

‘Who’s your daddy?’
The liberal-psychoanalytic subject before the sovereign-Other’

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Abstract

I have become concerned with the concern about using psychoanalysis to talk about people’s of the West. While I share Gayatri Spivak’s concerns about using psychoanalysis ‘that is so culture specific in its provenance’ as a method of understanding the psyche, or, to consider the formation of the subject, the liberal subject that has long been produced through the discourses of psychoanalysis, and has certainly been productive in developing and applying them. This is a psychoanalysis that has precisely responded to – been afforded by – the psychotic, neurotic and perverse of Europe, and later the Americas and beyond. That is, the founding and developing premises of psychoanalysis speak of, and to, a European and English speaking world; a world that has, for the past four centuries, been grappling with the enlightenment. This is a world that has been uncertain about the relations of the people to their freedoms, whether as subjects of law or subjects of reason, or both. And the psychoanalysis of Sigmund Freud, Jacques Lacan and Melanie Klein speak precisely to this uncertainty.

*In this paper I’ll discuss the production of the liberal subject in its relation to the ‘sovereign-representative person’ articulated by Thomas Hobbes, Carl Schmitt and Jean Jacques Rousseau, and the parallels of this production to the subject of psychoanalysis. This is a subject, I argue, who is struggling with his/her freedom to be sovereign, choose freely in the social contract, and articulate his/her own desires after the death of the ‘primal father’. This paper is my response to the concerns of using a culture specific psychoanalysis, as an articulation of both a kind of passage through history of the liberal subject, and a psychoanalytic passage *l’act* (an acting out) of its relation to the sovereign-Other.*

I have become concerned with the concern about using psychoanalysis to talk about people’s of the West. This I my response, as an articulation of both a kind of passage through history of the liberal subject, and a psychoanalytic *passage l’act* (an acting out) of its relation to the sovereign-Other:

Psychoanalysis began as a discourse of what I am loosely calling (largely for lack of a better word and to appeal to convention) the West, and its fundamental texts mirror western concerns with the relation of the subject to the sovereign, or the individual to its freedom to *be*, through its capacity to reason and thus make free choices before the sovereign. The psychoanalytic subject, far from being universal, can be seen as 'culture specific' to the West insofar as the concerns of Sigmund Freud, his peers and inheritors, articulate the political discourse emerging in the previous century in Europe.

Psychoanalysis parallels, and in part is a metaphor for, and arguably contributes to, the production of the liberal subject wrangling with its autonomy *qua* freedom in the West. This wrangle can be seen in a multitude of discursive forms, which have emanated from Europe in the 17th century and permeate the cultural present as the concerns of the West. They are then dispersed in the 'white diaspora'¹ (Osuri & Banarjee 2004, p.167) that is capitalism and colonialism, and in the mechanics of what has come to be called globalization or 'development', (including the globalisation of psychoanalysis).²

While I share Gayatri Spivak's concerns about using psychoanalysis 'that is so culture specific in its provenance' (Spivak 1993, p.177) as a method of understanding the psyche, or, in my project, to consider the formation of the subject, I am examining a subject that has long been produced through the discourses of psychoanalysis (see Derrida 1998). This is a psychoanalysis that has precisely responded to – been afforded by – the psychotic, neurotic and perverse of Europe, and later the Americas and beyond. That is, the founding and developing premises of psychoanalysis speak of, and to, a European and English speaking world; a world that has, for the past four centuries, been grappling with the enlightenment. This is a world that has been uncertain about the relations of the people to their freedoms, whether as subjects of law or subjects of reason, or both. As Immanuel Kant offered as the ingredients of enlightenment:

For enlightenment of this kind, all that is needed is *freedom*. And the freedom in question is the most innocuous form of all — freedom to make *public use* of one's reason in all matters. (Kant 1999, p??)

The questions for psychoanalysis are: *how* does one have reason to make public use of? Can freedom exist as a choice 'to make use' prior to 'the public'? And from where does this freedom come, if not from the public?

