

4. The Subject of Democracy

Chapter Overview

In this, the final chapter, the conceptions of ethics and subjectivity developed in the previous chapters will be brought to bear on the question of democracy. It will be emphasised how the impossibility of reducing ethics or the law to moments of each other necessitates a thinking of ethics which cannot in itself be instituted as law but must rather take the form of endlessly responding and, with this, an endless responsibility without recourse to any positive prescription. Such incessant responsibility clearly indicates the impossibility of the successful attainment of any utopian project and the necessity of a politics of impermanence. This logic of essential impermanence will be examined through an analysis of the *European Convention on Human Rights* to demonstrate the necessity of subjective responsibility in the face of the political. It will consequently be argued that democracy cannot, thus, be instituted as a guarantor of social justice but must, rather, be conceived as a matter of subjective responsibility which is never reducible to any institution, constitution or convention. Such an understanding will be developed through a reading of Claude Lefort's 'The Question of Democracy' (1988/1983) to show that democracy ought to be conceived not as a positive body of rules or principles or as a determinate system of governance but rather as a condition of subjectivity, a condition which entails the demand for

interminable responsibility, for the ceaseless interrogation and reinvention of the political.

The ramifications of such a conception of democracy and political responsibility will be considered in response to Alain Badiou's advocacy of non-participation in state politics and further developed through a consideration of competing readings of Sophocles's *Antigone*. Against Badiou's non-participation and Žižek's representation of Antigone as the ethico-political example par excellence, it will be shown that Lacan's own reading of *Antigone* allows us to appreciate the impossibility of positing any ethical example and, consequently, the necessity of locating the ethical in the response to any strategy, such as Badiou's, rather than in the strategy itself. That is to say that the possibility of an ethical politics resides singularly with each subject, that any manifesto for amelioration, as much as any appeal to existent norms and mores, demands a response from the subject, a response which is never itself adequate to the situation or circumstance but must rather be perpetually revisited. Such a response is without appeal to any authorising ground, any authority outwith the subject which would somehow guarantee or validate the response undertaken. Such a response is also, inescapably, a response to and, thus, a responsibility towards the other the subject would encounter, without appeal to any guaranteed definition of what or who this other would be, what it is that this other would desire, without, that is, any prescription as to how one might or *should* respond.

4.1 Ethics and Politics

If, with Aristotle, we conceive the proper function of politics to be to aim for the good of society and humanity (Aristotle, *Ethics*: 3-4), and yet, we acknowledge, with Lacan, that such a good, as a final goal, is structurally unattainable, unknowable, that is, that the sovereign Good as such does not exist, “there isn’t any” (Lacan, 1992/1986: 300), then is this to conclude that the endeavour of politics is always already redundant or futile? Such a nihilistic conclusion would be to ignore the Lacanian point that the good, despite its unattainability, despite its unknowability, would be that towards which desire would aim, would be that which insists as that which “will be there when in the end all conditions have been fulfilled” (Ibid.: 52). The structure of subjectivity, as we have seen, is such that, without the ceaseless movement of desire, it, subjectivity, would cease to be (a possibility) at all.

The maintenance of the pursuit of the good, then, is not as futile as one might initially be led to conclude. It is, rather, a structural necessity. But a structural necessity which entails that it also, necessarily, will not be attained. It is, to simplify, the pursuit of the good and not the possibility of the attainment of the good which would form the basis and goal of politics in a Lacanian understanding, with the crucial caveat that we do not know what this good would be.

As we have seen in our discussion of the Lacanian subject in chapter one, the subject’s desire arises not only in the face of the lack it would experience in and as itself but, irreducibly conjoined with this, the subject’s desire is also always the desire of the Other. That is to say, the subject can only be and can only possibly experience

itself as subjectivity in the encounter with the lack inherent to the Other. This double movement of lack and desire allows us to conceive of the subject as interminably constituted in the field of the social. That is to say, with the Lacanian subject there is no possibility of assuming a delimited private realm which would somehow subsist independently from the social or public realm. To assume to occupy a position outwith the social would be to assume the impossible position of independence from the Other without which the possibility of subjectivity would be foreclosed. Moreover, the social field from which the subject cannot be extracted is itself experienced as incomplete.

