Difference, differend, différance: post-structural investigations of social identity

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In the article, "Force of Law: The 'Mystical Foundation of Authority'," Jacques Derrida specifies that legal theorists such as Drucilla Cornell and Samuel Weber in particular are furthering a deconstructive program that would aspire "to *change* things" – to intervene politically, as it were, in the world – thereby implicitly equating deconstruction with a classical version of Marxist critique (1992, 7, 8). And the Marxist thrust of much of Jean-François Lyotard's post-structuralism is arguably in evidence even more. Consider at the very least the opening lines of his text *The Postmodern Condition*, which poses centrally, as the problem of knowledge today, the commodification of information that has taken place in the digital age and, as its proposed solution, a socialist dis-solution (so to speak) of the material conditions by virtue of which knowledge has lent itself until now to its own commodification – to its congealing as property (Lyotard 1984). But beyond these (admittedly) somewhat superficial demonstrations of their Marxist credentials, is it really plausible to maintain that Derrida's and Lyotard's oblique notions of différance and the "differend," respectively, are indeed critical tools that, in themselves, owe their political radicality to the Marxist tradition of ideology critique? In this paper I argue that it is plausible to maintain such a claim, and that it is for this very reason that the theoretical innovations of Lyotard and Derrida can be said to provide us with important resources with which to critique the liberal conception of "diversity."

Such a critique, moreover, is sorely needed. For, as Yasmeen Abu-Laban has recently argued, the current stress on "the value of diversity to international business links and Canada's global competitiveness" is but the most recent form of the 30 year old Canadian

policy of multiculturalism," and this term, "multiculturalism," in turn, has become "a hotly debated ideal by Canadian, American, and European political philosophers" (Abu-Laban 2002, 460). Specifically, she continues, "the main debate over multiculturalism for political philosophers and other intellectuals on both sides of the Atlantic has concerned the possibilities and limits of liberalism given ethnic diversity, and/or the limits of ethnic diversity given liberalism" (2002, 462). This debate issues from problems intrinsic to liberalism itself, I would contend, most notably, from its own veiled essentialism and from its refusal of the structural determinants of material inequality.

With regard to the former, those such as Charles Taylor and Will Kimlicka have argued that liberalism is not neutral. On the contrary, it is in Taylor's words "a fighting creed" – one which advocates the specific values, culture and ethos of the 18th century, revolutionary bourgeoisie, and excludes all others (Taylor 1994, 62). In this sense, liberalism is no less an identity politics, and it is no less based on 'man's' presumed essence – which is in this case his natural 'freedom' (his rationality) – than any other. The difference here is that liberalism presents *its* essentialized subject as *the* universal (the neutral) one.

Multiculturalism – and, indeed, various other political appeals to diversity as well (as, for example, in human rights claims; see Douzinas 2002, 400-401) – exacerbates this problem. As a social policy multiculturalism arises initially to contest the liberal ideology of a universal essence and to rectify its exclusionary effects, but it does not take issue with the exclusivity of the liberal representation of humankind, but merely with its specificity. Thus, in the discourse of multiculturalism, the logic of liberal identity politics is taken to its farthest

extreme. The multicultural world is one no longer represented as a universe populated with one particular subject in its many manifestations, but rather as one populated by an increasing *number* and *variety* of particular subjects, one divided into an increasing number and variety of particular categories of identity, each of which is nominally founded on its own particular essence. Hence the debate within multiculturalism about essentialism can be traced to liberal ideology itself.

With regard to the second problem – which concerns the structural determinants of inequality – Marx himself argued forcefully that insofar as we are constituted as citizens (i.e. as bearers of abstract rights), we live freely in our celestial existence only to be rendered all the more vulnerable to exploitation in our terrestrial one ("On the Jewish Question"). Marx knew clearly that the problem is not in *how* we name the subject, in how specific we can be, but rather in its very abstraction. The discourse of multiculturalism is one in which our abstract rights as citizens are multiplied on the basis of our ethnic and other markings, but it leaves the fundamental dualism, between abstract freedom and terrestrial servitude, in place. Multiculturalism not only neglects our roles as participants in unequal relations of production – relations that constitute our specific political situations – just as liberalism does, but it further reifies these roles by entrenching them in law. Multiculturalism thus reproduces yet again the conditions of real *un*freedom against which abstract rights must and do remain silent (see Brown 1996, 106, 128). I will return to both of these issues shortly.

