

# Interpretation

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Department of Political Science  
Baylor University  
1 Bear Place, 97276  
Waco, TX 76798
- email* [interpretation@baylor.edu](mailto:interpretation@baylor.edu)

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LUCIEN OULAHBIB

COLLÈGE SUPÉRIEUR AND INSTITUT ALBERT LE GRAND (LYON)

CLESID, LYON3, JEAN MOULIN UNIVERSITY (LYON)

*lucien.oulahbib@free.fr*

This collection is composed of six lectures given at the American University of Beirut on December 2–4, 2015. It includes “Cutting Off the King’s Head” (by Mladen Dolar); “Author, Subject, Structure: Lacan contra Foucault” (Lorenzo Chiesa); “Better Failures: Science and Psychoanalysis” (Samo Tomšič); “Merely Analogical: Structuralism and the Critique of Political Economy” (Anne van Leeuwen); “Battle Fatigue: Kiarostami and Capitalism” (Joan Copjec); and finally, “Foucault’s Neoliberal Post-Marxism” (Zdravko Kobe).

#### MEASURE AGAINST MEASURE: WHY LACAN CONTRA FOUCAULT

An introduction by editor Nadia Bou Ali, entitled “Measure against Measure: Why Lacan contra Foucault,” emphasizes that the idea of a frank confrontation between these two influential thinkers was initially drawn up when Lacan came to Beirut in 1974 during the Lebanese civil war. He had clearly perceived the complex tensions of a modern society, torn between individual demands, or particularistic and universalist collective rights, which had not been able to avoid sinking into sectarian struggle. This struggle was traceable to a lack of adequate institutional solutions (which seemed to be less the case at the end of 2019 in Lebanon, since even Hezbollah was under challenge). At the other end of the spectrum, it seems that Foucault was highly suspicious

of any form of institution (a suspicion that Nadia Bou Ali and Zdravko Kobe call “neoliberal,”<sup>1</sup> though it is more closely akin to the anarchistic “libertarianism” of the Left). Foucault even sought a possible alternative to existing institutions in the Iranian revolution in 1978, before becoming disillusioned. For the uprising was not anti-institutionalist enough for him—quite the contrary, since Foucault’s aim was to “cut off the head” of any institutionalization of “politics” (the title of Mladen Dolar’s contribution, *infra*). This aim is not so far from his approval of the 1792 massacres in Paris during the French Revolution, recalls Nadia Bou Ali (2). That approval exemplified recourse to *direct* “justice” without any need for “a referent, an institutional mediation that scales down, neuters and softly” and aseptically “controls.”

Foucault’s desire to go “directly” to things recalls Sartre’s “group in fusion,” whose overall energy is channeled by a “series” of actions to be carried out according to a project. It differs, in degree but not in nature, from the rampages of the crowd evoked by Gustave Le Bon and, later, Sigmund Freud. Foucault seems to oscillate between the two approaches in his *demand* for “liberation” accompanied by a total, all-encompassing (subjective, ethical, political) “revolution,” as Nadia Bou Ali argues (2). However, he failed to take into sufficient account Lacan’s warning that any action, even the most “just” or “enraged” (reference to the Parisian massacres of 1792) does not escape “jouissance,” the pleasure of erection as a be-all and end-all, or the “power” of going all the way, all the way to the heady intoxication of untrammelled power (or the human passions of the ancients on which Spinoza dwelt, followed by the “second” Rousseau in the *Reveries*, prelude to the Romantic movement): “phallic symbols” galore, as Lacan might have put it.

Ali emphasizes that in May 1968, as much as Lacan could smile when in the middle of the intellectual mode of so-called structuralism, the students

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<sup>1</sup> The concept of “neoliberalism” seems to be twofold, because while it is rather similar at the political level to the anti-State anarchism to which Foucault can be connected, as some argue (for example, in France, Geoffroy de Lagasnerie, *La dernière leçon de Michel Foucault: Sur le néolibéralisme, la théorie et la politique* [Paris: Fayard, 2012]), at the economic level it is understood as the symbol of the supremacy of financial and technocratic capitalism over industrial and family capitalism. But this is nothing new, given Hilferding’s analysis in *Finance Capital* (1910), and above all, it can hardly explain, for example, the current industrial supremacy of the GAFAM or the Chinese and Indian upsurges, without forgetting the global decrease in poverty rates (reversing in this case the Marxist theory of pauperization linked to mechanization of the production process); which implies first of all analyzing the Schumpeterian aspect of capitalism identified by Max Weber. Unlike Marx, Weber distinguished the “lure of gain” and the “thirst to acquire” from the “rational organization of work,” where “rationality” integrates an ethics and a vocation (*Beruf*) that cannot be reduced to the mere efficiency or logic of resource allocation, even when accentuated by the digitization of the globalized economy (structured by transnational firms).

