

## 2. Lacanian Ethics

### Chapter Overview

Building on the conception of the subject developed in the first chapter, this second chapter will consider more fully the ethical implications of such an understanding of subjectivity. It will do so primarily through consideration of Lacan's statement that "the only thing of which one can be guilty is of having given ground relative to one's desire" (Lacan, 1992/1986: 319) and the implications and complexity of this statement. Towards this end, the chapter will consider the relation between the psychical and juridical notions of 'guilt' or, phrased otherwise, the difference and interrelation between 'feeling guilty' and 'being guilty.' This will be accomplished through a detailed reading of Freud's *Civilization and Its Discontents*, a reading which will allow us to develop an understanding of the psychoanalytic notion of guilt in relation to the agency of the super-ego and thus to develop a picture of the complex interrelation of guilt, desire and the law. With particular reference to Lacan's reading of the Freudian Primal Horde, Saint Paul's letter to the Romans and the Decalogue, it will be shown how desire and guilt are structurally necessary effects of law as that which cannot account for its own foundation. It will thus be shown how it is for the subject, which is always constituted singularly in relation to the law, to assume the ground which would guarantee its response to the law. Such an understanding will allow us to posit the necessity of a moment of judgement, the possibility of a

juridical sense of guilt, which exceeds the Freudian conception of guilt as a manifestation of and from the superego; a moment of judgement, the weight of responsibility for which, can only reside, uniquely, with the subject.

## **2.1 Giving Ground Relative to One's Desire**

Lacan's dictum that "the only thing of which one can be guilty is of having given ground relative to one's desire" (Ibid.) raises a number of interpretative problems. Any considered reading of this statement would have to account not only for the precise meaning of the dual terms 'desire' and 'guilt' but, crucially, for how these two terms might interrelate, that is, what might be meant by 'having given ground relative to'.

A very simplistic reading of this statement might suggest that Lacan is advocating that it is non-ethical to renounce what one (truly) wants, to relinquish one's particular enjoyment, that the only true ethical imperative is that one ought to discover and pursue one's wishes or one's pleasure to the end and if one does not, then one has betrayed one's ethical duty. Such a reading might seek to emphasise the groundless nature of the external authority of traditional moral systems. It might argue that there is, ultimately, no basis for or proof of the truth of grand moral systems; the Good, as such, does not exist, therefore, the only ethical perspective one could take is the pursuit of one's own 'desire', one's own (configuration of the) good. One would be guilty before oneself (as there is no other, valid, external authority) if and when one subordinates one's desire to the arbitrary dictates of an external authority, even, or

particularly, when the dictates of the external authority have been internalised through the function of the super-ego. The problem with such a reading is that it disregards the theoretical complexity of the terminology with which Lacan constructs his ‘imperative’. Such a reading would suppose that desire is maintained in a relatively straight-forward relation to an accessible *jouissance*. Furthermore, such a reading, while implicitly invoking the super-ego, also glides over the complexities of this function and consequently does not account for the interrelation of desire, feelings of guilt and the law. In transposing the dictum “the only thing of which one can be guilty is of having given ground relative to one’s desire” (Ibid.) into something like the imperative “Do not give way on your *jouissance!*” (Johnston, 2001: 411), one is effectively re-inscribing the law which had previously been disregarded as groundless. If there is no exterior ground for the law, this pertains to the very functioning of the law, not to this or that content of this or that law. The imposition of any alternative imperative is no more grounded than any other. ‘Do not give way on your *jouissance!*’ on this reading has claim to no more justification or support than ‘Renounce your *jouissance!*’

Another reading of this statement is that advanced by Adrian Johnston, which suggests that it does not in fact promote an ethics at all, but is rather a conclusion on the nature of ‘guilt’, that Lacan here is separating the notion of guilt from the field of ethics insofar as guilt would appear as an emanation from the ‘greedy’ machinations of the superego and as such actually stands in opposition to any successful furtherance of the field of human ethics. The question here might be phrased as that of whether Lacan is concerned with feelings of guilt or of being guilty (Ibid.: 420). While such a reading does help to clarify something of the complexity of Lacan’s statement, it also

runs the risk of oversimplifying the notion of guilt at work here. While it would seem remiss in this context to ignore the psychic resonance of guilt, the relation between feeling guilty and the work of the super-ego, there equally appears to be little justification for restricting the sense of being guilty (“être coupable” (Lacan, 1986: 368)) to a pure effect of the super-ego. Given the context of *Seminar VII*, the centrality of the concepts of law and judgement, and the situating of Lacan’s discussion of ethics in relation to traditional theories of ethics, a considered reading of the use of the term ‘guilt’ cannot easily ignore the connotations of judgement and the related legal sense of ‘being found guilty’.

Moreover, the reading in which guilt here would signify nothing but a psychic manifestation, feeling guilty, while claiming to explain what might be construed as the obstacles to a viable theory of ethics, actually denies the possibility of such a viable theory unless it chooses to slip the juridical sense of ethics in again at a later stage through the back door, as it were. A conception of ethics would require, in order for it to maintain any sense, both the idea of *being ethical* or *acting ethically* and the concomitant idea of *not being ethical* or *not acting ethically*. The possibility of the non-ethical or of a non-ethical position requires that a judgement be made. Add to this the fact that in order for something to be judged ethical something or someone must also be judged here. That is, someone or something would have to be potentially found guilty or not. By reducing the sense in which guilt is applied in Lacan’s teachings on ethics to the psychic manifestation of guilt in response to the machinations of the super-ego, we effectively occlude any possibility of ethics at all. To recuperate to this reading a sense of ethics which would still be an ethics, would be to necessarily reverse this reduction to *feeling guilty* and reintroduce *being guilty* at a

subsequent level. What effectively falls out of this picture is that this 'second order' use of guilt, guilt as being found guilty, is precisely at work all along in Lacan's thinking on this matter.

Lacanian theory allows us to configure an ethics in such a way that it is neither reducible to the super-ego and the concomitant feelings of guilt which would arise as a result of the working of the super-ego nor is it ignorant of the working of the law. Rather, Lacan offers us the possibility of a conception of the ethical which would account for but also move beyond the super-ego, which would acknowledge the necessary force and function of the law while indicating the necessity of a conceptual space which cannot be reduced to the law.

For Lacan, the pursuance of the good, as would typify the goal of traditional ethics, does not and cannot protect one from manifestations of guilt, that is, pursuing the good will not stop us from feeling guilty or experiencing the effects of guilt in our psychic mechanisms. It would perhaps not be going too far to say that such protection from guilt or the expunging of guilt from the subject's psychic life, were it at all possible, would in fact be disastrous. Guilt is a necessary manifestation, an essential product of the process of becoming subject. At the same time, Lacanian theory allows an understanding of the law which cannot be totalised, which necessarily maintains a gap which cannot be accounted for in the opposition of obedience / disobedience and yet is not reducible to ignorance of the law. Such a gap would be the subject's own confrontation with the law, the subject's own confrontation with the desire which would arise in them in the face of the law. It is this gap which would necessitate the

assumption of responsibility on the part of the subject and this gap which invites the properly ethical moment.

While an understanding of the processes which would give rise to guilty feelings is useful in delimiting an understanding of the field of ethics and certainly in unravelling an aspect which would necessarily be encountered within a pursuance of ethics, ethics, in Lacan's formulation, would also entail a judgement which would require a conception of guilt which would be beyond the effects of the super-ego. That is to say, without losing the significance of the guilt which would arise in response to the super-ego, a viable ethics would necessitate another sense of guilt. As such a notion of guilt cannot be reduced to a mere functionary of the law, insofar as the law itself cannot account for its own foundation, the question that needs to be addressed here would be that of in what fashion this other guilt might arise and what might be available to ground a possible guilty verdict?

## **2.2 Feeling Guilty: The Function of the Super-ego**

To develop an understanding of guilt as a psychic manifestation as it arises in relation to the functioning of the super-ego, it is useful to return to Freud. In *Civilization and Its Discontents* Freud delimits two theoretical stages in the formation of a sense of guilt and conscience, two stages which cannot necessarily be reduced to two, antecedent and precedent, moments of a chronology. The first stage relates to an amorous privation wherein, fearing the aggression of an external authority which would manifest as the threat of deprivation of love, the subject renounces its pursuit of

that which would have been the object of its (perceived) satisfactions (Freud, 2002/1930: 64). In such a first stage, it might seem reasonable to suggest that the desire for those objects of satisfaction have gone largely unaltered, that the fear of being caught abates the pursuit of the object but not the desire for the object. It is in the second stage, when the external authority is in part replaced by an internal authority in the shape of the super-ego that the privation is brought to bear on the very desire for the object beyond the actualisation of any pursuit of the object. As the super-ego is internal to the subject, there can no longer be any hope of concealing one's desires from it. Thus, the prior fear of being caught, of the external authority discovering one's intentions or desires, becomes obsolete as one has always already been 'caught' by the super-ego. This serves to meld together the desire and the acting upon the desire. As Freud puts it, "an evil deed is on par with an evil intention" (Ibid.). This, for Freud, is clearly not to say that the super-ego merely replaces the function of an external authority. Where in the first stage, that of the external authority, the fear of amorous privation gives rise to the renunciation of acting on one's desire, in the second stage it is the very renunciation of desire which gives rise to the conscience, thus strengthening the power and effects of the super-ego. Put simply, although originally it is prohibition which inculcates renunciation, in the later stage it is renunciation which bolsters the prohibitory force of the super-ego; "every fresh renunciation reinforces its severity and intolerance" (Freud, 2002/1930: 65).

This shift from the (external) prohibitory force demanding and being, momentarily at least, appeased by the subject's renunciation of its desires and the (internal) prohibitory force demanding and being bolstered by the subject's renunciation of its desires results from the location and orientation of the subject's aggressivity and the

relation of this aggressivity towards the prohibitory force. In the initial stage, the subject is liable to feel aggressive towards the external authority which (is perceived as being that which) deprives it of the satisfaction of its desires. In the second stage, as the prohibiting force is no longer something separable from or external to the ego, as the super-ego is properly a facet of the ego, the aggressivity which would have been directed against the agent of prohibition is now conjoined with its prohibitory force and directed against the ego. As the subject then “is obliged to forgo the satisfaction of this vengeful aggression” (Ibid.) against the external authority, it instead identifies itself with and thus internalises the authority. In this process of internalisation, the super-ego becomes the site of the force of aggressivity previously felt towards the external authority. Thus, in the move from the initial to the latter stage, the force of the super-ego is not so much constituted as the assumption of the aggressivity perceived in the external authority as constituted from the existent and arising aggressivity previously felt against this authority. In this shift, the ego, not the internal authority, assumes the place of recipient of the aggressive tendencies. This then goes some way to explaining why the super-ego is bolstered not abated by renunciation. Where previously the privating authority might have been appeased by renunciation, while the subject would harbour a certain aggressivity in response to this privation, now renunciation leads not to appeasement but an intensified aggressivity as the super-ego has conjoined the function of authority with the subjective aggression previously motivated against authority.

In terms of the distinction which might be made between the feelings of guilt attenuated to an intention or a deed not enacted, which would properly be the effect of the machinations of the super-ego, and the feelings of regret associated with a deed

actually enacted, Freud argues that only the former properly deserves the title of ‘guilt’, the latter being better titled ‘remorse’. While this is not to suggest that *remorse* is not in any way associated with the conscience or a propensity for guilt, it does suggest that remorse only manifests when conscience and guilt have already been constituted.

If one has a sense of guilt after committing a misdeed, and because one has committed it, this feeling ought rather to be called *remorse*. It relates only to a deed, although of course it presupposes that before the deed there was already a *conscience*, a readiness to feel guilty.