The relations of reason to the subject's freedom *before*, in both a temporal and interpellatory sense, the subjectifying parameters of law - or before the public - have long been the questions of the enlightenment in Europe. Since Rene Descartes postulated the existence of the *cogito* in the location of 'thinking' - that is, that man derives his existence from a process derived externally, outside, in the public – man has doubted his internal 'freedom', what Jean-Jacques Rousseau describes as his 'natural liberty'

¹ As they suggest '...ideoscapes of democracy and freedom are proclaimed as universal values, but at the same time particularised as the very identity of 'white' Western countries.'

² Lacan noted that 'Psychoanalysis has played a role in the direction of modern subjectivity,' (Lacan 1977 [Sheridan trans], p.72) and we could argue, continues to play a role in the subjection of the subject, both in the west and through a neo-liberal diaspora.

(Rousseau 1968, p.65). 'Thinking', particularly for the psychoanalyst Jacques Lacan, was a process of utilising language, a language borrowed from a prior other, and language that exists temporally *before* the subject. Language, as the tool for thinking, is something one is born in to, and therefore does not choose, *freely* or otherwise.

Since the instance of the Cartesian *cogito* in, what we might call 'western history', the questions of the influence upon man of what he was born into, as opposed to born with – genetically, naturally, biologically, or spiritually, has been articulated in debates of the internal/external or what has been called 'nature/culture'. The influence of these debates reflect what has emerged in psychoanalysis, and are certainly the preoccupation of its theories. As Lacan forthrightly offers:

At this intersection of nature and culture, so obstinately scrutinized by the anthropology of our times, psychoanalysis alone recognizes the knot of imaginary servitude. (Lacan, [Fink] 2005??p.80).

Psychoanalysis recognises, and attempts to think through, the questions of the product of the subject as subjected to a prior 'outside'. Psychoanalysis is particularly concerned with the tools of subjection in their manifestation as law, language and the reason of the other *qua* public. The production of reason through 'the public', or of law in relation to the subject is precisely what Lacan describes as 'imaginary servitude.'

This servitude prompts a series of confusing and confused conditions for the liberal subject, and indeed liberal politics. How does one remain 'free' in a liberal democratic nation state, when their liberation is contingent on the will of that state, and or its head? What then is liberty? And how might this be secured in order to provide the subject liberation? Does one need to be 'free from' the prohibitions of the state, in order to be 'free to' exercise one's free will?

Psychoanalysing the West

John Stuart Mill offered the simple formula of being free from harm and thereby free to exercise one's will before the limit of harming an-other; and that this limit would be secured by the state (Mill 1974). The conundrum of liberalism in the West, in its politics of freedom for the *individual* and its necessary subjection of that individual to the prohibition of its freedom through the laws of the *polis*, is a paradox which is essentially resolved through the notion of 'free contract' and the premise that one's 'natural liberty' enables 'free choice' to participate in that contract. This can be summarised in the question for Jean-Jacques Rousseau, in his treatise on *The Social Contract* in 1762. In this discussion he offers the condition of 'the person' in his relation to freedom, others and the state, and the name 'contract' for his conditional existence. He asks:

How to find a form of association which will defend the person and goods of each member with the collective force of all, and under which each individual, while uniting himself with the others, obeys no one but himself, and remains as free as before.

And he resolves, 'This is the fundamental problem to which the social contract holds the solution'. (Rousseau, 1968, p.60)

Rousseau's meditations on the 'social contract', articulated partially by Thomas Hobbes before him in the *Leviathan*, and his engagement with the "relation between protection and obedience" (Schmitt 1996, p.96), would find a sympathetic legal voice in the French *Declaration of the Rights of Man and Of the Citizen* in 1789.³ In this document man would come to know that he could be protected *from* the state, by the state, through the apparatus of the 'rule of law', and the exercise, or at least recognition of his rights. This moment can be seen to inaugurate the conundrums of 'psychoanalytic man' struggling under the rules of the oppressive 'primal father', in Freud's myth of the origin of law, a century later. (Freud ???)