in revolt could sarcastically chant that “the structures will not demonstrate in the streets,” while he, Lacan, was warning them that in reality it was their supposed “struggle” that gave them “jouissance.” The jouissance was itself part and parcel of the contemporary metamorphosis of capitalism as it turned towards the utilization of knowledge as “more to get into,” thereby reinforcing the stranglehold of capitalism. Even the idea of “destroying” its very foundations, as advocated by Foucault and the post-existentialism that followed the multiple bankruptcies of Marxism-Leninism (USSR, Maoism, Castroism, etc.), provided a form of jouissance that could project itself as “alternative” power.

That is why Ali argues (17) that what distinguishes Foucault and Lacan is that one of them, Foucault, challenged mediation and contested the figure of the “Master” dear to the Greeks as an initiator, a referent, between oneself and the world. Foucault thereby implicitly refused any referent imposed between signifier and signified (Derrida, for example, as he indicates in *Positions* [1975], when he strives to “go farther” than Lenin). This led in some instances to integral relativism, which Gilles Deleuze (a friend of Foucault’s, whom the latter greatly admired) called absolute empiricism, a generator of unchained concepts galore. One may think of David Hume questioning the very notion of cause, whereas for Lacan, total doubt (that of “doubting doubt that doubts doubt,” as Edgar Morin stressed) would not escape the fact that in any conceptualization, in any “interplay” between the signified (contents) and a signifier (representation), however “radical” and “liberated” it may fancy itself from the stranglehold of “the Code” of the referent and consequently of the “institution” that produces and envelops it, a desire for (more) *jouissance* retains its allure. Hence the centrality of desire as a permanent search for abreaction and, at the same time, for *negative* delineation insofar as it forces the energy of the will to dissipate instead of erecting itself (hence the psychoanalytical idea, present in Pierre Janet as well as Freud, of viewing it as a “regression”).

But isn’t this precisely what Foucault, Deleuze, Derrida, and Lyotard were seeking, with Lyotard adding, in *Dérive à partir de Marx et Freud* (1975), as if in response to Lacan’s objection and similarly to Georges Bataille, in *L’expérience intérieure* (1943), that jouissance should be experienced sadly? How, in other words, can human energy be prevented from concentrating itself in *power* to act? How can the energy of institutionalized society be rarefied at the source? How can the “State” itself, the ultimate referent, the “way of governing,” to cite Foucault (175), be eliminated and replaced by something of which he constantly sought out the materialization, for example, in the Islamic revolution

of Iran? On a parallel track, this school of thought led to the idea of “deconstructing,” of undermining the ties binding us to the Real, to its contents, however imaginary and symbolized they may be—what Leo Strauss named *politeia* when he used Aristotle as a starting point for his thought, as recalled by Claude Lefort.

Hence, precisely, this idea of continuing to “cut off the head,” but this time in depth, in our innermost being; going above and beyond the reservations voiced by Lacan when he warned that this would not deactivate the trigger of jouissance and its erection as the other, permanent face of Power (a persevering “severe Father,” according to a famous play on Lacan’s words). For Foucault, however, the erection was dissolved in pleasure and rendered irrelevant. As for Deleuze, he indirectly addressed Lacan’s objection by arguing (just like Lyotard, *supra*) that as a result, desire should be targeted with neither object nor abreaction, hence perhaps his being drawn to *Masoch* and masochism (in *Mille Plateaux* [1980]). Foucault, on the other hand, admitted at least the provisional necessity of the object, hence perhaps his preference for Sade (including when the latter justifies the death of “Juliette”; see *Histoire de la folie à l’âge classique* [1961]). And hence his ambiguity: On one hand, there was the wish not only to “continue to cut off the political head” (37), but also to radically contest any and all power. On the other hand, retorted Lacan, the rise of radical extremes does not prevent us from deriving jouissance and striving to perpetuate power. In other words, how is it possible to *apparently* be “nothing” (*nihil*), rather than something, the “self” liable to accumulate power and perennial “domination” over others, even though in reality the appearance and illusions are bound to congeal into power, if only by means of mediazation, renown and status as manifested in the production and reproduction of new elites?

