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In search of the Commonwealth

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1.

Empire and *Multitude* raised many problems and questions: it was pointless to define these again in *Commonwealth,* and of no use to try to solve them. Rather, it was better to begin anew and, on the basis of the concepts we had developed, dwell on the question of what the political is today. What is subversive politics? What *partage* of the social does it involve? How can capital be fought today? By moving on from the debates around those books, we are convinced we can confront the unsolved problems with renewed strength. But after ten years of work on *Empire* and *Multitude*, when sat down to write *Commonwealth,* our convictions had strengthened and our perceptions matured: contemporaneity had been re-defined, and the time when the prefix *post-* could define the present was over. We had certainly experienced a transition, but what were the symptoms of its end?

In particular, our impression was that the concept of democracy was being re-evaluated. During the War on Terror, this concept had been worn out by the frenzied propaganda of the neo-conservatives, and political science had witnessed the emergence of

issues that could no longer be comprehended with the concept of democracy. To simplify, we refer to what Rosavallon tries to grasp and qualify in his latest book (*La contre-démocratie. La politique à l'âge de la défiance*), when he states: 'the republic and the comportments of modern populations have left something profound behind that cannot be found again, something obscure that can no longer be explained'. In this way Rosavallon tries to define sentiments of mistrust and impotence, those figures of de-politicisation that arise out of contemporary democracy. And almost against his own wishes, he adds that 'political democracy' has become the name for the consolidation of a 'mixed regime' that includes *counter-democracy*, a 'democracy of exception'.

Economics repeats this effort of political science to arrive at a synthetic understanding of such an uncertain reality. Theirs consists in a reinvention of, no longer a *measure* of development, which had been impossible since the crisis of the classical law of labour-value, but a new working *convention*, given that the crisis of the conventions of liberalism and Fordism/Keynesianism/Welfarism is widely recognised. [For instance, there is growing talk of the 'energy convention'. Nobody knows what it actually means, but it is certainly opposed to the 'environmental convention', for it includes nuclear power, and therefore, possibly, the democratic convention too. Al Gore seems to have raised this problem.]

Finally, following the defeat of US unilateralism (or of what was left of the old imperialism), the current attempt to reflect on international politics and research in global political science in light of a reinterpretation of the global dimension of power in multilateral terms is in deep crisis. [And mystified are the criticisms that accused us of failing to recognise the continuity of imperialism in the global agency of the American government]. After the crisis of unilateralism we are still and always situated

inside a global order. Its effects (the exhaustion of the nation state, the dissolution of international law, the multilateral *governance* of a single global market, etc.) can only be recognised if historical actors are forced to start operating in the new reality they had previously hypocritically denied. The recognition of the new global order is not theoretical: it is practical, and effective!

So, we have been through a long period of paradoxes and ambiguities: the post modern was a culture of transition and represented, in the figures of the aleatory and uncertainty, alternatives to an unsolvable complexity that were still internal to this epochal shift. Now the shift is consummated. There has undoubtedly been a caesura, and its effects are paradoxical: for instance, in the historically presumed aleatory complexity of systems, the ideologies of left and right, far from disappearing, have become mixed, confused, and juxtaposed.

The *neutralisation of the political* has precipitated the most diverse positions towards an extreme centre: a real 'extremism of the centre' has emerged. Every experience and space of democracy has undergone this attempt to consolidate a *post ideological* position, a neutral centre to exit the chaos. We might say that similarly to when, at the end of the Renaissance revolution, the Thermidor's baroque and the Counter Reformation invented sovereignty between Machiavelli and Bodin, we are now trying to invent something novel, useful and adequate to new exigencies. But what is this?

In order to situate ourselves in this condition and try to find a secure path in this uncertainty, caesurae, and question marks, we start with *contemporaneity*, pure and simple. The crisis is accomplished. It is a point of no return. We must begin to move in

the determinations of a new epoch without ever forgetting the episode of this shift.

2.

What does the objective determination of this new historical condition rest on, in and after the crisis of the modern order? Here is a first movement of our analysis.

From the standpoint of a critique of the state, the issue is that the *sovereign synthesis is in crisis,* and the crisis is definitive. This is demonstrated by the fact that the deductive mechanism of the law, as it was defined in jurisdictional modernity, the constitutionalism of the 1800s, and the theories of the Rule of Law, has become precarious, or rather, *deficient*. In its tough Continental version of jurisprudence as in the Atlantic model, sovereign practices are no longer capable of construing and guaranteeing the *government of the concrete.* The legitimacy and efficacy of the law have split.

