

# *Jouissance* and Antagonism in the Forms of the Commune: A Critique of Biopolitical Subjectivity

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10 *In recent years a growing literature on biopolitical governmentality, prompted by the work of Michel Foucault, presents subjectivity as the decisive locus of both the rule of neoliberal capitalism and the production of the common. While sharing its central focus of subjectivity, we are concerned with what this literature leaves out (due to what we discern to be certain implicit tendencies of behaviorism): the constitutive role that subjective investments and “enjoyment” (jouissance) play in the crisis-ridden formations of capitalism and in the constructive turns to communism. We proceed from the premise that there is no balanced relation to jouissance and that class antagonism is irreducible. From this perspective, we propose to approach capitalist and communist subjectivities in terms of two different “forms of the commune”: that is, as two distinct subjective orientations toward enjoying the impossibility of instituting the common once and for all.*

15 **Key Words:** Subjectivity, Biopolitical Governmentality, *Jouissance*, Common, Forms of the Commune

20 What is the role of subjectivity in the maintenance and transformation of capitalist social relations as well as the breaking away from capitalism and producing communism? Or, to put it in slightly different terms, what are the subjective conditions that cultivate a *passionate attachment* to the bourgeois axiom, “to each according to their contribution,” and what are the subjective conditions under which an ethico-political reorientation can realize the communist axiom, “from each according to their ability, to each according to their need”? In order to be able even to formulate the question of subjective reorientation as a condition of revolutionary social transformation under the contemporary historical conjuncture of crisis, it is necessary to rethink the social ontology of subjectivity. At a very basic level, it is necessary to grant subjectivity *its constitutive role* as the locus where the social link is forged—that is, to treat subjectivity neither as an epiphenomenal effect of some underlying class structure nor as an ideological supplement that merely facilitates the smooth functioning of the “rule of capital,” but rather, to identify subjectivity as that which constitutes sociality. Yet, at the same time, it is equally necessary to acknowledge squarely the social constitution of

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subjectivity—that is, to operate with the hypothesis that subjectivity is not grounded in some transhistorical understanding of human nature but rather is overdetermined by economic, cultural, corporeal, and political processes and open to ethico-political reorientation.

Since the 1970s, starting with Louis Althusser's (1971) widely read essay on ideological state apparatuses, the Marxian tradition, or at least a vibrant subset of it, has opened itself not only to Continental philosophers other than Hegel, but also to such contemporary critical philosophers as Michel Foucault, Jacques Derrida, Jacques Lacan, and Gilles Deleuze. Through this opening it began to theorize subjectivity not only as being socially constituted, but also as being constitutive of the social.<sup>1</sup> While the question of subjectivity in Althusser's essay remained, in the final analysis, a question of the reproduction of the circuit of capital, his emphasis on the materiality of ideological practices and the very gesture of foregrounding the question of ideology enabled his readers to begin to call into question the architectural metaphor that has come to describe the social formation since the Second International (Olsen 2009). While the post-Althusserian field is highly diverse and the various directions taken in the aftermath of Althusser's break from economic determinism may even be, on occasion, orthogonal to each other, the field is structured around the theoretical problematic of understanding the reproduction of capitalism in order to explain its historical resilience while taking seriously the irreducible contingency (negativity) of social overdetermination in order to think about the possible paths toward subjective reorientation (revolution) (Özselçuk 2009). In particular, the psychoanalytic-inflected Marxian approach taken in this paper locates subjectivity at the heart of the reproduction of capitalism by making the latter contingent upon the singular affective investments of social subjects.

In this post-Althusserian field, we find the surging Foucaultian literature on neoliberalism as a biopolitical form of governmentality very productive and convincing in its basic description of some of the more salient features of contemporary capitalism.<sup>2</sup> This literature takes Foucault's seminars on governmentality from the late 1970s as its point of departure and, using his readings of *Ordo-liberalism* in post-war Germany and *American neoliberalism* of the Chicago School of Economics, locates the question of

1. For insightful surveys of various Althusserian legacies, see Elliot (1994), Kaplan and Sprinker (1993), Lezra (1995), and Callari and Ruccio (1996).

2. We consider the governmentality literature post-Althusserian not only because the governmentality approach developed in the Anglo-American context in tandem with post-Althusserian tendencies (Lemke 2002), but also because the concept of governmentality is Foucault's answer to what we referred to above as the post-Althusserian theoretical problematic. When Foucault proposes to treat capitalism as "a singular figure in which economic process and institutional framework call on each other, support each other, modify and shape each other in ceaseless reciprocity," he simultaneously refuses to treat "the problem of the survival of capitalism" as a foregone conclusion "determined by the logic of capital and its accumulation." Instead, he insists that "[t]he history of capitalism can only be an economic-institutional history" (Foucault 2008, 164–5). In other words, Foucault explains the rule of capitalism as a function of a nondialectical, strategic logic of articulation that establishes connections across (conjugates) a heterogeneous field of institutions, *dispositifs*, regimes of truth, disciplines, and so forth without reducing the field into a homogeneous unity (secured, for instance, by the dialectical logic of capital accumulation) (42–3).