#### CUTTING OFF THE KING’S HEAD

It is in any case in this direction that Mladen Dolar’s contribution seems to be heading, taking up a statement by Foucault: “We need to cut off the King’s head: in political theory that has still to be done” (37). This implies, according to Dolar, that Foucault saw “power” less as “repression” than as a kind of machine, certainly paradoxical, of consent given by “free subjects” rather than “slaves” (similar in this respect to Norbert Elias’s “self-constraint” concept). Hence the subtlety of its influence, to be tracked down in order to extract “the” power (or “biopower”) that infiltrates everywhere, whether in bodies, pleasures, or the production of speech.

But what would be the ultimate goal of this search, which is akin to an infinite search for atonement, an admission of guilt that digs deep into the intimate, and which became perceptible in the incessant questioning promulgated by Foucault's followers (the *suivantes*, Lacan would have said) regarding entire sections of Western history (the arts, literature, economics) considered as overly white, macho, "heteronormed"? For example, Dolar (40) evokes the idea of a willingness to substitute for this notion of power, claiming to be "one" or uniform, the pleasure of proliferation, of the dispersion of norms, each subject building its own at every moment, as Deleuze (*supra*) also claims. But under those conditions, Dolar wonders, will there not be, even surreptitiously, a search for a common referent permitting their cohabitation? The process can lead to a power even stronger than the one previously rejected, in a kind of "return of the repressed," as is seen in the return of a new, more *fundamental* religiosity wrapped in millenarian and "end of the world" urgency; that, in a nutshell, is Charles Taylor's criticism of Foucault (in *Sources of the Self* [1989] and *The Malaise of Modernity* [1991]), not to mention Richard Rorty (in *Objectivity, Relativism, and Truth* [1991]).

This brings us back to Foucault's suspiciously "sensitive" relationship with "analysis" of the "repressed," with the forcible absence of power, of center (the essence of the postmodern idea coming from Le Corbusier's architecture and adopted by Lyotard, following Maurice Blanchot, in *La condition postmoderne* [1980]), the gaping breach of which attracts and, as Lacan emphasizes, is even conducive to *jouissance*. Foucault, on the other hand, dissents. Hence his rejection of the "psychoanalysis" he criticizes (as does Deleuze with his *Anti-Oedipus*), believing rather in dispersion, dissipation, difference in itself (as in Deleuze) similar to Derrida's *différance* (the *a* indicating precisely a breach in meaning). This dispersion would put an end to a uniform conception of "Man," regulating his power relationships in a single dimension: that of the single, paternal norm. For them, this norm had to (*sollen*) "die" (the famous "*death of Man*") because its definition of having-to-be is in fact merely a Western production, destined to disappear as a unique patriarchal model. Then again, as indicated by Dolar's citing of Lacan's formula "*Father or worse*" (49), while the model is vigorously contested, it is perhaps not so easily replaceable. Dolar pointed out that its current nonsubstitution may be much worse, insofar as whatever replaces it will bring into being a far more coercive power (which is now the case in some American, British, and French universities).

## AUTHOR, SUBJECT, STRUCTURE: LACAN CONTRA FOUCAULT

This removal of any unifying referent and the resulting proliferation of “norms” (in fact “points of view”) raises the question of the “Subject”: Is he still the “author” of all these actions, asks Lorenzo Chieza (55)? Wouldn’t any “self,” even when illustrious, be rather a “system” effect, similar to waves of words that appear autonomous and dynamic but are in reality “drowned out” among other waves, all of them forming “incessant streams of speech”? And yet they have a role to assume, that of support, such as Freud’s “proper name”: though not a subject, it is at least a “speaker” possessing a “language,” that is to say, an “unconscious,” according to Lacan, which brings about *jouissance* by its very existence. This is what distinguishes the Lacanian approach (*supra*), as confirmed by Chieza (59–64). In fact, it brings fulfillment to the “speaker” enjoying the (at times imaginary) “consequences” of its symbolic enunciation, which means that the human speaker is something more than an emitter among others.

