief” may be of help here. In an ambient climate of post-truth, if I feel that something is true, then it is true – irrespective, even, of my ability to articulate it (in fact, demands that I articulate it rationally may be perceived as elitism or even aggression). Thus if “post-truth” accurately describes our socio-political climate, then the clarity, distinctness and logical coherence of ideas are no longer determinant factors in judging their worth. We saw above that Lyotard’s account makes room for non-cognitive discourses – or as Bataille puts it, “the reasons of the heart” – by pointing out how cognitive discourse begs the question in applying its protocols universally. While Lyotard’s approach is laudable here in its theoretical openness to difference, note that it needn’t be taken this way in practice. Such a pluralistic point of view may be, and arguably is widely being, recruited for the purposes of close-mindedness and retrenchment precisely by denying the validity of public criteria for judgment. As such, it undergoes a dialectical reversal and collapses into its opposite.

In sum, Lyotard’s three senses of the differend map on to the present political landscape in a striking way. It remains to be seen however whether and to what extent the descriptive power of the concept may nourish a normative approach.

DIFFEREND, ETHICS AND POLITICS

We have seen that Lyotard’s concept of differend describes a) the incommensurability of genres of discourse, b) the victimization which occurs when one or more genres of discourse are rendered unintelligible or silenced by a dominant discourse, and finally c) the unstable state of language when something that cannot be said in the dominant idiom struggles to make itself heard. Already we can see how Lyotard mixes descriptive and ethical considerations: the concept of differend in his usage describes a) pragmatic linguistic heterogeneity but also b) concern with victimization and c) attunement to minor, plural and diverse voices. In short, he is not just engaged in describing the pragmatics of language and social interaction; he worries above all about the justice or injustice of pragmatic transactions.

Lyotard will in fact give the concept of differend an explicitly ethical inflection. From at least from the late 1970s onward, and therefore including the period of *The Differend*, he participates in an “ethical turn” in French intellectual life (Bourg, 2007) and may be broadly classified as a Kantian thinker – or more accurately, a thinker who thinks with Kant against Kant, offering a philosophy of radical singularity and dissensus using Kantian tools such as concept of presentation and the analytic of the sublime. Specifically, Lyotard insists upon a) the existence and heterogeneity of “faculties”, understood as the aforementioned genres of discourse (Sfez, 2000); and b) the subsumption of this heterogeneity under norms of justice, specifically a universal respect for difference and pluralism. The latter subsumption will be discussed in *The Differend* in terms of the possibility of there being an ethical genre.

The reader will immediately notice the incommensurability of a) and b); effectively, Lyotard bases his ethics on a thoroughgoing relativism of discursive genres and this undercuts any claim of an ethical genre to establish non-relative criteria for justice between them (i.e. to the extent that it would act as a kind of meta-genre, which as we have seen Lyotard has

explicitly denied is possible). The ethical genre is not however solely cashed out in terms of justice, i.e. fairness or respect between genres; for Lyotard it also covers obligation, broadly construed. He speculates that if there is an ethical genre, it would be “the one whose rule is to admit no rule but that of obligation without conditions” (Lyotard, 1988a, para. 175, p. 117). In practice, this would mean an attitude of absolute openness to discursive diversity as well as a subjective stance of hyper-vigilance and an ethos of bearing witness to any and all occurrences of differend between genres. The objection over coherence would miss the point that for Lyotard, ethics is not about logic but rather unreserved obligation.

Further – and this is what sharply distinguishes Lyotard from any hateful particularism – such an ethical stance would imply a measure of self-criticism: specifically, the realization that bearing witness in an ethical mode, i.e. by testifying to pragmatic injustices, itself necessarily does an injustice in representing the wrong that has occurred. Thus Lyotard is acutely aware of the apparent contradiction of his position. The impossibility of a just testimony results from his distinction between presentation and representation which runs through *The Differend*. A phrase, i.e. any given event or occurrence, presents what Lyotard calls a situation; it cannot, however, present the occurrence of its own presentation, which is to say, its presentation is not itself situated in what it presents (Lyotard, 1988a, para. 116, p. 71). The presentation of a phrase may nonetheless be marked by *There is*; since ordinary language can refer to itself, a phrase like “There is a presentation in the current phrase” marks it, but does not strictly speaking present or situate it. The presentation entailed by a given phrase, however, may be situated by another phrase (Lyotard, 1988a, para. 116, p. 71). This is to say that when a phrase occurs, there is *what* it presents, as well as *that* it presents; the latter may be vaguely indicated in the phrase, but it can only be situated in another phrase (i.e. the fact that the phrase presented something becomes a referent in another phrase). There is, as such, an unbridgeable epistemological gap between the occurrence and the account that can be given of the occurrence.