In this discussion Freud suggests that society existed *originally* in a form where the 'primal father' could do as he pleased. His freedom included sexual access to his daughters, to his son's wives, to his sisters. Indeed, the condition of the father in this originary scene is that of limitless freedom to satiate his desire. The sons however, unhappy with this situation, killed off the father in order that they may have a kind of sovereignty, one could say, over their own possessions, including wives etc. The 'limit' must then be imposed on all the (other) brothers – in the fashion of the Millian 'harm principle', so that no individual had limitless access, but no individual (man) could be usurped of his possessions by another. A kind of contract. This is a myth of origin, and of course it is a myth, (otherwise there might be some confusion about the position of the primal father's father) but it is a myth of sovereignty. A myth about the position of the king, head of state, feudal lord etc. and 'his' access to the other (man's) property, and the limits on 'man' in his access to the sovereign's property, that is, his capacity to inaugurate, endure and surpass his own, or another's laws.

While Freud's myth suggests origin and resolution, 'man' has always had to struggle with the prohibitive demands of the sovereign. The French *Declaration*, however, offered, in legal discourse, the possibility that he could thwart the limitless freedom of the sovereign and thereby the absolute prohibition on his own sovereignty. The *Declaration* suggested that it was not a sovereign right to utilise subject's arbitrarily; that the rights of the sovereign and that of man were in dialogue, or at least in relation. In this *Declaration* we have the possibility of killing off the oppressive father of the primal horde; perhaps not always, or absolutely, but sometimes in the interest of political and what has come to be 'human' rights. The aftermath of this possibility, the confusion of what to do with this new egalitarian freedom, would require some psychoanalytic assistance however.

The *French Declaration* would form the foundations for the *Universal Declaration of Human Rights* adopted by the United Nations (UN) in 1948, and continues the articulation of the conditions of the liberal subject, in its struggle for freedom in relation to something we might call, in line with Hobbes, as read by Carl Schmitt, a 'sovereign-representative person' (Schmitt 1996, p.97,98). These confusions would later be

³ I'll subsequently refer to this as the '*Declaration*', or '*French Declaration*'.

articulated by Freud's patients and documented in his many discussions of the conditions of the human in its relation to the parent, and/as law, one of which being, of course 'A Child is Being Beaten'. In this text, and others such as 'Group Psychology', 'Civilization and its Discontents' and, in a parallel concern with the inauguration of language in the subject in 'Beyond the Pleasure Principle', Freud discusses the concerns of his patients, and indeed of 'civilisation' more broadly, with the possibilities of operating with a desire that is sometimes 'free' of beating, guilt, or aggression. Lacan would also later consider the imprint of the sovereign-representative person in his discussion of the 'name-of-the-father', 'Mirror Stage', (Lacan 2006, pp.75-81) his general discussions of the importance of the Oedipal influence, and the production of the subject's reality through language (See Lacan 1977b). These texts gesture to Descartes *cogito*, (Lacan, 1977b, 1977, p.93) and its struggles as the 'I' that 'thinks' *independently*, that is *freely*. As Lacan states:

the philosophical *cogito* is at the centre of the mirage that renders modern man so sure of being himself in his uncertainties about himself, (Lacan, 2006, [Fink], p.157)

And these are uncertainties in relation to the authority of the sovereign and its prohibitions on the subject's freedoms.

Freedom

In psychoanalysis 'freedom' is arguably 'internal'. The struggle for the subject of analysis goes beyond the legal/sovereign limits of the state in its application of law, it is with a sovereign-representative person as an object of the transference of feelings of prosecution, persecution or prohibition. As Wendy Brown explains:

Sovereignty is a peculiar border concept –not only demarking the boundaries of an entity (as in jurisdictional sovereignty) but, through this demarcation, setting terms and organizing the space *both inside and outside* the entity. (Brown 2006, p.4, my emphasis)

Thus, 'feelings' are then internalized as what Lacan would call codes, or coordinates, which produce other thoughts, fantasies, anxieties, and behaviour that limit the subject, of his own accord. For Brown this is what it means to set the terms and organize the space inside, the 'internal' of the subject.