70 subjectivity at the heart of social reproduction.<sup>3</sup> In particular, it argues that the figure of *homo economicus*, the particular representation of the subject as a rational and calculative monad that we find in neoclassical economics, is the mode of subjectivity that reproduces capitalist accumulation. “Neoliberalism,” writes one author, “is thus a ‘restoration’ not only of class power, of capitalism as the only possible economic system, it is a restoration of capitalism as synonymous with rationality” (Read 2009, 31). According to this literature, because “social policy is no longer a means of encountering the economic [and protecting the social], but a means for sustaining the logic of competition” (Donzelot 2008, 124) in all possible areas of social life, *homo economicus* and its particular rationality of cost-benefit analysis, has become the universal model of all social behavior, eventually even turning the subject herself into an object of her calculations as demonstrated in the human capital theory of Chicago economist Gary Becker (1976).

80 Those who write within the problematic of governmentality understand the particular shift in capitalism from the Keynesian/New Deal regime of accumulation to the neoliberal regime of accumulation as primarily a shift at the level of subjectivity even if this shift is induced by the state and its various agencies, procedures, regimes of truth, and principles of formalization. For some, however, this account fails to relate the shift in the social constitution of subjectivity to the dynamics of production in biopolitical society. One of the most developed theorizations that addresses this relation can be found in Michael Hardt and Antonio Negri’s argument pertaining to the production of subjectivity in the very heart of immaterial production. Hardt and Negri and other theorists of the Italian post-Fordist movement similarly acknowledge subjectivity as the locus of the shift in the regime of accumulation, but then historicize the constitution of subjectivity and find the origins of post-Fordist subjectivity in the social networks of immaterial production. For this Autonomist Marxian literature, immaterial production is biopolitical because its locus of production (both in its technologies and products) covers *the whole of life*. In fact, within the biopolitical relations of immaterial production, Hardt and Negri find the common both as its presupposition and result: “The common, in fact, appears not only at the beginning and end of production but also in the middle, since the production processes themselves are common, collaborative, and communicative” (2004, 148). For Hardt and Negri, immaterial production, and in particular the common, has the potential to be the locus of resistance and “positive social transformation” (66). Thus, the post-Fordist literature offers something that the governmentality literature does not—a possibility of imagining the refusal of the rule of capital and resisting expropriation of the common.

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105 Nevertheless, both approaches go only so far in addressing our concerns. While we do agree with both literatures that neoliberal governmentality operates at the level of subjectivity, we have not found a convincing explanation of *how* the capillary

3. The emergence of the governmentality literature in the Anglo-Saxon context could be traced back to publication of *The Foucault Effect*, a collection of essays edited by Burchell, Gordon, and Miller (1991). Subsequently, among others, we can refer to Barry, Osborne, and Rose (1996), Lemke (2001, 2002), Brown (2003), Donzelot (2008), Read (2009), and Binkley (2009) as contributors to the governmentality literature.

110 functions of biopolitical power work over the subject—or, more precisely, we do not  
find an analysis of subjective investments that produce passionate attachments which  
provide the conditions not only of the maintenance of singular capitalisms, but also of  
the refusal of the rule of capital and the constitution of communism. In fact, we think  
115 certain forms of behaviorism accompany these literatures and render it difficult even  
to pose the question of subjective investments. Unless the register and role  
of subjective investments are explicitly theorized, we fear that the promise of  
communism will remain micropolitically ungrounded as it lacks the articulation  
120 of an ethical orientation that guides the material processes of the traversal of (*the  
fantasies of*) capitalism. Before we embark on our own conceptualization of  
subjective investments, however, a more precise look at what we refer as the  
implicit behaviorism of the biopolitics literature will be proper.

### Behaviorism in Biopolitics

120 According to our reading, both literatures on biopolitics, in slightly different ways,  
understand neoliberal governmentality as the governance of the social body through  
the systematic manipulations of its institutional environments. Nevertheless, the  
successful (nonrandom and systematic) control of the social body requires that  
concrete individuals should be capable of responding to these induced changes in  
125 their environment in predictable (hence governable) ways. We think that both  
literatures approach this behavioral condition almost as a state that is already  
realized in actuality rather than as a problem of “ideological interpellation” that  
begs explanation. In so doing, both approaches suffer from two distinct yet similar  
kinds of behaviorism.

130 Our thesis is that the implicit behaviorism of the governmentality approach  
emanates from its too quick ontologization of the behaviorist propositions of Chicago  
neoclassicism. Foucault locates the behaviorist tendency of this self-proclaimed  
methodological individualist tradition in one of the earlier essays of Becker (1962).  
In fact, Becker’s essay was the latest (but definitely not the last) in a series of essays  
135 by Chicago economists who were trying to make a case for the usefulness of the *homo  
economicus* assumption in economic theory in the face of a growing skepticism  
regarding the realism of this theoretical construct (Alchian 1950; Friedman 1953). The  
common thrust of these papers was that, even though economic rationality may not  
hold at the level of the individual and even though concrete individuals behave in  
140 random ways, competitive dynamics, functioning like a selection mechanism, will  
make sure that economic rationality gets realized at the level of markets.<sup>4</sup> Indeed,  
the figure of *homo economicus*, found in the writings of Chicago economists as

4. Foucault offers a very interesting definition of (Chicago-style) economics as a behavioral science: “economics [is] the science of the systematic nature of responses to environmental variables” (269). Where we slightly depart from Foucault in our reading of the texts by Alchian (1950), Friedman (1953), and Becker (1962) is that, for these Chicago economists, the entity that responds in a nonrandom and systematic manner is *not* the individual (who is explicitly assumed to respond randomly, erratically, or habitually), but rather, the market (Madra 2007).

