

# The Differences Between Rancière's *Mésentente* (Political Disagreement) and Lyotard's *Différend*

*Jean-Louis Déotte*

Rancière's *La Mésentente* (1995), which conflicts with both classical (Plato, Aristotle) and modern (Hobbes, Rousseau, Marx, etc.) political philosophy, in the name of politics as action, in the name of the "*sans part*" — those still in a provisional public invisibility — underlines from the start its opposition to Lyotard's *Le Différend*.

Lyotard (1924-1998) was sixteen years older than Rancière; both taught philosophy at the experimental center established in fall 1968 in Vincennes after the events of the previous May. Both also subsequently taught at l'Université de Paris-8. For all philosophers who chose to teach and engage in activism at Vincennes, the recruitment was, according to F. Chatelet, politico-philosophical. Each non-Communist Marxist group sent their representatives: the Althusser-Maoists from the Ecole Normale Supérieure, rue d'Ulm, sent Badiou and Rancière; the Trotskyists sent Bensaïd, Weber, and Brossat, the libertarians surrounding Schérer and Hocquenghem. This avant-garde was to be joined by Deleuze and Lyotard. Lyotard, who had belonged to the group "Socialisme et Barbarie" founded by Lefort and Castoriadis, was welcomed somewhat later, with a certain apprehension. As Rancière recalled at Lyotard's funeral, one knew that with him things would not be easy. In fact, the way people behaved was not necessarily academic in this experimental university center instituted by the Gaullist government in order to create a kind of focal abscess for everything radical in the French university system. It was not unusual for Maoist Cultural Revolution commandos to be looking for a fight and for philosophical arguments to be hurled at Lyotard, especially once he "betrayed the dictates of the proletariat" by developing the analyses of *L'économie libidinale*.

The "virility" of these exchanges did not later prevent an important epistolary discussion from developing between Lyotard and Badiou, during the preparation of Lyotard's great philosophical text, *Le Différend*. It is to be hoped that someday this correspondence will be published, for it raises such questions as "is mathematics the key to ontology?"

Rancière and Lyotard were struggling on the same ground — that of the articulation between aesthetics and politics. Rancière developed a genuine archival approach to working-class literary imagination in the nineteenth century (*La nuit des prolétaires*, 1981, *Le philosophe et ses pauvres*, 1983, etc.). Lyotard worked on the figural, this true historical thrust of the unconscious, which for example triggers the subversive figures of carnival. The figural is the urge to undo each era of the aesthetical-political surface of inscription.

I propose to analyze here their two approaches to aesthetics, which refers not to the science of works of art but to the question of *aisthesis*, from two different methodological angles — via language and certain intralinguistic conflicts that go beyond this field, and via the characterization of our era.

In *La méésentente*, Rancière distinguishes explicitly between a situation of misunderstanding and a situation of *différend*. He argues that misunderstanding cannot arise from the Lyotardian problematic of the *différend* between genres of discourse or the *différend* between modes of phrase. A situation of misunderstanding supposes two speakers who either use the same words but in different senses, or with the same word do not designate the same thing as referent. But the most radical misunderstanding is the one that divides two speakers—when the first cannot understand the second because, according to him, words do not belong to articulated language, to *logos*, but rather to an inarticulate voice, to *phôné*. That voice, which, according to Aristotle (in *Politics*), humans have in common with animals, can only express feelings, pleasure or pain, in the form of a cry, contentment or hate, and by cheers or booing in the case of a group. If some people cannot consider others as speakers, it is simply because they do not see them, because they don't have the same share within the political partitioning of the sensible.

This is why the situation of political discussion between partners described by Habermas is quite exceptional. In order for a debate to take place, the two speakers must acknowledge the possibility of alterity, though quite relative: if slaves, paupers and the disenfranchised are unintelligible, if what they express arises more from a cry than from an argumentative speech, then the outcome will nearly always be a foregone conclusion. There can only be debate between those whose positions are known from the start, in a social distribution that has already determined those who count and those who do not. This is what Plato describes in his *Republic* in ideal terms: each person in his place according to his occupation and especially in terms of the leisure time (*scholé*) he can have to participate in public affairs. Hence the myth of metals and their alloys constituting the nature of each person according to this activity.

