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The Silences of Feeling

Naomi Waltham-Smith (University of Warwick)


At a meeting of Stanford University’s Faculty Senate in early 2021 at which a proposal was discussed to give faculty oversight of the relationship between the Hoover Institution and the University, the Institution’s new Director and former Secretary of State Condoleezza Rice made a telling slip of the tongue, referring to the tabled resolution as a “revolition.” The Hoover Institution had attracted considerable controversy due to widely publicized inflammatory statements by some of its Fellows that ran counter to scientific consensus on COVID-19 or otherwise adopted the rhetoric of the alt-right on a number of issues. The proposal by four senior professors to constitute an independent ad hoc Senate committee to re-examine the think tank’s relation to the University and its core values was sober and had precedent, and yet it was dismissed by senior administrators as an “uncivil” ploy to sow discord and the majority voted for amendments that minimized the role of faculty and left it up to the Hoover Director and University Provost to ensure sufficient accountability. Rice was amenable to a proposal to help the Institution work more effectively with Stanford but not to any resolution designed to silence and censor its Fellows. “We have just given away one of the most precious freedoms we have,” she argued, if we second guess “our right to express an idea no matter how controversial or unpopular.”

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I recount this event not to take sides (although my political sympathies admittedly align more closely with the proposers of the resolution) or to repeat the debate between the classical liberal defence of free speech and calls for curbs on discriminatory or hateful speech. Rather, this incident and wider contemporary debates in the US, UK, and France about intellectual censorship highlight some structural issues at stake in disagreements in general that illuminate the self-differentiation I have suggested is at work in a certain silence that accurs to Lyotard’s différend. As the UK government threatens to appoint a free speech tzar to discipline universities for no-platforming and Macron’s administration tries to outdo le Rassemblement Nationale in its attacks on “Isalmo-gauchisme,” it became nigh impossible not to re-read Le différend as an essay on—if not a send-up of—“cancel culture” and in turn to allow this new-found resonance to illuminate certain aspects of Lyotard’s concept, not least how it communicates with other notions of silencing.

In §236 of Le différend, reflecting on the possibility of Marxism’s continuation, Lyotard speaks of “le silence du sentiment [the silence of feeling]” and “le sentiment silencieux [the silent feeling]” that expresses the “tort [wrong]” endured in Marx’s words by “une classe avec des chaînes radicales . . . qui ait un caractère universel par ses souffrances universelles [a class with radical chains which has a universal character by its universal suffering]” (246/171). This silence “signale un différend reste à écouter [signals a differend remains to be listened to]” which is why Marxism, insofar as it is a signal of the différend, has not come to an end in the time at which Lyotard is writing in 1983, nor in the time since (which coincidentally marks the span of my lifetime, during which this suffering and its silence have become ever more generalized but at the same class struggle has become increasingly remote). But if Lyotard credits Marx with rightly identifying the tort done to labour by capitalism, he also notes the limitations of the Marxist project. To the extent that it must identify the Idea of the proletariat with the actually existing working classes, this operation repeats the same indifference to particularity that, as we shall see, constitutes the silencing effect of capitalism—with the result that the différend remains to be listened to.

It is not possible in this article to survey Lyotard’s complex and evolving relationship to Marx and Marxism. Rather I seek to explore how this problem of totalizing universalization arises in
relation to the notion of *différend* itself. Efforts by other thinkers to, as it were, link the *différend* to their own regimes of philosophizing, to articulate the *différend* according to the rules of these genres, are always at risk of levelling—and thus of silencing—its difference. The point, however, is not only that Lyotard’s *différend* is incommensurable with Rancière’s *mésentente* or Derrida’s *différance*, or indeed with Rancière’s or Derrida’s *différend* but that these incommensurabilities stem from the fact that *le différend même*, far from signalling the same, is not itself even.\(^2\) In the *fiche de lecture* of *Le différend*, Lyotard observes the definite article of his title points to the absence in general of a universal rule of judgment to adjudicate among different genres (9/\(\text{xi}\)). This is, I am arguing, not a contingent lack but an irreducible, structural impossibility that precludes such judgments from being gathered into a single universal principle. There is no “le” *différend*, as Nancy might say, but that does not mean that there is simply a plurality of *différends*. Instead, in a more Derridean formulation—and this itself perhaps marks another *différend*—*le différend*, s’il y en a re-marks itself, differs from itself, and thus silences itself not through negation but by putting it under a conditional: *if there is such a thing.*\(^3\) And the incommensurabilities among *différends* are, moreover, also incommensurable.\(^4\) Before returning in detail to the proliferation of *différends* and their silences and


\(^{3}\) Derrida’s clearest attempt to phrase this difference and incommensurability between “his” deconstruction and Nancy’s and thus seemingly to litigate what is between them so that the equivalence that Nancy on occasion imagines is no longer an inarticulable tort is in *Le toucher*, Jean-Luc Nancy (Paris: Gallilée, 2000), 323–24; *On Touching—Jean-Luc Nancy*, trans. Christine Irizarry (Stanford, Calf: Stanford University Press, 2005), 287–88.