145 someone “who accepts reality or who responds systematically to modifications in the  
variables of the environment [economic incentives]” (Foucault 2008, 270), does not  
“imply an anthropological identification of any behavior whatsoever with economic  
150 behavior” (252). Rather, the figure of *homo economicus*, and Foucault is very clear  
about this, is a working assumption of neoliberal governmentality; it is the grid of  
intelligibility, “the surface of contact between the individual and the power  
exercised on him” (252–3). Foucault is very careful not to subsume the “whole  
subject” under *homo economicus*, and treats the latter as an *interface* between the  
155 individual and the government (252–3). In short, in his 1978/9 seminars, Foucault  
does not offer us an analysis of the micropolitics of subjective capture by or  
resistance to neoliberal governmentality; he offers an analysis of “governmental  
reason,’ of those types of rationality that are implemented in the methods by which  
human conduct is directed through a state administration” (322).

Yet it seems that the governmentality literature more often than not misses this  
point and proceeds as if the behavioral assumption from which neoliberal reason sees  
and attempts to engineer the world is seamlessly realized in actuality without any  
mediation and through full subjective capture. In other words, they tend to deduce  
160 the actual state of subjectivity under neoliberalism from the neoliberal notion of  
*homo economicus* “as someone who is eminently governable” (270). In one instance,  
Wendy Brown (2003) makes this jump when she argues that, by developing  
“institutional practices and rewards for enacting” its normative claim about the  
pervasiveness of economic rationality, neoliberalism “produces rational actors.” For  
165 the governmentality approach, “the fundamental understanding of individuals as  
governed by interest and competition is not just an ideology . . . but is an intimate  
part of how our lives and subjectivity structured” (Read 2009, 34–5). So the  
governmentality literature appears to solidify as the new and accomplished ontology  
of being what for us remains an open question of subjectivation. This is why we think  
170 it inquires very little about how neoliberalism succeeds or fails in taking hold in the  
social subjectivity. Nor is there deliberation on the conditions of possibility of an  
ethico-political orientation.<sup>5</sup>

When we turn to the post-Fordist literature for an analysis of how biopolitical  
governmentality takes hold in social subjectivity, in *multitude*, we find a post-Fordist  
175 network subjectivity, a subjectivity who is expected to negotiate “flexible, mobile  
and precarious labor relations” (Hardt and Negri 2004, 112), process information, and  
cooperate over “innumerable and indeterminate relationships of distributed net-  
works” (113). It is important, however, to note that this “networking subject” is not  
simply a one-to-one materialization of *homo economicus*. Rather, it is a subjectivity  
180 that is *immanent* to the becoming ontology of the immaterial, biopolitical production  
and as such constitutes the common by creating “social relationships and forms  
through collaborative forms of labor” (95). While this network of “singularities”  
shares “a common potential to resist the domination of capital” (107), they are  
nonetheless simultaneously subjected to the capture of neoliberal governmentality of

5. An important exception is Sam Binkley’s work on the self-help bestseller *Rich Dad Poor Dad* (2009).

185 Empire. Accordingly, Hardt and Negri redefine exploitation as “the private appropriation of part or all of the value that has been produced as common” (150).

190 Post-Fordist subjectivities resemble *homo economicus* only as “semblances” that “originate in and derive a certain legitimacy from certain quite real and persistent aspects of today’s mode of production” (Virno 2007, 42). Replacing “the wage” as a “socially necessary semblance” that (re-)produced Fordism, Paul Virno and others find imaginaries of self-employment, professionalism, entrepreneurialism, and individualism as the new “socially necessary semblances” of post-Fordism grounded in the exigencies of flexible, mobile, and precarious immaterial production. What strikes our attention, once again, is the absence of an explanation of the “hold” that these “semblances” have at the level of subjectivity. For instance, there is very little discussion of why this post-Fordist subjectivity would not resist (for there are many who don’t) and perhaps even derive enjoyment from this game of “economic incentives,” the neoliberal universe of individual responsibility, pursuit of self-interest, and transgressive consumption.<sup>6</sup> Nor do we find a discussion of the subjective investments and affective regimes that will enable these post-Fordist subjectivities to reorient themselves ethico-politically to resist the capture of Empire and move beyond the rule of capital.

