

PART FOUR

UTOPIA, EMANCIPATIONS AND SUBJECTIVITIES

INTRODUCTION

In 1841, Charles Fourier, the great utopian thinker, launched an attack against social scientists—whom he called “the philosophers of the uncertain sciences”—for systematically neglecting the fundamental problems of the sciences they deal with. “When dealing with industrial economy,” says Fourier:

they forget to study the associations of people that are the basis of the economy itself, . . . dealing with administration, they fail to consider the means of accomplishing the administrative unity of the globe, without which empires will never have permanent order or guaranty of future, . . . dealing with morals, they forget to recognize and demand the rights of women, whose oppression undermines the basis of justice, . . . dealing with human rights, they forget to recognize the right to work, which is actually not possible in the present society but without which all the other rights are useless.¹

Fourier’s conclusion is that social scientists have the “odd property,” the “*étourderie méthodique*” of neglecting precisely the fundamental problems, the primordial questions.

One hundred and fifty years later, the reasons and examples invoked by Fourier are still so convincing that it seems appropriate to ask if the situation has since changed significantly at all. Could it be that the social sciences are today better equipped to deal with the fundamental problems or, on the contrary, are they still forgetting them systematically? Are the social sciences today more or less “uncertain” than one hundred and fifty years ago?

But, we might well ask, what are fundamental problems? As Fourier’s examples clearly indicate, fundamental problems are those at the very root of our institutions and practices: deeply embedded modes of social structuration and action, and sources of contradictions, tensions and injustices that reverberate in the most

diverse sectors of social life with varying degrees of intensity. Such reverberations are cumulative, and likely to become a process of increasing social malaise. The specific difficulty of these kinds of problems consists in the fact that their depth and range call for solutions that must be equally deep and wide ranging. Following my line of argument in Part One, I do not hesitate to say that the social sciences continue, to this day, to reveal an utter incapacity to identify and propose solutions for the “fundamental problems,” and that, for that reason, they are today perhaps even more “uncertain” than in Fourier’s time. The aporias that the fundamental problems pose result in part from the fact that the social sciences, in their hegemonic version, specialized in the production of the kind of knowledge adequate only for engineering short-term, short-range and shallow solutions. Such a kind of knowledge, or rather, the kind of culture fostered by such scientism, started out by delegitimizing the idea of global alternatives; whenever it failed, it went on to delegitimize the collective will to struggle for them. Herein resides the “uncertainty” of the modern social sciences. Unlike Fourier, however, I believe that their “uncertainty” has increased precisely to the extent that the social sciences have adopted the patterns of the “certain” knowledge of the natural sciences, a move in part advocated by Fourier when he proposed to have his utopian society organized according to rigorous mathematical calculations.

As we saw in Part One, the solution of society’s “fundamental problems” by means of the harmonious and complementary development of the pillars of regulation and emancipation was, indeed, the great promise of the paradigm of modernity, a promise whose fulfillment was gradually entrusted to modern science. By the mid-nineteenth century, Fourier believed that a radical shift in modern science might still be possible, and that the scientific resolution of society’s problems would be accomplished thereby. But the truth of the matter is that Fourier’s solution—his utopian scientism—was already contaminated by the scientist reductionism that would render virtually impossible the task of identifying the roots of the “fundamental problems” so as to solve them radically, as it were. Though dazzlingly imaginative, Fourier’s proposals were nonetheless entrapped in the same automatic utopianism of science and technology that brought about the increasing imbalance between regulation and emancipation. The excess of regulation that resulted from such imbalance not only was unable to solve the “fundamental problems” identified by Fourier, but was actually responsible for the emergence of many others.

In Part One I also showed that modern law was no better equipped than modern science to solve the fundamental problems. Reduced to state law, by the mid-nineteenth century modern law was held as the second-order source of rationalization of modern life, the proper instrument to deal with the fundamental problems until their true solution, the scientific solution, was made possible by the development of modern science. This juridical rationalization, originally an *ersatz* of scientific rationalization, became gradually an automatic utopia. In Chapter Two I tried to show how this legal utopia grounds the pattern of normal change, centered around the state, and based on an infinite succession of repetition and amelioration. I also showed that the symbiotic operation of the automatic utopianism of science and technology, on the one hand, and state legal reformism, on the other, not only did not solve our fundamental problems, but rather, became a

problem itself, perchance our most fundamental problem at the end of this century.

Given our perplexity at our own lack of solutions for the fundamental problems, we seem to have returned back to Fourier’s time, or perhaps more accurately to an imaginary time before that, a moment that might allow us to interrogate the way in which he formulated our fundamental problems, and question the solution he envisaged for them. When, in Chapter One, I tried to articulate some of our interrogations concerning precisely modern science, I suggested that such a moment was, in that case, the mid-eighteenth century, and our best host, Rousseau. Other interrogations might require returns even further back into the past. For instance, to interrogate the modern decontextualization of subjectivity and its reduction to abstract individualism, we might have to go back to the second half of the sixteenth century, to Montaigne and his *Essays*. And to interrogate the reduction of law to a state prerogative, we would have to go back to Grotius, if not to Bologna. These archetypal temporalities were instrumental in Part One for my definition of the scope of the “fundamental problems” that we face at the end of the twentieth century, as a double epistemological and societal paradigmatic transition.