Of course, Marx was posing political emancipation (our emancipation as "universal citizens") against "human" emancipation, by which he means our capacity to live our species

life. Post-structuralists like Derrida and Lyotard have radicalized this insight by extending its application beyond the category of the political citizen to that of the subject as such; that is, to the category of the "human" itself. More specifically, what Derrida and Lyotard provide for a critique of ideology is the insight that materiality (that of the subject as such) is discursive in its nature, and discourse is material. To be sure, this is as Hillis Miller says in another context, a strange "immaterial materiality" (2002, 14) – it is what de Man calls, describing Marx's own analysis of the value of the commodity, a "materialism without matter" (cited in Miller 2002, 18). Similarly, the very discursive evocation of a cultural identity – Quebeçois, First Nations (or Aboriginal), South Asian, and so on – as what is (and as what is therefore *valuable*), can be seen as the active production, and not merely the passive description, of a particular set of social relations and, thus, as the production of a particular form of material existence in the world. As Étienne Balibar puts it, "the subject is nothing other than practice" (1995, 25, original emphasis). This is why, I contend, it is necessary to submit the liberal concept of diversity to a post-structuralist Marxist analysis of the discursive production of subjectivity.

To this end, I focus in what follows on Derrida and Lyotard, whose work, I show, bears especial relevance with regard to the two major problems intrinsic to the liberal discourse of diversity – the issue of essentialism and the issue of the structural determinants of inequality – just briefly described. The argument proceeds in three steps. I begin by tracing the recent transformation (or what one might more aptly call the "deconstruction") of the meaning of "diversity" in Canadian political discourse. I then consider how both the

Lyotardian and the Derridean forms of post-structuralism bear on this political concept. Here I argue that Lyotard's understanding of the "differend," and Derrida's understanding of "difference" both provide tools with which to radically interrogate this liberal discourse of "difference" (as "diversity" is often rendered). In the third section of the paper I argue that both Lyotardian and Derridean deconstructions of "difference" are able to focus critical attention on the political conditions and effects of what is called "diversity" precisely because both interventions are fundamentally Marxist in orientation. By way of conclusion, I suggest that Derrida's is the more fruitful approach of the two for radical, emancipatory politics because his notion of difference brings into view the ideology – the politics, if you will – at the root of the sameness-otherness dichotomy on which liberal and neo-liberal conceptions of "diversity" depend, rather than pointing us towards the sublimity of the radical "Other."

I: Diversity and its transformation

The insight that "diversity" is a discursive construct is not unique to poststructuralists. One need only think of Hegel, for instance, who always maintained that
diversity is only ever "mere" diversity – that is to say, it is not *yet* a difference that *matters* –
until it is brought into discourse. What *is* arguably indebted to a post-structural approach to
diversity, however, is the insight that to bring into discourse *is* to construct, it is not merely to
represent or to make rational and thus fully real (in Hegel's sense), the object itself. Indeed,
that the objectivity (the materiality) of "diversity" is constructed by, and not merely
represented in, political discourse is nowhere more evident than in Canada. Here "diversity"
was first was enshrined in the public policy of "multiculturalism" that was introduced by the

Liberal government of Pierre Elliot Trudeau in 1971, and here "diversity" continues to play a salient role in the political discourse of the current neo-liberal federal regime.

Yet the object to which the term "diversity" refers has shifted significantly, even in this short period. As Abu-Laban and Gabriel have documented, "the emergence of multiculturalism policy in the 1970's signaled an important reconfiguring of Canada's symbolic order to include recognition of those groups that were not French, not British, and not Aboriginal in origin." Then, in the 1990's, this social justice agenda was "challenged by a new emphasis on diversity as a competitive lever" (2002, 168). They continue, "Under the initial call in 1986 that "multiculturalism means business" the policy focus since the 1990's especially emphasized the economic exploitation of Canada's racial and ethnic diversity to capture markets at home and abroad, at the probable expense of gender equality and other equality initiatives" (2002, 168). Similarly, with respect to employment equity policy, they note that "managing diversity' measures construct diversity of any kind – gender, race, disability, age or sexuality – as a means to enhance the bottom line" (2002, 169, emphasis added). Thus a work force is constructed in terms of comparative advantage, as they say, "whereby the skill, talents, and ethnic backgrounds of men and women are commodified, marketed, and billed as trade enhancing" to capitalize on markets (2002, 169, 30). And so, concomitantly, is constructed a consumer market as well. As Bill Readings notes, we are now doubly-addressed – both as (a) mass subject and as singular minorities – in a manner that "[favors] the marketing techniques of demographic narrowcasting." Consquently, "the demographic aggregate replaces the public sphere" (1996, 142, 143).