\(^{4}\) Michèle Cohen-Halimi’s argues in *Stridence spéculative: Adorno, Lyotard, Derrida* (Paris: Payot, 2014) that the incommensurability between the latter two over the unsayability of the incommensurability of Auschwitz stems at
silent feelings, I want to explore the silencing effects of universalization and capitalist equivalence at work in contemporary related debates that are presently rife in France and the UK over allegations of censorship and silenced feelings in universities, and specifically to examine how these play out in the example at Stanford. The example of so-called “cancel culture” presents an occasion to analyses the proliferation and differentiation that disperses the différend from the outset even within Lyotard’s own thinking: that is, the allegedly noisy decoupling and putting asunder that elsewhere I call “shatter” and just is le différend même. To underscore the aural quality of this notion, this même and the difference internal to the différend that it marks are, moreover, said to be “une affaire de ton [a matter of tone].” The silence that points to différends, then, is not single, homogenous, or monotonous but always more than one. The Stanford incident to which I now return is instructive in attuning our ears to these multiple, unequal silences and thus paves the way for analysing how Lyotard’s silence of feeling vibrates in itself and also reverberates in the silences of Rancière, Agamben, and Derrida, working against the totalizing universality to which Marxist critiques of capitalism fall prey.

In lambasting “cancel culture,” Rice’s misspoken “revolution” is pertinent since it implies that what is at work is a more structural form of domination than what might be called simple inter-agential domination. As Rancière discusses in La mésentente, attempting to distinguish his position from Lyotard’s, the revolt is marked as the noisy disorder that lies outside the sphere of articulate deliberative politics. In a passage to which I shall return in greater detail he argues that a revolt is at least in part from the different readings of Adorno’s unnameable or more precisely Derrida’s non-reading—dare one say silencing?—of the negative dialectic.

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5 See my Shattering Biopolitics: Militant Listening and the Sound of Life (New York: Fordham University Press, 2021). Shatter, referring among others things to the spontaneous breaking of a glass made to resonate as its natural frequency, is deliberately a nonsynonymous substitution for Geoff Bennington’s scatter which, for reasons that will be especially pertinent for Lyotard’s notion, enables the expressly aural metaphors of political domination to be closely interrogated and also spotlights how philosophy has identified the sonorous with the incommensurable.

more radically excluded to the extent that it is not even recognized as a legitimate party to the debate. Quoting a scene from the early nineteenth-century writer Pierre-Simon Ballanche (himself caught betwixt the right and the left), in which the workers in a pay dispute complain that “ces messieurs nous traitent avec mépris . . . ils osent nous accuser de révolte [these gentlemen treat us with contempt . . . they dare accuse us of revolt],” Rancière comments:

Le ton de la lettre des maîtres qui qualifie la manifestation gréviste comme révolte justifie cette manifestation, puisqu’elle montre que les maîtres ne parlent pas de ceux qu’ils emploient, comme d’êtres parlants unis à eux par l’entente du même langage, mais comme d’animaux bruyants ou d’esclaves seulement capables de comprendre des ordres.7

The tone of the bosses’ letter, which describes the strike-demonstration as a revolt, justifies the demonstration, since it shows that the masters are not talking about those they employ as speaking beings joined to them by understanding the same language, but as noisy animals or slaves capable only of understanding orders.

Even though some of the Stanford faculty proposers had been vocal critics of prior statements made by Hoover Fellows, their intention was not to rehearse those substantive disagreements again but to shift the focus to the conditions of possibility for disagreement. As with Rancière’s mésentente, their stance “concerne moins l’argumentation que l’argumentable [is less concerned with arguing than with what can be argued].”8 The thrust of their case on this point was that, far from being denied academic freedom, the Hoover Fellows were in fact mounting an assault on it. This point rests upon carving out a narrower space of academic freedom within freedom of speech delimited by the capacity for “honest intellectual debate,” critical scrutiny, and refinement. “Sharp debates between people who are well-informed, armed with opinions based on facts, and willing to give and take, are invigorating and help us learn from each other,” argued Joshua Landy, Stephen Monismith,


8 Ibid., 14/xii.
David Palumbo-Liu, and David Spiegel. Some Hoover fellows had, by contrast, left “the realm of fact, science, and good faith argumentation” driven by “an excess of partisanship.” In other words, one cannot claim to have been cancelled if you don’t play by the rules of the scholarly-deliberative game. And yet this raises the question of legitimation: of who or what determines the limits of this academic phrase regime, of who, if not the free marketplace of ideas, gets to decide what is capable of disagreement and what is beyond debate, and who is competent to disagree on certain issues and if this were to be determined by disciplinary expertise (as in the UK Government’s proposed narrowing of the scope of academic freedom in the Higher Education (Freedom of Speech) bill), who gets to decide the limits of those disciplines. Would a philosopher, for instance, be protected in their extramural speech on a far broader range of issues in the public domain than a musicologist or a biologist? And would restricting academic freedom to the realm of disciplinary expertise necessarily lead to a conservatism hesitant to stray beyond settled knowledge, hence stifling the new and unfettered lines of inquiry that academic freedom is supposed to make possible?