The Weberian model that sees sovereignty-legitimacy from the standpoint of rationality-functionality is exhausted. The hypermodern attempt to restore an instrumental logic to the government of the concrete is also incapable of reaching meaningful conclusions. The problem is that the government of the concrete is no longer what it used to be in 'modern' constitutionalism and administration. The concrete is not the individual term of a juridical decision, but a substantial and living - dare I say, *biopolical* - web; acting on this web entails grasping its activity. The juridical act used to impose itself on the real; now, as it comes into contact with biopolitical reality, it confronts, comes up against, and reforms itself.

According to the most attentive constitutionalists and scholars of administration (Luhmann, Teubner, etc.) as well as to the jurists operating in broader fields such as *domestic* and *international* labour law and/or business law), juridical action can no longer unfold deductively. Instead it is an always new and singular conflict resolution whose forms find no provisions in the traditional dogmas; it is the constant determination of new provisional mediations and transitory dispositifs. The concrete is split: no governing activity is given in linear terms now. There is only *governance*. But, note! Speaking of *governance* is like walking through a minefield. In and by itself, *governance* is not a democratic tool; it is a managerial dispositif. What opens this machine to democracy is its use for democratic interests, the democratic exercise of a force that effectively opposes the exercise of another force (one that might be oriented towards undemocratic ends). The importance of this tool and its potential for democratic openings do not derive from its essence, but from the socio-political characteristics of its agents.

Sometimes at this stage constitutionalists introduce the concept of a 'constitutionalism without the state', the practice of a permanent and continuous redefinition of subjective right, partisan law, and generally, agreement conventions. Whilst we are less optimistic, we still agree on the need to recognise that the old notion of right has come to blows with the new biopolitical substance of the real. Every resolution leads back to *biopower*, but because this is without measure and only capable of exception, biopolitical petitioners rise up and effectively propose alternatives.

Therefore, the first good paradigm of contemporaneity is that THE ONE HAS SPLIT IN TWO. By stating this we are not saying 'no to the multiple'. This paradigm only calls upon the ability - and the power, perhaps - to investigate whether or not, in each of the

fields of the plurality of jurisprudence and constitutional developments, *a different horizon* is emerging, one where the classical definition of *constituent power as an original and extra-juridical power* is abandoned in favour of a juridical notion of constituent power (*potere*) as a power (*potenza*) that is internal to the ordering and indefinitely entangled with it. In *Commonwealth,* this issue is crucial to the definition of political contemporaneity. We will later see how the very concept of revolution must be declined to this renewal of constituent power and its definition as an 'internal source of law', and to the possibility that it can also operate from within constitutions, inside constituted power, indefatigably. In other words, we might say here that temporality is again central to the definition of the law.

3.

Let us further investigate the objective determinations of the new condition of contemporaneity and open its second movement, so to speak. So far, we have pursued the unfolding of this transition from a political-institutional perspective: crisis of sovereignty, *governance*, and a redefinition of constituent power. Now the question must be raised from the standpoint of labour, its organisation, and the power relations that traverse it.

Who produces? In contemporaneity, it is the machine of the multitude. Production is social; cognitive labour is the hegemonic form of productive labour, and we are definitively confronted with a new sequence: living labour, cognitive labour, cooperative production (that is social cooperation), the biopolitical fibre of production, and so on and so forth. The relation between the 'technical composition' (TC) and the 'political composition' (PC) of labour power has changed; it has become deeply complex. Now,

in contemporaneity and under the regime of cognitive labour, the virtual and the potential are reciprocally implicated in this relation; they are dynamic and constitutive of its nature. Instead of corresponding to one another or being isomorphic, TC and PC are hybrid and miscegenated. Dialectics used to be found in the workers' narrative of the historic relation between class (TC) and party (PC) that became realised in class struggle (with its punctual highs and lows, and especially in its cyclical pace). In the current biopolitical condition, these dialectics no longer exist, or they are much diminished. The biopolitical fabric confuses the relation between TC and PC as it extends it, and breaks its dependency on industrial organisation on which direct capitalist command was efficiently levered.

On these premises, we can seize the moment of this crisis: in the great transformation underway, command LEAVES THE NEW FIGURE OF LIVING LABOUR OUT. Living labour is singularised in the biopolitical and socialised *independently* of the capitalist organisation of labour. This is the second paradigm of contemporaneity.

The very moment capital fully subsumes society as biopower, the process of insertion of labour power into capital becomes completely exposed and the disjunction between labour power and capital radicalised. The worker expresses her biopolitical and productive ability in the whole circuit of social production, where bodies become socially active and the soul is materialised in productive labour. Therefore, the whole invests singular labour contributions with meaning; just as singular linguistic contributions provide meaning to the linguistic whole. Capital and labour power are played out entirely in the *bios*, but there, capital and labour become disjoined, and turn into a system of biopower set up against *biopolitical fibre/power (potenza)*.