Freud's engagements with the 'internal' struggle of the subject of psychoanalysis were formulated in the foreground of the liberal political discourse of arguments such as those of Rousseau who suggests:

The oldest of all societies and the only natural one, is that of the family; yet children remain tied to their father by nature and so long as they need him for their preservation ...as soon as [the son] reaches the age of reason, he becomes the only judge of the best means to preserve him; he becomes his own master [he kills off the father]. The family may therefore be seen as the first model of political societies: the head of the state bears the image of the father, the people the image of his children and all being free and equal surrender their freedom only when they see advantage in doing so. (Rousseau 1968, pp.50-51).

Rousseau's belief in the freedom of the subject relies on the presumption that the advantage is 'seen' and surrendered, from the vantage of being already free of the influence of subjection to the family, or the head of state. This may have been more true in 1762, when there was a possibility of existing before the 'social contract' came into practice. That is, where the subject might have had a 'say' in the immanent advantage of installing the social contract. In 1948 however, when the *Universal Declaration of Human Rights* would put these concerns into legal circulation, a contract with the democratic sovereign had been inescapable in democratic nations for many generations. Despite this in Article 1 the *Declaration* states:

All human beings are born free and equal in dignity and rights. [and, in the manner of the Kantian sovereign moral subject]⁴ They are endowed with reason and conscience. (UN 1948)

In psychoanalysis it is precisely this *endowment*, however, which tampers with the first premise of freedom and equality. It is precisely the problem with the subject's perception, as 'seeing advantage', in surrendering freedom to an imagined sovereign-representative person as a state of 'reason and conscience' that Freud, and later Lacan, engaged in their analytic practice and theory.

The psychoanalytic subject struggles to tamper with his/her own freedom and with that of others, because it is *always already* subjectified through the parameters of the subject's relation to others, including, and perhaps especially the sovereign-representative person. It is no coincidence then that the psychoanalytic discourses adopted a foundational interest in the subject's relation to freedom through a consideration of its relation to the sovereign-representative person as a kind of father, and extended this interest to the use of language as the 'name of the father'. This then evokes the very questionable capacity for 'free speech'.⁵

Sovereign-Other

The sovereign, head of state, the father and what Lacan calls the (big O) Other, function for the subject in distinct but overlapping ways which, when articulated, assist in contemplating the possibilities of 'freedom' within a liberal society. Firstly, the sovereign and 'head of state' are not collapsible. And it is in the difficulty of locating the sovereign to the subject, and its relation therewith, that psychoanalysis can assist. Rousseau's definitions offer a starting point for this endeavour. As he explains:

in the place of the individual person of each contracting party, this act of association creates an artificial and corporate body composed of as many members as there are voters in the assembly, and by this same act that body acquires its unity, its common ego, its life and its will...the public person...in its passive role is call the *state*, when it plays an active role it

⁴ Wendy Brown makes this link with Kant (Brown 2006, p.2) The link is also made by Renata Salecl in her essay 'Woman as a Symptom of Human Rights' (see Salecl, 1994)

⁵ Links between the capacity for free speech before the sovereign as a concern of psychoanalysis has been well made in relation to torture. See Clemens & Grigg 2006)

is called the *sovereign*...those who are associated in it take collectively the name of *a people*, and call them selves individually *citizens*, in that they share the sovereign power, and *subjects*, in that they put themselves under the laws of the state. (Rousseau 1968, pp.61-2 – his italic, my underline).

The ‘common *ego*’ that Rousseau describes here is the location from which the sovereign speaks. This commonality is imagined however, for it is common...where? There is no location for this presence consistently because the commonality of it dictates that it is located where the ‘life’ and ‘will’ of the ‘people’ are fantasised as emanating. Post the 1789 *Declaration* and the instantiation of what has come to be called, in the fashion of Michel Foucault, ‘disciplinary conception of power’, the impossible locus of power, as Ed Mussawir points out:

has meant not so much that sovereignty is an outdated or meaningless concept, but simply that the sovereign becomes more difficult to identify. (Mussawir 2006)