Thus the ideal order would be founded in nature. Political action comes naturally to those who are spared from work or motherhood, to those for whom

life finds its meaning in what Hannah Arendt called the *Vita activa* (in *The Condition of Modern Man*), to those who occupy positions that allow them to express themselves publicly. It is ultimately to these people, to their modern equivalents, that Habermas's communicational ethic is addressed, for it fosters improvement in the performativity of a debate, inasmuch as the socio-political mechanism has clearly determined and named the parties (the words) that count. But Habermas does not explain how those who do not count are going to gain access to the public forum where the debate takes place, how conflicts other than the probable litigation can appear, how the improbable can occur — the improbable being therefore a way of appearing able to produce an event. For Rancière, if there are some invisible, nameless and disenfranchised people, it is because they do not participate in the public (political) life of the city (the mechanisms for dividing up legitimate shares, the police, etc.); it is because although they have an acknowledged place in society, that is to say a place viewed as useful, and are identified as such by sociology today, they are nevertheless excluded from legitimately speaking out. Contrary to Aristotle's affirmation, the "useful" (society) is not the basis of what is right (politics). In choosing examples of elevation into the public limelight in Ancient Rome (the secession of the plebeians and their retreat onto the Aventine Hill described by Ballanche in the nineteenth century), or the nineteenth-century "feminist" activities of Jeanne Deroin, or Blanqui's self-proclamation as "a proletarian" in response to a prosecutor seeking to reduce him to a social class or a profession, Rancière effectively circumscribes a genre of discourse—the political—that has no specific place in Lyotard's *Le Différend*. Rancière's book is one of the great works on politics, which makes us better understand, for example, the movement in France of undocumented alien workers .

Nevertheless, for Rancière the specificity of politics springs from communicational stakes. For those who speak out "politically" do not exist politically before this act of speaking out. As in Lyotard, it is the phrase—arising here from the genre of political discourse—that literally institutes a universe which, without it, would never have existed. A universe of the phrase comprises an audience, a destination, a meaning, a referent, all emerging from the fact of this phrase.

The political order, instituted by such phrases and sentences, is a purely artificial device, and therefore contingent, a product made by the apparatus and the industry of the symbolic ; the political order is therefore not based on any *arkhé*, it is not founded on nature (Plato, Aristotle) or on any utilitarian reason (Hobbes). It is the political act—this phrase that takes the form of the demonstration of a tort, (*blaberon*), of an argumentation based on universal principles like the Declaration of the Rights of Man—that makes the "sans part"

appear as truly political actors. Which is to say that previously they did not exist as constituted subjects, and that their act of “subjectification” does not consist of a sudden awareness of self that becomes *for* self. It’s not a matter of self-reflection by an entity that already exists for itself, not a raising of consciousness such as Lenin’s ideology claimed. The “subjectification” of formerly invisible people, politically speaking, derives from the inscription of an argumentation in the field of the logos articulated by the voice—i.e. *phôné*—which arises from feeling.

Thus, in contrast to Lyotard, Rancière assumes that every voice is potentially articulable, and thus that the wrong that exists because of the difference between voice and speech can be transformed into litigation, at least ideally, in a world of reason, according to Kant. In this, Rancière is very modern, even though for him this term no longer has any substance (see *Le partage du sensible*, 2000). He is modern in the sense that for him both Descartes and Kant participate, each in his own way, in a new determination of the relations between the sensible and the intelligible: the former by making the subject the new mode for any person whosoever to “appear,” the latter because he opens up before his action the horizon of exigency and universality. Subjectification and universal exigency did not explicitly figure in the language of the Ancients, nor did these inform the division of the sensible that characterized Antiquity. Admittedly, equality is at the heart of platonic reasoning, if only as equality in reading geometric figures. (Recall *Le Ménon*, where the young slave can read the properties of a square as well as his master.) But this equality is not recognized as inherent to writing; this equality does not include anyone and everyone’s right to appear on the public scene and to register his own reading of the law. At the very least this equality can be inferred from any relationship of domination, as an equality from the point of view of language, for the dominated must understand his master in order to obey. There is in fact a common sharing of language (the reading of the law) for the Ancients, but an equal capacity to write could not be deduced from this community of reading—hence the Aristotelian distinction between *phôné* (voice, cry) and speech (articulated *logos*). Following Rancière’s lead, I would like to enlarge upon his distinction, and investigate the difference between reading and writing, which is the basis of the difference between totality (the ideally constituted society, based on a fairly proportioned, geometric division of its parts, as in Plato—the *polis*, or police) and multiplicity, the improbability linked to the process of appearing—not just in Antiquity, but in any political order.