Therefore, the worker no longer stands before capital, if not in the most indirect and abstract way, that is, either in the form of *rent* - capital that multiplies the expropriation at the most general and territorial level - or in the figure of finance - capital that expropriates the whole of social valorisation of labour in monetary terms. From this perspective, when confronted with the relative dependency of cognitive and socially cooperative labour, the worker no longer faces profit alone, but profit turned into rent. In other words, the worker is no longer merely standing before the individual capitalist as the organiser of exploitation, but now confronts the *collective capitalist* as the financial mystifier of social labour.

Just as Marx spoke of the 'socialism of capital' when referring to the emergence of large corporations, so we metaphorically refer to a sort of 'communism of capital', where capitalism both gives rise to a total mystification of the valorisation that (as we have explained) is immediately common, and directly exploits the social participation to this valorisation (i.e. it exploits the *sociality* of the worker).

Here we might raise a further question: does it do so parasitically? Perhaps. What is certain is that whilst capital exploits and mystifies common wealth, it no longer organises the process of production. Capital keeps presenting itself as power and, in so far as production is immersed in life, as biopower. Today exploitation goes through the social organisation of biopower. Whether exploitation is parasitical or not makes little difference.

This reflection on the autonomy of the *productive subject* must be enhanced by one on the autonomy of the *resisting subject,* as presented in *Commonwealth*. Here we briefly wish to introduce a father issue that was partly developed there but not sufficiently

discussed, and critics of our past work have not only, and rightly, been drawing attention to its relative absence, but also denounced it as a substantial limit of our research. I don't think this criticism is fair because if we were to add to our work (of *Empire* and *Multitude*) that 'missing chapter' on the 'colonialism' of power (because this is clearly what is alluded to), it would have been necessary to, first of all, dig deep, and find the truth of a *non identitary* substance and movement in the active subjects of anti colonial struggles. Rather than going through the theories of post colonialism, it would have been necessary to traverse the struggles of the colonial peoples for emancipation and liberation, and the *non regressive* continuity of the development of these political movements. The recovery of Franz Fanon's lesson was essential for us to this purpose. In addition, fundamental was the contribution of the Zapatista movement to this shift: this movement stayed clear of all emphases on identity, unequivocally eliminated national-popular alternatives, illustrated the ambiguity, and sometimes purely reactionary nature, of some indigenous theories, whilst insisting instead on the constituent potentiality that derived from the accumulation of resistance. Let us repeat ourselves: this revision could have been carried out, though not easily, from a historiographical perspective, but it would have been impossible to do it with the intensity of a theoretical interpretation and a political proposal, if the movements of anti colonial resistance and the democratic substance of their processes of liberation did not display the characters of contemporaneity. Theory follows the real. Not identity, but constituent resistance is evidence of the success of the march of freedom. To find legitimacy, post colonial theories must move beyond the hermeneutics of past struggles and indicate, well beyond the archaeology, the genealogy and path of the present revolution. This is what is happening, and what every revolutionary theory of contemporaneity must assume as a method. Thus, once

again, we document the ontological autonomy of the multitude, the continuity and accumulation of the production of subjectivity, and the irreducible antagonism of biopolitical power (*potenza*) against biopower, and in this case, colonial biopower. The subject who managed to resist the colonialism of power through an extremely singular experience of *exodus* (continuous distancing from the coloniser, possible tactics and episodes of hybridisation, persisting insurrections, etc.) is increasingly showing itself to be a constituent force.

And so, in *Commonwealth*, the objective topography mapping obstacles that are insuperable for the stabilisation of capitalist power in contemporaneity is complete.

N. B. From a philosophical standpoint, here in paragraphs **2** and **3** we experiment and develop the impossibility, in contemporaneity, for capital as it is confronted by living, cognitive labour and post colonial resistance, to conclusively accomplish the process of exploitation, the very realisation of capitalist domination. Here the end of dialectics is no longer an abstract moment, but a phenomenological determination. Given the irreversibility of this shift, the new horizon of subjectivity is fixed in the present: singularity is contingence, difference, autonomy, resistance and thus constituent power.

4.

We now deal with the subjective dispositifs of the new political condition of contemporaneity: here is the first movement.

