The Political Ethics of Jean-François Lyotard

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Breaking down modernity's "grand narratives" and universalizing absolutes, the article sketches out the political ethics of Jean-François Lyotard as a postmodern framework by which to view ethical considerations of political realities and choices. Returning to Kantian ethical philosophy as well as post-Shoa reflections, the article describes Lyotard's philosophical justifications– the activation of the 'differend' and giving voice to the 'silenced minority'–in which a new kind of universality that debunks false universalizations and totalitarianism and a justice of the multiplicity can arise.

Introduction

Some thirty years ago, in 1979, Jean-François Lyotard announced the end of the grand narratives in his work *The Postmodern Condition*. No wonder that his name is associated with postmodernity. 'Postmodernity' as a cultural milieu is not exactly the same as 'postmodernism' in architecture and literature, where the qualification postmodern is linked to a daring novelty in style and expression. Rather postmodernity is best understood as a protest movement that– from within the evolving construct of modern civilization– voices its dissatisfaction with certain key-dogmas of modernity that have lost their credibility. To these key-dogmas belong the belief in a single truth and sense of reality, the superiority of Western, European civilization, and a philosophy of history that sees in the European social and political organization of life the goal to which all other civilizations should aspire. Postmodern people, on the contrary, value plurality, respect for otherness, the fragmentary and liberation from the constraints of modern, unilateral planning.

For Lyotard, this honoring of the fragmentary already surfaces in his early works. In *Libidinal Economy* (1974)[1] he shows the importance of the singular and distinct events that emerge from libidinal impulses; in their felt presence they have the power to renew structures which without them would become sterile. In terms of styles this means: there is no overall dominant structure in the text; the text is open to several competing modes of reading, and multiple interpretations. *Lessons on Paganism* (1979),[2] in turn, inaugurates a revisiting of polytheism; it celebrates the healthiness of a civilization in which various gods are allowed to act in competition upon the scene, thus removing to the background the pallid face of one single deity. Reality is constituted by the happenings of singular events: there is no universal judgment that can do justice to all of them in their particularity. Paganism is the abandonment of one universal judgment in order to give room to a multiplicity of judgments regarding particular events. Justice of multiplicities requires a multiplicity of justices. In the work that made him famous, *The Postmodern Condition. A Report on Human Knowledge* (1979), Lyotard deepens this insight to include the domain of knowledge production. With the dawn of an internet society he foresees that new branches of knowledge are going to shake off the yoke of an encompassing scientific system that used to give them their legitimacy. The success of these branched-off specialties rests on their performative inventiveness, which no longer stands in need of an overall justification: "The diminished tasks of research have become compartmentalized and no one masters them all [...] This is what the postmodern world is all about. Most people have lost the nostalgia for the lost [grand] narrative. It in no way follows that they are reduced to barbarity. What saves them from it is their knowledge that legitimation can only spring from their own linguistic practice and communicational interaction." [3]

[1] Jean-François Lyotard, *Economie Libidinale* (Paris: Minuit, 1974).

[2] Jean-François Lyotard, *Instructions Payennes* (Paris: Galilée, 1979).

[3] Jean-François Lyotard, *The Postmodern Condition. A Report on Knowledge*, trans. G. Bennington & B. Marsuni (Manchester: Manchester University Press, 1984), 41.

I now come to the crucial question that I am going to treat in this article: 'Is there an ethics in the postmodern era?' 'How, for God's sake, can a real ethical concern be born from a compartmentalized life in fragments?' Ethics rather seems to be the specific prerogative of modernity: "Modernity was, and had to be," Zygmunt Bauman observes, "the *Age of Ethics* — it would not be modernity otherwise." In modernity, ethics dictated the activities that accounted for a country's technological growth and its advance in civilization. In the years since the close of World War II, however, this modern ethics of universal mastery— with its trust in social engineering and the malleability of people— has come under increasing suspicion. Just as the law preceded all order, ethics must precede all morality. Proof of its demise is Lyotard's dictum that today people have lost the memory of the grand stories— stories capable of rallying people around rational principles with a universal impact. Like no other cultural movement in history, modernity boasted on propounding a universal, encompassing ethics. With modernity's decline the anxious question arises: which kind of ethics can come in its place? A regional ethics of the provisional and the fragmentary? Yet, our intuition and experience seem to tell us that without some modality of a universal perspective no genuine ethics, no genuine political ethics at least will ever be able to prosper.