200 Instead, we find another form of behaviorism. The post-Fordist literature argues that the neoliberal *economization* (not only *financialization* but the entire neoliberal reform and expansion of the economic interface including, but not limited to, the labor market, housing market, school market, defined contribution plans, insurance market, and consumer credit market) of the “life in common” requires and successfully elicits from the social subject a particular kind of immaterial labor (e.g., accounting practices, financial planning, time management, price search, cost/benefit analysis) that “forcefully suggests” a subjectivity that more and more resembles *homo economicus* qua entrepreneur—albeit hindered by and rendered susceptible to media manipulation or herd behavior due to the “bounded” nature of his or her “mimetic rationality” (Marazzi 2008, 19–27).<sup>7</sup>

210 In general, while we agree with both literatures in their description of neoliberalism as a constructivist political project, we think neither approach successfully explains how this political project produces the neoliberal subject (or fails to do so) or how the subject herself participates in the constitution of her subjectivity. If,

6. On one occasion, in his analysis of financialization, Christian Marazzi argues that we must take the “public” in “the public demand for financing” literally: “[I]t was no longer just the investment banks, or business, or nation-states, but also wage-earners and salaried employees who *wanted* to participate as small investors in the big party organized by the securities markets” (2008, 39; emphasis added). While the image of “the big party” invokes a possible form of enjoyment that comes along with partaking in financialization, we find nowhere in Marazzi a discussion of *why* the “wage-earners” or “salaried employees” “wanted to participate” in the big party in the first place. Is this yet another manifestation of mimetic, herd behavior? Or is it a manifestation of innate desire for more wealth?

7. Marazzi borrows some components of this notion of subjectivity from behavioural finance and behavioral economics—two emerging “cyborg” branches of economics that have been developing under the influence of cognitive sciences (Mirowski 2002)—and others from André Orléan’s (1999) reading of J. M. Keynes’s “beauty contest.”

however, we read Foucault's genealogy of *homo economicus* not as a representation of the anthropological truth of the social subject, but rather as a "grid of intelligibility" or an "interface" between the government and the individual (Foucault 2008, 252–3), then we will be able to open room for theorizing the role that passionate attachments and affective regimes play in determining the success and failure of the neoliberal project of social harmony. For this reason, in what follows, we propose to approach subjectivity in terms of social fantasies that, by organizing and channeling subjective libidinal investments, enable the constitution of a social link (in Althusserian terms, a "society effect" or, in psychoanalytic terms, "social transference") in the face of its central and constitutive derailment by the smear of *jouissance*. In particular, we argue that there is no common that is not smeared by *jouissance*, and hence marked by the constitutive impossibility of the social (Žižek 2007). In the section below we begin, through a reading of Marx's discourse on the forms of the commune, to develop our understanding of the common as the locus of both social interdependency and antagonism.

### From the Forms of the Commune . . .

Marx's writing on the "Forms which precede capitalist production" (1993, 471–514) is a particularly important text for those who are interested in understanding the ways in which subjectivity both constitutes and is constituted by class. In these passages, differentiating between private and communal "property," Marx offers a discussion of the different forms of the commune. In particular, and perhaps surprisingly, he suggests the possibility of a communal form where the social surplus is appropriated by a despot in the name of the commune and for the commune: the despot would have the right to appropriate the surplus because he or she would be socially designated as "a particular entity" that realizes the higher and "comprehensive unity" of "the many real particular communities" (472–3). Marx also discusses the peasant forms of the commune where the male head of the household is the communally designated appropriator of the surplus produced in the household. In considering these forms of "property" as communal forms (as opposed to the bourgeois form), Marx differentiates between the actual physical act of appropriation and its social signification. Yet, as Jack Amariglio convincingly argues in his reading of these passages, there is no appropriation outside its social signification.

[T]his notion of peasant appropriation substitutes the supposedly "objective" observation of the physical act of appropriation by "one-sided" agents for the theorization of the social constitution of the process of appropriation and of the agents who produce and appropriate surplus-labor. That is, if peasants appropriate surplus-labor through membership in the commune (and, therefore, are communally designated as the producers and "immediate appropriators" of surplus-labor), then we treat this appropriation as communal appropriation. Thus, what is often treated as "individual" appropriation, we consider merely a form of communal appropriation, since this appropriation takes place in and through the culturally designated bodies of family, clan, and commune. (Amariglio 1984, 374)

This argument highlights the social constitutivity of subjectivity by making the case that who appropriates surplus labor cannot be named independent of the processes of identification of the commune members. The processes of identification constitute as collective appropriation what at first sight appears to be a physical act by an individual (or an individual household). At the same time, it highlights the social constitution of the subjectivity of commune members through the collective production, appropriation, and distribution of surplus labor as well as through the cultural processes of kinship, family, and clan. This analysis certainly needs to be extended to all forms of social organization of surplus, including capitalism. Under capitalism, members of modern bourgeois society are exchanging commodities (including land, labor, and capital) not because of their “innate desire to truck, barter and exchange,” as Adam Smith and the philosophical anthropology of classical political economists would have it, but rather because of their social constitution as calculative, equal, and proprietor “individual” citizens (Amariglio and Callari 1993), because the exchanging subjects effectively treat “wealth as the aim of production” (Marx 1993, 488). This wealth production is “capitalist” because of its “bourgeois form,” because the socially constituted bourgeois subjectivity described above constitutes, gives shape to, and organizes this particular form of production, appropriation, and distribution of surplus as a capitalist one. In fact, Marx asks, “when the limited bourgeois form is stripped away, what is wealth other than the universality of individual needs, capacities, pleasures, productive forces etc., created through universal exchange?” (488). He continues on to describe a notion of “wealth” beyond “the bourgeois form”: “The absolute working-out of his creative potentialities, with no presupposition other than the previous historic development, which makes this totality of development, i.e. the development of all human powers as such the end in itself, not measured on a *predetermined* yardstick? ... Strives not to remain something he has become, but is in absolute movement of becoming?” (488).