(Ibid.: 67)

That is to say that the conditions of remorse are the anterior constitution of the super-ego and the readiness to feel guilty which this would result in. The myth of the primal horde recounted in *Totem and Taboo* is such a case of remorse and serves, for Freud, to illustrate the necessary distinction here. The myth, which in the context of *Totem and Taboo* is intended to facilitate an aetiology of morality, tells of the dominant male figure in a primitive horde who banishes the younger subordinate males in order to maintain all the available females for himself. At some point the exiled males band together and kill this primordial father figure. The slaying of the father is followed by the consumption of his body by the slayers in a cannibal act of identification.

The violent primal father had doubtless been the feared and envied model of each one of the company of brothers: and in the act of devouring him they accomplished their identification with him, and each one of them acquired a portion of his strength.

(Freud, 1950/1913: 141-3)

However, rather than then enjoying the women as had presumably been their avowed intention, the males now proceed to prohibit the very enjoyment they had set out to attain. The reason Freud provides for this is the ambiguity of feelings arising in the males after the accomplishment of their deed.

the tumultuous mob of brothers were filled with the same contradictory feelings which we can see at work in the ambivalent father-complexes of our children and of our neurotic patients. They hated their father, who had presented such a formidable obstacle to their craving for power and their sexual desires; but they loved and admired him too. After they got rid of him, had satisfied their hatred and had put into effect their wish to identify themselves with him, the affection which had all this time been pushed under was bound to make itself felt. It did so in the form of remorse. A sense of guilt made its appearance, which in this instance coincided with the remorse felt by the whole group. The dead father became stronger than the living one had been ... . What had up to then been prevented by his actual existence was thenceforward prohibited by the sons themselves ... . They revoked their deed by forbidding the killing of the totem, the substitute for their father; and they renounced its fruits by resigning their claim to the women who had now been set free. They thus created out of their filial sense of guilt the two fundamental taboos of totemism ... . Whoever contravened those taboos became guilty of the only two crimes with which primitive society concerned itself.

(Ibid.)

The supposed events of the myth here perfectly encapsulate the hypothesis of the formation and functioning of the super-ego advanced in *Civilization and Its Discontents*. There is originally an external authority, the father, who prohibits the attainment of a certain enjoyment. This prohibition gives rise to feelings of aggression or hatred. Following an identification with and internalisation of the authority (in this case the literal consumption of the father), the force and subject of prohibition comes to be located within those previously subject to the external prohibition; the brothers forbid themselves access to the women just as the father had before they killed him. Only, now, the force of prohibition, being internalised, is strengthened.

Crucially, Freud tells us that the suppressed affection that the brothers felt towards the father manifests after the murder, making itself felt “in the form of remorse” (Ibid.) and that a “sense of guilt made its appearance, which in this instance coincided with the remorse felt by the whole group” (Ibid.). In *Civilization and Its Discontents* (2002/1930), Freud clarifies this point and the coincidence of the remorse felt with, and thus the relation of the remorse felt to, the guilt experienced, contending that it is the very contradictory status of the sons’ feelings towards the father which allows an understanding of the relations of remorse and guilt to accede. Having exercised their hatred and aggressivity in the act of killing the father, it was now possible for their love for him to surface, which it does in the form of remorse. As a result of the operation of identification symbolised in the cannibal act, the authority of the father is internalised as the super-ego which can then not only set about punishing the act of aggression which was his murder but also construe further prohibitions intended to ensure that such aggressivity is not outwardly manifest again. For Freud, this foundation of the super-ego is then reinforced with each subsequent generation as aggressivity and its attendant guilt rises again, and is subsumed into the increasing force of the super-ego.

It is thus that the real source of feelings of guilt, for Freud at least, is neither specifically in a ‘wrongful’ act or the desire to engage in such an act, nor is it purely emergent from the redirected aggressivity, the turning of that which had originally been directed towards an external authority towards the ego itself. The source of feelings of guilt rather resides in and arises from a conflict which manifests in the subject, namely the irreconcilable clash of love and aggressivity. This is later

formulated by Freud, in the terms of the second topography, as “the struggle between Eros and the death drive” (Freud, 2002/1930: 75). That is, the drive for the satisfaction, the enactment of which, in the initial stage, would have been renounced in the face of the external authority and the aggressive drive which would have been directed against this authority are, in the formation of the function of the super-ego, seen to be entwined or fused (Freud, 1973/1933: 137-141).

Set in motion, then, as the internalisation of a previously external, for example, societal or paternal, authority, the super-ego is that which supervises, assesses and censors the activities and intentions of the ego. This function of supervision, assessment and censorship, we would call conscience. Feelings of guilt emanate as a response to the austerity of the superego or the severity of conscience. These feelings, as located in the ego, can be accounted for in terms of the ego’s own perception of the overbearing nature of the supervision and censure under which it is placed by the super-ego and its reaction to the tension between its own endeavours and the resultant demands placed upon it by the super-ego. This whole mechanism is underpinned by a sense of fear of the harsh authority of the super-ego and is coterminous with a need for punishment arising from what Freud describes as the “inherent drive for internal destruction” (Freud, 2002/1930: 73) which is in part directed towards the establishment of an “erotic bond” (Ibid.) between the ego and the super-ego. That the subject will renounce its drives, at least in part, due to a desire for love or, what amounts to the same thing, a fear of deprivation of love, illustrates the entwined and conflictual nature of the base subjective inclinations. That this conflict is then internalised and heightened in the process allows us to understand the root of the

sense of guilt which can be understood to be part and parcel of the very emergence of a subjective position.

Feelings of guilt, in Freud's understanding, do not issue directly and necessarily from a contravention of the law, be it moral law or otherwise. The explanation of one's feelings of guilt cannot be reduced to the question of whether or not one has acted or even desired to act in accordance with the law or with some given notion of right and wrong. Rather, one's feelings of guilt are related to the internal conflict one experiences in relation to one's own desires and the attendant expectation of gratification and aggressivity therein. This is clearly not to suggest that such feelings of guilt are not in any way related to the law. They are, but in a manner significantly more complex than that of an equation between contravening the law and guilt.

### **2.3 Being Guilty: Das Ding, Desire and The Law**

In 'Function and Field of Speech and Language' (1977/1956a) Lacan follows Freud's aetiology of the law, positing its origins as incest prohibition and accrediting this "primordial Law" (1977/1956a: 66) as instituting human culture. Adding clarity to Freud's assertion that the prohibition of incest can be understood as the beginnings of moral law and human culture, Lacan indicates that it must also have coincided with or given rise to nominative needs and abilities. Without the advent of language, the emergent law of prohibition could not have been instituted as an "order of preferences and taboos that bind and weave the yarn of lineage through succeeding generations" (Ibid.). To clarify this slightly further, the condition of law, or law in its more general

sense, as opposed to *this* or *that* particular law, what we might call law as the condition of law, can be understood as the institution of organising principles. Thus law, in its general and structural sense, can be understood to be commensurate with culture and language. As such, for Lacan, it is also indicative of desire.

Freud designates the prohibition of incest as the underlying principle of the primordial law, the law of which all other cultural developments are no more than the consequences and ramifications. At the same time he identifies incest as the fundamental desire.

(Lacan, 1992/1986: 67)

As we have seen previously, desire arises as a result of the emergence of the subject in the field of the signifier. The lack upon which the movement and maintenance of desire is predicated is an effect of the division in the subject which can be understood as resulting from the *vel* of alienation. In the 'choice' to move from being to meaning the subject loses a part of itself. This choice, as we have seen, should be understood as the very possibility of the subject's emerging at all, insofar as the refusal of 'meaning' would negate the possibility of the assumption of a subjective position. Clearly, however, the paradox which reveals itself here is that this 'lost part' could never have been other than lost, as before the choice was made there was no possibility of subjectivity. The posited wholeness which would have preceded the *vel* of alienation thus becomes that mythical state towards which the subject's desire is motivated. The desire for the attainment of this impossibly lost unity can thus be understood as correlative with the law or the field of signification insofar as it is the imposition of the prohibitive organising structures which banishes *something* which is only later both assumed to be or to have been banished and assumed to be that which would resolve the lack apparent in the subject.

We have previously called that which would be indicative of this lost part the *objet petit a*, the (impossible) object cause of the subject's desire. In *Seminar VII* Lacan describes something akin to, though not reducible to, *objet petit a* under the term *das Ding*. Lacan separates *das Ding* from *Sache*, as present in the German term, *Sachevorstellungen*, which Freud uses to denote what in English has been rendered 'thing-presentations'. Where the *Sache*, the thing, in *Sachevorstellungen* is caught up in the chain of language, where it designates the 'things' of the human experience insofar as they are "structured by words" and dominated by "language, the symbolic processes," (Ibid.: 45) *das Ding* designates rather that which escapes the realm of signification. *Das Ding* would indicate that which cannot be brought within the symbolic order, that which cannot be understood as such. In extrapolating this notion of *das Ding*, Lacan refers to a passage from Freud's *Project for a Scientific Psychology* where Freud argues that in our encounters with our fellow human-beings we can distinguish two components, one of which "can be understood by the activity of memory" as it is familiar, while the other refuses such absorption, rather staying "together as a thing" (Freud, 1966/1895: 331). In Lacan's reading, this first component, that which can be understood, is that which "can be formulated as an attribute" (Lacan, 1992/1986: 52), that is, that which would already have a place in the symbolic order. *Das Ding*, on the other hand, is that which would be isolated "as being by its very nature alien" (Ibid.). This alien nature of *das Ding*, the fact that it is beyond or outside the realm of the subject's symbolic experience, and yet does insist upon the subject, posits it as bound to the movement of desire. *Das Ding* as that which cannot be attained, cannot be grasped, comes to figure as that which would shore up the lack in the subject. It is in this sense that *das Ding* can be conceptualised as the subject's 'good'. As that which is strictly unattainable, that which is necessarily

missing, *das Ding* might be figured as that which would “be there when in the end all conditions have been fulfilled” (Ibid.), the utopic horizon or promise of the good to come. Clearly, such a figuration as good is a figuration, the positing of an attribute to that which properly cannot be said to or known to have any attribute. It is this very unknowability of *das Ding* which would render it open to ascription as good, as promising. As such, the Good to come, *das Ding* would insist upon the subject as that ‘lost object’, “the absolute Other of the subject, that which one is supposed to find again” (Ibid.).

*Das Ding* has, in effect, to be identified with *Wieder zu finden*, the impulse to find again that for Freud establishes the orientation of the human subject to the object. ... Moreover, since it is a matter of finding it again, we might just as well characterize this object as a lost object. But although it is essentially a question of finding it again, the object has never been lost.

(Ibid.: 58)

As that which is posited as lost and thus motivates subjective desire in the impossible venture of refinding it, *das Ding* can be conceived as that which is or has been prohibited. Like the place marked by the *objet petit a*, the place of the Real as the impossibility of finitude of the symbolic order, *das Ding* is symptomatic of an absence which would entail an unbearable trauma were it to be encountered. The function of the pleasure principle operates here to safeguard the subject against this traumatic encounter through the imposition of detours and the maintenance of a distance, ensuring that the place of the (non-)object is not encountered. Here we find already a correlation between *das Ding* and the law. The pleasure principle which governs the subject in relation to *das Ding*, functioning to restrict the subject’s satisfactions to the polarity pleasure / unpleasure, is effectively a prohibitive force restricting the subject from an encounter with impossible *jouissance*, that ‘unbearable

pleasure' which would be inherent to the impossible lost unity promised by the insistence of *das Ding*. In this sense the pleasure principle can be understood as a regulative mechanism which harbours the subject within the relative safety of the symbolic order.