Rousseau in 1762 saw it this way:

sovereignty, being nothing other than the exercise of the general will, can never be alienated; and that the sovereign, which is simply a collective being, cannot be represented by anything but itself – power may be delegated, but the will cannot be. (Rousseau 1968, p.69)

Thus, the sovereign could certainly be the head of the state, the Prime Minister, President, King, or father, but Rousseau’s configuration disallows, not this possibility, but this possibility as an *enduring certainty*. This is because ‘certainty’ is a gesture to a future arrival, and as Rousseau contends:

while it is not impossible for a private will to coincide with the general will on some point or other, it is impossible for such a coincidence to be *regular and enduring*;The sovereign might say: “What I want is precisely what this man wants...but no sovereign could say: “What this man is going to want *tomorrow* I too shall want,” (Rousseau 1968, pp69-70, my emphasis)

In disallowing the certainty of a futurity to the sovereign decision Rousseau, in a gesture prescient with the concerns of psychoanalysis, articulates the uncertainty of the Lacanian subject who does not consistently know the immanent codes of the Other, which offer the coordinates of its own subjectivity. Rousseau’s sovereign is a product of general will, but a will which points to an (un)certain futurity of an arriving judgment. It is an anxiety in the unconscious of the subject because, if the subject does not know the coordinates of the limit, then it cannot know the parameters of its freedom.

This is beyond the parameters of the law articulated through the standard ‘head of state’, or indeed the prescriptions of God – for these can be known, albeit arbitrarily interpreted. It is the terrain of the sovereign ‘decision’ articulated by Schmitt as the decision on the ‘exception’. A decision that, while related to the ‘rule of law’, can *overcome* it arbitrarily; the rule of law is not set over the sovereign. The condition of the sovereign decision I am interpreting here (albeit arbitrarily) inaugurates two points of conditionality

for the liberal subject. Firstly that the decision may be exercised by a sovereign-Other and secondly that at some point – in the future – it will arrive beyond the known parameters of law.

To extrapolate: the decision is first of all the promise of a certainty that will – at least at some point – arrive. The originary authority of law, articulated by Jacques Derrida (1990) alludes to the concern of the immanence of this decision in the subject. Because, as Derrida offers, law is always an authorized force, and it is authorized through an originary violence that secures the authority of its sovereignty; thus, law's certainty is always potentially newly arriving; an exceptional decision could/can certainly arrive. This the subject knows. But, it is an exceptional decision which authorizes the sovereign and thus provides potentially *new* parameters of freedom for the subject in its relation to law, new limits if you like, and this is a terrifying thought.

The knowledge of the sovereign's immanent decision produces an anxiety in the liberal subject struggling to know its own limits. Remonstrations gesturing to the importance of the 'rule of law' could arguably be seen precisely as insecurities about law's authority and the grasp for a subjection of the sovereign will to precedent or pedigree (non-exceptionism) through the pretension to an originary 'rule'. It could also be argued that law's contemporary 'frenetic legislative activity', discussed by Costas Douzinas (2000, p.329) and extrapolated to the repetition of international law, by Anne Orford, (2004) is an attempt to encapsulate any possible new *qua* exceptional decision by the sovereign. But the sovereign, in Rousseau and Schmitt's terms cannot be subjected to law.

If the sovereign is not subject to the rule and can thus create new limits on the subject's freedom then there is nothing, for the liberal subject, who is not under the fascist dictatorship of the primal father – having killed him - which secures a prior certainty of freedom's limits. We can see this in Rousseau's explanation of the sovereign's condition that:

it would be against the very nature of a political body for the sovereign to set over itself a law which it cannot infringe. (Rousseau 1968, p.62)

Thus, the sovereign's will cannot be known through recourse to any law. But, because of the sovereign's will not being subject to law, or not subject to a known futurity, the arrival of the will is always already uncertain. This is of course why Schmitt offers the exceptional decisionism of sovereignty as 'the sovereign is he who decides on the exception' (1996b, p.4), a configuration which re-enforces the sovereign's *certainty* and the subject's lack (of it). Thus, in a circular loop of will and subjectification, the subject is both always *potentially* able to derive the parameters of freedom, its codes, terms or coordinates, from a sovereign, because the sovereign exists *as* the general will. However, and this is a great source of anxiety, the subject is always uncertain about where this will will arrive, next; but it knows the decision is coming.