What is interesting is how the proposers of the resolution chose—or arguably were forced—to frame their argument. The first feature upon which it relied is this distinction between protected academic freedom and its abuse by which the proposers did not take aim at free speech in general, as scholars such as Gavan Titley have done, but confined their argument to this narrower field where they could appeal to its specific norms without however subscribing to subject discipline. The controversial statements of the Hoover Fellows are still recognized as speech, just not speech appropriate for an institution with Stanford’s stated mission and values. In an earlier op ed, Palumbo-Liu had made a distinction between, on the one hand, the free flow and contest of ideas that are to be tested, improved, and if necessary rejected and on the other, the publicity-

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seeking theatre that merely wants the imprimatur of an Ivy League university to authorize dogmatism or demagoguery.\textsuperscript{11} It is conceded that there is speech and expression that does not conform to these “rules,” but it is not recognized or capable of being articulated within the regime of academic free debate, regardless or whether it may or may not be worthy of protection outside those bounds.

The challenge here in maintaining the integrity of academic freedom is illustrated by Foucault’s tussle over the relation between truth-telling philosophy and political rhetoric in his late lecture courses at the Collège de France, \textit{L’herméneutique du sujet} and \textit{Gouvernement de soi et des autres} where \textit{parrhēsia} is seen to be pulled in two contradictory directions: on the one hand, frank, open, and truthful speech and, on the other, a somewhat detached, tactical use of rhetorical technique, albeit based upon what is known to be true and without descending into mere seduction or flattery. That Foucault struggles to extricate rhetoric from truth-telling and even implicitly concedes the impossibility of doing so suggests that the distinction between fact-based, good-faith intellectual debate and misleading dogmatism may be harder to sustain than it would at first blush appear, if only because there is perhaps no greater example of post-truth than the politician who deceives and manipulates under the cover of telling it how it is.\textsuperscript{12} Precisely because truth-telling may avail itself of the power of persuasion and because that rhetorical persuasiveness may be used otherwise than serving the truth and may even falsely imitate it in order to gain a superior position in the debate of ideas, it is unclear whether the status of the Hoover Fellows’ controversial statements can safely be verified on this basis alone. The risk, moreover, would be in trying to counter demagogy with a moralism no less dogmatic. This presents as a real danger for rhetorical appeals on the left, such as

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those advanced by the Stanford proposers, to liberal norms which seek not to slide into the rhetoricity conditioned by those norms. This irreducible pervertibility of speech is frequently overlooked in contemporary scholarship on our so-called post-truth era that, with a highly rhetoricized suspicion of rhetoric, views disinformation, conspiracy theory, bullshit, deepfakes, and a pervasive imperviousness to facts or evidence as symptoms of epistemological vice emendable through self-improvement when, as Derrida recognizes, it just is the case that knowledge and speech are necessarily possibly vicious.13

The second limb of the proposers’ case, though, begins to touch upon the question of universality that arises in Lyotard’s discussion of “the silent feeling.” The crux of their argument rests upon an appeal to the pluralist values of inclusion and equality said to be embraced by Stanford and characterized as “politically neutral,”14 in contrast with the partisanship reflected in the Hoover Institution’s explicit mission to promote free-market liberalism and in the pronouncements of some of its fellows on issues typically marked as progressive concerns such as diversity and climate change. The Clayman Institute for Gender Research, which Rice had cited by analogy, in fact provides a counterexample insofar as its “vision for the future is one in which all people—women, men, girls, and boys—will have their contributions valued and voices heard.” The point, then, would be that genuine freedom of speech demands that other voices are also free to speak and be heard. Foucault argues something similar about an absence of domination when he defines the democratic ideal of parrēsia as discourses that allow both for the possibility of failing to persuade listeners and also for the possibility that other discourses might win out:

La parrēsia est . . . une parole d’au-dessus, mais une parole qui laisse la liberté à d’autres paroles, et qui laisse la liberté de ceux qui ont à obéir, qui leur laisse la liberté, au moins en ceci qu’ils n’obéiront que s’ils peuvent être persuadés. L’exercice d’une parole qui persuade ceux auxquels

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13 See, for example, Quassim Cassam’s rigorously argued *Vices of the Mind: From the Intellectual to the Political* (Oxford: Oxford University Press, 2019).

on commande et qui laisse la liberté dans un jeu agonistique aux autres qui veulent aussi commander, c’est, je crois, cela qui constitue la parrésia. Avec, bien entendu, tous les effets qui sont associés à une pareille lutte et une pareille situation. Premièrement : que la parole que l’in prononce ne persuade pas et que la foule se retourne contre vous. Ou encore que la parole des autres, à laquelle on laisse place à côté de la sienne propre, ne l’emporte sur la vôtre. C’est ce risque politique de la parole laissant la place libre à d’autres paroles et se donnent pour tâche, non de plier les autres à sa propre volonté mais [de] les persuader, c’est cela qui constitue le champ propre à la parrésia.15

Parrésia is . . . a discourse spoken from above, but which leaves others the freedom to speak, and allows freedom to those who have to obey, or leaves them free at least insofar as they will only obey if they can be persuaded. What constitutes parrésia is, I think, the exercise of a form of discourse which persuades others whom one commands and which, in an agonistic game, allows freedom for others who also wish to command. With, of course, all the effects associated with such a struggle and situation. First: that the words one utters fail to persuade and the crowd turns against you. Or, that the discourse of others, to which one leaves space alongside one’s own, may prevail over our discourse. What constitutes the field particular to parrésia is this political risk of a discourse which leaves room free for other discourses and assumes the task, not of bending others to one’s will, but of persuading them.