In the field of biopolitics, activity manifests itself as *production of subjectivity*. What does production of subjectivity mean? On the

above premises, production of subjectivity means expression of forms of life and their processes of production and valorisation of the common. We have seen how, today, the production of forms of life can only take place in the realm of the common. Only the common is the form/content of constituent action. Today nothing would be constituted unless the common ascribed meaning to singularities and singularities to the common. But if this is the production of subjectivity, that is, the valorisation of the common of life, of the ensemble of life forms, from education, health, social peace, security of income and reproduction, urbanism, and the rest of it, then the production of subjectivity also opens up a space of contestation of biopower and of the capitalist attempt to subsume and exploit the common products of life. The antagonism between biopower and biopolitical powers (*potenze*) is open here and there is a tendency to define the production of subjectivity as an *exodus from capital*, as a biopolitical action that is in exodus from the articulations of biopower.

So, can we define EXODUS AS THE PROCESS OF REAPPROPRIATION OF THE COMMON?

To answer this, we will put a Spinozian machine into motion. Notably, in Spinoza, the production of subjectivity is the development of the process that leads from sensible *conatus* to rational *amor* and tends to present itself as a production of the social. But there is something more to it: for Spinoza, it is also *the transformation of the social into the common.* In other words, the production of subjectivity that integrates and enriches the cooperative production of the social can become production of the common when it imposes a democratic radical management of society from within.

Confronted with this Spinozian production of a common that is an internal and powerful alternative to modernity, we must remind ourselves of how the hegemonic categories of private and public came into being. These categories were built on the concept of labour. For Locke, the private is the definition of a singular appropriation of the labour carried out by an individual: the private is the 'own' congealed in a juridical form as private property.

In the culture of modernity, the notion of the public operates within exactly the same parameters. That this is a paradox makes it no less efficient: the public alienates its 'own' in order to protect and guard its substance. The concept of one's 'own' is equally at the foundation of the concept of the public. The mystification of modernity rests on an almost permanent re-proposition of two terms that correspond to two ways of appropriating the common in the recourse to the category of the 'private' and the 'public'. In the first case, this takes the form of property, or as Rousseau *dixit*, of the first man who claims *ceci est a moi*: it is an individual's appropriation of the common, an expropriation of all other individuals. Now private property is the negation of the common right of human beings over something that can only be produced by their cooperation. As for the second category, the good old Rousseau was so tough on private property that he turned it into the source of all corruption and human suffering, but when it came to the public he lost his head. The problem of the social contract is the problem of modern democracy: private property gives raise to inequality, so how to invent a political system where everything, since it belongs to everyone, does not belong to anyone? The public is this: '*what belongs to no one*', to everyone and no one, or what belongs to the state. But the state is not what we produce in common, and what we invent and organise as common. The state appeals to our identity and our nature, and on these it conveys the

concept of the common. So the common no longer belongs to us. *To be* is not *to have*. The state's mishandling of the common goes under the name of public management, delegation, public representation, but is in actual fact nothing other than the creation and justification of another form of alienation.

So, the public is still based on the 'own' but makes it general; the public rests on the One as the organic assemblage of individuals; the public is the identity of the private and thus runs deep in liberal ideology, sits in the thick of its most traditional form.

The *concept of the common* rises up against the private and its public subsumption and is a dispositif of radical democratic management of all that constitutes the fabric of social activity, the reciprocity of individuals, the cooperation of singularities, and the freedom of producers. The common is a negation of the 'own' that results from a recognition that only the cooperation of singularities makes up the social, and only its common management safeguards its continuous renewal.

Clearly here goes out of the window the traditional political reformism which rests on an idea that individuals and/or groups progressively re-appropriate wealth through constant mediation in capital relations.

The condition we are immersed in is new and requires a new method: that of the 'march of freedom'. This march is founded on and developed by the biopolitical dispositifs that construe the common: this is a risky but ontologically determined project. The only guarantee for this process to develop is the continuous, pressing and constituent militant engagement of subjectivities, the multitude of singularities. Here the very definition of 'being multitude' and implicitly of 'making multitude' is confronted with

the difficulties, as well as the potential, of building and producing the common.

And a further question arises: how do we understand the way the independence of living labour is developed in different degrees alongside the dependence that it is effectively still subjected to in this phase of transition? But were we not already beyond the transition? Of course, but not beyond the revolutionary transition where the constituent power of labour, i.e. its exodus, measures itself in a work of ontological metamorphosis. Continuity and discontinuity must always be newly defined. After all, when we spoke of the hybridisation of 'technical' and 'political' composition of today's proletariat and of the impossibility of describing it in terms of linear concatenations or isomorphic correspondences, we were already alluding to such processes of metamorphosis. But here we need to be more precise and underline that this shift is crucial from the standpoint of political action too. *Exodus* not only means distancing, but also *traversing*, and the distance is often built in the process of traversing: exodus is always transitive, or transitional, and the more it is so the more it is constituent. This needs to be understood in the context of the above premises: the *ontological irreversibility* of the multitudinal path of living labour in contemporaneity, and the process of construction of the common that it entails.