The function of the pleasure principle is, in effect, to lead the subject from signifier to signifier, by generating as many signifiers as are required to maintain at as low a level as possible the tension that regulates the whole functioning of the psychic apparatus.

(Ibid.: 119)

Desire then might be understood as the unconscious search for that mythical lost *Thing* which would accord the subject its lost unity and, thus, its access to *jouissance*. *Das Ding*, the *Thing* which is posited as lost in and through the presumed process of prohibition which would have initiated subjective emergence in the symbolic, the locus of the Other, is, thus, at one and the same time, the effect of the originary institution of law and that which is constitutive of the foundation of law. The paradox here, that *das Ding* can at one and the same time be conceptualised as the cause and the effect of the law, is explicable in terms of the retroactive positing of this entire 'episode'. The subject can only ever come to be after the advent of the law, after the loss of *das Ding* and thus any notion of that which might be retrospectively posited as having been prior to the subject's constitution as divided subject in and under the aegis of the symbolic realm can only ever be a notion projected backwards from a position within the symbolic. This retroactive projection binds *das Ding* and the law in a mutually constitutive symbiosis. It is as such that Lacan can posit that;

*Das Ding* presents itself at the level of unconscious experience as that which already makes the law

(Ibid.: 73)

and

I can only know the Thing by means of the Law.

(Ibid.: 83)

and

the law and repressed desire are one and the same thing

(Ibid: 68)

Any subjective awareness of the persistence of *das Ding* is dependent upon the law as it is the prohibitory force of the law which not only indicates but gives rise to that which is prohibited. At the same time, law itself would be impossible without *das Ding* as that which is prohibited and, in this sense, it can be understood that *das Ding* is that which gives rise to the law. In both instances here, which, properly, must be understood as the same instance, desire is the necessary and constitutive subjective involvement in the process. *Das Ding*, as “that which already makes the law” (Ibid.: 73), and the law, as that which is indicative of the persistence of *das Ding*, are, thought together, that which already sets in motion the circulation of desire, the very search for the prohibited *das Ding* itself.

This helps to clarify the point that it is only through the work of prohibition that *something* can come to be, for the subject, desired at all. Prohibition confers the status of prohibited and, thus, the status of desired on the object of prohibition. This logic is demonstrated by St. Paul in his Epistles to the Romans.

Is the law identical with sin? Of course not. But except through law I should never have become acquainted with sin. For example, I should never have

known what it was to covet, if the law had not said, 'Thou shalt not covet.' Through that commandment sin found its opportunity, and produced in me all kinds of wrong desires. In the absence of law, sin is a dead thing. There was a time when, in the absence of law, I was fully alive; but when the commandment came, sin sprang to life and I died. The commandment which should have led to life proved in my experience to lead to death, because sin found its opportunity in the commandment, seduced me, and through the commandment killed me.

(*The New English Bible*, Romans, 7:7-11)

One can read in this passage from St. Paul the same relation of desire and law as suggested in Freud's comments in *Totem and Taboo* and *Civilization and Its Discontents*. Emphasising as he does an aspect of the tenth commandment, 'Thou shalt not covet,' Paul draws our attention to the correlation between sin and desire. The desire to sin might here be understood as coterminous with sin itself. The tenth commandment, like Freud's super-ego, refuses any limitation to the realm of action. As the only commandment which is explicitly concerned with 'the inner life', it serves to emphasise the very desirousness with which law would be concerned. The sin here is then that which would be desired or, which effectively, in this context, comes down to the same thing, the desire for that which would be desired. As we have seen in relation to *objet petit a*, desire is set in motion by that which might otherwise be figured as its object. Sin here is the object cause of desire. It is thus that Lacan reconfigures the above passage replacing the word 'sin' with the word 'Thing', i.e. *das Ding*.

Is the Law the Thing? Certainly not. Yet I can only know of the Thing by means of the Law. In effect, I would not have had the idea to covet it if the Law hadn't said: "Thou shalt not covet it." But the Thing finds a way by producing in me all kinds of covetousness thanks to the commandment, for without the Law the Thing is dead. But even without the Law, I was once alive. But when the commandment appeared, the Thing flared up, returned once again, I met my death. And for me, the commandment that was supposed to lead to life turned out to lead to death, for the Thing found a way and thanks to the commandment seduced me; through it I came to desire death.

(Lacan, 1992/1986: 83)

This correspondence between law and desire is particularly evident in the tenth commandment to which Paul here refers. The commandment in its entirety reads:

Thou shalt not covet thy neighbour's house, thou shalt not covet thy neighbour's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor anything that is thy neighbour's.

(*The Holy Bible, Authorised King James Version*, Exodus, 20:17)

When one considers that what is generally rendered 'covet' in English translations of the Bible is a translation of the Hebrew term 'chamad', meaning *desire*, one might understand the tenth commandment as prohibiting the desire of that which (it is perceived that) the neighbour desires; the desire of the Other.

You shall not *desire* your neighbour's house; you shall not *desire* your neighbour's wife, his manservant, his maidservant, his ox, his ass, or anything that he *desires*.

It is, as we have seen, "the dialectical relationship between desire and the Law [which] causes our desire to flare up only in relation to the Law" (Lacan, 1992/1986: 83-84). It is thus that the law simultaneously postulates *das Ding* as that which would cause desire and serves to prohibit any attainment of this Thing. As *das Ding* marks the place of the encounter with the Real, any subjective attainment of it in itself would be, strictly speaking, impossible. It is thus that desire, in the pure sense, is always necessarily desire for annihilation. The paradox here, that law introduces for the subject *das Ding* as the object cause of desire which would, if (impossibly) attained, constitute the death of the subject, is the very logic at work in this relation of law and desire. It is this impossibility which necessitates the maintenance of *das Ding* at a proper distance, thus allowing the subject's desire to maintain its course without ever

coming into contact with that which would be both its object and its termination. In this sense then, all desire is ultimately desire for, in the sense of ultimately aiming for or ultimately constituted in relation to, death;

the dialectical relationship between desire and the Law causes our desire to flare up only in relation to the Law, through which it becomes the desire for death.

(Ibid.)

We can, thus, see that the pursuit of the *jouissance* which *das Ding* would entail can only occur within relation to the law. If access to *das Ding* and consequently *jouissance* would result in an eradication of the possibility of the subjective position, then the law might be understood as that which allows the subject to maintain a subjective position within the ‘safety’ and confines of the symbolic order, which allows the subject the possibility of satisfaction in something other than that which would be unbearable.

Transgression in the direction of *jouissance* only takes place if it is supported by the oppositional principle, by the forms of the law. If the paths to *jouissance* have something in them that dies out, that tends to make them impassable, prohibition, if I may say so, becomes its all-terrain vehicle, its half-track truck, that gets it out of the circuitous routes that lead man back in a roundabout way towards the rut of a short and well-trodden satisfaction.

(Ibid.: 177)

The distance that the law puts between the subject and *das Ding*, a distance which then situates the subject within the law, as subject of law, is that same distance which allows the possibility of subjective emergence in language. Language, as we have seen, can be understood as system of rules, a signifying structure of differential relations which can be understood, in its structure, to be commensurate with the law.

## 2.4 The Impossible Founding Moment of the Law

The law, as commensurate with the symbolic realm, can, necessarily, allow no access to its own founding moment. Any sensible founding moment, any history of the law, in order to function as history, in order to come to signify anything at all, would have to be located before the emergence of the law. Like the pre-subjective moment of intention on the first graph of desire,  $\square$ , the origin of law is something which simultaneously cannot be thought within the symbolic field and cannot be thought outside of the symbolic field. Were it possible to figure it within the symbolic, it would, properly, be an aspect of the symbolic and thus could not be the necessarily exterior founding moment. However, at the same time, it is logically impossible to figure it outside the symbolic field, for outside the symbolic field nothing can be figured, represented or, to phrase the tautology in all its force, outside the field of signification nothing is signifiable. This is not, however, to suggest that the origin of the law can be dismissed as impossible. The origin of law, that which can neither be attained within or symbolised outwith the symbolic with which it, law, would be commensurate, still insists. Put simply, to claim the origin of law did not occur, to deny the origin of the law, is still to make a positive claim about the origin of law. Moreover, what is at issue here cannot be reduced to the problem of a chronological event. The search for or postulation of the origin of law is concerned with the grounding, the *arche* of law, that which would substantiate the authority of the law. It is for these reasons that any attempted aetiology of the law can only ever, and must necessarily, postulate the origin as a myth, a retroactively posited event, the veracity of which it would be impossible to ascertain beyond its status as myth.

It is thus that the pseudo-events of the primal-horde function as, and only as, the myth of the origin of law. This is not however to suggest that the myth here is somehow useless or fails in its purpose of explaining the origins of law or even that in uncovering its mythic status we have somehow frustrated or even nullified its intent purpose. This myth, like all myths, functions to illuminate something of the psychic apparatus of the subject. This also serves to remind us of the crucially subjective factor of any invocation of the law. The law, like the Other with which it can be understood as coterminous, only actualises in relation to the subject. In the words of the doorkeeper at the end of Kafka's parable *Before the Law*, when the countryman asks why it is, when he has been waiting for so long to be admitted to the law, that no-one else has ever come to beg admittance, "No one else could ever be admitted here, since this gate was made only for you" (Kafka, 1992/1914: 4). The law as it bears on the subject, bears only on that subject. Each subject encounters the law uniquely. The law is not someone else's problem. In this sense the myth does not only serve to obfuscate the impossible origins of the law. The mythic status of the myth is explicable in terms of its impossibility. In order for the 'original' events, such as Freud accounts them, *to be seen* to have originally happened, they must have, within the very logic of the myth itself, already have happened. Without the institution of the law, the events of the myth are inconceivable. The function of the myth, then, is to signify and thus add coherence to that which would otherwise be incoherent within the subject's own psychic economy.

myth is always a signifying system or scheme, if you like, which is articulated so as to support the antinomies of certain psychic relations.  
(Lacan, 1992/1986: 143)

The purely mythic status of Freud's aetiology should not be interpreted as suggesting that the prohibition against incest is a purely arbitrary privation which could without disruption be replaced with any other arbitrary privation. What makes the prohibition of maternal incest apt for the myth can be formulated in a double articulation. First, it bears on the psychic relations of the subject, in so far as it is indicative of the subjective encounter with the formation of law. The subject, as we have seen, is constituted as divided or barred,  $\exists$ . Read retrospectively, this division suggests a prior state of unity. This prior state of unity might, retrospectively, be envisaged as that time when the mother (figure) and child were constituted as a single entity. The *jouissance* entailed in this, supposed, former unity "must be refused so that it can be reached on the inverted ladder of the Law of desire" (Lacan, 1977/1960: 324). This necessity of refusal of (original) *jouissance* is the effect of castration. The father, as a symbolic function, the name/no of the father (in French *nom du pere*, name of the father, and *non du pere*, the 'no' of the father are homophonic, thus serving to emphasise both the intervention as prohibition and the intervention as signifier entailed here), is that which intervenes in the supposed unity of mother and child, effecting castration and the resultant renunciation of *jouissance*.

It is in the *name of the father* that we must recognise the support of the symbolic function which, from the dawn of history, has identified his person with the figure of the law.

(Lacan, 1977/1956a: 67)

It is only through this posited interjection that the subject can gain access to the symbolic realm and assume a position as subject. Secondly, the prohibition of maternal incest, as law, carries no benefit which could be recuperated to a pragmatic social function within the symbolic realm itself. It is thus that it is indicative of the

pure and arbitrary force of the law. Where, for example, a prohibition on paternal incest could be explained in terms of its facilitating a system of exogamic exchange relations, the prohibition of maternal incest is indicative of nothing but the law;

why doesn't a son sleep with his mother? There is something mysterious there. ... [F]ar from producing results involving the resurgence of a recessive gene that risks introducing degenerative effects, a form of endogamy is commonly used in all fields of breeding of domestic animals, so as to improve a strain, whether animal or vegetable. The law only operates in the realm of culture. And the result of the law is always to exclude incest in its fundamental form, son / mother incest, which is the kind Freud emphasizes.