This raises an important question about the conduct of those who position themselves as free-speech champions: at what point does rhetoric, provocation, or disinformation go so far as to breach this requirement to leave others the freedom to speak? At what point does freedom of speech invert into silencing? Palumbo-Liu and his fellow proposers refer to what crosses the line as “an excess of partisanship” which has the effect, intended or otherwise, of intimidating other speakers, especially those accustomed to being silenced or marginalized in mainstream debate. In a defense of partisanship’s political virtues Jonathan White and Lea Ypi insist on the close link between

partisanship and institutions that uphold the legitimacy of contestation, maintaining that partisanship necessarily recognizes the necessity for free debate and for appeal and persuasion without coercion of the kind that Foucault describes: “What properly tempers partisanship is not the willingness to accept existing procedures, but the acceptance of the contestable character of the partisan claim.”

What underpins the ethos of partisanship is that it tempers itself, holds itself back. An excess of partisanship would, at first blush, appear to be a form that overflows its own limits in aiming for an absolute partisanship. To which I would want to add the deconstructive qualification that excess and restraint are not dialectically or otherwise opposed but that excessive, absolute partisanship of the kind that leaves no room for anything else, thus tends to destroy the very thing to which it is committed insofar as partisanship is defined by contestation. If partisanship is a kind of interpellating apostrophe, the seduction needs to be sufficiently enticing for the addressee to turn around and yet it must invite and leave room for a differentiated response lest it be little more than unappealing echo or narcissistic withdrawal (which amounts to the same thing). To avoid this self-destruction, partisanship necessarily tempers itself and as such beguiles rather than bludgeons the other into acquiescence.

That demands for free speech tend to undermine the very thing they demand is therefore no accident. Liberal commentators frequently observe that conservatives’ claims of censorship are overstated and perhaps cynically so. After all, if one is declaring “I am cancelled” from a national newspaper column, on primetime TV, or from a podium over the sounds of protestors outside, can one be said to have been deprived of the means to testify to the damage one has suffered? It might be argued, however, that “cancel culture” entails the double bind that Lyotard analyses in §7 and 8 or Le différend. If a différend consists in the double wrong (tort) of a damage (dommage) compounded by the impossibility of bringing it to the knowledge of others or of a tribunal, one can attempt to act as if this were not the case and as if one could in fact give voice to that suffering. This is the strategy that Rancière advocates when the marginalized, such as the workers in Ballanche’s dispute,

are discounted as mere noisy rabble. Confronted by such a dismissive tone they can make a demonstration of their equality as speaking beings on the basis of a common capacity for speech by acting as though they were equal partners to the conversation, no matter what the other party might hold.

La scène de la mésentente étant alors dressée, il est possible d’argumenter comme si avait lieu cette discussion entre partenaires qui est récusée par l’autre partie, en bref d’établir, par raisonnement et calcul, la validité des revendications ouvrières. Cette démonstration du « droit » des grévistes étant faite, il est possible de lui en ajouter une seconde tirée précisément du refus de prendre en compte ce droit, de l’accueillir au titre d’une parole qui compte.\(^\text{17}\)

The platform of disagreement being thereby established, it is possible to argue as though this discussion between partners, which is challenged by the other party, had really taken place; in short, it is possible to establish, by reasoning and reckoning, the validity of the workers’ revindications. And once this demonstration of the “right” of the strikers is complete, it is possible to add a second demonstration, one derived precisely from the refusal to take such a right into account, to embrace it in the name of speech that counts.

This, though, is where the disagreement between Rancière and Lyotard lies. For the latter, what distinguishes the *différend* from a mere litigation is that it puts the victim in an irreconcilable dilemma:

Si la victime cherche à passer outre à cette impossibilité et à témoigner quand même du tort qu’elle subit, elle se heurte à l’argumentation suivante : ou bien le dommage dont vous vous plaignez n’a pas eu lieu, et votre témoignage est faux ; ou bien il a eu lieu et, puisque vous pouvez en témoigner, ce n’est pas un tort que vous avez subi, mais seulement un dommage, et votre témoignage est encore faux. Ou vous êtes victime d’un tort, ou vous ne l’êtes pas. Si vous ne l’êtes pas, vous vous trompez (ou vous mentez) en témoignant que vous l’êtes. Si vous l’êtes, puisque vous pouvez témoigner de ce tort, celui-ci n’est pas un tort, et vous vous trompez (ou vous mentez) en témoignant que vous êtes victime d’un tort. (19)

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\(^{17}\) Rancière, *La mésentente*, 84/54.
Should the victim seek to bypass this impossibility and testify anyway to the wrong done to him or to her, he or she comes up against the following argumentation: either the damages you complain about never took place, and your testimony is false; or else they took place, and since you are able to testify to them, it is not a wrong that has been done to you, but merely a damage, and your testimony is still false. Either you are the victim of a wrong, or you are not. If you are not, you are deceived (or lying) in testifying that you are. If you are, since you can bear witness to this wrong, it is not a wrong, and you are deceived (or lying) in testifying that you are the victim of a wrong. (5)