The codes are able to be arrived at precisely because the 'will' of 'a people' is something which can be known by the sovereign, at least in Rousseau's configuration, and of course only in hindsight. The anxiety for the subject is because the 'general will', as a product

of the subject's necessary alienation before the law, as Rousseau offers us *is* the location of a future known, and a known by the sovereign. As he states:

each man alienates by the social pact only that part of his power, his goods and his liberty which is the concern of the community; but it must also be admitted that *the sovereign alone is judge of what is of such concern.* (Rousseau 1968 p. 74, my emphasis)

Thus while the subject alienates his power, his liberty, the sovereign does not, indeed, he cannot alienate his power, because he is the receptacle of this alienation. 'The sovereign... is in the position of a private person making a contract with himself.' (Rousseau 1968, p.62). A condition that Schmitt would iterate, in his summation of Hobbes articulation of the state, as that of a god, but a tri-partitioned god whose dimensions include that of man: 'mortal god' [*deus mortalis*] (Schmitt 1996, p.92); a kind of internalizing of the sovereign-representative person in man; the freedom for man to decide, but not decide *ex nihilo*.

While the possibility of *deus mortalis* is certainly a theological configuration, I mean to depart from theorists who recognize the condition of the western subject as a Christian condition. It is certainly this, but the relation with God – that of course predates the concerns of the enlightenment-psychoanalytic subject I'm considering – is a relation of Being in or out. It is certainly economic, Jennifer Beard has eloquently pointed out, (Beard 2006) but it is not a contract in which one can engage *parts* of oneself. It is an all or nothing thing. This precisely because the choices are heaven or hell after death, where as enlightenment man assumed a partiality to the contract; a texture if you like, and one that – at least for psychoanalysis depicts a *textured* if imagined, relation with the sovereign as Other.

For Rousseau the alienation he speaks of, as the condition of 'man', means 'to sell' a part of himself, but it is clearly a reciprocal exchange in which the subject gets his freedom to choose before the law in return. And, unlike being before God (or contemporary capitalism) Rousseau imagined a choice beyond the contract. Not just God or Satan but a radically other location that may be beyond the economies of contract. Indeed, Rousseau's contract is of a contract where at least one party is free 'to decide', as it were. As if one could really be in or out. And arguably it is this capacity to decide without having 'set over itself a law which it cannot infringe', which is freedom *ex nihilo*. This is why man imagining himself free to contract, imagines himself, for Hobbes, a 'mortal god'; a strange atheism that relies on the tele-theological concept.

Alienation before the mirror

The conditions of a 'contract' in contemporary legal discourse demand the participation of all parties equally and freely. And this is certainly the status of Rousseau's subjects in the social contract who, 'being free and equal surrender their freedom only when they see advantage in doing so.' (Rousseau 1968, p.50-51) This is reiterated in the UN's *Universal Declaration of Human Rights* which suggests that people should be able to return to a state of freedom and equality by being 'free from want and fear'. We might think of this

freedom as a lack of alienation; what I'll explain in the next section as a 'lack of lack', understood in the theories of psychoanalysis.

The lack of lack is what Rousseau, Hobbes and Schmitt might call 'natural freedom' or liberty. From this position the individual can contract to be in a state of 'civil freedom', to be protected by the state by virtue of their obedience to the 'general will' As Rousseau says:

laws are acts of the general will...no longer ask how we can both be free and subject to laws, for the laws are but registers of what we ourselves desire. (1968, p.82)

It is the desire, for Rousseau which, is freely *possessed* however; the desire is never alienated. And, for Hobbes explained through Schmitt:

The covenant was conceived in an entirely individualistic manner; all ties and groupings are dissolved; fear brought atomized individuals together a spark of [Kantian] reason flashed, and a consensus about security emerged...the state is more than and something different from a covenant concluded by individuals; for although it results in forging consensus of all with all, in essence, it is not a state, but only a social covenant, (1996, p.97)