If everything else around it may find a justification, this central point nevertheless remains.

(Lacan, 1992/1986: 67-8)

This status of the prohibition against incest as what might be termed a repressed excess, insofar as it is that which is simultaneously the condition of law, the structuring necessity of law, and that which cannot be entirely recuperated to the internal logic of the law, is what renders it applicable to the myth of the origin of law. This status is exemplified in its significant absence from the ten commandments. That there is not a commandment explicitly against incest, rather than suggesting that incest is beyond the pale of the commandments, might suggest that the ten commandments can be read as a text rich with repression. That is, the fundamental desire for incest and the correlative fundamental prohibition against incest is the unspoken commandment 'behind' the ten commandments – we could “interpret the ten commandments as something very close to that which effectively goes on in repression in the unconscious” (Ibid.: 69). It is in this sense that we can understand the prohibition of incest as that fundamental prohibition which constitutes the very condition of the possibility of law and thus the articulation of the commandments as

such. That the prohibition against incest is ‘missing’ from or indicative of repression in the Decalogue is not for a moment to suggest that it is not prohibited. On the contrary, it is the necessary repressed of the other commandments, that which is not ‘spoken.’

## **2.5 Speech and Desire: The Necessity of the Subject to the Law**

The foregoing discussion allows us to see the manner in which the law, *das Ding* and desire are inextricably bound together. *Das Ding* is strictly inconceivable without support in the law which would prohibit it and the law is strictly inconceivable without support in *das Ding* as that which would be prohibited. Fundamental to both aspects of this relation is the mechanism of desire as that which would have motivated the subject towards *das Ding* and that which would be checked by the prohibitory force of the law. In this sense, it can be understood that *das Ding* and the law are not only mutually constitutive but are also, together, dependent on and constitutive of desire. This relationship is also, for Lacan, the very condition of the possibility of speech. In order for the law to function on and for the subject, for the law to have bearing on the subject and to be, thus, albeit retroactively, construed as that which is constitutive of the subject, it must be promulgated to the subject. In this sense lack, as the lack which is constitutive of law and the lack of which the law is productive, is both reliant on and is the condition of speech. Desire, as desire of the Other, in order to be brought to bear on the subject must be actualised for the subject. Desire, however, as desire of the Other, can only be brought to bear on the subject through its symbolic articulation. This articulation is itself inherent to and dependent on the very

structure of law as differentiating force. It is in this sense that the prohibition against incest can be understood as the very condition of possibility of not only law and thus society but also of speech. Lacan emphasises this point in relation to the ten commandments.

The ten commandments may be interpreted as intended to prevent the subject from engaging in any form of incest on one condition, and on one condition only, namely, that we recognize that the prohibition of incest is nothing other than the condition sine qua non of speech.

(Lacan, 1992/1986: 69)

Importantly here, speech, for Lacan, cannot be reduced to language. Where language would indicate the weave of rules and differential elements which would constitute the possibility of a communicative order, speech would indicate the subjective work on such an order. Language is the ‘stuff’ out of which speech would be made, speech is the creative act which would be performed on and with this ‘stuff’. Where language constitutes a system, or the general possibility of systems, which allows the possibility of meaning to be transmitted, it is in itself without meaning. In order for meaning to be given to language, insofar as it is given through language, it is necessary that there is someone or something to convey something to someone. Language in this sense might be understood to be the system of signification before anything is signified, before any meaning is attained or imparted. This points to a necessary subjective involvement. Where, as we have seen, language would precede the subject, would be the realm in which the subject comes to be subject, speech would be the instance of this subjective emergence. Crucially, speech is not merely concerned with a ‘sending out’. It necessarily and *a fortiori* entails a reception. While the construction of a message may be assumed to be the necessary initial point of speech, it is only ever such in relation to a point of reception. As we have seen in terms of the Graph of

Desire, it is only from the moment of the *point de capiton* that a message can be said or understood to have been emitted. Lacan illustrates this point in his second seminar with the story of the three scientists who arrive on Mars to discover Martians with their own Martian language which, strangely, the scientists can understand. The first two scientists understand that the Martians are speaking about their research into aspects of physical science while the third understands that they are speaking about their research into poetic conventions. The point here being that the meaning which would be integral to speech is necessarily constituted at the level of the recipient. While language is a condition of possibility of intersubjectivity, intersubjectivity is the condition of possibility of speech.

This relation between, and differentiation between, language and speech allows us to further comprehend the centrality of desire for the possibility of subjectivity. As we saw in the discussion of the Graph of Desire, the subject in confrontation with the Other is interminably faced with the ambiguous question of its own desire, *Che Vuoi?* This *Che Vuoi?* is the very question of desire; the subject's question of what it is that the Other desires of it and the Other's asking of the subject what it is that it, as subject, desires? The persistence of this questioning is indicative of the insistence of a lacking both in the subject and in the Other. It is, in a sense, the question of what it might be that would fill this lack. *Che Vuoi?* would be inherent to all speech, insofar as speech is incapable of totalising, of saying it all and, conjoined with this, insofar as speech itself would be unnecessary were it not for a lack of *something*. In this way, every instance of speech, whether addressed to or from the subject would entail this *Che Vuoi?* Consequently, every instance of speech can be seen to pertain to desire. Desire is, in a sense, the very movement of speech. It is also, however, to suggest that

every instance of speech is a lie insofar as it is always ‘not all’. Whatever is said, insofar as it is understood in terms of desire, fails to articulate desire as such. There is a “fundamental incompatibility between desire and speech” (Lacan, 1977/1961: 275) evident in the fact that it is the law, of which the possibility of speech is a facet, which places a distance between the language in which speech would emerge and the desire it would seek to articulate;

I always speak the truth. Not the whole truth, because there is no way, to say it all. Saying it all is literally impossible: words fail. Yet it is through this very impossibility that the truth holds onto the real.

(Lacan, 1990/1974: 3)

The relationship between speech and desire can be further clarified with reference to Lacan’s second seminar, *The Ego in Freud’s Theory and in the Technique of Psychoanalysis*. In the context of warning his audience against the pitfalls and frustrations of assuming to interpret the analysand’s desire as always the same oversimplified conception of sexual desire, Lacan claims that;

what’s important is to teach the subject to name, to articulate, to bring this desire into existence, this desire which, quite literally, is on the side of existence, which is why it insists. If desire doesn’t dare to speak its name, it’s because the subject hasn’t yet caused this name to come forth.

That the subject should come to recognise and to name his desire, that is the efficacious action of analysis. But it isn’t a question of recognising something which would be entirely given, ready to be coopted. In naming it, the subject creates, brings forth, a new presence in the world. He introduces presence as such, and by the same token, hollows out absence as such. It is only at this level that one can conceive of the action of interpretation.

(Lacan, 1988/1978: 228-9)

Desire, though it clearly always exists and imposes itself on the subject, cannot be reduced to any simple formula such as a reductive notion of ‘sexual desire’. Desire as

it imposes itself on the subject is necessarily such that it imposes itself idiotically. While desire is always the desire of the Other and is always constituted in relation to *das Ding*, to speak of such desire is always to speak of it in the abstract as a nebulous, pre-linguistic, Real force. Desire as it appertains to the subject has to be articulated in its singularity. Lacan's point here is that desire outwith the realm of the symbolic, as it is outside the realm of the symbolic, cannot be represented for or by the subject as it is. Desire, to the extent that it can be brought into line by the subject, and thus allowed to function for the subject, must be brought into the realm of speech. In so doing, the subject clearly does not access the primal force of pure desire and encounter *das Ding* or the *Objet petit a*. The desire named does not as such exist before it is named. Thus the desire which is brought into the world, which is created as "a new presence" (Ibid.: 229) is the subject's own interpretation of desire. In such a process, the subject can be understood to be assuming the responsibility for his or her desire, placing themselves, through the process of articulation, in the position of the cause of their desire. That such a process does not result in the nullification of desire is due to the strict incompatibility between speech and desire. In bringing its desire into the realm of speech, the subject does not attain *das Ding*, the object of desire in the Real. Rather, the subject assumes the place of the cause of its own desire allowing desire to persist in relation to *das Ding*.

An important point to consider in this process of articulation is the distinction which Lacan draws between the subject of enunciation and the subject of the enunciated. Lacan's contention is that any utterance, any instance of speech, is symptomatic of the division inherent in the subject. Whatever is said, in the saying of it, pertains to two irreconcilable aspects of the subject, that of the enunciation and that of the enunciated

or statement. The subject of the enunciation would be that suggested in the instance of speech, the subject of the enunciated would be that suggested in that which is spoken of. The quintessential example here, as given by Lacan, is one which pertains to the content of the ninth commandment, that of lying. Were one to claim that one was lying, it is immediately apparent that the statement cannot, logically be true. If one is lying, then one's claim to be lying must necessarily be a lie, in which case one could not be lying. If one is not lying, then one's claim to be lying cannot be true, in which case one is lying. Either way, the statement reads back on itself to render it effectively meaningless. Effectively meaningless, that is, unless one assumes the presence of two subjects pertaining to the claim, the subject who is speaking and the subject who is spoken of. Clearly, if one were to make a similar claim about someone else, there would be no contradiction. One can accurately describe someone else as lying without the statement contradicting itself because the person described as lying is not the person making the claim and thus the claim itself is not brought into the question of the lying to which it attests. This is much what Lacan claims does occur in the claim to deceive. When one says that one is lying, there remains an element of truth in the statement, insofar as what is imbedded there is the desire to deceive.

To refer this back to the graph of desire, the subject of the enunciated or statement would be formulated on the lower arc between A and S(A), where the 'I' of the enunciated, the 'I' embedded in the statement 'I am lying' would be retroactively constituted as the signification of the signifying chunk 'am lying'. The 'I' attested to here is not, however, reducible to the subject invoked in the instance of speech, the unconscious subject of the enunciation. The 'I' at the level of the statement in a sense covers the 'I' behind the statement, the 'I' of the unconscious from whence the

utterance emerges. What this would mean is that whatever is spoken at the level of enunciated cannot but indicate a ‘deeper’ truth emerging from the enunciation, from the unconscious, which, whatever the concern of the enunciated, attests to something of the truth of the subject’s desire.

This same example is demonstrated with reference to the ninth commandment.

‘Thou shalt not lie’ as a negative precept has as its function to withdraw the subject of enunciation from that which is enunciated.

(Lacan, 1992/1986: 82)

Importantly here, the commandment only functions as a commandment to the extent that it appertains to a subject who would recognise it as a part of their itinerary, that is the commandment cannot somehow exist out there without a subject to whom it is addressed and who would receive it, it is in this sense that the subject is necessarily the author of the commandment for him or her self. The commandment must be ‘spoken’. ‘Thou shalt not lie’, accepted as a commandment, is exemplary of the subject of the enunciated but also then necessarily indicative of the subject of enunciation, the subject as it speaks from the unconscious or, phrased otherwise, the subject of the unconscious constituting the subject in the field of signification. It is in this sense that the commandment ‘Thou shalt not lie’ includes “the possibility of the lie as the most fundamental desire” (Ibid.).