What might be described as the bad or guilty conscience of the ethical genre therefore occurs through its inability to ever entirely and faithfully give an account of any injustice to which it bears witness. Lyotard in fact goes so far as to claim that “The witness is a traitor” (Lyotard, 1988b, p. 204). As Kent Still (2007) explains, this striking pronouncement is:

... an alert to the plurality of ways in which the singularity of an event may be eclipsed in the very testimony to it: the representation of an event can foreclose other ways of linking with it, attention paid to one event may cast a plurality of others into oblivion, and attentiveness to different events may obscure the singularity of each. (p. xi)

But Still also rightly points out that “attentiveness to such difficulties is not a pretext for not trying. Just because one is not – and cannot be – up to the task does not mean one is off the hook.” (Still, 2007, p. xi) As Lyotard says in a different context, “The witness is always a poor witness, a traitor. But [she] does, after all, still bear witness.” (Lyotard, 1993, p. 146) Lyotard’s ethics therefore entail, as I have detailed elsewhere (McLennan, 2013), the infinite obligation to engage in an additive, rear-guard and melancholic practice of multiplying testimonies of injustice – but always in bad conscience, without hope of a final resolution. In short, Lyotard fully assumes the contradiction that is entailed by an ethical genre of phrasing. For this reason, while he is perhaps an exemplary resource for conceiving the rigorous subjectivity of ethical responsibility, he does not give much, if anything, in the way of resolving real conflicts or ethical dilemmas.

Supposing however that the ethical thrust of Lyotard's approach is indeed unconvincing, it can still be mined as a meta-political resource. Adopting an ethos of vigilance and an ethical bad conscience is only one possible way of self-consciously assuming the ineradicable contradiction between genres; another approach would be the assumption of a "contaminated universality", i.e. the *political* decision to put one's efforts into constructing a temporary hegemony in what is an infinitely contestable field. Ernesto Laclau and Chantal Mouffe (2014) probably offer the best example of such a political appropriation. On the critical side of their appraisal, they explain that Lyotard represents an extreme and sterile form of reaction to deliberative models of democracy. As they put it:

Our notion of a contaminated universality parts company with a conception such as that of Habermas, for whom universality has a content of its own, independent of any hegemonic articulation. But it also avoids the other extreme – represented, perhaps, at its purest in the particularism of Lyotard, whose conception of society as consisting in a plurality of incommensurable language games, whose interactions can be conceived only as *tort*, makes any *political* rearticulation impossible. (Laclau & Mouffe, 2014, p. xiii)

This is not to discount Lyotard entirely; rather, the radical democratic approach pioneered by Laclau and Mouffe *subsumes* Lyotard's description of ontologically basic social antagonism in order to reject deliberative democratic approaches as ultimately utopian and depoliticizing, and to advance an alternative model of democracy based on the principles of political articulation and hegemony. Believing at best in a provisional, "conflictual consensus" – i.e. the transformation of antagonism into agonism, or of enemies into adversaries in a shared allegiance to a system of institutions (Mouffe, 2013, p. 8) – Mouffe explicitly evokes Lyotard in her critique of any vision of the "the public space as a space where consensus can be reached" (Mouffe, 2013, p. 10). Her specific claim is that "neither Arendt nor Habermas [nor Rawls, as she discusses in other contexts] is able to acknowledge the hegemonic nature of every form of consensus and the ineradicability of antagonism, the moment of what Lyotard refers to as 'the differend'" (Mouffe, 2013, p. 11). For Mouffe (2013, p. xi), "to think politically requires recognizing the ontological dimension of radical negativity" and this recognition is precisely what Lyotard brings to the table with his subtle descriptions of pragmatic injustice. But echoing her earlier work with Laclau, Mouffe also warns against an extreme pluralism that would *a priori* valorize all differences – precisely on the grounds that "such a pluralism misses [...] the dimension of the political" (Mouffe, 2009, pp. 19–20). In essence, for Mouffe Lyotard's meta-political principle of ontologically basic social antagonism is correct (or more accurately it is plausible and convincing, since he does not *prove* that it adequately describes reality; he simply offers multiple examples of differends). The problem is that Lyotard draws the wrong conclusion from his first principle. He subsumes all discourse under an impossibly demanding ethics of obligation, whereas for Mouffe his account of the differend is an invitation to take stock of the inherently unstable nature and therefore the properly political demands and possibilities of any social articulation.

CONCLUSION

To recapitulate, Lyotard's concept of the differend has considerable *descriptive* power when it comes to building a plausible account of the present. In other words, it seems to account for persistent social conflicts and the apparent difficulty – if not the impossibility – of achieving public consensus over certain issues. As a *normative* account privileging the ethical genre of phrasing, however, it is logically inconsistent and impossibly demanding, and therefore self-defeating. This does not mean however that the differend may not figure in a transformative approach to the present. On the contrary, as we have seen, Laclau and Mouffe appropriate Lyotard's concept in order to articulate a vision of social ontology as fundamentally antagonistic. This allows them to suggest a properly political and populist rather than deliberative and critical approach to the impasses of a post-truth era. As such, we see that Lyotard's work may serve as a promising contribution in thinking through and transforming the present.

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