## BETTER FAILURES: SCIENCE AND PSYCHOANALYSIS

Under these conditions, what really differentiates Lacan from Foucault is, as Samo Tomšič points out (81), that Foucault perceived the link between the desire to know and the joy it brings as just one more capitalist “invention,” certainly of a specific nature, yet always part and parcel of the continuum of its global production. For Lacan, on the other hand, the link between knowledge and *jouissance* is not insignificant, in that it places the latter at the center rather than the periphery of accumulation, with capitalism nonetheless enabling calculation of value through harmonization of its production.

But what yardstick should we forge and symbolize to define not only the degree of desire, its intensity in the imagination, but above all the rate of *jouissance*, what it *actually* provides—even in conformism and the supposedly hostile radicalities supposed to fight it? Let us suppose that the “*figure of Man*” has indeed crumbled and been dissolved owing to the relativization of its enunciations. In that case, given the supposed disappearance of the Subject (of History) and the Author, viewed as simple effects of the “System” now contracted into the single notion of “speaker” (or the “it speaks, only to say nothing”), how are we to measure this loss (in/voluntary loss of meaning that Foucault and Deleuze were strategically seeking)...and the *jouissance* it nevertheless still secretes (recalls Lacan)?

The question is especially salient because this (“in/voluntary”) loss of referential indexation is not, as occasionally claimed, similar to the transition from classical Newtonian physics (attraction/repulsion as the final referent) to quantum physics (waves/particles), in which the referent itself varies according to polarizations. For these two physics complement each other in the sense that while the measured element varies, it remains possible to evaluate according to its state in “space-time.” In the context of human temporality eager to rid itself of any evaluation deemed “repressive,” “castrating,” or “closed,” on the other hand, it goes beyond dialectic (in both the Hegelian and the Marxian [*Aufhebung*] senses), and there would no longer be any need to overcome “contradictions” between the true and the false, for example, or to establish differences between men and women. For there would no longer be a standard of measurement allowing for evaluation (no more subjects, no more authors or “contradictions” either), and these categories would be “constructed,” that is, produced: “fake news” according to point of view, “meta-truths” of the “ni-ni”: neither man nor woman, neither hetero nor homo, or the assumption of *queer* + +.

Lacan nonetheless observed that even at a loss (loss of meaning), this multiform production continues to produce (construct) just as much jouissance, and therefore power—even if it means rendering it morbid (Foucault and his admiration for Sade) and/or unbearable (Deleuze, Derrida, and Lyotard and their “idea” of sad wandering, of deferring and delaying without purpose or end). Hence their ultimate justification (legitimization in reality) stipulating that “everything” (true, false, truth, lies, sex, and excessiveness) has in fact always been there, at the same time: neither past, present, nor (no) future, nothing but this eternal moment in “meta-ana/morphosis,” as Nietzsche indicated (fighting against “back worlds,” recalls Jean Baudrillard in his *Cool Memories* [1980–1985]).

The abandonment of any idea of universal measurement (or the “death of Man”) has become a commonplace that, according to Tomšič, seems to bring Lacan and Foucault closer together, despite their differences. While Foucault, in his quest for differentiations/oppositions between “normal and pathological” (which he borrows from Georges Canguilhem), sees the figures of the madman, the prisoner, and the assassin as excesses in denying, “deconstructing” “Man” as a yardstick (a “recent invention” according to Foucault in *Les mots et les choses* [1966]), Lacan sees deformations (*anamorphoses*): those of “mirrors” (of the self) at various “stages,” like a labyrinth in which the Minotaur would be the subject surging out of its swirling open spaces or fragmented

mirrors, gaps or faults perceived as breakthroughs, even if they are dead ends. Lacan lays stress on Beckett's "*Fail better*," Tomšič points out (85), as a means of illustrating a permanent process, a Möbius ring, a circle by which the subject strives to escape himself (running faster than its shadow: soot, trace), like a "knife without blade with missing handle" (image dear to Jean Baudrillard).

Psychotherapeutic analysis, in this labyrinthine context (similar also to that of Jorge Luis Borges in *Le jardin aux sentiers qui bifurquent* [1928]), then becomes a permanent Ariadne's thread, its existence a perpetual reminder, "repetition" according to Lacan (as also indicated by Deleuze in *Difference and Repetition* [1968]). Would not "analysis" be the portrait infinitely portraying itself, reflection reflecting "beyond good and evil"? It is not surprising that one of the last magazines run by Lacan was called *l'Âne*<sup>2</sup> (from the French "analyse"), moving at once forward and backward, even when espousing "radical" positions because we do not escape consequences, which inevitably produce jouissance, meaning vanity, prestige: power.