Rancière’s optimism (which is nothing but the temporality specific to the genre of political discourse) leads him to describe political movements as successes that accumulate, and that create the law, institutions and society, tending toward a reduction in the ontological difference between totality and multiplicity. Without

this gap ever being filled. Thus there will always be wrongs and improbable events to be exposed, because there is always a miscount at the heart of public interests, but nothing is bound to remain in the lowest depths of society like an immemorial debt.

If society is always divided, always lagging behind itself, there is no irreducible, inarticulate unseen element. For Rancière, history has no vanquished, in the sense that Benjamin considers vanquished those who have left no trace and no archives, like the vanquished of the nineteenth-century proletarian revolutions, for example (arising from a political and historiographic unconscious and thus from a sort of psychoanalysis of history), whereas Rancière's "*sans part*," those who do not have a share in politics, will inevitably end by taking part. This characteristic of optimism is the basis of his refusal of Lyotard's pessimistic theme of the sublime, the sublime as "presentation that there is something unrepresentable." Ineluctably, political movements that have emerged outside of hierarchy, outside of legitimate social representation, confirm the order of the City, of the *polis*, the proper distribution of parts. Inevitably, the program of the *socius* will be realized by integrating the improbable; inexorably, new writers will expand the text of the law. But are there limits to the political? Can the genre of political discourse subsume all wrongs? Is the movement of modernity limited to the emancipation of workers, women, and the radicals of '68? Wouldn't some people be left on the wayside of the political road? Those for whom the manifestation of a wrong would still not make them into universal subjects, even at the very moment when they suffered this wrong? Those who would not articulate according to the same norms either the sensible and the intelligible, or the reading of the law and writing?

But let us remain within the political frame that limits the boundary I have in mind, and to which I will return. If society is simply a device—that is, a visible partitioning of parts—it places an interpretive grid over any event, assigning identifying limits, such as for example the modern socio-professional categories of sexual roles or ethnic identities. But at the same time this device is not totalitarian; the difference between multiple and totality (the difference between writing and reading) is still in play, and from there politics shifts to the mode of appearing through its ability to make events happen.

Thus Rancière analyzes the artifice of the political apparatus that makes action possible on the basis of identification mechanisms ("the police"). For the political apparatus that gives rise to the improbable is linked to the mechanism that legitimately distributes visible parts and places. Action always presupposes an apparatus tied to a mechanism. In order for a wrong to emerge on the public scene, in order for there to be conflict, in order for there to appear simultaneously

this wrong, the subjects constituted by exposing it, the public arena for discussion, and public opinion called upon to assent to something never previously proclaimed (in short, all that will make the event occur), the wrong can only become visible in contrast to that which was already there, by nature, in place from time immemorial and uncontested—visible to all. Thus it is a new vision of the sensible incarnating a new idea (necessarily universalizable), a new division of the sensible that must emerge from a partitioning of the sensible, which seemed to be there by nature. For it's about making the invisible appear, about articulating the unarticulated, about circumscribing something previously formless. We're talking here about a production, if not an industry (to return to the Latin roots of *industry*: *indu*, "in" and *struere*, "to construct")—that is, creating order from chaos. *Industrius* is active, zealous, applied, skilled, constructing and structuring. In the Middle Ages, the term *industry* in Italian, Occitan and French meant ingenuity, inventiveness, sometimes slyness; in Spanish picaresque novels, industry had her "knights" who exercised their talents at the expense of the more naïve. Hence the link made between politics and theater at the time of the Enlightenment: Beaumarchais's sly characters serve a different partition of the sensible from that in which a person should remain permanently in his place.