The first topic I will examine is the precise nature of the universality that underlies Lyotard's ethic-political considerations. This type of universality will be greatly different from the homogeneous, standardized universality that characterized the grand narratives of modernity. It will be described as 'universality without exception.' The second topic to be examined is the practical applications that derive from Lyotard's new framework.

A New Kind of Universality

Before broaching this question I would like to underline that right from the outset Lyotard had an ethical concern even before venturing in elaborating a new kind of universality. As early as the late 1970s and early 1980s, Lyotard began to wage a war on totalitarian regimes and their reign of terror. Auschwitz under

Hitler, and Kolyma, the most dehumanizing concentration camp in Stalin's gulag archipelago, are, for him, the tragic symbols of the atrocities of such regimes. Totalitarian systems are renowned for mixing up the 'ought' and the 'is'; they impose their grand narratives— their speculative phrases in Lyotard's parlances — on the reality they want to transform, without questioning the legitimacy of this procedure. In doing so they decide on the logic that is bound to rule the linkage of phrases, with the effect that no novelty or surprise is allowed to see the light of day. The way in which phrases are linked to each other is determined in advance. In order to tear down the constraints of this ironclad logic, Lyotard will pay heed to the required differentiation of regimes of phrases. It is only on this basis that an awareness of the unexpected can arise, an awareness which prompts one to ask the excruciating question: '*Is it happening*?' 'Is it happening that respect is being paid to diversity (to the heterogeneous)?'

RETURN TO KANT

Lyotard has actually been wrestling with the problem of universality for a long time. On the one hand, he developed an instinctive aversion to dominating overall perspectives — in his parlance: speculative phrases— because he feared that they could lead to the imposition of a reign of terror. On the other hand, he felt impelled to revisit the philosophical achievement of the 18th century philosopher, Kant, for the double reason that this author championed a universal ethics, but at the same time warned against the pitfall of placing one's hope in deceitful absolutes. For him, Kant is at once the prototype of modern universal ethics, and a critic of speculative transcendental illusions that may undermine this very ethical enterprise. So, when Lyotard goes back to Kant, it is in view of rediscovering a universality that is not, or not yet, infected with the virus of hegemonic mastery in the style of Hegel's absolute idealism, or later of Marx's rigorous dialectics of history. It is only in this open space that he feels at home, at the other side

of any attempt to "fulfill the phantasm of taking possession of reality [so as] to reinstitute terror."[4]

Even when taking his lead from Kant, Lyotard is on the alert and seeks to eliminate those elements in Kant that Kant's successors might have used or abused in their creation of hegemonic systems: the self-contained substantial subject, with its urge to project an ultimately unified world. This elimination took place in his study of Kant's *Critique of Judgment* which he published in *Lessons on the Analytic of the Sublime* (1991). The result is that a heavier accent is placed on diversity and heterogeneity. This comes to the fore in Lyotard's specific understanding of the *sensus communis*. For Lyotard, *sensus communis* "is not common but only *in principle* communicable. There is no assignable community of feeling, no affective consensus in fact. And if we claim to have recourse to one, or *a fortiori* to create one [...] we are encouraging impostures."[5] In other words, recourse to affective consensus may install a reign of terror.

Lyotard takes the basic principle of Kant's *Critique of Judgment* seriously, namely that in judgments of taste, which are by definition judgments about the particular, the universal rule is not given in advance, but "must still be found." [6] Applied to the community of taste this means: when judging singular facts– and singular political facts for that matter– one cannot start from a universal consensus about the value of these singular facts. Rather, this universal perspective is something for which the community of taste is still in search. Such perspective can only dawn upon the community on the basis of authentic feelings, especially those awakened by one's vivid contact with the supersensible. The separate members of the community of taste experience a sense of 'unity,' each time a member succeeds in proffering an inspiring example of what it means for her to be attracted by a universal rule beyond her reach, with the result that other members may be

[4] Jean-François Lyotard, *The Postmodern Explained* (Minneapolis and London: University of Minnesota Press, 1992), 16.