When Marx strips the “wealth” from its bourgeois form, he finds a “commune” in its path to becoming. This stripped “wealth” as the commune’s “absolute working-out of its creative potentialities” evokes the idea of “the common” that Hardt and Negri find at the heart of postmodern capitalist production. Yet, precisely at this point, there are at least two paths that could be followed from Marx’s discussion of the forms of the commune, which lead respectively to two very different problematics of class antagonism and two different imaginations of communism.

The first path involves a humanist problematic of fetishism where this latter is conceived as the structural effect of “misrecognizing” the product of social cooperation as the work or intrinsic property of a “higher unity,” be it the Asiatic despot or the capitalist (with all the humanist presuppositions of an ultimate recovery of a harmonious origin). In this approach, the *form* of the commune is not constitutive but epiphenomenal, an external and alien force of the common’s own creation that dominates it. Accordingly, communism emerges as the rectification of the misrecognition or alienation of the common, a revolutionary transformation in which social harmony between social production and distribution is reestablished, class antagonism is resolved, and the “community” is fully reconciled.

310 The other path is to read the “forms of the commune” as Marx’s attempt to make sense of the different forms of social relations of production.<sup>8</sup> From this perspective, there is no common outside its particular “form,” and different forms of the commune are different ways in which societies organize “class antagonism.” Here we use “class antagonism” not as the antagonism between capital and the common, or the despot and the commune, but rather as the irreducible impossibility of instituting harmonious and fully reconciled organization of the production, appropriation, and distribution of social surplus (whether it takes the form of labor, the value form, or use values).<sup>9</sup> To put it in a language that also addresses the title of the symposium on which this special issue is based, we can define class antagonism (qua the Real) as the irreducible impossibility of giving the common (of production) a final shape through “the forms of the commune,” the impossibility of a harmonious and fully reconciled organization of the production of surplus by and its distribution to the “community.”

320 In this framework, the “forms of the commune” stand for the institutions, mentalities, interfaces, social technologies, and narratives that attempt to provisionally stabilize the production, appropriation, and distribution of surplus.

325 Therefore, while surplus is generative of the social, while, as Hardt and Negri posit, the common is the beginning, the middle, and the end of production, its form is always *retroactively* given by the “forms of the commune.” Nonetheless, none of these forms should be understood as the originary, normal, or pristine *one* that could fix the organization of class for once and all, including, we should add, the communist form. Given that it is impossible to balance out “enjoyment” (*jouissance*), it is impossible for us to image the social interdependency of the common without the presence of class antagonism. In the remainder of this essay, we turn to psychoanalysis to develop a framework that takes into account the role that *jouissance* plays in the reproduction as well as the dissolution and transformation of the capitalist form of the commune. Picking up from our critique of the biopolitical literature on governmentality, we intend to account for the ways in which subjective investments

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8. This path entails not rejecting Marx’s problematic of fetishism *per se*, but rather assuming a nonhumanist interpretation of it. Indeed, following Étienne Balibar’s original treatment of Marx’s discussion of “the forms of the commune” in *Reading Capital*, we understand the problematic of fetishism not in its restricted and humanist definition (that is, as the misrecognition of the relations between men as the relation between commodities in capitalism), but rather, in its more generalized and materialist application to both “precapitalist” and capitalist modes of production. The way Balibar’s reading severs Marx’s critique of fetishism from the humanist framing of misrecognition is through repositioning it as a mystification of social determination: “whenever the place of determination is occupied by a single instance, the relationship of the agents will reveal phenomena analogous to ‘fetishism’” (Althusser and Balibar 1970, 218). We understand Balibar’s position on the forms of the commune to be similar to that of Amariglio in that *the form* embodies an understanding of subjectivity as both socially constitutive of and socially constituted by the social relations of production. What Balibar adds to the discussion of “the commune,” it seems to us, is the “fetishistic” form that it can take.

9. If anything, such “particular” antagonisms between the occupants of various class positions are secondary antagonisms that are formed through particular articulation of the libidinal economies of the participant social subjects (Özselçuk and Madra 2005).

shore up and inhibit the formations of capitalism as well as formulate the coordinates for a subjective reorientation to communism.