It is not individuals who contract for Hobbes, but it is nevertheless individuals who 'conclude' to be in a covenant with the 'sovereign-representative person'. For Rousseau it is their 'desire'. Both the desire and conclusion imply an autonomy of reason, a 'spark', which is something more than conscious and somehow outside the parameters of the subject always already before law; it is desire *ex nihilo*. The subject contracts autonomously as if it can be a sovereign-representative person of itself, literally before law's existence; *dues mortalis* prior to even the conception of God. And it is this sovereign capacity to conclude - to decide 'exceptionally' we might say - beyond law's jurisdiction, and the desire to do so - or do otherwise - that psychoanalysis speaks to, for desire is the jurisdiction of the unconscious.

This why Lacan would say in his *Seminar XI* commentary on the killing of the primal father, that God is not dead '*God is unconscious*' (1977b p.59), for the killing of the primal father performed by the brothers in the 'primal horde' offer them freedom to supposedly do as they please, but not freedom to *feel* as they please - or as Lacan would have it *imagine* as they please. God is unconscious, because the brothers now must produce and perform their own limits, and this they do because of unconscious guilt. Thus their feelings (of guilt) inhabit their desires, and hence their freedom. Whether s/he is doing the "right thing", or perhaps that they might be doing the "wrong thing" in the gaze of the sovereign-representative person who 'alone is the judge of what is of concern' regarding the limits of freedom, evokes this guilt. Thus the sovereign/father is not dead but implanted, if you like, and from this position, defines the subject's 'free choice'; this is precisely why Lacan speaks of the subject in its 'imaginary servitude'. We might therefore say that guilt is there *a priori* in the liberal subject who has freedom to choose within the limits of the law, but whose choice is now limited by not only positive law's limits, but the limits of their own desire.

Notions such as not wanting or desiring to commit a crime, kill, exploit, rape or steal from one's neighbor and therefore experiencing the 'general will' as a product of the subject's own desires, is from, this vantage a nonsense. Not only because of 'man's fundamental aggressions. As Freud says:

Man tries to satisfy his need for aggression at the expense of his neighbour, to exploit his work without compensation, to use him sexually without his consent, to appropriate his goods, to humiliate him, to inflict suffering on him, to torture and kill him. (1961, p.111)

But, because the *desire is produced in* the subject's relation with the sovereign-representative person. Indeed, because psychoanalysis cannot be said to offer a universal articulation of the subject prior to enlightenment, this desire might arguably be a product of precisely the enlightenment as an antagonistic arrangement with the sovereign. Regardless, (and also impossible to prove) the subject's contract with the sovereign cannot be understood to reflect the distinction between civil liberty and natural liberty, as Rousseau would have us believe. For natural liberty is *a priori* civil liberty, the subject's desire is a product of its relation with the (dead) father *qua* sovereign-representative person. And this relation is textured.

I am therefore concerned with the psyche of the person who 'desires' or 'concludes': the 'imaginary', as Lacan would have it, or the 'particular fantasy'⁶ as Žižek would have it (1991, pp 162-165) of the subject who contracts, and the necessity for his/her 'servitude', in the imagined relation, with the sovereign-representative person. For if, as Schmitt says of the subject of Hobbes *Leviathan* that it is 'fear' that brings them together in order to 'conclude', or that 'the accumulated anguish of individuals who fear for their lives brings about a new power, [aka the sovereign-representative person],' (Schmitt, 1996, p.98) then what is the texture of this person, and what is the texture of this fear? Psychoanalysis, in its parallel engagement with the discourse of freedom of the liberal subject, *mutatis mutandis*, offers some thoughts. Indeed, if Lacan is right, 'psychoanalysis alone recognizes this knot'.

⁶ Žižek suggests that the 'particular fantasy' that is the specific organization of desire in relation to the fundamental fantasy is what is unique to all of us. (See Žižek 1991, p.162-165). Lacan offers a similar explanation of Antigone's condition in relation to her dead brother as a unique product – to her - of the parental union. (See Lacan 1992).

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