Rancière’s *mésentente*, at least in the most extreme form as the opposition between the inarticulate *phonè* and the rational *logos*, is at once more radical from his perspective than the irreconcilability between phrases regime, and more resolvable.18 Whereas Lyotard tends toward seeing the *différend* as minimally intractable (notwithstanding the possibility he invokes of inventing new idioms, he seems to think that there remains an irreducible inarticulable in every articulation), Rancière maintains that every voice is potentially articulable and that the opposition between noisy cry and articulate speech, and hence the plight of the *part sans part*, is capable of being transformed into a litigation in Lyotard’s terms.19 And where for Rancière the *partage du sensible* divides what is common, Lyotard is closer to the Derridean position that the opposition of *phonè* and *logos* is already gathering *différance*. Undoubtedly Rancière exaggerates or misidentifies the disagreement between them in overlooking the more radical sense of *différend* that Lyotard specifies more clearly in “L’inarticulé, ou le différend même,” but if the *mésentente* is a specific case of the *différend*, as Geoff

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Bennington has suggested,\(^{20}\) I would argue it is only on condition that, rather than being subsumed as a subcategory or species of the latter, the former is a “type” of *différend* in the sense that Derrida describes in *Geschlecht III*: that is, as one of a number of non-synonymous substitutions that arise from its disseminatory effects.\(^{21}\) Because, more than an irreconcilability among genres, *le différend même* is not itself even selfsame, it generates differential types. There is no filiation, only miscegenation.

We shall return to this question of type or genus, but first, to get a better grip on this problem of generalizability, let us go back to our free-speech warriors. Even if one were to grant that some harm had been suffered, the Stanford proposers argue that the free-speech provocateurs seek not simply to redress that damage in being heard but moreover to go further and give themselves the chance to prevail by undermining the rights of other speakers to such equality or, more charitably, that they are unaware or indifferent to the structural differentiation of power that precludes the possibly of equal speech. Undermining equality or erasing actually existing inequality erodes the critical pre-condition of allowing the voices of others to be heard. Sometimes this is by explicitly targeting through ridicule, disparagement, or outright bigotry groups that are already marginalized and oppressions. The limit-case here of being situated in debates with interlocutors who refuse to recognize the other party’s humanity arises in the context of genocide and in liberation struggles against (settler)-colonial oppressions where the wrong is often trebled by bothsidesism from the onlooking international community. It is easier to overlook this incommensurability of oppressor and oppressed than to admit that it is incommensurable with the liberal ideal of free speech (which


\(^{21}\) Jacques Derrida, *Geschlecht III*, ed. Geoffrey Bennington, Katie Chenoweth, and Rodrigo Therezo (Paris: Seuil, 2018); *Geschlecht III: Sex, Race, Nation, Humanity*. trans. Katie Chenoweth and Rodrigo Therezo (Chicago: University of Chicago Press, 2020). See in particular the distinction developed in the ninth and tenth sessions of the seminar between plurivocity or polysemy and *dissemination*, the latter of which is not is reducible to a single fundamental tone precisely insofar as it is typed—which is to say that it re-marks itself and thus generalizes through its iterability.
would put the prevailing geopolitical order in jeopardy). Or, insofar as indifference, hostility to, and contempt for the truth—epistemic insouciance and malevolence—are closely associated with overconfidence and arrogance, it is possible to induce timidity, servility, and reticence in other speakers, compounding the harm it does to collective knowledge, even when there is no express intention to intimidate. In short, a feeling of superiority occasions in another the silence of feeling. And it is the professed champion of free speech who, in declaring himself to be a victim and in belittling other views, obtains the silence of witnesses and deafness of judges, neutralizing addressee and addressee and thereby the sense of the testimony as well (23/8). If the victim were to persist in acting as if they had been wronged, they would simply appear mad.

One limitation of this line of argument is that it stays largely within the domain of inter-agential domination, which, while undoubtedly impactful, does not capture the structural character of domination which can dominate even those who dominate interpersonally. Relatedly, the deconstructive point, and what I think Lyotard is attempting to think with the notion of le différend même, is that the harm done to free speech is not the result of an external obstacle or betrayal, and hence not of an individual vice, however grievous. Silencing does not befall an originarily pure freedom of expression. Rather, free speech cannot but silence itself. The equality—that is to say the equivalence—of speech under the capitalist regime is not simply an illusion that distracts from the violence of actually existing social relations. Rather, it is the effect and disavowal of the very pervertibility and self-silencing of speech. A similar logic exists to that of the death penalty, as analysed by Derrida in the first year of the seminar on that topic. The effort to economize speech—that is, when the calculating drives seizes old of the chance of speech and “fait partie du marché là


23 Lea Ypi, “On Dominated Dominators,” talk given on multiple occasions during 2018–20. Cassam acknowledges that epistemic vices are only part of the picture and need to be considered alongside and as intertwined with structural accounts (Vice of the Mind, x and 46–52).
où elle ne peut pas faire partie du marché, là où elle devrait rester incalculable [makes it a part of the market there where it cannot be part of the market, where it ought to remain incalculable]”—this capitalization makes the head of capital (capital as head) spin “jusqu’au vertige [to the point of vertigo].” 