[5] Jean-François Lyotard, *"Sensus Communis"* in *Judging Lyotard,* eds. Andrew Benjamin, (London & New York: Routledge, 1992), 24.

[6] Immanuel Kant, *Critique of Judgment*, XXVI, trans. J. Creed (Oxford: Oxford University Press, ([1928] 1986), 18.

inspired to engage in a comparable, singular adventure. Even if one would link this 'unity' to the notion of the universal, this notion turns out to be something unique. The universality is only promised, not given in advance.

GIVING A NEW CONTENT TO THE SUBLIME

For Lyotard, and apparently also for Kant, the yardstick of the universal is the supersensible, more solemnly termed: the unpresentable Idea of grandeur and vastness, and one's vivid contact with it. This contact takes place at the moment our imagination feels itself inadequate to present this Idea. For Kant, the experience of the sublime arises from the clash between imagination and reason. When confronted with excessively threatening magnitudes (like vast, overwhelming mountains or the gloomy raging sea), the imagination feels suddenly disoriented, because it is unable to comprehend these magnitudes by means of a single inclusive intuition. But then it attempts to visualize Reason's Idea of immensity which is of a different order than the empirically threatening magnitudes. As a matter of fact this Idea points to the noble destiny of humanity on earth, compared to which the threatening magnitudes are simply reduced to naught. Yet this effort at visually rendering present the Idea of immensity turns out to be in vain. Reason's Idea of grandeur and vastness only makes itself felt in the abrupt collapse of the imagination at the very moment it is forced — by Reason itself — to stretch its capacity and to broaden its might of presenting. The human mind feels itself uplifted when finding "all the might of the imagination still inadequate to [present] the Ideas of Reason."[7] The collapse of imagination has an uplifting effect on the human mind (*das Gemüt*),

[7] See I. Kant, *Critique of Judgment*, n. 95. In the edition by W. Pluhar (Indianapolis: Hackett Publishing Company, 1987), 113; "Who would want to call sublime such things as shapeless mountain masses piled on one another in wild disarray; with their pyramids of ice, or to the gloomy raging sea? But the mind (*das Gemüt*) feels elevated in its own judgment of itself when it contemplates these without concern for their form and abandons itself to the imagination and to a reason that has come to be connected with it — though quite without a determinate purpose – and merely expanding it — and finds all the might of the imagination still inadequate to reason's ideas."

which now begins to admire the might of the unpresentable Idea of Reason, the seat of the promised universality. The result of this uplifting is a mixed feelings of awe and delight.

Lyotard adheres to this insight also when replacing Kant's substantial subject and its ideal of compact unity with a thinking/feeling 'self' that lives and evolves in the fluidity of time. The crucial difference is that the now fills in the promised universality, inherent in the 'Idea of Reason,' not with some uniform pattern but with the proliferation of a plurality of irreducible perspectives which all require to be respected in their uniqueness. Even such a 'diminished,' temporalized self will be able, in Lyotard's perspective, to sense the elation and the respect Kant associates with the experience of the sublime; it will be able to harbor feelings that bring one into contact with the supersensible, understood now as the mysterious cradle of multiplicity and pluralization. For Lyotard, this turn to multiplicity is a decisive step forward, which "would consist in the fact that it is not only the Idea of a single purpose which would be pointed to in our feeling, but already the Idea that this purpose consists in the formation and free exploration of Ideas in the plural, the Idea that this end is the beginning of the infinity of heterogeneous finalities."[8] This step forward does not, however, imply a stepping out of the basic Kantian insight according to which the only means we have at our disposal to come in touch with the 'Idea of Reason' — finalized now towards respect for heterogeneity — are the sublime feelings of awe and delight. Also when seen as the cradle of pluralization, the 'Idea of Reason,' must remain totally unpresentable. It can and must be thought, but its full realization can never be found in empirical reality, although special feelings unmistakably 'signal' its uplifting presence.