Thus political discourse is not only a genre of discourse; it subverts the social order founded on Aristotle's mimesis, which was also the key to an academic art where the author knew to whom he was speaking (in which social category), how he should address himself, which stories he should tell, with which characters in which situations, in order to produce which effects. This particular division of the sensible codified ways to appear as well as ways to act, ways to make act, or ways to make know. Thus it was necessary in the eighteenth century for what Rancière calls the "representative regime of the arts" to crack in order for the genre of political discourse to reach its full amplitude. Clearly, since it's a matter of a different way of linking the sensible and the intelligible, the arts will be mobilized—or, rather, the apparatuses that determine which regime of the arts. For the muses are always the same (dance, epic, tragedy, etc.); for the sensible, what changes and constitutes an era are the apparatuses that activate the arts, such as perspective did so significantly in the fifteenth century in Florence for architecture, painting, sculpture and theater (Alberti).

From the moment that Aristotelian mimesis was on the wane, all situations, all subjects, all genres, materials, or effects are possible and legitimate, for they are no longer subject to hierarchy. Hence the scandal of Manet's "Déjeuner sur l'herbe" with its conjunction of black, masculine evening attire and odalisque-like nudity. This is the same movement that enables anyone to argue politically about a wrong that should have remained private and hidden, and that enables

the museums of the Revolution to welcome anything that for the Pope and for rulers was viewed as a sacred icon. In short, the material of art, like that of politics, will be the prosaic, the fragmentary, the insignificant—debris.

If the arts are dressed up by an apparatus, so are wrongs, which cannot appear as is, naked (how to exhibit the difference between reading and writing?) This is why the political conflict is constructed and produced, why wrongs are elaborated, why the stage is set—because none of that existed before, everything has to be invented, indeed conquered, in the face of a world whose strength lies in being already tangible, available, regulated. Thus one must show and demonstrate, proceed poetically and argue in order to convince. It's hard here to distinguish between the sensible and the intelligible. The political idea must become sensible, must fold the *aisthesis* in a new way. It is here that Rancière should have referred to many other apparatuses besides literature's new "aesthetic" regime or the usual political pomp—parades, masks, or rituals (all of which spring from the carnival matrix). Otherwise, we cannot understand why so many people involved in theater and cinema and in the study of those arts and apparatuses, have placed so much political importance (especially in the 1920s and '30s) on what previously sprang merely from distraction or popular entertainment (e.g. Panofsky on the cinema). It's not by mere chance that Benjamin in his 1935-36 analyses of cinema claimed a new right for the masses: to create appearances from themselves, thanks to cinema.<sup>1</sup> It is difficult for us today to understand that this right is for him eminently political. But here again we must hark back to the non-capitalist meaning of industry,<sup>2</sup> for cinema was the first apparatus at the time of industrialization, just as we must hark back to the notion of the masses before the reaction imposed by Adorno and the Frankfurt School. (For Marx and Benjamin, the masses were revolutionaries; for Adorno they became alienated and the consumers of the "cultural industry.")

If Lyotard in the 1970s explored the political power of art, it is because for him this remained essentially corporeal, artisanal, non-industrial, not in submission to culture. Finally, for him, in a way that is classical, phenomenological and influenced by Adorno, apparatuses will be linked to the alienation of the artistic gesture, especially the pictorial. One has only to reread the eloquent pages devoted to the apparatus of perspective in *Discours, Figure*, to be convinced of this. Following in the footsteps of Panofsky's *La perspective comme forme symbolique* (translated into French in 1972), Lyotard was the first to show how this device marked a whole era, but we must understand here an ascendancy of painting (and of color) over any other device (such as the gothic). It is nevertheless astonishing to arrive at such conclusions about an apparatus capable of generating an astronomical number of works over at least five centuries, from