What the prohibition against lying attests to then is the unconscious desire inherent to the subject. In such a prohibition, the law brings forth desire and points beyond itself to *das Ding* as that which both motivates desire and cannot be recuperated to the

realm of law. The prohibition against lying entails a certain claim to refutation of the law itself, pointing to the very borders on which the law is founded. If, in lying, the subject would necessarily point to its own division, that of the subject of the lie which is spoken and that of the subject who betrays something of the truth of its unconscious desire through the speaking, then the prohibition against lying confirms the truth of its own status. The ninth commandment is a law, like all laws, which founds itself on the necessity of its being transgressed.

This point can be illustrated with the example of something like the function of a computer password. When asked to enter a password, there is no prohibition against lying. One simply cannot lie. It would mean nothing in this context. One can either type in the password or not. It is either correct or incorrect. Obviously one could guess the correct password or even break the code through the random generation of possible passwords, but one cannot lie, one cannot deceive the programme and make it believe that the password is something other than what it is. It is only with the subjective emergence in relation to the law that lying, transgression, would be possible and it is only with the possibility of transgression that subjective involvement becomes a possibility. In the context of this example, one could lie to someone else as to what one's password is. It is, put simply, only when one says something about it that the possibility of lying would arise. It would be in this sense that the law would require the subject. Without subjective involvement the law is not law as such. Without the subject's desire, in this case, the desire to deceive, there is no law.

Law gives rise to the movement of the very desire it seeks to contain and, thus, inherent to the very foundation of the law is the necessary possibility of its own

violation. The ninth commandment, concerned explicitly with speech as it is, points most clearly to this founding and necessary contradiction. If speech always contains a double articulation, if it always betrays the subject as divided and thus emergent on two levels, that of enunciation and that of the enunciated, then the ninth commandment indicates that the law is not solely concerned with the maintenance of the subject on one side of the law but actually points to a reliance on transgression.

The law as that which gives rise to desire in prohibiting access to the impossible object cause of desire both functions in order to and relies for its own existence as law on the maintenance of a productive distance between the subject and desire. In this sense, the prohibition, while overtly condemning desire, creates the very possibility of desire emerging. The commandment not to lie, in creating a prohibition against that which cannot but be told, signals a pathway to desire as the (re-)emergence of that desire which would have been repressed.

Crucially, we should understand the prohibition against lying here as one of the conditions of all speech. Even if one lies, which one does, without the prohibition, without the general acceptance that one does not or should not lie, speech could not function. Without the distinction which the prohibition introduces between telling the truth and lying, all speech would descend into meaninglessness as it would no longer pertain to anything. Even the possibility of deception here would cease to exist as one can only meaningfully deceive when there is a possibility of not deceiving. What would effectively result would be babble. It is only with the constitution of the prohibition, that the possibility of both truth telling and lying emerge.

This point can be seen to pertain to the very possibility of society when one considers that the commandment Lacan presents as “Thou shalt not lie” (Ibid.) is actually presented in the Hebrew as “לא תענה ברעך עד שקר” (Hebrew Bible, Exodus 20:16), “Thou shalt not bear false witness against thy neighbour” (King James Bible, Exodus 20:16). With its more overt legal denotation, this representation of the commandment illustrates the necessity of a prohibition against lying not only for the possibility of speech and meaningful communication, but also the broader necessity for the principle of truthfulness or non-lying and crucially the existence of a distinction drawn between lying and non-lying for the possibility of founding and maintaining society. Clearly, without the possibility of language the rules necessary for the foundation of society could neither be drawn up nor promulgated, but even logically prior to this, without a distinction between lying and non-lying, without a fundamental principle of truthfulness, there could be no possibility of the communion of people necessary to found a society as any such communion would require a base agreement of correspondence which simply could not exist when there is no possibility of distinguishing between the veracity and non-veracity of intentions and utterances. Clearly, the possibility of lying is also an outcome of the principle of truthfulness and it is thus that we can see that the ‘true’ function of the commandment is not so much the condemnation or prevention of lying but the creation of the possibility of the human condition, human society and language as a medium of speech.

We can then see that guilt in the juridical sense of being guilty of having transgressed this or that law is always subordinate to and differentiated from the notion of feeling guilty as a subjective response to the antagonism one faces in confrontation with one’s desire. Where the subject is always going to feel guilty because of the very relations

of law and desire, because of the subjective response to desire and the interminable struggle between Eros and destructiveness, this does not necessarily mean that the subject has in actuality contravened this or that law, that the subject is guilty of transgression any more than the subject is necessarily and always guilty of desiring to transgress. The subject is, however, also guilty for (the possibility of) transgression, insofar as the subject is responsible for the law before which it stands. As we have seen, without the subject the law is not as such. The law is always experienced as idiotic. What this would then suggest is that, in terms of ethics, the subject must be the one to ascertain its own guilt in the face of the law it author(ise)s. That is to say, beyond the essential and unavoidable guilt one would experience through the very fact of subjectivity, a guilt which is integral to desire, there is also the question of judging one's own guilt.

## **2.6 Interpreting Lacan's Edict**

Returning now to the conclusion Lacan proposes towards the end of his seminar on ethics, that "the only thing of which one can be guilty is of having given ground relative to one's desire" (Lacan, 1992/1986: 319), we can begin to unravel what might be at stake in such a proclamation. Clearly any interpretation must acknowledge the particularity of the terminology used here, that is, must consider the sense in which the term guilt is being used, the complexities of the notion of desire and, crucially, what might be meant by or involved in the 'giving of ground' or 'ceding' with respect to desire which would render one guilty.

One could interpret this claim as suggesting that Lacan is advocating that it is unethical (or even unethical) to renounce what one (truly) wants, that the only true ethical imperative is that one ought to discover and pursue one's wishes to the end and if one does not one has betrayed one's ethical duty. Here 'duty' would presumably have to mean 'duty to oneself'. This interpretation would hinge on a prioritization of the relation between desire and *jouissance*, the idea that it is, ultimately, towards *jouissance* that desire is directed. This conception may be supported by a necessarily partial reading of the definition of the meaning of castration which Lacan gives at the end of his essay 'Subversion of the Subject and Dialectics of Desire':

Castration means that *jouissance* must be refused, so that it can be reached on the inverted ladder of the Law of desire.

(Lacan, 1977/1960: 324)

What renders such a reading partial is the fact that it relies upon a determined gliding over the significance of the phrase 'the inverted ladder'. Such a reading, the suggestion that *jouissance* must be refused so that it can be attained elsewhere, occludes the fact that in being reached *elsewhere*, *jouissance* would no longer be what it was. That is to say, read carefully, the above quotation is pointing to the fact of two concepts of *jouissance* (Fink, 1995: 60). What should be recalled, in this context, is the fact that *jouissance* is, as the pure pleasure of supposed unity retroactively understood to have preceded the division of the subject in language, only ever accessible to the subject as an idea of *jouissance*. The subject as constituted as divided from itself in the realm of the symbolic could only hope to attain what is strictly speaking a pre-symbolic notion or, more accurately, a symbolic projection of *something* which would have been prior to symbolisation, within the realm of the

symbolic itself. However, as *jouissance* is that which cannot properly be brought within or experienced within the symbolic, the subject's access to it would necessarily entail its own subjective dissolution. It is in this sense that *jouissance* would signal the death of the subject. To (impossibly) attain *jouissance* the subject would have had to refuse the choice of 'meaning' in the *vel* of alienation, a refusal which, as we have seen, would constitute a refusal of the very grounds from which the choice or refusal might have been made. However, the subject also must maintain a certain relation with *jouissance* in order to continue to desire. Rather than rendering this an impossible contradiction, this is the very logic of the law which is constitutive of subjectivity. The law prohibits access to *jouissance* while maintaining the aim towards *jouissance* and so creates the productive distance which allows the subject to function;

*jouissance* is forbidden to him who speaks as such, although it can only be said between the lines for whoever is subject of the Law, since the Law is grounded in this very prohibition.

(Lacan, 1977/1960: 319)

This maintenance of an aim of *jouissance* while *jouissance* is in itself barred is possible through the very intervention of the law which, in prohibiting *jouissance* in itself is also that which, we could say, gives rise to the idea of *jouissance*. Viewed from the retrospective angle from which it must necessarily be figured, there is something in the symbolic which speaks of *jouissance*, which suggests the promise of *jouissance*, and it is only through this signifier of *jouissance* that a(n impossible) relationship with *jouissance* can be maintained at all. This signifier of *jouissance* is what Lacan terms the phallus. Inherent in the foundation of the law, then, is a privation of *jouissance* which in cleaving this *jouissance* from the subject, and thus

allowing the subject to emerge, also must necessarily mark the place of this cleavage. This mark is the signifier of the phallus which will thus come to signify the sacrifice entailed in the refusal of *jouissance* and the persisting aim of the impossible *jouissance* beyond.

It is the only indication of that *jouissance* of its infinitude that brings with it the mark of its prohibition, and, in order to constitute that mark, involves a sacrifice : that which is made in one and the same act with the choice of its symbol, the phallus.

(Ibid.)

Thus, the quotation, “Castration means that *jouissance* must be refused, so that it can be reached on the inverted ladder of the Law of desire” (Ibid.: 324), does not refer to the possibility of refusing *jouissance* on one level, or in one place, and attaining it on or in another. Rather it refers to the impossibility of attaining it and its necessary supplement in the signifier which would maintain the perpetual movement of subjective desire.

In this sense, we can perceive the strict meaninglessness of the interpretation in which “the only thing of which one can be guilty is of having given ground relative to one’s desire” (Lacan, 1992/1986: 319) could be rendered “Do not give way on your *jouissance!*” (Johnston, 2001: 411). Not only is *jouissance* something the subject does not have and could not have as such, but is something the prohibition and thus non attainment of which is constitutive of the very possibility of subjectivity. Put very simply, the transliteration of “the only thing of which one can be guilty is of having given ground relative to one’s desire” (Lacan, 1992/1986: 319) into “Do not give way on your *jouissance!*” (Johnston, 2001: 411) would effectively mean the advocating of

putting an end to desire. This, quite obviously, runs in utter contradiction to Lacan's sense here.

Clearly, to rebound to the opposite and equally extreme position of interpreting Lacan's statement as meaning that the subject should simply maintain a relationship of desire is also impermissible as it results in what is effectively a tautology. Were it simply a matter of maintaining the position of desiring subject, then the subject, as subject could do little else as desire is, as we have seen, a necessary condition of subjectivity. To not desire would be to not be (a) subject. In a sense, these two extreme readings could be reduced to two sides of the same point. In attaining *jouissance* one would have ceased to desire, in simply maintaining desire one would have renounced access to *jouissance* and would be a subject. It is difficult to ascertain in what precise sense one might be guilty in either of these positions. In the former, because of the impossibility of subjective access to *jouissance*, there would be no subject to be guilty, in the latter, because of the condition of desire as constitutive of subjectivity, guiltlessness would be an inherent trait of subjectivity. Either way, the statement would seem to hold very little sense.

An alternative reading is that what Lacan is offering here in his conclusion, and, consequently, what he is offering throughout his seminar on ethics, should not be interpreted as a statement of ethics at all. Such an interpretation would suggest that the statement that "the only thing of which one can be guilty is of having given ground relative to one's desire" (Lacan, 1992/1986: 319) is nothing but a conclusion on the nature of 'guilt', that Lacan here is separating the notion of guilt from the field of ethics insofar as guilt would appear as an emanation from the "greediness" (Lacan,

1990/1974: 28) of the superego and, as such, actually stands in opposition to any successful furtherance of the field of human ethics (Johnston, 2001: 465). The question here, as suggested above, might be phrased as that of whether Lacan is concerned with feelings of guilt or of being guilty (Ibid.: 420).