This shift in the meaning of diversity in Canada (and elsewhere) – from its roots in liberal conceptions of social justice to its current interpretation as a business strategy – should alert us to the issue that "diversity" is politically constructed and deconstructed; it does not stand in for differences that are natural, unproblematic or that exist prior to their discursive mobilization. In presenting these differences as natural, liberal discourses of diversity – regardless of whether they are rooted in a humanistic or an economic agenda – reify social categories of identity and, thereby, cover over social processes of identification and stratification. What is at stake in the first (humanist) discourse, however, is the entrenchment of the Western Christian white male as the paradigmatic, universal subject of modernity; at stake in the second (economic) discourse is, alternatively, a mode of social reproduction that enhances the flow of capital.

From this point of view, it does not particularly matter whether one conceives of diversity (or, alternatively, of "multiculturalism") in explicitly essentialist or anti-essentialist terms, since what is at stake is the reification of a particular set of social relations – relations which ensure exploitation – regardless of whether the inequality in question was "natural" or "social" to begin with. In both cases these differences will come to appear as natural (as reflective of essences) all the same. And in both cases too, the political stakes (whether humanistic or economistic of these differences are flattened out or erased. As Readings writes, "In general, the effect of multiculturalism is necessarily to homogenize differences as equivalently different from a norm. This is why multiculturalism replaces national cultural policy for a global economy, whether in the sensitivity training of transnational corporations or in the federal policy of superstates such as Canada or the European Union, which are

attempting to align themselves in the global economy" (1996, 113). Thus, he underscores, "In lending primacy to the cultural, critics miss the fact that culture *no longer matters* to the powers that be in advanced capitalism – whether those powers are transnational corporations or depoliticized, unipolar nation-states" (1996, 105).

These are precisely the kinds of problems that certain post-structural approaches to "diversity" can reveal; that is, problems concerning the social conditions and the political effects of "diversity's" production. For the difference between a liberal discourse of diversity and a post-structuralist approach to difference, I suggest, is that between an idealized agenda of democratization – which, with its emphasis on autonomous subjectivity, poses the recognition of diversity as a means of achieving full political representation (and/or, in the neo-liberal regime, full economic advantage) – and, on the other hand, a radical agenda which highlights the effects of our subjection *to* identity and thus questions the celebration of 'difference' as a basis of rights (*or* of economic advantage). It is to this radical critique, therefore, that I now want to turn.

II: Difference differend, différance

The two poststructural approaches under consideration here are, as noted above, those of Jean-Francois Lyotard, and Jacques Derrida. Both of these allow us to notice a number of issues and problems that are simply covered over, or dis-appeared entirely, from the liberal perspective on diversity. First, in attending to the marginalized, to the remainder, to what Derrida would call the constitutive outside (the *différantial* fold) of what is named or identified and what Lyotard would call "the differend," post-structuralists bring into view

what is left out or excluded by virtue of any and every (particular) political claim to difference. For example, each time one names or identifies a new bearer of rights – "man, workers, women, gays, refugees, and so on" (Douzinas 2002, 399) – one produces new others, new alterities, new differences. There is always a "supplement," as Derrida would say, to identity and thus always something that must remain unnamed and unacknowledged by virtue of the very evocation of a name.