Masaccio to Cézanne. The ultimate consequence of this is that for Lyotard, there is essentially no history of painting since Lascaux,<sup>3</sup> and the divorce between the unarticulated affect (the sensible) or its colored trace, and the *logos* will be such that the political can only arise from speaking, which alone can create an articulable event. The break between sensible and intelligible will be accomplished; the *logos* will become a “technico-scientific system” condemned to entropic exhaustion, since the desire that could have nourished it is definitively cut off and encapsulated in an inaccessible temporality. So for Lyotard it is inevitable that the witnesses to the Shoah be reduced to radical muteness (*Le Différend*), the figure of the witness in general concentrating all the difficulties of the impossible articulation between the sensible and the intelligible, *phôné* and *logos*, figural and surface of inscription, color and culture, etc.<sup>4</sup> One could say that for Lyotard, the naked figural (mode of appearing) is the condition of the device, of the System, on condition of being absorbed, whereas for Rancière it’s the opposite: the System (police, culture) is the condition for appearances.

Let’s now look at the singular rapport to the law that makes the political possible, according to Rancière. Based on a system of sensibility apparently founded in nature (the police and its partitioning of the sensible), political appearances consist of a delocalization, a displacement, a dis-identification, almost an uprooting, so that wrong can be exposed. This was the case for feminists like J. Derooin, who as women were both circumscribed and recognized as “social partners,” since they were mothers and wives, educators of both their children and their worker-husbands, but who had no political visibility since they did not have the vote and couldn’t be elected. For them, the declaration of equality inscribed in the heart of the Constitution seemed like a false universalism.

Thus agitators are constituted by the act of speaking out, and the same is true of what is at stake, their cause—the wrong. They invent, and in so doing overturn the division between the acceptable and the unacceptable, the visible and the invisible. They invent a new world, new territories, and thus a new sensitivity (*aisthesis*), i.e. a different division of the sensible, a different poetics. Thus art and politics are intrinsically linked by what one could call culture (following Schiller’s *Lettres sur l’éducation esthétique de l’humanité*). Culture is the milieu of art and politics that pre-exists them, not what alienates them in a so-called “society of the spectacle.” Rancière is opposed logically to all of Adorno’s arguments that seek to render the work of art autonomous, arising only from its own legality.

The agitators invent themselves by bringing to the public forum an unheard-of object of litigation—for example, that work relations are not private, tying a proprietor and a renter by his power of work, but are public relations and



therefore subject to law—hence the recognition of the right to strike, for example. Feminists brought women out of the family circle of invisibility in which they were both enclosed and legitimated by the social order, whereas they are called upon to participate in French citizenship, like everyone else. But it is clear that the “*sans part*” are not appearing in a pre-existing public forum; they must invent their own site. It's not a matter of the media seizing upon a new theme—rather, it is discord that exposes itself while creating the scene of this exhibition. So the wrong must be properly presented, otherwise it will remain a cry, an affect. Since the object of the wrong was never before envisioned, it must create its own communication, just as every new work of art must do in its own domain, and must arouse an audience that will legitimate it in return. Here we might develop a parallel between the unheard-of work of art and the improbable political action—they are both struggling against established opinion and statistics.

It is the same for those on the receiving end—more precisely for the two receivers of political intervention—those known as “they.” For “they” are on the one hand the representatives of the order instituted by the distribution of parts, the masters of communication, of the police, in the broadest sense of this institution, the Modern State, which wants “the good of its citizens.” “They” must be identified in order to be fought, but victory will consist of integration into the former victors' social, political, and linguistic sphere. The “*sans part*” will thereafter take full part in the legitimate distribution of parts.

On the other hand, there is another aspect to “them.” The public forum must have witnesses, so the agitators will bring a third element to bear: public opinion. The role of opinion is to verify the validity of the argumentation brought to its attention, just as for art the role of the public, in the true sense, is to elevate the work by recognizing it as art. None of that could happen without increased sensitivity. This “sensitizing” should be understood in its strongest sense. Public opinion must become sensitized to a previously invisible wrong, to singular disadvantaged people, to obscure works of art. In order for such an opinion to coalesce, there must first have been a break in the regime of the arts, in the way of appearing—in the order of culture itself, understood as something that takes form through the imagination. Aesthetics had to have become a specific mode of thought in the eighteenth century, acquiring an internalized legitimacy, via the museum, for example.<sup>5</sup> Revolutions are “cultural” because they are linked to fiction. How can we trace this eighteenth-century upheaval? In a philosopher's text. The new legitimacy is indissociable from Kant's formulation of aesthetic judgment as disinterested judgment and hence universally valid, enlarged to comprehend a community that does not actually exist according to the law. Whatever “I” find beautiful, everyone else *must* find beautiful. This is the