This presupposition of equivalence is shared by both liberal and right-wing positions: while the latter falsely imposes the illusion of equivalence for its own gain, the former retains it as an ideal of which actually existing speech falls short. Both fail to acknowledge that the free marketplace of ideas is inherently autoimmune in the sense that Derrida uses this term. When the authors of the Stanford resolution presuppose this same terrain, on which presumably they felt they had no choice but to argue in order to be heard, what remains silent is a more radical *différend*, a structural occlusion of the affect that does not yield to argumentation.

That is to say: is the *différend* simply limited to this impossibility, when one links, of not linking in every way at once, but only in one, and therefore necessarily doing wrong to other modes of linking in dismissing them in silence, in literally making them silent? Or else is there a radical *différend* . . . is there on the contrary a type of silence that bears witness not to the conflict between modes of linking but to the nothing in which the phrases unfold?

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The hegemony of the capitalist or economic genre, which determines but goes beyond the marketplace of ideas, that leaves no room, according to Lyotard’s argument in §252 of *Le différend*, for the possibility of their not linking—that is, for the radical incommensurability between one phrase and another.

Les différends entre régimes de phrases ou entre genres de discours sont jugés négligeables par le tribunal du capitalisme. Le genre économique avec son mode d’enchaînement nécessaire d’une phrase à l’autre écarte l’occurrence, l’événement, la merveille, l’attente d’une communauté de sentiments. (255)

The differends between phrase regimens or between genres of discourse are judged to be negligible by the tribunal of capitalism. The economic genre with its mode of necessary linkage from one phrase to the next dismisses the occurrence, the event, the marvel, the anticipation of a community of feelings. (178)

The affect-phrase, which “paraît ne pas se laisser enchaîner selon les règles d’aucun genre de discours [et] paraît ne pouvoir au contraire que suspendre ou interrompre les enchaînements [appears not to allow itself to be linked on to according to the rules of any genre of discourse [and] on the contrary, appears only to be able to suspend or interrupt linkages],”27 can only meet an articulated in missing one another. As such, it is the expression of this incommensurability which comes between phrases and translates into none of them, whence Lyotard’s equivocation as to the status of the silent feeling: is it “une non-phrase, une phrase négative ou sorte particulière de phrase [a non-phrase, a negative phrase or a particular sort of phrase]”?28 This equivocation reflects the difficulties that Lyotard has sustaining a clear-cut distinction between articulation and inarticulation and suggests that there is no “the” silent feeling but rather, to borrow the title of an earlier essay on Schoenberg’s opera *Moses und Aaron*, “Plusieurs silences [Several Silences].”


This proliferation of silences attests to the incommensurability of incommensurabilities and the impossibility of gathering them together as a single monotonous feeling without repeating the capitalist injury. In that essay, straddling the music-analytical and the psychoanalytical, an opposition opens up that approximates without mapping exactly onto the later articulate-inarticulate distinction: between, on the one hand, the death drive, which “ne s’entend jamais, silencieuse, dit Freud [is never heard, it is silent, says Freud]” and which, without regime, unbinds and scatters, and, on the other hand, “le silence de l’ordre [the silence of order],” which is likened to Lacan’s symbolic order and Freud’s *Bindung*, binding noise “in articuli.”

Lyotard also associates these silences with the scene of analysis into which a third silence enters. The analysands’ murmurs of affect meet with the analyst’s silence, which “doit mettre en fin au silence de l’hystérique [must put an end (?) to the hysteric’s silence]” by commutating the silence of noise (in the plural) into the silence of structure and ratio.

Not only the entropic silence of the death drive but also this spiralling proliferation of silences thus resists the totalizing, unifying impulse of the other type of silence on the side of order, domination, and capital: “la pulsion de mort est simplement le fait que l’énergie n’a pas d’oreille pour l’unité, pour le concert de l’organisme (de « l’appareil psychique »), est sourde à sa composition [the death drive is simply the fact that energy does not have an ear for unity, for the concert of the organism (of the ‘psychic apparatus’); it is deaf to the organism’s composition].”

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30 Ibid., 208/102, 205/99.

31 Ibid., 197/91.
De sorte que la question est : le silence entendu dans les bruits, *immediately, suddenly*, n’est-il pas *encore dominé* par le silence inentendu du kompositeur-organisateur, le capital ? Le kapital n’est-il pas le metteur en scène des bruits et des silences mêmes, en tant que mises en scène ?

So that the question is: the silence heard in noise *immediately, suddenly*, is it not still dominated by the unheard silence of the Komposer-organizer, capital? *Kapital*, is it not the stage director of noises and silences themselves, as mise-en-scene?

Another complication that tends to splinter Lyotard’s silence into multiple shards concerns whether the *différend* demands to be heard or remains stubbornly inaudible: that is, whether one can distinguish between what is inarticulable insofar as it is unaddressed (the absence of addressor or addressee being one of the negations of the phrase) and a mutism that addresses itself to a listener). Following the dilemma mentioned earlier, the latter option risks undermining the very claim to be silenced by turning the *différend* into a litigation and yet there remains an insistent question for Lyotard: could one invent idioms that would express the singularity of *le différend même*?