### ... to Two Ways of Relating to *Jouissance*

We find in the Lacanian concept of *jouissance* the possibility of making sense of both the success and the failure of the different forms of the commune. The manner in which Jacques Lacan mobilizes the term endows it with a rich and internally split set of meanings that exceed the possible evocations of its direct English translation, enjoyment. First, *jouissance* connotes not only pleasure but pain and always does so simultaneously. Second, it is located both in the real of the body (as it refers to “to come”) and the symbolic order of the public law (as it refers to “usufruct”). Playing with the legalistic meaning of *jouissance* (“to enjoy, take advantage of, benefit from”), Lacan theorizes *jouissance* in relation to law: “Usufruct” means that you can enjoy (*jouir de*) your means, but not waste them. When you have the usufruct of an inheritance, you can enjoy the inheritance (*en jouir*) as long as you don’t use up too much of it. That is clearly the essence of law—to divide up, distribute, or reattribute everything that counts as *jouissance*” (Lacan 1998, 3).

For Lacan, “law” refers to the sociosymbolic order within which the subjects are represented by signifiers to other signifiers (or positioned relationally within the differential/formal structure of the sociosymbolic order). While the presymbolic *jouissance* as “the Real of the immediate life-substance” (Žižek 1997, 47) is inaccessible, *jouissance* reemerges within the symbolic, in the subject’s unstable relation to a law that demands the subject to enjoy, but not to do so excessively. Nevertheless, a prohibition is never just a prohibition. Lacan quickly reminds us, “Nothing forces anyone to enjoy, except the superego. The superego is the imperative of *jouissance*—Enjoy!” (1998, 3). In fact, in a rather paradoxical manner, this transgressive superegoic injunction to enjoy, which underlies the prohibitive and regulative role of public law, is what really makes the subject “stick” to the law. Yet, the psychoanalytic experience strongly indicates that *jouissance* itself does not “stick.” While economic organizations and discourses (i.e., governmental rationalities) try to administer and domesticate *jouissance*, these efforts inevitably fail since it is impossible to balance out, apportion, or stitch together *jouissance*. In this sense, it is important to emphasize the ambiguous, excessive, and unstable nature of *jouissance* and not to fall into a form of reproductionism where *jouissance* glues all the cultural, political, and economic processes snugly together in an everlasting “institutional equilibrium.”

In his famous Seminar XX on feminine sexuality, Lacan articulates the concept of *jouissance* in relation to his formulas of sexual difference. Sexual difference is neither the biological seat of subjectivity nor only a cultural product that results from the subject’s identification with a gendered subject position. Rather, sexual difference, or sexuation, refers to two distinct modalities in which speaking beings fail to achieve a stable and secure (sexual) identity. Sexuation occurs as the subject enters into the sociosymbolic order in one of two ways. In either case, the subject will be barred forever from achieving a complete and coherent subjectivity and will be limited to what Lacan calls “phallic *jouissance*” (1998, 7–8), castrated (or partial)

380 *jouissance* that emerges after the subject enters into the sociosymbolic order (see also Fink 2002). What Lacan calls “masculine” and “feminine” modalities of failure corresponds to two different ways of relating to this form of partial *jouissance*.

385 The masculine modality of relating to partial *jouissance* is structured by a particular constitutive exception, by the constitutive belief in the existence of another, noncastrated, full *jouissance*. Because it posits an exception, because there is an element of the set that remains outside (subtracted from the set) for the purposes of occasioning a closure and guaranteeing the consistency of the set as an *all*, the masculine logic *fails to be complete*. As Joan Copjec notes, on the side of masculine failure, “it will always be a matter of saying *too little*” (1994, 231). The exception sustains the false promise that full enjoyment (e.g., consistency and completeness, social harmony, equilibrium, satisfaction) could be restored, and places us all under the superegoic injunction to strive toward reaching this ideal state (e.g., the development of human capital, efficiency, attainment of wealth, consumption of the correct commodities). This institutes an infinite movement of desire within a delimited frame (Zupančič 2000, 285).

390 Marx’s analysis of capitalist exploitation in modern joint-stock corporations enables us to understand how an institution can be organized around the masculine logic of exception. For Marx, the capitalist corporation constitutes an *all* around an exceptional X, a legal entity (whether it be filled by the figure of the mythical Entrepreneur or the Board of Directors) that gets “something for nothing,” that has the exclusive right to appropriate the surplus performed by direct laborers. This exception to the rule of the exchange of equivalents that supposedly governs the capitalist market economy is very much akin to the masculine fantasy of the primordial father who had access to another kind of *jouissance*, a noncastrated *jouissance*. In bourgeois economics, the mythical figure of the Entrepreneur fills in the empty place of the exceptional position of the appropriator of surplus: the Entrepreneur is the innovator who can take risks like no other, who will create jobs by undertaking investment, and who will be the engine of economic growth and efficiency, providing thereby the supply-side “base” for the consumption-led “superstructure” of a late capitalist Utopia. Certainly, from a Marxian perspective, 400 the unquestionable status of this exception is a mere imposture for under capitalism, innovation, risk, and investment are all thoroughly socialized processes undertaken by complex institutional *dispositifs*. Nonetheless, the Entrepreneur is a fiction with material effects.