This basic Kantian background remains in place in Lyotard's judgment of the signs of progress in history. Kant, to be sure, tended to interpret collectively shared, disinterested feelings of enthusiasm as a sign that humanity has moved a step closer to its ultimate purpose. Lyotard, however, looks at history, especially

[8] Jean-François Lyotard, "The Sign of History" (1987) in *The Lyotard Reader*, ed. Andrew Benjamin (Oxford: Blackwell, 1989), 409.

the history shaped by modernity's hegemonic planning, in terms of historical catastrophes that arouse in him a feeling of deep melancholy. Given his turn to pluralization, this feeling of melancholy is obvious. From the perspective of his new yardstick of proliferation of heterogeneity, each ruthlessly obtained victory in history must be seen, not as a 'victory,' but rather as the tragic suppression of other possible, diversified standpoints. The spectacle of this suppression is a source of grief, but also prompts one to keep alive the expectation of a final break-through of respect for plurality: "A deep melancholy can be a feeling of the sublime [...] each sublime feeling testifies to an Idea of Reason. Melancholy testifies to an Idea of Reason and to its absence in empirical reality. This is a way to testify to things relegated to oblivion. It is a feeling that can point to the sublime, and thus 'prove', signify, and bear witness to the fact that this Idea is not lost. Grief over politics, provided this feeling is unanimous and not geared towards a particular interest, can be regarded as a historically meaningful sign."[9] It is this melancholic confrontation with the catastrophes caused by totalitarian regimes that prompts Lyotard to ask the anxious question: 'Is it happening?' 'Could it be that, in the given circumstances, the unpresentable Idea of the release of heterogeneities — the idea of true universality — is drawing near in its quasi-impossible break-through?'

CONFRONTING THE DIFFEREND

The Kantian emotional background, finally, sheds light on Lyotard's elucidation of the notion of the 'differend', that is, of the special conflict in which the losing party is threatened with being silenced: "I would call a differend the case where a plaintiff is divested of the means to argue and becomes a victim."[10] To be divested of the means to argue not only relates to the incapacity of

[9] Ch. Priess, *Das Undarstellbare- Gegen das Vergessen: Ein Gespraech zwischen Jean-François Lyotard und Christine Pries*, in *Das Erhabene. Zwischen Grenzerfahrung und Grössenwahn,* ed. Chr. Pries (Weinheim: Acta Humaniora,1989), 332.

[10] Jean-François Lyotard, *The Differend Phrases in Dispute,* 9, no. 12 (Minneapolis: University of Minnesota Press,1985),

providing proofs for one's case; it is aggravated by the fact that the wronged party is obliged to conduct her defense in the idiom — the legal stipulations of jurisprudence — of the ruling party, and lacks the means to go beyond this established rule: "the 'regulation' of the conflict [...] is done in the idiom of one of the parties while the wrong suffered by the other is not signified in that idiom."[11] This again is, for the philosopher who has to assess this political fact, a source for speechless grief, and a motive for bearing witness to the unpresentable Idea of justice and what it properly stands for.

The example of the differend particularly shows the extent to which Lyotard emotionally sides with the party that is put in the wrong by the powers to be and on the basis of the latter's self-protective criteria. When trying to characterize the type of universality that must have motivated Lyotard's option, the most apt expression I found for it is 'universality without exclusion.' Lyotard is ultimately committed to 'universality without exclusion.' As long as he encounters on his path people that are victimized through unjustifiable exclusion, he cannot help but raise his voice in protest, and have emotional recourse to the 'unpresentable' Idea which from a Kantian perspective holds out the promise of genuine universality. Yet, while in Kant's days this universality was conceived after the pattern of the Newtonian laws that always act in the selfsame way without any exception, Lyotard, in the wake of Theodor Adorno's 'philosophizing after Auschwitz,' places the accent on the tragic segregations and genocidal eliminations that have distorted this notion of universality. His longing is that exclusions like these will no longer be part of the genuine universality to come.