But would the ambivalence bringing together yet distinguishing from one another Foucault and Lacan (the latter insisting more than the former on the need to reflect on the *jouissive* consequences of any destruction, probably because Lacan also thought as a doctor) likewise concern their analyses of "gender" relations,<sup>3</sup> particularly as regards the "roles" attributed to them by a historically situated social structure?

#### MERELY ANALOGICAL: STRUCTURALISM AND THE CRITIQUE OF POLITICAL ECONOMY

This seems to be the question posed by Anne van Leeuwen (109), where she studies the "analogy" established by the feminist Gayle Rubin between the production of goods and the production of unequal roles between the sexes or the "sex/gender system" (111). Van Leeuwen identifies an anthropological dimension, which she borrows from Lévi-Strauss, in the sense of not merely establishing, as do some feminist analyses derived from Marxism, a "simple" parallelism between capitalist production and sexism. The latter, she argues, is much older than capitalism, even if there may be "analogies." Hence the

<sup>2</sup> <http://psychanalyse-paris.com/Le-Nouvel-Ane-no-1.html>.

<sup>3</sup> The "queer" interpretation of "gender" seems to blur the distinction to be maintained between "sexual orientation" and "gender," which does not mean that there is no a priori connotation; hence the use of the term "sexism," which clearly reflects this ambivalence, yet without merging the terms, unlike again the fashionable neologism designating "the heterosexual" as "cisgender," which also confuses "sexual orientation" and "gender."

distinction between “analogy,” which compares, and “isomorphy” (parallelism), which conflates them. Van Leeuwen raises the issue by referring to the position of Judith Butler, who appropriated Gayle Rubin’s analysis in order to differentiate herself from the traditional Marxist conception that sees in feminist struggle only a cultural dimension (112). Butler would contest this Marxist conception by insisting, with Rubin (while relying on Foucault), that the feminist struggle is not peripheral to the “materialist critique of the economy” but in fact represents a fundamental political vector of combat. It does so especially by designating heterosexuality and, more generally, “the family order” (113) as central elements of “reproduction of any economy” (capitalist or not), a division to be combated.

Except, notes van Leeuwen, contrary to what these three authors (Rubin, Butler, Foucault) argue, the feminist analysis establishing an avowedly “Marxist” (materialist) analogy between economic production and the production of inequalities between the sexes fails to perceive Marx’s analysis concerning the “socio-symbolic” nature of the commodity, which exceeds its utility value (117–19), namely, “fetishism,” its phantasmatic projection, which could help. When correlated with Lévi-Strauss’s analysis of anthropological invariants, Marx could further the study of the various “projections” likewise fetishized in gender relations.

Hence the idea of integrating Lacanian input on the weight of the “real-symbolic-imaginary” triptych in analysis, which is nonetheless questioned by critics such as Nancy Fraser (127) and Gayle Rubin (*supra*). In a word, we should not disregard the weight of the cultural identities and social antagonisms that constantly shape gender relations and therefore influence imaginary projections and their symbols; they cannot be analyzed only in themselves, as in Saussure, Freud, and a fortiori Lacan.

#### BATTLE FATIGUE: KIAROSTAMI AND CAPITALISM

Can this complex “social” question be easily detached from its cultural environment, from symbolic experience—in a word, from an imaginary that infuses new life but finally “fatigues”? This question, which concerns “affect” as an unavoidable dimension, also seems to be at the heart of Joan Copjec’s contribution to the volume. This is particularly so when this author examines why one of the heroes of Kiarostami’s film (*Taste of Cherry*, winner of the 1997 Cannes film prize) is trying to commit suicide (he possesses an enviable status, but discovers the difficulty of attaining his objectives) in an Iran that, in 1988, was drained of blood from a war against Iraq triggered and carried out for the benefit of “capitalist” backers.