405 On the feminine side, on the other hand, since there is no exception, there is no form of *jouissance* that is not partial. Yet, precisely because there is no exception, because there is no idealized, fantasmatic notion of exceptional *jouissance* that would occasion a closure and guarantee its consistency, the social field under consideration (e.g., the set of Woman) *fails to be constituted as a consistent whole*. The feminine, according to Lacan, is *non-all (pas tous)* precisely because “she is totally, that is, limitlessly inscribed within the symbolic that she is in some sense wholly outside it, which is to say the question of her existence is absolutely undecidable within it” (Copjec 1994, 227).

420 That is, the feminine logic of non-all fails to constitute a consistent whole because it is immanent to the symbolic order. In contrast, the masculine logic of all does

constitute a consistent whole, yet suffers from incompleteness as its elements always measure themselves against the idealized exception and come short (the Entrepreneur). In fact, as Alenka Zupančič noted, while for the masculine mode of subjectivity “the inaccessibility of [exceptionalized] enjoyment is the very *mode of enjoyment*” (2000, 292), there is a part of feminine subjectivity that “puts an end to ‘exceptional enjoyment’ in all meanings of the words” (296). In Zupančič’s formulation of sexual difference in the context of subject’s relation to *jouissance*, we find not only a good starting point for an analysis of the affective dimensions of the subjective hold of contemporary capitalism but also the possibility of an ethico-political reorientation that refuses the utilitarian blackmail of the exception: if you put an end to the exception, you will foreclose your own possibility of achieving an exceptional status someday.

### Interpassivity

Before exploring the refusal of the exception as the enactment of the communist axiom, let us take a closer look at how the attachment to capitalist exception is contingent upon the subject’s unstable and extimite (intimate yet externalized on to the Other) relation to *jouissance*. Slavoj Žižek’s (1997) psychoanalytical reading of commodity fetishism enables us to discern the constitutive decenteredness of the subject. Žižek argues that the bourgeois subject knows very well that “beneath ‘relations between things,’ there are ‘relations between people,’” but acts *as if* he does not know this and “follow[s] the fetishist illusion.” Every time we engage in a market transaction, we perform our “belief” even if we don’t really believe in it. Such is the nature of conventions, rules, norms, and so forth that make up the sociosymbolic order we live in. Precisely for this reason, Žižek argues that belief is constitutively displaced. Our belief in the economy, for instance, is always a belief in others’ belief in the economy (as manifested in the historically changing institutional forms from macroeconomic planning to the Fed’s monetary policies and stock market indexes). Nevertheless, the constitutive decenterment of the subject, which begins with the signifier ( $S_1$ ) who represents the barred subject to other signifiers ( $S_2$ ), also characterizes the subject’s relation to *jouissance*. In the context of the capitalist form of the commune, this decenterment gets concretized in the manner in which surplus becomes the object cause of desire (*object a*) for the subjects of the capitalist-all: In struggling over the bits of surplus, subjects strive toward a fantasy of economic success and achievement (e.g., the popular discourses on “upward mobility” and “trickle-down economics” are two such fantasies that frame this desire) (Özselçuk and Madra 2005, 2007). In this masculine logic of exception, the inaccessible surplus enjoyed by the Entrepreneur becomes “the excentered center of the subject of desire” (Zupančič 2000, 292). Under the superegoic injunction to achieve full enjoyment (i.e., an idealized economic success), the subject continuously strives toward attaining it but always comes short of it (McGowan 2004). In a sense, “this very direct order [to enjoy] hinders subject’s access to it much more efficiently than any prohibition” (Žižek 1997, 49).

Žižek argues that the subject relieves herself from the suffocating injunctions of the superego to enjoy by displacing her duty to enjoy onto the big Other (or onto particular, privileged, exceptional others). Following Lacan's discussion of the Chorus in Greek tragedy as the entity that emotes (enjoys) on behalf of the audience (1992, 247), Žižek names this condition "interpassivity" (1997). The board members of Fortune 500, CEOs, the brokers, the speculators, the Hollywood stars, in short, the top 1 percent of the population that owns more than a third of the U.S. households can be conceived as those who enjoy (and deserve this enjoyment) on our behalf, relieving us of our duty to measure up to the idealized figure of the Entrepreneur. In developing the concept of interpassivity in order to make sense of the resilience with which social subjects remain committed to capitalism, Stephen Healy argues that questioning any part of this capitalist order, whether it be the "scientific" idea that the market mechanism rewards performance and productivity or the spontaneous ideology of "greed is good," "interrupts this interpassive condition and causes consternation" (2010, 9).

Nevertheless, as the "populist anger" against the ostentatious bonus given to financial executives attests, this condition of interpassivity may not be so stable, especially because the attachment to the impossible promise of efficient markets constantly fuels dissatisfaction. In this sense, it is quite possible to read the recent backlash against the "greed" of Wall Street and finance capital as a breakdown of the condition of interpassivity. Yet, perhaps, a more careful reading should question whether the "populist rage" has the potential to traverse the fantasies of capitalism and break away from a more generalized condition of interpassivity. Perhaps a more realistic and sober analysis would bet on the hypothesis that the backlash against the "greed" of Wall Street is an attempt to isolate it as the symptom that blocks the fulfillment of the fantasy of a truly fair, efficient, and scientific capitalism. Approached this way, the shift is rather from an interpassive relation to privileged subjects who are supposed to enjoy on our behalf to another interpassive relation, this time, to the privileged expert subjects of the Obama administration who are supposed to know how to remedy and regulate the failures and excesses of competitive markets.