PRACTICAL APPLICATIONS

We are able now to examine the practical applications of the world view of Lyotard. They ought to be situated within his enlarged Kantian philosophy whose ultimate aim is to promote the recognition of a multiplicity of perspectives, and thus also of a multiplicity of justices. Within his enlarged Kantian framework one

[11] Ibid., 9.

can discern three domains in which Lyotard came to formulate practical applications: (1) his deliberation on political facts carried out in light of the Idea of 'a republic of reasonable beings'; (2) his debunking of false universalizations with the help of language pragmatics and the Kantian notion of transcendental illusion; and, (3) his practice of taking sides with the 'silenced party' : his refusal to stifle the differend in order to save the honor of the unpresentable Idea.

DELIBERATION IN LIGHT OF THE IDEA OF 'A REPUBLIC OF REASONABLE BEINGS'

This is the deliberation Lyotard himself practices. In line with Kant, Lyotard places a strong emphasis on the feeling of being obliged: 'be just.' Yet, and this is typical of Kant's formalism, this felt obligation does not reveal how one is to account for one's ethical decision. In order to justify this decision, one ought to engage in a reflective judgment, which is by definition in search of its rules. In this search, the golden rule will be helpful that says: 'act in such a way that the maxim of your action can serve as a universal principle.' This rule compels one to reflect on the consequences of one's actions so as to guide one's moral feelings in a certain direction. In Lyotard's case these moral feelings are colored by his commitment to the recognition of a genuine multiplicity — by his concern for liberating people from subordination to just one center of thought and influence.

The case study to which Lyotard applied the golden rule was the following political event: in the early 1970s members of the Red Army Fraction (RAF) in Germany had made an incursion into, and destroyed the computer of the American garrison in Heidelberg, because evidence was found that this computer was used to program the bombing in Hanoi, a bombing that killed thousands of civilians. For Lyotard, the destruction of this computer is justified. He discussed these matters with Jean-Loup Thébaut, who insisted that Lyotard should explain why he was opposed to the use of that computer. Upon this insistence, Lyotard, first of all, referred to his moral feelings. "If you asked me why I am on that side, I think that I would answer that I do not have an

answer to the question 'why?' and that this is of the order of....'transcendence.' That is: here I feel a prescription to oppose a given thing, and I think that it is a just one. This is where I feel that I am playing the game of the just [...] Yes, I feel obliged with respect to the prescription that Americans should [get] out of Vietnam, or the French out of Algeria." In a further elucidation he, finally, had recourse to the Kantian Idea of the 'republic of reasonable beings': "If I were to be pushed, I would answer that what regulates this feeling of obligation is the Kantian Idea. The Americans in Vietnam, the French in Algeria, were doing something that prohibited that the whole of reasonable beings could continue to exist. In other words, the Vietnamese or the Algerians saw themselves placed in a position where the pragmatics of obligation [i.e. the right to decide for themselves] was forbidden to them. They had the right to rebel."[12]

It is worth analyzing the way in which Lyotard employs the 'golden rule'. In its Kantian formulation it reads as follows: "Act in such a way that the maxim of the will may serve as a principle of universal legislation."[13] In his comment on it, Lyotard specifies: "The famous 'in such a way that' of the imperative does not say: 'if you want to be this, then do that' [...] The 'in such a way that' marks the properly reflective use of judgment. We are not dealing here with a determinant synthesis but with an [unpresentable] Idea of human society [...This unpresentable Idea] *does not* determine *what* I have to do. It regulates me, but without telling me *what* there is to be done."[14] In his days Kant must have understood this regulation in a different way than Lyotard. Kant disallowed rebellion, which in his eyes was a self-defeating concept: rebellion can never lay the foundation of a rationally organized state, or a rationally organized world community. This disallowance is understandable: it is entirely in line with that which Lyotard eliminated from the Kantian program: the self-contained substantial subject, with its urge to project an ultimately unified world.

[12] Jean-François Lyotard and Jean-Loup Thébaud, *Just Gaming* (Minneapolis: University of Minnesota Press, 1985), 70.

[13] Ibid., 47.

[14] Ibid., 85.