A brief review of my analytical trajectory concerning this transition may be useful to contextualize the final argument presented in Chapter Eight. In Chapter One I analyzed the epistemological transition from the paradigm of modern science to a new kind of emancipatory common sense, which I called a prudent knowledge for a decent life. In Chapter Two I briefly traced the paradigmatic transition from a societal paradigm, based on an unequal and unfair capitalist world system and an interstate system, to a new societal paradigm, geared to reinventing the emancipatory struggles of oppressed social groups. In Parts Two and Three I made an attempt at defining some of the political and juridical parameters of the double paradigmatic transition. In Part Two, of a rather more empirical nature, I tried to show to what extent some contemporary social and political processes are better understood in the light of a broader concept of law and politics, particularly when the aim is to stress the struggles of oppressed groups in a world made of localisms and globalisms. In Part Three, which is a rather more theoretical section, I tried to draw a vast map of the forms of knowledge, power and law, by means of which injustice and oppression are reproduced in capitalist societies, while part and parcel of the world system.

This long analytical trajectory led me to the conclusion that the fundamental problem confronting us today is the collapse of emancipation into regulation, and that the only way of overcoming this collapse is through a paradigmatic rupture. Indeed, all emancipatory solutions attempted by modernity soon degenerated into new instruments of regulation. Nowadays, in spite of the generalized crisis affecting the forms of social regulation, no new emancipatory proposals are emerging, let alone the energy to fight for them. We know, therefore, far better what we do not want than what we want, and even if we knew what we do want, we might still lack the will to want it really. Our fundamental problem is thus a civilizatory problem in its broadest sense, as well as a personal problem. As the collapse of emancipation into regulation became the megacommon sense of the end of the twentieth century, social regulation does not have to be effective in order to flour-

ish; it flourishes simply because subjectivity is unable both to know and desire how to know, and to desire beyond regulation.

As a result, our radical need is also a double need: on the one hand, the need to reinvent an emancipatory map which, unlike Escher's drawings, will not turn gradually and insidiously into one more map of regulation; on the other, the need to reinvent an individual and collective subjectivity capable of using and willing to use such a map. This is the only way to trace a progressive course along the double epistemological and societal transition that is just now emerging. In the previous chapters I mentioned some of the guiding principles of this vast process of reinvention and reconstruction. I stressed the need to create new forms of knowledge based on a new new rhetoric, a dialogical rhetoric intent on constituting itself as an emancipatory topic, that is, a topic of new, emancipatory, common senses. I have in mind forms of knowledge that progress from colonialism to solidarity, and are tolerant vis-à-vis chaos because of its potential for creating an emancipatory order capable of facilitating a progressive resolution of the paradigmatic transition. I also maintained that we should take as the starting point of such a task some unfinished representations of modernity, and I particularly emphasized two of them: the community principle, based on ideas of solidarity, participation and pleasure, and the aesthetic-expressive principle, based on ideas of authorship and artifactuality. I consider these two principles to be crucial to define both the progressive parameters of the epistemological, and the societal paradigmatic transition. Concerning the societal paradigmatic transition, however, I insisted that the excavation into some of the unfinished representations of modernity should also include the uncoupling of modern law from the state, and its recoupling with the polity and revolution.

These guiding principles allowed me to interrogate hegemonic conceptions of knowledge, law, state sovereignty, citizenship, power and politics, and map out new analytical fields that are vaster and more incomplete, and at the same time, less Westerncentric or Northerncentric, and more aware of cultural oppression. I showed how the new analytical fields highlight the various forms of oppression in capitalist societies, at the same time that they open up new spaces for cosmopolitan politics, cross-cultural dialogues, self-determination and emancipatory advocacy made possible by the globalization of social practices. I tried to distinguish between the social practices that are the direct or indirect outcome of the transnationalization of capital (globalized localisms and localized globalism), and those that do represent new opportunities for paradigmatic emancipatory struggles (cosmopolitanism and the common heritage of humankind). I also insisted that such processes of globalization are complex and contradictory, their social relations being now deterritorialized now reterritorialized across local, national and transnational time-spaces.

The purpose of this analytical trajectory was to formulate a set of radical interrogations about contemporary capitalist societies and the world system that integrates them, so as to open way for the double reinvention, called for by the paradigmatic transition itself, of a new emancipatory common sense, and a new individual and collective subjectivity with the capacity and the will for emancipation. To the task of this double reinvention I dedicate the last chapter.