fundamental acknowledgment of equality in its modern expression. Thus the breakthrough of political discourse supposes an aesthetic revolution, a new mode of appearing, a culture, a virtual community beyond social divisions, beyond the police. The virtual community is made up of anyone and everyone, delocalized subjects, irreducible to a social or cultural identity (the exact opposite of Bourdieu's mechanism of reproduction). Politically, it's singularities that bring about a new circumscription of wrong, thereby transforming it into a universal singularity, addressing it to a community that has no empirical existence. The model for Rancière's agitator is Kant's aesthetic subject, who did not exist before his encounter with something particular—a subject who feels pleasure, a completely subjective feeling that is nevertheless universalizable, since it arises from the certitude of some universal communication. The political subject does not exist before the action, just as the aesthetic subject does not exist before the work of art, since he emerges from an awareness of the communicability of his feeling.

Historically, the creation of a virtual community has preceded its conceptualization in Kant's aesthetic philosophy, as well as its formulation in the Declaration of the Rights of Man (1789-1793), hence its actualization in the French Revolution. What is at stake here, and allows us to fine-tune the notion of virtuality, is the subjection to a same law—that of appearing, which is a condition of modernity. Without this norm, settling the invisibility of the disenfranchised could not take the form of political action.

Despite his "*différend*" with Lyotard, Rancière would make contributions to enrich the theory of *différends* between genres of discourse and between "universes of phrase." The genre of political discourse would potentially find a legitimate place in *Le différend*, among other genres of discourse subject to the same modern norm—the *deliberative*. Like the modern genres of ethical, aesthetic, pedagogical or cognitive discourse, it articulates in its own way the addresser and the addressee, the referent and the meaning. There is no difference between Rancière's version of the articulation of a wrong, with all it entails concerning the production of a world not previously visible, and Lyotard's definition of "the universe of the phrase."

Nevertheless, this process of integration (and enrichment) confronts us with a problem, since Rancière never ceases to affirm that he is in opposition to Lyotard. What is the blind spot of *La mésentente*? What can it not take under consideration, since like every other genre, political discourse has its rules? It's perhaps that in not wanting to consider these rules, Rancière has missed *Le différend*. It has been said that on the one hand, he delineates a new genre of discourse—public opinion, politics—but at the same time, since his point of departure is uniquely philosophical (Greek, Cartesian, Kantian, etc.) and thus, to a certain extent Eurocentric, he remains insensitive to cases of intercultural *différend*, for which

there would never be a common scene of interlocution. Here we need a Lyotardian recourse to ethnology in order to understand that in the post-colonial era, intercultural "*métissage*" is no more than a slogan for world music. The Malian mother responsible for the excision of her daughter, today found guilty by a French tribunal of child abuse if not sexual mutilation (which then becomes a crime according to French law) is condemned in the legal process to a sort of beast-like state—to noise and cries, to the *phôné*, because she will never be able to justify herself according to the universal norms that are those of the virtual community. Those norms that require everyone, especially in a legal setting, to explain and justify oneself rationally. The legal system requires the Malian mother to accept a norm of discourse and thus a division of the sensible that are not those of the community that formed her and gave her her identity. She could only do it—and will probably do so sooner or later—if she agrees to give up the norm that legitimates her specific genre of discourse: tradition and story-telling (myth, whose temporality is that of *in illo tempore*). The model phrase of this kind of discourse, the *narrative*, is a veritable leitmotiv that repels the jury: "I did it because my ancestors have always done it."