The Other, as the subject's experience of structuring organisation, as the possibility of law, is that which, at one and the same time, prohibits and engenders that which would be experienced as the impossible good of the subject. As we have seen, it is the very impossibility of totality in the law, the failure of the system to found itself and the failure of the system to encapsulate that which it would exclude, that renders the ethical and the subject possible. The ethical in this sense should be understood to arise *against* the law. This is not to reduce ethics to an 'anarchy', a condition without law or rule. Defined as *against* the law, the ethical remains dependent on the law without which it could not arise. This is also, clearly, not to make of the ethical the straightforward inversion of the law. If there is no given or attainable good, then neither the moral nor the legal can be defined in terms of a content (which would necessarily be this impossible good). To invert the letter of the law would then, on a formal level, be to maintain precisely the structure of the law. As the content is never *it*, the maintenance of the structure of the law is precisely the maintenance of the law; the maintenance of the law of the law. An ethics which is *against* the law is thus

neither an inversion of the law nor something which could be maintained outwith the structures of the law. Law and ethics are thus co-substantial without either being reducible to the other. The ethical, as the moment of subjective assumption necessarily occurs in response to the law without such a response dictating what the content of such an ethics might be. As the law itself is anarchical, in the sense that it is without ground, without *arche*, the ethical entails the assumption of and by the subject as ground, an assumption which necessarily has no precursor. In this sense, the ethical can be seen to be the necessary subjective supplement of the law.

Such an understanding of the relation between ethics and the law indicates that the law in and of itself cannot be ethical. This is not to say, as indicated above, that what is ethical must somehow be contrary to the letter of the law. The problematic is rather a structural one. As the law cannot provide its own moment of foundation, its own ground or justification, any such ground or justification must lie outwith the law and can only be assumed idiotically or uniquely by the subject. Such an assumption must, however, in order to be conceived at all, be (re)inscribed in the law. That is to say, it is only within the terms of the law, of the Other, of the symbolic order, that anything could (be seen to) be justified at all. This emphasises once again that the ethical, like the subject, can only be figured as a pulsational moment. The ethical cannot then be figured as an alternative to the law in any absolute and permanent sense, but must rather be seen as the necessary other of the law in the sense that it is both irreducible to and inseparable from the law. The ethical is, as we have seen, the subjective response before the Other.

Might this then suggest that any law, from the perspective of ethics, is as good as any other? If the good is necessarily unattainable, and the ethical cannot be governed or predetermined by the law, then might not the ethical arise in the context of any law whatsoever? Clearly, this is to an extent the case. Were it not, it would be tantamount to proclaiming that in certain regimes, under certain laws, the ethical was impossible. Which would be to assert the impossible totalising reach of those laws or conditions in question. This is not, however, to recourse to an extreme of suggesting that each actual law or system of law is as good as every other. It is rather to separate conceptually the structural necessity of law from any particular content which might be enacted as law. Clearly, as there is no ultimate external authority to which one might appeal to adjudicate the rightness of any particular law or body of law, the appropriateness or acceptability of any law can only be attested to by those who encounter it. This is then to acknowledge subjective responsibility in the face of the law but at the same time to acknowledge that any such subjective responsibility is always already such that it, the subjective position which might be assumed, is conditioned by and bound in relation with the Other.

The subject arises, and only arises, as a possibility in the context of a social order. Without the Other as the network of symbolic and social ordering in the place of which the subject can assume a position, the subject has no possibility of becoming at all. Such subjective constitution is, however, as we have seen, necessarily precarious. The subject constituted in, and in the terms of, the social field is also such that it will necessarily experience itself as excluded from the social field. For the subject to be subsumed utterly by the Other would be the negation of the very possibility of the subject. Coupled with this, the Other is such that it cannot be totalised as a whole,

cannot, that is, be conceived as a self-subsistent field which would persist without the subject experiencing it. In this sense, the Other, as a unity or unifying concept does not exist (Lacan, 1977/1960: 317). The Other is such that it is only ever Other for the subject for whom it manifests. This is clearly not to reduce the Other to a figment of the subject's imagination. It is rather to posit the impossibility of the subject's ever totalising the Other and the concomitant impossibility of the Other ever totalising the subject. Such a picture not only renders the subject ultimately responsible before the Other but also necessarily envelops others within this responsibility insofar as the Other can only be conceived as a field of social order which arises for the subject in confrontation and encounter with others. Without the mediation of others, there is no encounter with the Other.

The unique and irreversible responsibility the subject thus assumes in and through its own constitution entails a double inflection of the law. The law, as the ordering of the social, as language, social practice, convention, as civil law, constitutes the very support and context without which there would be no place or order in which the subject could assume a position. That is, the symbolic field of the Other is the necessary condition for the assumption of a subjective position. Coupled with this, the law, the Other, as the 'exterior', or, better, 'extimate', condition of the possibility of subjectivity, is that which ensures that the subject is never itself, never, that is, adequate to its own possibility and position. The subject assumed in the place of the Other is always necessarily misplaced, incomplete, lacking. Such a condition of constitutional lack renders the subject necessarily the subject of desire. Without the condition of desire the subject would cease to be subject. The subject is then responsible for not only the assumption of the position of subjectivity which it would

precariously inhabit but is responsible for the desire which arises in it and allows the possibility of this position being impossibly inhabited. Such desire, as it arises through encounter with the other and the dislocation in the social field, cannot be divorced from the social field. This renders the relation of the subject with the desire that arises in it and arises as its very possibility paradoxical insofar as it is uniquely experienced by the subject, it is *that* subject's desire, it is *one's* desire, and, at the same time, it is the desire of the Other, the desire which without the Other could never be. The subject's desire is particular for that subject and is necessarily always somewhere else.