Lyotard looks in a different manner at this regulation by the unpresentable Idea. For him, this Idea holds out the prospect of a pluralization of perspectives on a world scale. So, he has no problem with justifying a rebellion against a unifying center. Apparently his stay in Algeria led him to sympathize with the motives of the population in fighting for their independence from colonial rule: colonization by world powers cannot possibly be in accordance with the demands of justice (with a 'republic of reasonable beings'). It is from this background that Lyotard criticizes the presence of the American armed forces in Vietnam, and finds it legitimate that the RAF destroyed one of the computers that were used in Germany to program the bombing of Hanoi. He openly approves this 'terrorist' act. For him, it is a justified act of rebellion born from the felt obligation to combat the forces that obstruct the Vietnamese people's striving for self-determination, a self-determination that is promised and required by the regulative Idea of a 'republic of reasonable beings.'

DEBUNKING OF FALSE UNIVERSALIZATIONS

Lyotard realizes that the Grand Narratives are also products of a deliberation. Yet, instead of taking the unpresentable Idea (the 'republic of reasonable beings') as a regulative norm, they regard this Idea as already fleshed out in history. They take, in other words, this Idea as if it were a realized fact. In doing so they fall prey to that which Kant termed *transcendental illusion*. For Kant, transcendental illusions must be avoided because they cause fanaticism and brutal eliminations. A handy instrument with which to debunk them is language pragmatics. Lyotard employs it in order to neatly separate phrases and regimens of phrases that must not be confused with one another. On this basis, he is able to disclose that whoever falls prey to transcendental illusion "confuses what can be presented as an object for a cognitive phrase and what can be presented as an object for a speculative and/or ethical phrase."[15] This confusion between 'is' (cognitive) and 'ought' (speculative) is at work in Marx's usage of the term 'proletariat'. Marx coined this term to designate the suffering

[15] Lyotard, "The Sign of History," 399.

and rebellious workers in many European countries. These suffering and rebellious workers are a fact, but Marx, jumped from the fact to a speculative universalization: 'When you look for a new universal class that is going to change the course of history, here it is: the proletariat whose suffering is universal.' The consequences of this speculative universalization are well known: the party vanguard feels it has to steer the destiny of the universal class, in such a way that the empirically existing workers have no other choice than to comply with the dictates of the vanguard. If they do not comply with these dictates they will be brutally eliminated.

The absorption of the 'is' (cognitive phrase) into the 'ought' (speculative phrase) gives rise to totalizing absolutes. These totalizing absolutes, or grand ideals, can never be deduced from empirical reality — they cannot be found in empirical reality; nonetheless they are, in their ideality, brandished as slogans to rally people around the same program. This procedure is, of course, broader than what happened in Marxism. Besides the "Marxist narrative of emancipation from exploitation," Lyotard also mentions 'the *Aufklärer* narrative of emancipation from ignorance and servitude through knowledge and egalitarianism," and "the capitalist narrative of emancipation from poverty through techno-industrial development."[16] These grand narratives may clash with each other, but in all of them, the givens arising from events are placed in an idealized "course of a history whose end, even if it remains beyond reach, is called *universal* freedom, the true fulfillment of *all humanity*."[17] In the face of these new absolutes, which all tend to make more victims, through slaughter and elimination, rather than they would really improve the life conditions of the human species, Lyotard exclaims: "War on totality. Let us attest to the unpresentable, let us activate the differends and save the honor of the name."[18]

The confusion between 'is' and 'ought' does not occur at random. It presupposes a collective 'we' that— although it is only particular — arrogates to it the right to speak in the name of the

[16] Lyotard, *The Postmodern Explained*, 25.
[17] Ibid.
[18] Ibid., 16.

universal. An example in case of such a leap from the particular to the universal — and, consequently, from the cognitive to the speculative phrase — is the *Declaration of the Rights of Man and of the Citizen* (1789). Here an Assembly of the French nation declares itself entitled to issue a universal declaration of human rights. The enjoyment of civil rights in the new republic after the French Revolution was for the French citizens such a decisive step in the advance of civilization that a French Assembly deemed it necessary to solemnly declare that these rights are universal rights, to be shared by all humans on the globe. But again two entities are lumped together that cannot be equated: the particular, historical French nation and the whole of humanity (which is a speculative Idea). In order to resolve the tension between the two disparate entities, the name of the Supreme Being is invoked: "By soliciting its presence and by imploring its recommendation, the Assembly authorizes itself not only as French but also as human."[19] The fact that a French Assembly invokes the Supreme Being, the source of (modern) 'rationality,' clothes these French addressors with the dignity of 'being human,' of 'being the universally human': they feel entitled to represent the whole of humanity. Texts like these give us a vivid awareness of the type of universality that Lyotard seeks to discredit: the modern idea of universality whose universalizing logic of the 'speculative phrase' is of necessity also logic of conquest.