For modernists, this is thick obscurantism. So the guilty party will be reduced to silence, completely delegitimized in the eyes of her own people, and will suffer punitive legal measures. This is not a situation that she can transform into a singular universal wrong. The Malian Soninké community has no pretension of imposing its custom—which is a way to inscribe the law—on the universal community. They acknowledge that it is particular, linked to a territory and to their own stories. The conflict is absolutely not political in the modern sense of the term. And yet, the fact that this "savage" society, this society that writes the law onto bodies (see Mauss, Clastres, etc.) refuses the natural and biological difference between the sexes as inhumane and imposes another mark of sexual difference, this time cultural, by re-marking (through circumcision, excision), thereby codifying and cosmetizing this difference and submitting it to the law—this is neither absurd nor unintelligible. Admittedly, that comes down to giving each person according to sex, age, and kinship, an extremely precise and definitive place in the traditional communitarian social order. This example demonstrates how insurmountable is the *différend* between those whose life on earth is predestined by stories and "us," who, belonging to a virtual community, know that we must deliberate over everything. "They" and "we" do not have the same relationships to the law. Here the conflict has to do with different relationships to the law (narration or deliberation).

Now, politics supposes that between two conflicting speakers, there is a same relationship to the law. Finally, Roman plebeians, the nineteenth-century proletariat, and women gain visibility within the same scope of the law, since

they presuppose this law in order to demonstrate that they suffer a wrong. This would never be the case for the Malian mother, who would only become a western person like the others by abandoning her own relationship to the law (the marking of bodies, the narrative of legitimation). *La mésentente* constantly reminds us that the actors in a political conflict have the same relationship to the law (to the norm) because of an egalitarian relationship to language.

The “*sans part*” will finish by creating a site of interlocution (the political scene) as well as public opinion attesting to the existence of the conflict, an object of litigation, and a collective identity (the proletarian “we”), and in inventing a new sector of rationality (the social question, parity, etc.) through their argumentation, they will also create a new division of the sensible. Political disagreement presupposes that the cultural-legal *différend* has been dealt with. There can only be political disagreement between those who are close to agreement, between those who share the same sense of history. It’s considered emancipation when one passes from a *différend* vis-à-vis the law to a *mésentente* vis-à-vis defining the circle of equals.

But this emancipation hides the impossible translation of a *différend* into a *mésentente*: this is what’s going on in the emancipatory declarations about the Jews by the Abbott Grégoire during the French Revolution, or later by Marx in *The Jewish Question*. Emancipation’s ideal would be that every Lyotardian wrong would become a Ranciérian wrong. But since political discourse is subsumed under a higher legitimizing norm—that of the deliberative—and since between this norm and the norm of narration (it would be the same with another norm, that of revelation) there is a veritable *différend* (just as there is a *différend* between the temporality of *in illo tempore* and that of progress via politization), then emancipation will necessarily bring about a defeat of the former norm, which will nevertheless survive somewhere, perhaps spectrally. Political modernity—that of the *mésentente*—must suspend communitarian links, old identities, former markings. And thus must produce an everlasting remainder. Is there a general sepulcher for former norms? Which makes us think that there are degrees of invisibility: the nineteenth-century European proletarian was certainly less invisible than is the twentieth-century “blacksmith” of female excision, this technician specialized in body-writing. At the very most, an enlightened judge will attempt to render intelligible the words of the mother accused of excision; he will invoke her ethnographic baggage, but only in order to reproach her for her archaic submission to the norms of a traditional group. In short, he will condemn her for heteronomy, for a kind of voluntary and responsible alienation, akin to insanity, but not arising from psychiatric problems—even though psychiatrists are routinely called to testify for the defense. It’s similar to the situation of the

Jehovah's Witnesses, who refuse transfusions and vaccinations, and, more generally, to all for whom the law takes the form of theological-political revelation. In the case of the "*sans part*," invisibility is relative, since it is related to autonomy (the subject is necessarily Kantian); in the case of the "voluntarily alienated," invisibility is absolute, since heteronomy cannot give the reasons for its heteronomy. We call "postmodern" the sensitivity both to this invisibility produced by heteronomy and to the *différend* between autonomy and heteronomy.