Such an interpretation would centre on the formation and functioning of the super-ego in relation to the ego. As we have seen, the super-ego is constituted as an internalisation of an exterior prohibitive authority, subsuming as it does in this process not only the prohibitive force of the external authority, but also the aggressive force previously constituted against this external authority. It is this which renders the super-ego not only a formidable censor of the inclinations of the ego but also, and crucially, a censor which will not be appeased. Conjoined to this fact, the super-ego as internalised authority is privy to not only those desires which are acted upon but responds also, indeed more so, insofar as they are not vented, to the subject's inner, repressed desires. This structuration of the super-ego results in ever intensified feelings of guilt. It is not only that one might feel guilty because one has contravened the law, but one now feels guilty precisely because one has not contravened the law, because one has repressed the desire to contravene the law. As we have seen in the foregoing discussion, this situation is strictly unavoidable in terms of subjectivity. The very foundation of the law gives rise to the desire which it prohibits. Transgression, and thus the desire for transgression, is thus integral to the law. The result here is a somewhat depressing vision of humanity as stuck in an eternal bind of guilt. The very condition of subjectivity, constituted as it is in relation to a desire, is itself bound to the emergence of guilt.

Read in this way, the guilt referred to in the statement, “the only thing of which one can be guilty is of having given ground relative to one’s desire” (Lacan, 1992/1986: 319), refers not to an ethico-juridical pronouncement but rather to the psychological effect of the super-ego’s strictures upon the subject. What such a reading would seek to do would be to inscribe guilt as a necessary condition of subjectivity but not, as in the projected reading outlined above, where guilt would describe the ceasing of the movement of desire and the subsequent ceasing of subjectivity, but rather as a precondition of subjectivity, the conceptualisation and appreciation of which would allow us to separate guiltiness as a necessary state from any potential ethical construct. What this reading would effectively suggest is that fixating on guilt as an ethical ‘category’ is a stumbling block to ethics proper, as any ethical imperative, taken seriously, any attempted ethics is inevitably going to engender feelings of guilt. This being the case, the statement could effectively be rewritten as ‘the experience of guilt is the result of giving ground relative to one’s desires.’ This would then, supposedly, leave the way open for an examination, extrapolation or construction of a field of ethics which would be capable of situating itself beyond guilt, a ‘beyond’ here which would necessarily entail a recognition of the roots and mechanisms of guilt as a subjectively essential emanation of the existence and function of the super-ego without, however, encountering such a discovery as an impasse.

## 2.7 The Locus of Judgement in Lacan's Ethics

While this last interpretation is accurate and, moreover, could be understood to be essential to a proper understanding of what it is that Lacan offers in terms of ethics, it also, clearly, does not go far enough. What is not acknowledged in this interpretation is the crucial role which both judgement and action play in Lacan's understanding of ethics. Lacan summarises the traditional question of ethics as, "Given our condition as men, what must we do in order to act in the right way?" (Ibid.: 19). To this he conjoins his own definitional emphasis and understanding that ethics "essentially consists in a judgement of our action" (Ibid.: 311). He adds to this definition that judgement must be evident, albeit implicitly, not only from the exterior of the action, that is, ethical judgement is not exclusively something one engages in or pronounces from the outside, but it, judgement, must also pertain to the action itself. The judgement necessary to ethics cannot be reduced to a juridical conferment which would be pronounced after the act or event but must be inherent to the act itself in order for that act to be considered ethical rather than for that act simply to be judged right or wrong, beneficial or detrimental etc on the basis of some pre-existing table of prescriptions. Without this last proviso, ethics would unavoidably be reduced to a posterior conclusion which would be identical, in structure at least, to the legal. The problem with such a reduction to the legal is that the content which would ensue is entirely arbitrary, being, as it would be, without any support. As we have seen before, the law must conceal in mythical obscurity its own impossible foundations. The judgement that *this* is right or wrong must necessarily rely upon a further level of reasoning or justification which explains or justifies why *this* is right or wrong, which in turn must rely upon a further level of reasoning or justification which explains or

justifies why the previous reason is right or wrong, *ad infinitum*. The ultimate reason, if there were one, would have to have emerged *ex nihilo*, like the word of God to which many bodies of positive law do appeal. This, however, does not actually solve the problem, but, rather, simply shifts the ground, and the *reductio ad infinitum* moves to the question of how we can justify our belief in this ground of law or how we can justify our interpretation of and from this ground of law.

While this might help us to understand why it is that an ethics cannot be reduced to a posterior judgement without becoming indistinguishable from the legal, it also raises a further problem in terms of the judgement which would have to pertain to an action. If any judgement in a legal sense must necessarily rely on an obscured ground, on an appeal to a mystical author(ity), then what, even if ethics is concerned with a judgement which would be integral to an act, stops it being reduced to the same problematic?

The answer lies in the very constitution of subjectivity, the necessary relationship between the subject and the law inherent in this constitution and the crucial fact that this constitution cannot reduce the subject and the law to the same instance. That is to say, although we are clearly not dealing here with a monadic subject who would somehow stand outside the law, who might assume a position of alterity to the law which would allow it to judge independently of the law as such, neither are we dealing with a subject who could be entirely subsumed within the law.

As we have seen, the law intervenes at the very moment of the constitution of the subject; the law, as commensurate with the realm of the Other, is the location into

which the subject must become and such becoming is necessarily divisive of the subject, rendering it barred,  $\exists$ . What is essential here is the *idiotic* nature of the relationship between the subject and the law. The law, however universal it might be, must also impose here as the law for the subject.

The law in its prohibitory force creates the subject as divided. This division renders the subject as lacking. Arising from this lackingness is the conviction of a possible situation of non-lack, a conviction which is ‘experienced’ by the subject as the desire for the (impossible) return to unity which would be *jouissance*. It is, however, only through the intervention of the law that such a supposition might be made at all. Without the prohibitory effects of law, the cut it enforces, there would be no *jouissance* to be barred just as there would be no subject to be barred from and thus seek to attain *jouissance*. In this sense, *jouissance* is only ever retroactively posited as lost but is simultaneously, as retroactively posited, crucial to the very possibility of the subject.

The confrontation with this moment is the *vel of alienation* described earlier. The subject in order to come to be as subject must choose between the being as lacking (*manque-à-être*) of subjective existence in the realm of the Other, the lack of being (*manque-à-être*) which would be proper to the subject of the law, or it must refuse being altogether. The obvious paradox here is that in order to make such a choice, the moment must have already occurred. It is in this sense that the choice taken entails a retrospective positing of responsibility for that choice. The subject, in becoming subject, must assume responsibility for its own becoming subject. The alternative here is the foreclosure of this moment and the subsequent refusal of a subjective position

as such, that is to say, a perverse relation to the law which accredits the law or the Other with the responsibility for one's being.

The subject's assumption of responsibility is the emergence of the 'I' who would come to be in the place where the Other had dominated, who would come to be the cause of its own idiotic relation to the law. This is the logic inherent to the dictum *Wo Es war, soll Ich werden*; there where it was, 'I' must come to be.

Such an assumption of responsibility can be understood to be that which ceases the perpetual slide inherent in the search for or presumption of an ultimate foundation for and of the law. The law, as the realm of the Other, is, like the subject, lacking. This lack can be understood to be commensurate with the impossibility of its own founding moment. The law's necessary dependence on something outwith itself which would confer the authority of its own constitution means that it cannot be that which would guarantee one's position of or status as subject. It is in this sense that the judgement entailed in the ethical would necessarily be a judgement made by the subject, a judgement, moreover, which could strictly not appeal to the law or the Other for its verification.

When Lacan says that "the only thing of which one can be guilty is of having given ground relative to one's desire" (Ibid.: 319), this must be read with sufficient emphasis placed on the 'one's'. Lacan does not claim that *the only thing of which one can be guilty is of having given ground relative to desire*, he claims that "the only thing of which one can be guilty is of having given ground relative to *one's* desire" (Ibid. my emphasis). This is what is not accounted for in the reading given above. The

interpretation which concludes that what Lacan is engaged in here and, consequently, throughout the seminar on *the Ethics of Psychoanalysis*, can be reduced to the posing of the question of whether or not ethics can function beyond the super-ego, that is, whether or not there is a possibility of the subject moving beyond the confines of the relations of law, desire and guilt, (Johnston, 2001: 420) misses the essential point that Lacan here address the very subjectification of desire and thus points to the assumption of responsibility which would render this potential position of having not ceded with regard to one's desire distinctively ethical.

This emphasis on the subjective is borne out by Lacan's invocation of judgement as paramount to the field of ethics.

let's say that an ethics essentially consists in a judgement of our action, with the proviso that it is only significant if the action implied by it also contains within it, or is supposed to contain, a judgement, even if it is only implicit. The presence of judgement on both sides is essential to the structure.  
(Lacan, 1992/1986: 311)

We have here a complex definition of the conditions of an ethics. First, in order for an act to be considered ethical there must be someone or something which is capable of judging that act. This would further imply the existence of some criteria on which such a judgement might be based. So far, this is relatively uncontroversial. Most traditional forms of ethics would agree that ethics would be largely meaningless if there were not something to judge as ethical and 'someone' to do the judging. Where contention might arise would be the question of who or what might be in a position to judge and the related question of what might constitute a sufficient or worthy criteria for such judgement. The second part of Lacan's definition here also appears to fit fairly comfortably with more traditional forms of ethics. While some may argue that

an act in itself might be judged to be right or wrong, they would still, most likely, agree that such an act would still require an actor and that some decision is involved in the enactment. That is to say, even in the most pressed of circumstances, someone does decide whether or not and in which way to act. This point is clearly attested to by Aristotle in his discussion of voluntary and involuntary actions where he contests that even actions committed under compulsion ought to be categorised as voluntary insofar as they are, despite the force of compulsion attendant to them, actually ‘chosen or willed’ at the point of acting.

For at the actual time when they are done they are chosen or willed; and the end or motive of an act varies with the occasion, so that the terms ‘voluntary’ and ‘involuntary’ should be used with reference to the time of action; now the actual deed in the cases in question is done voluntarily, for the origin of the movement of the parts of the body instrumental to the act lies in the agent; and when the origin of an action is in oneself, it is in one’s power to do it or not.

(Aristotle, *Ethics*: 53)

This is not of course to rebound to a conception of subjectivity which would portray the subject as a clear and utterly free agent who has complete liberty over not only its actions but its very involvement in these actions and to the desire which would attend such actions. This would appear to be something that Aristotle would uphold and is something which would be upheld as a background of much of the tradition of ethical theory. That Lacan can commit to the definition of ethics above without committing to this notion of autonomous agency can be illustrated with reference to Aristotle’s description here. If one accepts that, in Lacan’s terms, one is not strictly free insofar as one is conditioned by one’s relation to the Other, that one is able to accede to subjectivity only in the place of the Other, that one is necessarily divided from oneself under the rule of law, then this still does not necessitate that one assumes a position of

irresponsibility for one's actions. As in the example from Aristotle, one is still implicated in the most compromised of positions. This is the logic of the *vel* of alienation wherein even when faced with the most forced of choices one must still choose. The *vel* of alienation is not a mere example here which would serve to illustrate this point but is the very mechanism which underpins the logic at work here, a logic which insists on the situating of judgement in the action in order for that action to be perceived from a strictly ethical perspective.

In one of the cases Aristotle uses to illustrate his response to the question of voluntarism, for example, the choice one faces is whether or not when asked to decide between committing a base act or allowing one's family to be executed one is actually voluntarily choosing, that is, whether or not one is responsible for the choice made. For Aristotle, while most people would accept that the choice to commit the base act would not as such be a free choice insofar as the alternative is so much worse, this decision is still one undertaken voluntarily. Similarly, for Lacan, the decision taken is very much a decision taken. The 'forced' nature of the decision does not excuse it.