The second thing that poststructuralism can reveal in this context is that there are at least two important limits to a political discourse of diversity no matter how well-intentioned or kindly motivated it might be. These are strictly logical or formal limits; they only become apparent when one looks beyond the humanistic insistence on intention and good will and analyses instead the structural dimensions of the discourse itself. In the first place, as Costas Douzinas argues, identity is "dynamic, always on the move. It is an ongoing dialogue with others, which keeps changing the image others have of myself [sic] and redrawing my own self-image" (Douzinas 2002, 385). He continues,

because the nature of western, white affluent man cannot subsume under its universal aspirations, the characteristics and desires of workers, women, racial or ethnic groups, and so on, the claims to specific workers' or women's or ethnic rights arises. When they succeed, universality becomes a horizon continuously receding before the expansion of an indefinite chain of particular demands based on the particularity of the group (2002, 400-01).

The possibility that a potentially endless series of new claims to difference will emerge, each time, to contest the exclusions effected by the most recent recognitions of identity, is

virtually intractable. Thus Wendy Brown characterizes this era as one of "proliferating politicized identities" (1996, 133). Moreover, as Douzinas points out, "when aspects of my self-image are *not* recognized by others, the conversation turns into an often violent conflict" (2002, 385; emphasis added).

The other limit to a political discourse of diversity that is immediately apparent is that in the second place its success, as Douzinas points out, "is always provisional and reversible" because it is the logic of the law *as* law to "prioritize the universal over the general and the same over the different" (2002, 401). The law is necessarily general and it necessarily generalizes, for its very legitimacy hinges on its supposition of the "generality of a rule, a norm, or a universal imperative" (Derrida 1992, 17). This is an argument that Derrida, among others, has developed at length. Simply put, the law is not and cannot be legitimate if it is for me or you alone.

To see this limit at work one need only think of the countless paradoxes that have emerged in the attempt to reconcile women's right to choice or the racialized subject's "right" to freedom from discrimination on one hand, with on the other hand, the legal mandate to treat all persons equally, without regard to gender, race, or class. As Brown puts it – closely the following the Marx of "On the Jewish Question" in this regard – "liberal equality guarantees that the state will regard us all as equally abstracted from the social powers constituting our existence, equally decontextualized from the unequal conditions of our lives" (1996, 110). This suggests, however, that the legal and political arena is perhaps a constitutively *inadequate* one as far as the recognition of particular *differences* (or singularities one really should say) is concerned (Douzinas, 402, 401, 402).

The third thing one can see from a post-structuralist perspective is that a discourse of diversity can as easily have *oppressive* as emancipatory effects. Brown has made this case in a particularly trenchant way. She argues that a discourse of rights based on categories of identity reify and in fact entrench the very social relations that constitute victims as victims. Specifically, whether one is attempting to secure legal rights for women based on female experience, or cultural rights for ethnic minorities based on some particular cultural experience or commonality among, for intance, Mexicans, South Asians, Hasidim, and so on, the danger is that one will effectively be denying, as she says, the very diversity and complexity that these 'experiences' entail (1996, 131, 131-132). This is particularly problematic when what is common within a given group, what unites it, is oppression. For example, writing in response to Catherine MacKinnon's attempt to politicize violence against women, Brown argues that the project of "legally codifying a fragment of history as a timeless truth, interpellating women as unified in their victimization, and casting the 'free speech' of men as that which subordinates women," is a project that, "paradoxically breeds a politics of severe unfreedom" (1996, esp.133; emphasis added). Most importantly, one must be alert here to the danger of codifying in the law, under the very category of identity that is being newly recognized, precisely the social relations that have produced the oppression in the first place. The danger is that what will be recognized and simultaneously produced by the law is precisely one's identity as victim.

This is one of the chief effects, that of victimization, that Lyotard's notion of the "differend" reveals. As he explains, a differend is the effect produced by a disjunction between two incommensurable discourses. He writes, for example, "Society, as one says, is

inhabited by differends. I would say that there is a differend between two parties when the 'settlement' of the conflict that opposes them appears in the idiom of one of them, while the tort from which the other suffers cannot signify itself in this idiom" (Lyotard 1993, 9).

Interestingly, the elaboration Lyotard provides here is drawn directly from a classic Marxism. "For example," he writes,

contracts and agreements between economic partners. . . presuppose that the labourer or his or her representative has had to and will have to speak of his or her work as though it were the temporary cession of a commodity, the "service," which he or she putatively owns. This "abstraction," as Marx calls it. . . is required by the idiom in which the litigation is regulated ("bourgeois" social and economic law). In failing to have recourse to this idiom, the labourer *would not exist within its field of reference*, he or she would be a slave. In using it, he or she becomes a plaintiff (1988, 9-10, no. 12; my emphasis).