And yet there would be no way to do justice to the *différend* qua *différend*, if that is understood as righting the wrong, because that would turn the *différend* into something else, a litigation—unless, that is, we are to understand idiom in the sense that Derrida uses it to indicate the singular, the untranslatable, the event, or even therefore as other *différends*. From that perspective, the proliferation of *différends* and the invention of new types of silence in Lyotard’s thought and that of his interlocutors would then suggest an answer of sorts. Insofar as the silences of feeling “*sont des substituts de phrases . . . viennent à la place de phrases* [substitute for phrases . . . come in the place of phrases]” (30/13), there might be a basis for somewhat counterintuitively re-imaging Lyotard’s “*l’invention d’un nouvel idiome* [the invention of a new idiom]” as prostheticity, the Cixousian art

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32 Ibid., 214/109.

of replacement, or, to rework Derrida’s discussion of metaphoricity, the destruction of *différends* by other *différends*— *de-différendiation* through *hyper-différendiation* or the multiplication of silences.34

And yet in the two sections immediately preceding Lyotard makes it clear that, unlike the more radically inarticulable *différend même*, the *différend simple*, as it were, awaits its being put into phrases and thus a phrase *in potentia* that has the character of a demand for justice:

22. Le différend est l’état instable et l’instant du langage où quelque chose qui doit pouvoir être mis en phrases ne peut pas l’être encore. Cet état comporte le silence qui est une phrase négative, mais il en appelle aussi à des phrases possibles en principe. Ce que l’on nomme ordinairement le sentiment signale cet état. « On ne trouve pas ses mots », etc. Il faut beaucoup chercher pour trouver les nouvelles règles de formation et d’enchaînement de phrases capables d’exprimer le différend que trahit le sentiment si l’on ne veut pas que ce différend soit aussitôt étouffé en un litige, et que l’alerte donnée par le sentiment ait été inutile. C’est l’enjeu d’une littérature, d’une philosophie, peut-être d’une politique, de témoigner des différends en leur trouvant des idiomes.

23. Dans le différend, quelque chose « demande » à être mis en phrases, et souffre du tort de ne pouvoir l’être à l’instant. Alors, les humains qui croyaient se servir du langage comme d’un instrument de communication apprennent par ce sentiment de peine qui accompagne le silence (et de plaisir qui accompagne l’invention d’un nouvel idiome), qu’ils sont requis par le langage, et cela non pas pour accroître à leur bénéfice la quantité des informations communicables dans les idiomes existants, mais pour reconnaître que ce qu’il y a à phraser excède ce qu’ils peuvent

phraser présentement, et qu’il leur faut permettre l’institution d’idiomes qui n’existent pas encore. (29–30)

22. The differend is 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. 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 for the alarm sounded by the feeling to have been useless. 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.

23. In the differend, something “asks” to be put into phrases, and suffers from the wrong of not being able to be put into phrases right away. This is when the human beings who thought they could use language as an instrument of communication learn through the feeling of pain which accompanies silence (and of pleasure which accompanies the invention of a new idiom), that they are summoned by language, not to augment to their profit the quantity of information communicable through existing idioms, but to recognize that what remains to be phrased exceeds what they can presently phrase, and that they must be allowed to institute idioms which do not yet exist.

In a slightly later essay, “Musique mutique,” Lyotard paints a more complicated picture, describing music as the labour of striving to put into phrases a mute affect that lies beneath and in thereby giving form to feeling, it betrays and ignores it, but also promises insofar as it announces the coming of another phrase.35 Lyotard thus goes on to characterize music’s phrasing as the formulation of a demand in the guise of an echo. In this Lyotard’s thinking is in close proximity to how Agamben characterizes the unsayable via a reversal of the Leibnizian echo according to which

every possibility “demands” its existence or sayability. Like Lyotard and Rancière, Agamben frames the discussion of (un)sayability that runs throughout his writings in terms of the opposition between logos and the ostensibly inarticulate, animal phōnē, thus continuing a long-standing tradition, going back to Pythagoras’s fifth hammer, of deploying dissonance or the otherwise irrational sonorous as a byword for incommensurability. Echoes of Agamben’s early reflections on the inarticulate were evidently circulating among French deconstructionist thinkers by the mid 1980s: in the midst of discussing the “silence” of Marie-Françoise Plissart’s photographs Droit de regards (1985) Derrida refers to the idea of suspended thought in Agamben’s La fine del pensiero and later there is a more extensive reverberation of the same text in Nancy’s À l’écoute of 2002 where silence is not to be understood as privation but the resonance of echo of a mute murmuring in retreat from the voice or at the margins of language. And for the author of “Musique mutique” and “Plusieurs silences,” this muteness is not simply at the edge of language but, moreover, also at the margins of sound, even an infra-sonorous noise, with the result that articulation is not a single translation but itself differentiated by degrees such that silent feeling is more or less articulated.