This correlation seems to be posited by the author from the outset as explication of the conflict between Iran and Iraq (1980–1988). The war represented an implacable environment, dispossessing actors of their own lives, except precisely for deciding on their “own” death and observing the impossibility of simply having it done. Hence Copjec understands “fatigue” in the sense not only of despair, but also of resistance, of vigilance, which entails wondering about our relationship to death, the “being-for-death” of Heidegger that Copjec references (140), along with Henry Corbin’s interpretation. Being-toward-death is associated with the Shia vision of an imaginary temporality, an “eighth dimension,” and with Emmanuel Levinas’s interpretation of fatigue as a state of vigilance. According to Copjec, being “tired” presupposes a historical context that she considers deeply scarred by “the war action of capitalism against bodies and the means of resisting,” fatigue being both the consequence and a means of resistance in Levinas’s idea to remain anonymous so as not to be enrolled as Heidegger’s *Dasein* was in his National Socialist sense of “Being” (142).

This overall analysis remains surprising, however, because even if the author seems to oppose the two analyses (evoking Foucault and Derrida, 143), the first one supporting the notion of resistance to any “biopower” and the second one trying to clarify the nonbiological conception of being-for-death in Heidegger’s thought, the author seems to implicitly admit a correlation between capitalism and National Socialism. The correlation obtains even if Levinas’s analysis would allow much better resistance than Heidegger’s, despite Derrida’s attempt to reconcile the two.

Except that Copjec, with the help of Foucault, seems to prolong, in a dotted line, the Marxist analysis (especially Stalinist in the 1930s) stipulating that National Socialism was the extension of capitalism involving the domestication of labor and the systematization of Taylorism as the alienation of bodies personified by the *Arbeit macht frei* of the Nazis (142). This is a thesis that remains debatable, given that National Socialism vehemently criticized capitalism (for example in *Mein Kampf*) as too “liberal” (and too “Jewish”).<sup>4</sup>

Nevertheless, the author sees in Kiarostami’s *Taste of Cherry* the possibility of observing, behind the apparent “fatigue,” the “vigilance” (153) that uses insomnia to keep the “eyes open,” even if despair is on the rise. He thereby

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<sup>4</sup> It would have been possible to include Max Weber here too, insofar as he analyzes the specificity of capitalism, its “spirit” (*Geist*) as a technique, not in the sense of the Heideggerian way (*Gestell*) but rather of the Durkheimian organization of work (from clan solidarity to “functional” solidarity) enveloped by the notion of “mission” (*Beruf*) developing reputation and prestige.

suggests a kind of experimental neo-Stoicism at the edge of the precipice remaining resistant to a disenchanting era.

#### FOUCAULT'S NEOLIBERAL POST-MARXISM

It would be this “experimental” approach of resistance in everyday life, especially institutionalized and therefore susceptible to “domination,” for Foucault, that Zdravko Kobe perceives in the “practical” works of the latter (161). This is especially so when he indicates that he considers himself an “experimenter rather than a theoretician” (162) seeking out a path other than that of the “State,” which for him is “nothing more than a way of governing” (175). He thereby indicates that it would be possible to do without the State insofar as its negative effects lead to “segregation,” dividing society into “dominant and dominated” (Marx and Marcuse had taken the same path), some of the latter being thrown away via asylum, hospital, and prison (175).

Hence the idea of “liberating” so-called civil society (a Hegelian concept) from the State, which according to Kobe allowed Foucault to study the metamorphosis of classical “liberal” thought (balance of power) into “neoliberal” practice (rise of control-based institutions). It would no longer be a question of “economic” preeminence (generalization of the idea of the market to all human activities), but rather of the emergence of a mutation of the State which, having observed the efforts of society to free itself from its hold (since the end of the eighteenth century) would initially undermine itself by limiting its rigid social control to necessarily repressive moments (repressing revolts), only to return through cut-down freedom divided into “rights to,” metamorphosed into the individualized “products” it proposes to manage (social security, unemployment, pensions, etc.) in the place of “civil society” (181).

Foucault strove to study this metamorphosis and its subtle control tools (such as psychoanalysis, individual responsibility, institutional autonomy, 191) all aimed at making individuals internalize the intimate need to be accompanied in their choices by a metamorphosis of the state (the so-called biopower) while retaining the illusion that they are liberated—even while isolating themselves (186).