This, as I have said, has quite a direct implication that passes all too often unperceived – when I tell you what it is, you will see that it is obvious, but for all that it is not usually noticed. One of the consequences is that interpretation is not limited to providing us with the significations of the way taken by the psyche that we have before us. This implication is no more than a prelude. Interpretation is directed not so much at the meaning as towards reducing the non-meaning of the signifiers, so that we may discover the determinants of the subject's entire behaviour.

(Lacan, 1977/1973: 212)

These 'determinants' of the subject's behaviour are ultimately that posited and assumed by the subject itself. Insofar as there is no subject before the *vel* of alienation, the subject,  $\exists$ , which comes about as a result of the *vel* is necessarily that which

retroactively posits itself in the confrontation of the *vel*. Subjectivity is, as we have seen, only possible after the choice has been made and it is in this sense that the entire choice, insofar as it is seen to have been made, is a subjective assumption. The alternative here is to retroactively refuse the choice, that is to foreclose one's very subjectivity. Interpretation here, the judgement that *this* or *that* is the 'true' cause of the subject's desire, the subject's very motivation as subject, can only be made by the subject. And in being so made is not a description of something which would have been already given, is not an acknowledgement of a cause which would have pre-existed as cause, it is not a refinding of that which was there all along. The judgement made here is such that it necessitates a creation. In coming to isolate the cause of its desire, the subject is in effect assuming the weight of and as the cause of its own desire, that desire which is in one. There is no other ground to justify this desire, for any other ground would merely indicate a further assumption.

## **2.8 The Gap of Causality**

This point can be seen in the famous example David Hume uses of the billiard balls. Hume argues that in any occurrence which is supposed to be an occurrence of cause and effect, it is not possible to ascertain with any absolute certainty what, if anything at all, actually connects the two instances; "One event follows another; but we never can observe any tie between them" (Hume, 2002/1777: 74). That we do tend to accredit a relation of cause and effect between two events is, according to Hume, due to the experience or the impression of repetition.

when one particular species of event has always, in all instances, been conjoined with another, we make no longer any scruple of foretelling one upon the appearance of the other, and of employing that reasoning, which can alone assure us of any matter of fact or existence. We then call the one object, Cause; the other, Effect.

(Ibid.: 74-5)

Such a conclusion is, however, for Hume no more than a supposition. That is to say, even in instances wherein we may feel convinced of the causal relation between two events, we have not actually uncovered any definite relation between the two other than the impression of like events tending to occur in a similar fashion. The flaw of reasoning here, as Hume is quick to point out, is that there is nothing in the repeated instances which would elucidate the connection any more than in one single instance.

The first time a man saw the communication of motion by impulse, as by the shock of two billiard balls, he could not pronounce that the one event was connected: but only that it was conjoined with the other. After he has observed several instances of this nature, he then pronounces them to be connected. What alteration has happened to give rise to this new idea of connexion? Nothing but that he now feels these events to be connected in his imagination, and can readily foretell the existence of one from the appearance of the other. When we say, therefore, that one object is connected with another, we mean only that they have acquired a connexion in our thought, and give rise to this inference, by which they become proofs of each other's existence: A conclusion which is somewhat extraordinary, but which seems founded on sufficient evidence.

(Ibid.: 75-6)

The point here is that there is an irreducible gap between what we would take to be the cause and what we would take to be the effect. The positing of this or that as a cause is never something which can be adduced as such; “there remains essentially in the function of cause a certain *gap*” (Lacan, 1977/1973: 21).

Whenever we speak of cause ... there is always something anti-conceptual, something indefinite. The phases of the moon are the causes of the tides – we know this from experience, we know that the word cause is correctly used

here. Or again, miasmas are the cause of fever – that doesn't mean anything either, there is a hole, and something that oscillates in the interval. In short, there is cause only in something that doesn't work.

(Ibid.: 22)

For Lacan, it is not the case that there is an error of reasoning which leaps too quickly in ascribing the position of cause to one event, for example, the phases of the moon, and the position of effect to another, for example, the movement of the tides. Rather, the gap which insists between cause and effect is the very condition of the concept of cause (and effect). Without the gap, there is no cause and effect as such. This would be what the concept signifies. In this sense, cause should be distinguished from that which is determined in a system. Cause, properly understood would be that which is exterior to the system itself, the “wager” (Lacan, 1993/1981: 192) on which the system could be founded. If, to return to the example of the *cogito*, we are to follow Descartes' logic in accepting that ‘I think’ confirms that ‘I am’ we are in fact accepting nothing which is not already inscribed in the system of natural language; that a predicate requires a subject. In itself, this linguistic analysis does not confirm anything else. ‘I think, therefore I am’ does not show any relation of cause between an agency and an action, it merely illustrates the structure of the system which would entail the postulation of a grammatical subject as (supposed) agent for an action. The proper cause here, in Lacan's sense of that which would be indicative of a gap, of that which “doesn't work” (Lacan, 1977/1973: 22), would be that which would pertain to the establishment of the system under discussion, the assumption that actions require agents or that every action is understood by necessity to have an agent.

The *vel* of alienation demonstrates this point insofar as it is indicative of the retroactively posited moment which would appertain to the limit of symbolisation, the

impossible moment of emergence of that which was not into the realm of the symbolic where it will no longer be itself.

As soon as the subject comes to be, he owes it to a certain non-being on which he raises his being. And if he isn't, if he isn't something, he obviously bears witness to some kind of absence, but he will always remain purveyor of this absence, I mean that he will bear the burden of its proof for lack of being capable of proving the presence.

(Lacan, 1993/1981: 192)

The retroactively posited emergence of the subject in the symbolic, posited as it necessarily is from within and in terms of the symbolic in which the subject would emerge, is thus impossibly posited, but, equally, necessarily posited, on the basis of a non-being. That the emergence of the subject is then indicative of a certain lack of being (*manque-à-être*), which is simultaneously a lack in being (*manque-à-être*), situates the assumption of being-as-lacking with the subject. What is, once again, crucial here is the retrospective logic of the assignation of cause. As there is nothing beyond the symbolic available within the symbolic from which the subject would posit a ground for its being subject and nothing positable at all outwith the symbolic, the subject cannot but assume the gap upon itself whether such an assumption is acknowledged, repressed or even foreclosed.

It is this same sense of gap which necessarily pertains to the relation between the subject and desire and, thus, allows us to understand the necessity of the subjective assumption at work in the judgement which would characterise the ethical act. Desire is, as we have seen, always the desire of the Other, but is also necessarily desire of the Other subjectively mediated. Desire may be seen to emanate from the Other in the question *Che Vuoi?* but this question, or, more accurately, the impression of this

question, does not in itself form the 'substance' of desire. The question of *Che Vuoi?*, and thus language itself, is indicative of the lack in the Other insofar as the Other would not be asking anything of 'me' were it not for its lacking *something* and thus desiring *something*. But, insofar as the subject is always necessarily the site of this question, the subject is that to which the question is addressed, that without which there could be no question, the desire of the Other is always a desire of the Other for the subject. It is thus that desire can be understood to be at one and the same time the desire of the subject and the desire of the Other. Desire, as desirousness, the very movement and possibility of desire emanates from the Other, from the realm of and the incompleteness of the symbolic order. Such desire, though, must be experienced by the subject in order for it to be recognised and thus instantiated as desire. It is in this sense that the desire in question, the desire which would be understood to be the cause of the subject, is particularly the desire of that subject, is 'one's desire'.

This is also to suggest, however, that the desire in question does not exist as such. If the desire were to exist prior to its being subjectivised, it would be exclusively the desire of the Other and would not thus be desire at all insofar as the Other would not be (experienced as) lacking and thus there would be no lack in relation to which the subject could emerge. It is thus that desire, as 'one's desire', must be brought forth in speech by the subject.

There is only one resistance, the resistance of the analyst. The analyst resists when he doesn't understand what he is dealing with. He doesn't understand what he is dealing with when he thinks that interpreting is showing the subject that what he desires is this particular sexual object. He's mistaken. What he here takes to be objective is just pure and simple abstraction. He's the one who's in a state of inertia and of resistance.

In contrast, what's important is to teach the subject to name, to articulate, to bring this desire into existence, this desire which, quite literally, is on the side

of existence, which is why it insists. If desire doesn't dare to speak its name, it's because the subject hasn't yet caused this name to come forth.

(Ibid.: 228)

This process of naming could be understood to be conterminous with the subject's traversing of the fantasy. In response to the perceived question of and from the Other, *Che Vuoi?*, the subject is brought into confrontation with the limit of the symbolic order, a limit attested to in the lack in the Other which would be the condition of possibility of the advent and reception of the question. In order for the question to be received, the subject must (have) come to be in the realm of the Other and thus is constituted as recipient of the question only insofar as it, the subject, is lacking, is not all. This double lack, as it cannot be confronted as lack, is subjectively experienced as *objet petit a*, that which would mark and cover the place of the lack, safe-guarding the subject from experiencing the lack itself in its devastating lackingness. *Objet petit a*, insofar as it is no-thing, insofar as it has no content as such, insofar as it is that which marks the place of that which is by definition unsignifiable, must be determined with some 'content' by the subject. That is to say, the subject must, in order to maintain the functioning of the mark of the lack, put something in its place. This putting of something in the place of the *objet petit a* is clearly not, however, to attain *objet petit a* or to attain any knowledge of what it might (impossibly) 'be'. In terms of *objet petit a*, whatever substantial content is conferred upon its place is never 'it'. If fantasy can be represented as the subject in relation to *objet petit a*,  $\exists \&a$ , it is always such that *objet petit a* is strictly not there, in the fantasy, as such. That is to say, that which would be the original cause of desire is not accessible for the subject. By naming its desire, the subject is not naming *objet petit a*, rather in naming its desire, the subject is naming that which, always unconsciously, had sedimented in the place of *objet petit*

*a.* In a sense, in naming its desire, the subject could be understood to be naming its mistake. In this sense, naming one's desire or traversing one's fantasy is but a reconfiguration. It does not render fantasy obsolete but allows one to move beyond the illusion inherent in that fantasy. In so doing it also entails a reconfiguration of the subject. In naming its desire the subject does not reveal itself as the hitherto eluded cause of its own desire, rather it assumes responsibility for the desire that is in it.

The point here is, thus, not that the subject could ever somehow be objectively shown to be the 'true' cause of his or her desire but rather that the very notion of cause requires an assumption. There cannot be a truth outwith a system which would determine it as true. Whatever is taken to be the cause of an effect is constituted in this relation by the subject who takes it as such. This is the case, a fortiori for the subject's desire. Even if one were to contend that the desire in one is caused by the Other and is thus the Other's responsibility, one has posited oneself as the cause of this thought or contention. If, in the analytic setting, one accepts the analyst's interpretation of the cause of one's desire as the accurate interpretation, then one has necessarily not uncovered the cause which would illuminate why one would (want to) accept the analyst's interpretation of the cause of one's desire. That is, one simply shifts the emphasis and postpones the properly subjective response. All cause, and thus, a fortiori, the cause of all desire, is ultimately something which has to be subjectively posited and thus subjectively assumed.

Judgement, then, pertains to both an act itself and stands against the act, in the sense that the subject must inscribe itself in the act and in the judgement of the act in order for the act to be considered a subjective act. That is to say, the conditions of an act

being considered ethically would be the subject's positing of itself within the act and the only ethical judgement which could be made of the act would be one made by the subject in which the subject bore the whole weight of the judgement. There is, ultimately, no appeal to anything outwith the subject. It is in this sense that Lacan's ethics entails the adoption of "the point of view of the Last Judgement" (Lacan, 1992/1986: 313).