But does one, in becoming a plaintiff (a recognized party in a legal dispute), thereby cease being a slave, Lyotard wonders? The answer he gives is no. What constitutes victimhood, on his account, is precisely that one is in a situation in which one unable to speak – not because it is disallowed or legally barred, but rather because the nature of the suffering cannot be spoken in the particular idiom that is entrenched, in this case, in labour law. Thus, he claims, "the one who lodges a complaint is heard, but the one who is victim, and who is perhaps the same one, is reduced to silence" (1988, 10, no. 13).

This analysis issues for Lyotard in an imperative to struggle to listen, "to hear a politics that cannot speak the language of the political" (Readings, in Lyotard 1993, xv). As Bill Readings puts it,

Once politics is no longer the sphere in which meaning is to be worked out, politics ceases to be the search for an identity, a redemptive significance that might lie behind or beyond the activities of everyday life. Rather, politics is the attempt to handle conflicts that admit of no resolution, to think justice in relation to conflict and difference (in Lyotard 1993, xxiv).

This is by any estimation an approach to social, political, and cultural difference that can be sharply contrasted to the liberal discourse of diversity. What Lyotard is proposing – "rightly or wrongly" as he says, (for "in what idiom would one debate it") – is that the vocation of thought is to 'bear witness to differends' (1993, 10, my emphasis), rather than to attempt to name them all, finally, into existence. The latter project, for reasons outlined above, would be difficult and problematic to be sure.

III: Towards a Marxist post-structuralism

I have argued that Derridean *différance* and the Lyotardian "differend" signify analyses that home in on precisely what are the difficulties, problems and, most importantly, the ideological and material effects of the contemporary enthusiasm for "diversity." Beyond the general commonalities they share, however, it remains arguable that Derrida's understanding of "différance" will take one farther than Lyotard's notion of the differend

towards an analysis of the injustices and exclusions effected by the legal and political mobilization of various notions of identity. For the revelation of *différance* is not only the radical interrogation of the liberal discourse of "difference" (as "diversity" is often rendered) – as is the revelation of the "differend" as well. Beyond that, it is the exercise of a transformative, critical praxis. In other words if, as Balibar insists upon reading Marx, 'the subject is nothing other than practice' – a practice of language, one must here add – if language itself is a social relation, and if social relations are, in turn, determined politically, then a deconstruction of the linguistic production of the subject would be the first stage of a political intervention into the actual material practices through which diversity is constructed as a politics of our subjection to the identities that we ostensibly 'are'.

Such a claim issues from an understanding of political "critique" that Hillis Miller, in striking congruence with Balibar, describes as follows. Miller writes, "critique is not just constative, descriptive, truth-telling, but also performative, a speech act, a way of doing things with words" (Miller 2002, 7). This reference to Austin's speech act theory appears Balibar's text as well; Balibar writes, "if 'saying is doing', then, on the other hand, 'doing is saying' and words are never innocent" (Balibar 1995, 17).

Significantly, however, it was not Derrida but Marx himself who first contested mere philosophy, with its complicit, performative tendencies For Balibar, indeed, Marx's rejection of philosophy with its merely interpretive intent (his rejection of "traditional theory," to coin Horkheimer's phrase), need not condemn one to silence – for example, to the incapacity to speak that characterizes the "victim" on Lyotard's account. For Marx appeals directly to a thinking that would provoke change and transformation. Thus one is urged by both Miller

and Balibar to undertake what Miller calls "emancipatory speech acts" (2002, 8). Such acts would take the form of a critique that, "will allow or promise the possibility of a new start, perhaps a revolutionary one. Since [the "generation" of a given system and the "establishment" of value and meaning within it] are [both] speech acts," Miller writes, "the impetus these systems have once they have been generated and established by forms of positing *can only be changed by new speech acts*" (2002, 7, my emphasis). While Lyotard would point us towards the oppressive effects, the harms that cannot be spoken within a given idiom and, thus would insist on the need to seek continuously at the limits of language for new ways of expressing the unsayable, Derrida for his part would undertake, instead, an emancipatory speech act that takes the form of the promise of a 'democracy to come' that inheres in, and deconstructs now, the phrases and idioms under dispute.