Moreover, like Agamben, Lyotard in “L’inarticulé, ou le différend même” invokes the notion of infancy (infantia) (and, again like Agamben, likening it to an innocent “impudence”) not simply or even primarily as a chronological or developmental category but as a transcendental condition of human speech that names what goes beyond the audible in the audible the inarticulable within articulation or, in Agamben’s term, the unsayable with the said. In Agamben’s account, the flatus voci, is a pure intention to signify, no longer mere sound and not yet signification. For Lyotard,


this intrusion of the inarticulate is destined to remain a kind of silence insofar as it shows upon only as expressions not directly incident to a subject and hence somewhat inappropria\-ble. Agamben’s entire project, however, which takes aims at the supposedly negative ground of Derridean gramma\-tology, is to do away with the unsayability of silence.\textsuperscript{39} This “sigetics” (from the Gnostic figure of Sigē) is merely the result of language’s power of presupposition which imagines an outside of language that is radically unsayable when the unsayable is nothing other than the “shadow of language”—which is to say, nothing other than the very fact of its sayability, the event or taking place of language, that is in, without being reducible to, language.\textsuperscript{40}

If “the elimination of the unsayable in language coincides with the exhibition of the sayable,” Agamben’s silence ends up replicating the same metaphysical substantialization that he claims to find in deconstruction. The sayable and the demand are both clearly defined in Che cos’è la filosofia? as ontological categories. The result is the very possibilization or hypostatization of impotentiality that Derrida is at pains to guard against—that is, an ontologization of silence amenable to economization, appropriation, and performative power, which fails to testify to and hence wrongs the silence of the différend. But in so doing it gives rise, as with Rancière’s as if, to another différend—between, on the one hand, the silence that is counted either as an exchangeable equivalent in the marketplace of ideas or as a single, totalizing ontological potentiality, and what might be described as the silence that is not one. If one could speak here of a “monotony,” as Derrida does in La dissémination of the monotony of re-marking that is “rich with poverty,” I would make two precautionary remarks. First, pace Bennington, the syncopated, arrhythmic quality of re-marking—and of the re-marking entailed in \textit{le différend même} insofar as it is an example of what it names—would differentiate itself from the homogenizing, equalizing \textit{Einerlei} and \textit{Gleichheit} of Heidegger’s

\textsuperscript{39} Giorgio Agamben, “Image and Silence,” \textit{Diacritics} 40, no. 2 (2012): 97. For an excellent account of the argument between Agamben and Derrida, see Francesco Vitale, “Flatus vocis,

\textsuperscript{40} Giorgio Agamben, \textit{Che cos’è la filosofia?} (Marcerata: Quodlibet Srl., 2016), 57; \textit{What Is Philosophy?}, trans. Lorenzo Chiesa (Stanford, Calif.: Stanford University Press, 2018), 35.
Einklang and of all genesis and genealogy. Second, now in agreement with Bennington and perhaps even conceding something of the first point, this monotony could not be rendered audible as such precisely because it silences itself in its demand for an equal hearing to preserve the economy it would otherwise destroy and thus gives rise not merely to a multiplicity of diffrérends, of irreconcilable meanings, but to a differentiation of non-semantic silences that come between these diffrérends and make possible their demand for commensurability. This monotonous silence would also re-mark the diffrérend between le différend même and what I have called le différend simple insofar as they are a “couple impossible [impossible couple]” whose incommensurability is beyond all measure and economization.

One further difference among silences is highlighted in the reflections Derrida offered upon Lyotard’s death, entitled “Lyotard and us” in which, by way of problematizing the possibility of that “us,” he turns his attention to the informal form of address, tu, which in French is a homonym of the past participle of taire (to silence). As Cixous’s pun cited in Genèses has it, “tu est tu [you are silenced].” In “Lyotard and us” the unspoken tu that Lyotard and Derrida avoided saying to one another, instead reserving for themselves vous as a “shibboleth” of a secret and unspoken intimacy, is associated with an unassignable addressee, denying the reader the chance to decide whether “tu” referred to “whoever, in the public space of publication, happened to read it, or instead, what is


altogether different, altogether other, this or that particular private if not cryptic addressee.” This undecidability of address might be likened to Lyotard’s address in “Musique et postmodernité” that perhaps describes the way in which the mutism of the affect-phrases is nonetheless addressed to an unspecified listener in its demand to be heard:

La destination inscrite dans la phrase articulée est ouverte à un destinataire certes, mais inconnu. Cette destination suppose tout simplement qu’il y a un autre et qu’il peut, lui aussi, parler. Toi est potentiellement je. Même ce qui fut lui ou elle, celui ou celle dont il a été parlé, peut, le cas échéant, être adressé et s’adresser à son tour.

The destination inscribed in the articulated phrase is open to a particular addressee, to be sure, but also to an unknown one. This destination supposes quite simply that there is another and that this other can, in turn, speak. You is potentially I. Even that which was him or her, the person about whom it has been spoken, can, if need be, be addressed or address something in their turn.

But in his reflections on Cixous’s donation to the Bibliothèque nationale de France in Genèses, Derrida steers the tu toward a more radical destinerance. The addressee, whoever she is, is called to keep guard over and avow that she is the recipient of the unavowable with which she cannot keep up and which is “tetu, crypté et tu, crypté tu [stubbornly hushed up].” If, as Derrida notes in “Lyotard and us,” the reader must mourn the desire to know to whom a sentence is addressed, including if one is that addressee—if a sentence must be readable without the reader—and this mourning just is the condition of any and all reading, it would surely also be the case that to do justice to the silent feelings of the différend might also call, against all demands for transparency, truth, and epistemic justice, for “un certain dé-lire [a certain delirium/unreading]” of reading

46 Derrida, Genèses, 42/32.
without reading, for “oublire [forgetreading]” in Cixous’s neologism,\textsuperscript{47} or, if I dare, for a certain *silistening*.

\textsuperscript{47} Ibid, 42–43/32.