The question, "Have you acted in conformity with the desire that is in you?" (Ibid.: 314) is the fundamental question of ethics insofar as it assumes "the force of a Last Judgement" (Ibid.). Not giving ground relative to one's desire entails the assumption of the cause of one's desire. This is not, however, a position one could ever assume once and for all. Assuming the locus of cause is to reconfigure one's position in relation to the Other and thus to reconfigure one's very subjectivity. The ethical point here would thus be a point of always re-beginning. That "the only thing of which one can be guilty is of having given ground relative to one's desire" (Ibid.: 319) cannot be reduced to a description of the mechanism of guilt as it arises in response to the demands of the super-ego, rather it points beyond the ego / super-ego relation to the stance the subject would assume in the face of the law. Giving ground relative to one's desire would be tantamount to assuming a position of having no choice, a position which in order to be assumed would necessarily entail the denial of one's relation to the Other. Not giving ground relative to one's desire is to assume the responsibility for one's own position of subjectivity. It is the logic of *Wo Es war, soll Ich werden*, the moment in which the subject ( $\exists$ ) assumes a position in that place which would otherwise be occupied by the law, by the Other.

Such a formulation of ethics is clearly one which cannot appeal to any pre-existent measure by which to adjudicate. In this sense, the ethical moment would entail a radical decision, *décaedêre*, a cutting away, insofar as it necessarily cannot rely upon the pre-existing order of things. If the moment of assumption is properly to be a moment of assumption, then this separates both the subject coming to be and the desire which would be attested to in the creative act of speech from what had gone before. If it does not, then there has been no assumption. That is to say, any recourse to the Other here would be tantamount to ceding on one's desire, rendering desire not 'one's' but (wholly and impossibly) the Other's. If the law and thus the moral can attest to no substantiation, then the weight of this responsibility, insofar as the law and the moral figure for the subject, must be taken up by the subject.

The logic at work here might be presented as the distinction between decision and calculation. A calculation would be that which would rely upon the pre-given, it would be internal to the logic of a system. A decision, on the other hand would be that which must necessarily be taken at the limit of the system. Calculation, as its mathematical use would suggest, is a process which would pertain to a system which would purport to be, as far as it goes, self-contained. Calculation is the enactment of or on the basis of formulae or prescription, it is that which would follow from a rule or law; if A, then B. Any such calculation would, however, necessarily point to its own limit in the same manner that the law necessarily points towards its own lack of ground or substantiation. As Derrida has pointed out, "if calculation is calculation, the decision to calculate is not of the order of the calculable" (Derrida, 1992/1989: 24). That is to say, the moment of subjective involvement would be indicative of the failure of the calculation to justify itself. There persists a gap wherein the subject

emerges as the one who ascribes to the law or places itself before the law. Phrased otherwise, the subject necessarily assumes the responsibility for the decision to calculate in such and such a manner or assumes the responsibility to calculate at all. Such a moment, indicative of the insistence of the limit of the system or the law, would necessarily also be indicative of some*Thing* of the outside of the law, some*Thing* beyond the symbolic order, some*Thing* of the Real.

This logic can be seen in the famous scene of Alan Pakula's film *Sophie's Choice* when Sophie is forced to choose which of her two children will be allowed to live and which will be taken to the gas chambers. What is crucial here is that there are effectively two choices which Sophie has to make, the emergence of the second contingent upon the first. Where what is usually emphasised is the horrendous choice Sophie has to make between her son and her daughter, who will be allowed to live and who will die, what this glides over is the fact that before this Sophie has to make the choice to choose. She is of course free not to choose at all, in which case both her children will die. The second choice, as to who will die, appears to be the impossible horrendous choice because it permits no appeal to a measure of calculation. There is no way of 'working out' which choice is the 'best' choice. It is a pure decision and as such the full weight of that decision falls on Sophie. The first choice can appear to be much more straight-forward. There is a clear appeal available here to a measure of calculation; the death of one child is preferable to the deaths of two. Understood in this way, one could argue that the first choice is not in fact Sophie's choice at all. There is nothing to decide here, only a 'simple' calculation to perform. What such a reading ignores is the fact that a choice is made despite the availability of a calculative measure. Sophie still chooses this calculation. She chooses to calculate and to

calculate in this way. Why is it that the death of one child is preferable to the death of both? Sophie, in choosing, assumes the weight of this decision upon herself. One could even argue that a similar logic of calculation is evident in the second choice, that is, that it is conceivable that the preservation of the boy child is clearly the obvious choice to make. The politically correct ‘unacceptability’ of this second calculation serves to highlight the weight of subjective assumption in the acquiescence to the mode of calculation. That Sophie might have chosen the boy’s life over the girl’s would for many people be indicative of an unfounded choice, the appeal to ‘reason’ here, that boys are inherently more ‘valuable’, would be dismissed as barbaric chauvinism, that is, an untenable attempt at justification. What this would miss is that ultimately any justification, including the justification that one death is preferable to two, would be untenable. The decision made, the choice entered into, is, properly, the choice of this justification, thus assuming the ultimate weight of and for that justification. Conversely, the position many would take towards the film, that the second choice is utterly random, that there is no way to decide between the boy and girl, is equally to assume a position on the matter. Even the admission of incalculability, the submission to random chance, is a choice. The calculation, one death over two or boy over girl, may provide the answer to the choice but the subject of the choosing is still responsible for positing and accepting this mode of calculation. The assumption of the impossibility of calculation, the assumption that there is no relevant difference between the boy and the girl, also provides an answer, i.e. choose randomly. That this random choice must still be made allows us to observe what would have been less evident but ultimately just as existent in the case where a mode of calculation was available, that the choice made is made utterly by the subject.

This example illustrates again why it is that Lacan insists upon there being two moments of judging essential to the ethical. There is the judgement to act, which is necessarily the judgement to act in this or that way, and then there is the judgement of the act; was my choice to act and act in this way, the right choice? Importantly, the logic here is not chronological. The two instances of judgement on which Lacan insists cannot be simply reduced to a before and an after. Rather they are two instances of judgement which would insist at two different levels. The judgement to act would necessarily entail the judgement to act in this or that way, to act in what the subject believes to be the right way. A judgement conferred upon the act, similarly, would entail not only a judgement that this was or was not the right way to act, but also the judgement to judge at all. Judgement itself is an act.

The second moment in both instances of judgement here necessitates that the subject assumes the weight of the first, that this act (or this judgement) was in fact 'my' choice and in this sense the act is the act of assumption of responsibility. Clearly, there is no pre-given 'right way' against which to measure the judgement of the act. In this sense, the ethical can be seen to redouble to the position of assumption of responsibility. That there is no right answer, as such, at any level of acting, places the burden of ethics always with the subject.

That the subject does act is to indicate the existence and the insistence of desire. This is what would define the act as an act as opposed to mere behaviour or happening. An apple may fall from a tree, but it is not understood to have acted. It is only in the act, which is always and necessarily a subjective act, that desire manifests. This is then to suggest that the subject is always responsible for the act in which it is implicated. In

assuming this responsibility upon itself, in assuming its own subjectivity in this act, the subject inscribes meaning to the act. The assumption of responsibility can thus be seen to be coterminous with the assumption of desire as 'one's desire'. As we have seen, such assumption of desire as one's 'own' cannot be reduced to the naming of something which is already there. Desire may well be the desire of the Other, but it is still desire of the Other in the subject.

What is crucial here is the non-totalisable nature of desire. Desire, in order to (continue to) be desire must remain, essentially unsatisfied. Desire, by its very nature, is incomplete. It is as such that desire can never be entirely subsumed on the part of either the subject or the Other. Both, as we have seen, are lacking and it is only as such that they (are understood to) desire. The naming of one's desire is thus necessary, insofar as that desire did not exist as a pre-given. It is not a case of recognising the desire of the Other in the sense of what would be absolutely the Other's desire. Neither, however, is it a case of simply creating desire in the nominative process. Desire as desirousness, what we might call pure desire, will, because of this displaced nature, always persist. Naming one's desire, like the attainment of that which would have sedimented in the place of *objet petit a*, is always and necessarily going to be a case of *not-all*. In this sense, there is always something ineffable in desire. This ineffable core would persist in the insatiable *Che Vuoi?*

What this would point to is that the assumption of responsibility cannot be reduced to a subjective self-sufficiency. That any judgement, while it cannot be reduced to the Other, to law, also necessarily entails a re-inscription in the field of the Other. This re-inscription can be understood in the dialectic of speech. While language, which can be

understood as coterminous with the Other, would be a necessary condition of speech, the two are also radically incommensurate. Language does not in and of itself have meaning, language does not speak. Speech, as the subjective intervention in the field of language, which necessarily relies on language, is the forging of meaning. But speech, as we have seen, must also be speech for someone. Thus, the ethical moment, while it is radically subjective, while it entails a subjective assumption of responsibility, is also and still deeply bound to not only the field of the Other but to the other in the sense of another being supposed to understand.

In terms of the ethical and its relation to the legal or moral, this would mean that the judgement taken must re-inscribe itself as a law in the sense of an inscription of right and wrong. In this way we can further clarify the distinction between the ethical and the legal. The legal is inscribed as permitting and prohibiting. What can never be accounted for in this inscription is the moment of acceptance, the ground of the law, the final reason which would up hold the law. This grounding can only be assumed by the subject. This moment of assumption would define the ethical in contradistinction to the law, in that it cannot in itself be reduced to the law but at the same time it cannot subsist without the law and would require the inscription of the law in order to be made at all and the re-inscription as law in order to be seen to have been made at all. The ethical would be (indicative of) the breach in the symbolic, in the law, and as such cannot exist in utter separation from the symbolic, utterly independent of the law. At the same time the ethical, the moment of subjective judgement must be brought into the realm of the symbolic in order for it to be understood to have been enacted or made. In this sense, it can be seen that the ethical is not something which

could be dwelt within or taken up once and for all. The ethical is necessarily pulsatory and as such must be taken up again and again.

What the foregoing discussion also points to is the fact that the ethical is also inextricably bound to the other in the sense of the other person, what Lacan, following Freud, refers to as the *nebenmensch*, the neighbour. This ethical relation to the neighbour, this relationship to the neighbour as ethical, this relationship of ethics as entwined with the neighbour, can be adumbrated on three levels. It is in encounter with the neighbour that the subject would encounter language, bringing with it the whole barrage of division which would be constitutive of the subject. It is thus also that it is in encounter with the neighbour that the subject would encounter desire. Coupled with this last point, it is in encounter with the neighbour that the subject would experience the persistence of *das Ding* and thus the movement of desire.

It is at this point that that reality intervenes, which has the most intimate relation to the subject, the *Nebenmensch*. ... The *Ding* is the element that is initially isolated by the subject in his experience of the *Nebenmensch* as being by its very nature alien, *Fremde*.

(Lacan, 1992/1986: 51-2)

Lastly, it is to the other as interlocutor that the subject addresses the meaning of its desire, it is in response to the neighbour that the subject assumes by expression the responsibility for its desire, and thus for its position as subject. Ethics, then, can be understood as an ethics necessarily in relation to the other. What this would not explain, however, is the extent to which ethics would be a responsibility to or for the other. Traditionally ethics has insisted upon certain prescriptions in terms of one's behaviour towards other people, most succinctly and extremely in the sixth commandment, "Thou shalt not kill" (King James Bible, Exodus 20:13). Remaining

within the terms of Judeo-Christian morality, we might phrase this question as that of why one ought to love one's neighbour. Even given that ethics as we have defined it is related necessarily to the other, what is there in this relation, if indeed anything at all, which would suggest that it ought to be a relation of preservation, respect or love? That is to say, given that ethics entails a relationship with the other as 'neighbour' as well as the Other as the symbolic realm, what does it say about this relationship?