Miller thus concludes this section of his article with the claim (one I find deeply compelling) that "deconstruction, whether it acknowledges this or not, is the inheritor, faithful or not, of a form of analysis developed by Marx. If Marx is a deconstructionist, deconstruction is a form of Marxism" (2002, 16). In retrospect, at least, it is clear that the political radicality of Lyotard's and Derrida's interventions *can* be traced directly to a certain reading of Marxist ideology critique. Both the Lyotardian and the Derridean deconstructions of "difference" can be mobilized, moreover, to intervene critically in the political discourse of "diversity," insofar as both the differend and *différance* are terms that speak not only to the logical limits of discourse but, more importantly, to the political limits of projects based on social and cultural identity.

Yet Lyotard's insistent appeal – to the Other, to existential debt, or to the sublimity of what cannot be said or even heard – is troubling. For if the "sublime" is understood in its rightful sense – most simply, as what is literally unrecoverable by discourse (the sublime here could only be understood as something like discursivity itself, or the *gesture* of speech, as such) it is clear that any political project based on the priority of the sublime over the sensible would itself be utterly unintelligible. In other words, what is *truly* "unknowable" or "sublime" (by definition, as it were) is what *exceeds* the possibility of cognitive or imaginative re-presentation (it is what is mysterious, unrepresentable, and unimaginable). This was as true for Kant as it is contemporary theorists today. Insofar as the sublime (or the unrepresentable) really does inhere *in* a logical principle (or nominal identity), it undoes every determination, every objectification, and every (re)cognizable value, including those values determined as "the unknowable", the "unsayable," or the radical alterity of the "Other."

Furthermore, just as the "sublime" (once revealed) deconstructs every value on which it is brought to bear, so the reverse will follow as well. The moment the "unknowable" is *itself* determined as an identifiable good, the moment this term is attributed with moral meaning, it *upholds* (even while it denies) the possibility of knowing in advance what we ought, morally, to do or what is, ontologically, the case. As soon as it is discursively determined as *a* value, in other words, the sublime loses its deconstructive force, its capacity to undo determination, precisely because it no longer *is* what we understand as "sublime." This is exactly the moment at which deconstructive *différance* is rendered as difference, and is stripped of its radical import.

Conclusion

Because Derrida is, arguably, somewhat more cautious than is Lyotard with respect to ever-present temptation to determine *différance* itself as an alternative if ineffable value – a temptation against which others following a Derridean path have not been as firm (see, among others, Cornell 1992, Critchley 1992 and Kearney 1993) – I submit that Derrida's is finally the more fruitful approach of the two with respect to the possibility of a radical, emancipatory politics. Nonetheless, both thinkers offer important and incisive critiques of the attempt to rectify social injustice on the basis of an appeal to an unproblematized notion of cultural diversity and both, therefore, can be productively read in this light.

Of course, some might well argue (a minority though that would be) that much of what I have described is already implicit in Marx – as, for example, Brown (1995), Balibar (1995) and Miller (2002) all do. For example, as Balibar says, "one can find in Marx the bases for an analysis of the *modes of subjection* – economico-juridical fetishism being one of them – which is concerned with the relations between practices and a symbolic order constituted within history" (1995, 72, emphasis in original). But this would be, as Balibar himself notes, "a structuralist-inspired reading" (1995, 72). In other words, I submit, to understand Marx's critique of ideology (or, if you wish, his analysis of commodity fetishism) as a critique of *money itself as a signifying system* (Miller 2002, 15-16; Balibar 1995, 71, 79), and to see thereby that Marx is in fact concerned with a strange beast one might call a materialism without matter, is to benefit retroactively from precisely the kinds of post-structural, theoretical interventions I have described.

We would do well to bring this benefit to bear on the liberal discourse of diversity. For, as Abu-Laban comments at the end of her very thoughtful engagement with this topic, theoretical work that rejects from the outset the liberal presumption of economic and class inequality is likely the most promising route towards a radical response to discriminatory practices (2002, 478). In this spirit, I have tried to show that insofar as both Lyotard and Derrida *do* read Marx anew through the lens of post-structural linguistics, yet never lose sight of the radicality of his critique of political economy, their thought might be the best place to start.

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