To exemplify this, we will not choose Lyotard's theme of the decline in the Grands Récits, which is problematic because factual. A different division of the sensible is felt today: a sensitivity to the fact that there are divisions of the sensible that are simultaneously contemporary and yet incapable of overlapping. Apropos of genetic and bioethical questions, Habermas himself today recommends that "we" should enter into dialogue with "religious" people!

The opposite of this sensitivity is imperial domination and an infinite justice that is immutable, without limits. If the deliberative norm (which nothing can establish as a norm) legitimates the genre of political discourse and thus the existence of a public place that is never definitively established, what can we call the site of the *différend* between genres of discourse legitimated by heterogeneous norms (narration, revelation)? This scene has a critical site today: educational institutions where the relationship (not merely technical) between reading and writing must be renewed, in order not come up against the issue of students' wearing elements of traditional attire, like the Islamic veil. Rancière reminds us in *Le maître ignorant* that the job of the "teacher" is not so much to convey definitive knowledge, but to engage the "pupil" in his own research by explaining it. This anti-education must contain the seeds of a new site, paradoxically more sensitive to cultural *différends* inasmuch as it displaces the place of conflicts, appearing not to recognize them. An "education" that would not enclose each person in his norm (unjustifiable, by definition), but which would suspend all of them.

For Rancière is indeed obliged to distinguish something like norms. Doesn't he distinguish among the "regimes of the sensible" (Plato's "ethical" regime of images, Aristotle's "representative" regime of mimesis, Flaubert's "aesthetic" regime of indifference)? Aren't these systems, which articulate differently the sensible and the intelligible, so many norms—"practical" or "axiological" or "cognitive" or "formative" or "cosmetic," etc.? Finally, they are so many possible relationships to the law (admittedly, always for the West, which, like the Mediterranean and its history, has roots in literature—the *Odyssey*, the circumscribing fable: *Les mots de l'histoire*). But do we pass from one relationship to the law to another? From one regime of the sensible to another? Is there a

conflict between them, at the level of an oeuvre, of an art or of an apparatus? Of a discourse? When one establishes the boundaries of a system, like the aesthetic regime, can one make it arise from the preceding one? Can Flaubert's principle of indifferent subjects (it's as important to relate the adulterous adventures of the daughter of a country farmer as those of a Carthaginian princess), of parataxical and pre-cinematographic montage of little visual sensations, of the self-sufficient novel with its own style and norms, etc.—can all of that be deduced from the principles of classical tragedy?

Will the tools of Hegelian dialectic that have been applied to the history of French literature since the late seventeenth century erase the difference between regimes of the sensible? Since these differences are especially intelligible in critical treatises or in authors' letters about their technique, is the axiomatic that we are seeking being expressed in these poetical writings, inasmuch as they establish veritable procedures of truth and of implementation? But do we at the same time pass (how and by what substance or subject?) from one of these norms to the next? It's as though one sought to pass from the legitimacy of one genre of discourse to another.

If a same apparatus such as cinema (see Rancière's *La fable cinématographique*) arises both from the *representative* regime of the arts, according to the model of the fable, and also from its suspension or interruption by something else (like television), this is why it also belongs to the *aesthetic* regime of the arts. Thus isn't cinema, which mobilizes heterogeneous sensitivities linked to different eras, the postmodern apparatus par excellence? For cinema is indeed the apparatus characterized by a certain mode of writing—the montage (Eisenstein, Vertov, etc.), but especially by the fact that it "edits" heterogeneous temporalities of apparatuses that are completely distinct (fable, icon, perspective, museum, analytical anamnesis, photography). The cinematographic apparatus assembles as many regimes of *aisthesis* as there are apparatuses, either preceding cinema or, like video, following it.

*Université de Paris-VIII.*

*Translated by Roxanne Lapidus*

### Notes

1. See my "Benjamin: L'émancipation cinématographique" in *Masse et cinéma*, 2003.
2. See for example the works of P.D. Huyghe, such as *Art et industrie* (1999) and *Du Commun* (2002).
3. See *Anamnèse du visible* in *Misère de la philosophie*.
4. See R. Harvey, *Témoins d'artifice*. (Forthcoming).
5. See Notre, *Le Musée, l'origine de l'esthétique*, 1993.