Hence Foucault’s desire to find new forms of governance that would render people less dependent as consumers and more supportive of each other. Hence his hope in the promised transversal dimension of the Iranian revolution before disenchantment, as he rediscovered ancient “self-care” practices that would relativize our reference systems and not be incompatible with the

current “multicultural” management of social practices proposed by market globalization. Hence the reproach made by some towards the “French theory” (including Foucault), which would accompany these “neoliberal” paths instead of fighting them, as did Freud, Reich, Marcuse, and Lacan (190), with regard to their unconscious dimensions. Foucault would retort, according to Kobe, that it is always a question of “control,” even when it is a question of escaping it and helping “society” to do so.



The guiding idea throughout this confrontation between Lacan and Foucault would be that not only power but also any criticism of power, however radical such criticism may be (such as those of Foucault, Deleuze, and Derrida), generates *jouissance* (as Lacan stresses) seeking to establish itself (institutionalize itself) even while challenging existing institutions, forces, and relations. Even if *jouissance* can point to constant resistance, “vigilance” (Levinas) towards any triumphant enunciation, it will once again have to be “deconstructed” insofar as it winds up establishing itself as a normative power, a desire to perpetuate itself as rebellion, anomaly, margin (avoiding frustration, repression). There will always be a new erection (of power) even if it consists in permanently “dismantling” codes, languages, sexes, arts, cultures, diverse identities, to the benefit of a general confusion without subject, object, or author. All this effort does not (always) manage to conceal the resulting *jouissance* and therefore the power that it provides in prestige and status. (This is still evident in current protests.) Moreover, this “destruction” (similar in reality to implosion) primarily affects informed individuals (as seen in certain sectors of production of symbolic goods, universities, various media), an “elite,” whereas the average individual has no desire to carry out this *hara-kiri*, preferring “fetishism of merchandise”—unless he undermines this fetishism by having it subjected to the various “emergencies” of the millenarian type, as is claimed today. Hence a double impasse: in/voluntary and/or alarmist impotence can hardly contain consumerist *jouissance*.

This means that this critical approach is increasingly transformed into a vicious circle that remains increasingly angry, irritated, and at the same time magnetized by the consequences inherent to both the notion of power and to its “destruction.” Even when one breaks it, and tries to escape, *jouissance* is not dissipated, except by a forward flight into destruction (from guilt to death, killing the meaning of gender in language).

This impasse, both theoretical and practical, undoubtedly stems from everything it seems to have set aside in the historical experience “lived” in Europe in the Husserlian sense of transcendental specificity, positing (for example in the *Krisis* [1936]) that this continent (Europe) is something other than one more “ontic” historicity. The impasse has in fact been universalized more under the notion of the rule of law than under dictatorship (proletarian, fascist, National Socialist). For that notion incorporates objections to the fact that “power corrupts,” even when democratic representation is more and more fragmented. This centrifugal phenomenon (as well as the *jouissance*—vanity, pride—that it provides) proves by experience that “only power stops power” (Locke, Montesquieu). It does so, however, if and only if there is acceptance of the idea that this conception is derived from rationalism distinct from the logic of “passions and interests” (Hobbes). For the rule of law is anchored not only in the logic of an “ethics of moral feelings” (Adam Smith), or of a “code of ethics” (Jeremy Bentham), of universalization of the whole in the form of moral law and the common good (Kant relying on Rousseau) symbolized by both a “hierarchy of norms” (Hans Kelsen) and “justice posed as equity” (John Rawls). It is anchored also, and primarily, in the fact that this transcendental rationalism—which Husserl called for (following Auguste Comte, Émile Durkheim and Max Weber; it can likewise be found among the American Founding Fathers, in particular James Madison in *Federalist*, No. 10) embodies the principles that not only allow human action to emerge, to preserve itself, to emancipate itself in the freedom to think and to undertake, but also allow action to refine itself in its consequences towards others (planet earth included...). That is, it does so by not forgetting that in the notion of “Law” there is also a *final* meaning, that of its own foundations (as emphasized by Leo Strauss in *Philosophy and Law* [1935], where he comments on the links between philosophy and religion); this means that any Aristotelian *quiddity* wishing to escape the “human all too human” consequences of its materialization cannot help but reflect on its limits.

But how? In the context of the permanent confrontation between “Athens and Jerusalem” evoked by Leo Strauss, shedding light on the direction in which its positive expression, the rule of law, *professes*, doing so within “rational” (transcendental) and not only “logical” dialogue between world civilizations in view of transcending passions and interests and the *jouissance* they procure, without forgetting the need to be “strong” and thereby to be able to create and protect, “together,” these different conditions of possibility.