### Communism as an Axiom

Our concluding thesis is that traversing the fantasy of capitalism (or any other masculine form of organizing economy) involves the simultaneous move of, on the one hand, letting go of the investment in the exception, and, on the other, "wanting" to forge a "common," which is inconsistent and impossible to totalize (because there is no exception). Could we then propose communism as an ethico-political shift that gives up the enjoyment of achieving an ideal "form of the commune" that can ultimately "fix" the production and division of surplus—both in its right-wing and left-wing bourgeois forms? While this might sound different than how communism has come to be imagined—for instance, in terms of massive political insurgence and rupture—the ethico-political shift practiced is no less radical and, in fact, might be posed as a constitutive dimension of such moments of communist insurgence.

In fact, we can read Marx as gesturing toward such a conceptualization of communism, as a new mode of relating to the void of appropriation, and of surplus,

510 in his famous *Critique of the Gotha Programme*. In this critique, Marx launches  
a devastating attack on the predominant communist morality underpinning the  
Programme of the German Worker's party. Specifically, he dissects in great detail  
the opening party statement that "the proceeds of labor belong undiminished with  
515 equal right to all members of society" (Marx 1966, 6). After recognizing the "proceeds of  
labor" as "the co-operative proceeds of labor" ("the total social product"), Marx  
enumerates a list of social distributions and consumptions from the surplus that will  
inevitably "diminish" what is supposed to go to the workers. And, when he finally  
arrives at the means of consumption that are distributed to "the individual producers  
520 in the co-operative," he raises the question of the criterion that is to regulate this  
"final" distribution. The principle he invokes here, "[f]rom each according to his  
ability, to each according to his needs" (7), is his final stab at those attempts that seek  
to preserve the value equivalence between what the individual worker contributes to  
society in terms of labor-time and what she is to receive back in the form of means  
of consumption. While Marx's particular object of critique is the bourgeois fantasy of  
525 equal exchange, and while Marx recalls the historical development of the forces  
of production (i.e., the "second stage of communism") for the materialization of this  
principle, there is no reason his maxim cannot be extended to critique all forms of the  
commune (including the communistic ones) that posit a final reconciliation of labor  
with value, and of the "common" (of production) with distribution.

530 That is why, reading Marx against himself and inspired by Alain Badiou's formulation  
of the axiom (of equality) (1999), we read "from each . . . to each" as a historical  
instantiation of an axiom of communism. Taken as an axiom, it can no longer be read as  
a description of a Utopian social organization of surplus that restores collective justice  
or the completeness of social being once workers reunite with what is alienated from  
535 them. Neither can it be postponed to a distant future (the realization of which is  
conditioned upon either the development of forces of production or the organization  
of privileged political actors). Rather, it becomes a universal demand that is actualized  
as it encounters the function of exception in various concrete contexts here and now.  
We want to emphasize the axiomatic nature of communism rather than particular  
540 content we borrow from Marx. Nonetheless, it is all the more relevant to read Marx's  
maxim today in opposition to the neoliberal governmentality that elevates a very  
particular ideal of economic efficiency to an exceptional status by linking the  
distribution of economic values to a fantasmatic notion of productivity. "From  
each . . . to each" has a "negative" dimension as it seeks a break with the neoliberal  
545 economy of masculine enjoyment. It also involves the "positive" dimension of making  
the "void" of surplus appear in concrete experiments—what, following Hardt and  
Negri, we might call the "experience of reappropriation" by the *multitude*.

550 One such experiment is a community project, Nuestras Raíces, a grass-roots  
organization that promotes economic, human, and community development in  
Holyoke, Massachusetts, through projects relating to food, agriculture, and the  
environment (<http://www.nuestras-raices.org/en/support>).<sup>10</sup>

10. For two extensive and original discussions of Nuestras Raíces and the ethical dynamics of a  
community economy that it fosters, see Healy and Graham (2008) and Graham and Cornwell  
(2009).

Reading through Nuestras Raíces' statement of community support for sustaining and expanding the commons, we are struck by the resemblance of its vision to an economy of *non-all*, instituted each and every time through the communist axiom "from each according to ability, to each according to needs." The organization approaches each possible community contribution "one by one," as a decision of inclusion of a singular skill, talent, experience, and goal (e.g., conducting research, organizing workshops, helping with business ventures and planning, photo/video documentation of events, and so on) which it tries to "match up with a project that needs doing." The example of Nuestras Raíces also demonstrates that the *non-all* that the communist axiom guards does not mean the *infinite inclusion* of every demand. And this is not because of a belief in the reality of *homo economicus*, or that without a limit, free riders would deplete the common. The *non-all* is infinite and inconsistent not because it includes all that exists, but rather, lacking an exception, it is open to each concrete demand of inclusion with the partial enjoyment of experimenting and without the suffering of falling short.

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