THE REFUSAL TO STIFLE THE DIFFEREND

The first time Lyotard used the notion of the differend was in the context of the Shoah. The differend is defined as follows: "A case of differend between two parties takes place when the 'regulation' of the conflict that opposes them is done in the idiom of one of the parties while the wrong suffered by the other is not signified in that idiom."[20] The survivors of the Shoah were not able to scientifically prove that the gas chambers in the concentration camps had been effectively used to kill the Jews, because the Germans had destroyed most of the documents that could serve as

[19] Lyotard, *The Differend,* 146: Declaration of 1789, 5.
[20] Ibid., 9.

proof. Lyotard shares their impotence and speechlessness before the injustice done to them, and insists that these feelings should not be stifled. His reaction to the Shoah shows in an exemplary manner his siding with those who are put in the wrong because what they attempt to present as proof is not regarded as valid in the idiom of legalistic jurisprudence.

With this methodology Lyotard struck a chord in activists who speak up for minorities that are threatened in their existence by the Western 'speculative phrase' of conquest. David Carroll puts it as follows: "The *differend* has as its critical-political goal the uncovering of *differends* where they have been repressed or supposedly resolved; it argues for the necessity of listening to the idiom not given its day in court, to the silence imposed on the victims of oppression and injustice. It attacks all mechanisms of repression, all courts, institutions, [and] systems of thought that perpetrate the injustice of universal judgment and thus do not recognize the silence imposed on their victims."[21] Whoever happens to witness how the procedures of courts also may make victims with their cognitive apparatus, must feel saddened, a sadness which, as a 'sublime' feeling, testifies to the 'unpresentable.'

Examples of the differend can be multiplied. They often relate to the insensitivity Western people have developed in their dealings with other cultures. Westerners take it for granted that their collective 'we' is a universal 'we,' a 'we' that is put forth as representing the whole of humanity. Through the manipulation of the language game, Westerners have come to present their norms as universally binding norms. It is time that we admit that such manipulation is deceptive and unfair, that it blocks the break-through of a 'justice of multiplicity.' In his article, 'Pagans, Perverts or Primitives,' Bill Readings analyses, in the style of Lyotard, the conflict that Herzog evoked in his film 'Where the Green Ants Dream.' In the film, an Australian mining company and an Aboriginal tribe are locked in a conflict over land. The Aborigines are not able to give 'proof,' acceptable in Western jurisprudence, for their claim to 'property rights' over the land. The only elements

[21] D. Carroll, "Rephrasing the Political with Kant and Lyotard: From Aesthetics to Political Judgment," in *Diacritics* 14, no. 3 (1984): 78.

they can adduce as proof are some wooden objects carved with undecipherable markings, but these objects do not make any sense to the Western mind: they cannot be regarded as legal documents. The aboriginals are thus silenced. They are not able to express themselves in the Western idiom of jurisprudence and legality; moreover they are separated by a gulf from the mentality of the Western occupants. For them, the land is not just a territory 'on which' they live and which they treat merely as a 'natural resource.' Land is sacred, and the sacredness of the land is, in fact, the basis for the sacredness of the people themselves. This view sharply contrasts with the Western notion of land as a commodity, something that can be successively utilized for many purposes, mining included. It is impossible for them to grasp the abstract notion of space that goes hand in hand with legal possession, which in turn puts the land in the service of industrialization and development.

Lyotard's political ethics explodes the framework of Western civilization. It reveals the extent to which Western philosophy is, at bottom, Eurocentric and, by extension, centered on the United States. It challenges today's political reflection to remedy this deplorable disease, and to speak up for the rights of excluded minorities.

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