In such a conceptual framework, we can see that there is, structurally, no possibility of the law, of the social order, providing the accomplishment of desire. What the law can possibly provide is the facilitation of what we might, with Lacan, term the "rut of a short and well-trodden satisfaction" (Lacan, 1992/1986: 177). The logic here is such that any such satisfactions are never going to be *it*, never going to be, that is, the satisfaction of desire. This is not, however, to dismiss such satisfactions out of hand. It is, rather, to point towards the complexity of the relations between the subject, the law and social order, the desire which would be constitutive of the subject and the desire the subject would encounter in the other which can never, in its unicity, be reduced to a semblance of the subject's own desire. The satisfactions made available by the law are such they will be conditioned by the law which avails them, the particular body of laws and social practices in which the subject is constituted. This is not to deny the unicity of these satisfactions, the fact that any such satisfaction will pertain to this or that subject, and as such vary from subject to subject. Insofar as the subject is constituted idiotically, this cannot but be the case. Whatever the apparent

unity of the law, the necessity of law appearing as a universal and generalisable condition in order for it to be understood as law, it must also apply particularly to particular subjects. Moreover, the subject is defined in relation to the law whilst being irreducible to the law. This then necessitates that the subject encounter the law as something alien and particular. The satisfactions the law would condition then, are such that they remain conditioned by the law, whilst neither being able to be reduced to the simplicity of a singular universal nor being elevated to the status of the final satisfaction of the subject's desire.

While, then, no law is capable of facilitating the ultimate satisfaction of desire and, moreover, as prohibition, law is the necessary obstacle which would allow both the maintenance of desire and the maintenance of subjectivity which would be predicated on such desire, there does open up the possibility of law availing lesser satisfactions, satisfactions which would in turn allow the possibility of maintaining desire as necessarily unsatisfied. That is to say, such satisfactions, while necessary, are also necessarily insufficient. The interplay of desire with attainable satisfactions, the fact that such satisfactions are never *it*, gives rise to a structural excess which necessarily (re)informs those satisfactions and the value accrued to them. The formation of expectation is unstable.

There is no possibility of a position outwith any social context, there is no position available outwith social order from which this or that social order could be judged; "there is no such thing as a metalanguage ..., no language being able to say the truth about the truth" (Lacan, 1989/1965: 16). That is to say, the most that might be available to us would be the comparison between social orders but such that any

comparison so made is made from a position within a given social order. This, again, is not to suppose that any given social order is homogenised. Any given social order necessarily contains the trace of its own excess and the proliferation of receptions it would manifest in the subjects located therein. Put simply, we are the product of our social environment without this suggesting that those produced in any social environment can be reduced to a type. The Other is not one but is rather as manifold as the subjects constituted in relation to it. At the same time, however, the subject's necessary location in the field of the Other necessitates that it will experience the proliferation of social orders as entailing distinct differences. The illusion here is that what is experienced as any one social order might ever be adequate to its own description. The question which imposes here, then, is that if no social order is capable of providing the satisfaction of the desires of its subjects and, in fact, no social order can be reduced to a singularity but rather proliferates with each subject, then what difference can adequately be marked between social orders? If no position is available but from within the multiplicity of the social order in which the subject finds itself, what value might persist with which to judge the efficacy or the rightness of any given social order? Phrased otherwise, what is there available to suggest that we are not reduced, inevitably, to a relativity wherein we are preconditioned to assume the contours and conditions of *our* social order as the measure of all possible social orders? The answer lies precisely in the excess, that which would escape the attempted delineation of the social order.

What we are left with is the certainty that desire cannot be met, that anything which assumes the place of that which would provide the satisfaction of desire is necessarily bound to failure. It is never *it*. In terms of the political, then, any system which

assumes or is assumed to provide the solution is not only erroneous in such an assumption but, moreover, necessarily occludes the proliferation of competing solutions. The assumption that there quite simply are no solutions is untenable here insofar as this, in itself, would be the renunciation of desire and thus the renunciation of the possibility of subjectivity without which the social order would cease to be experienced. The only avenue available here would then be the acknowledgement of the inadequacy of any solution coupled with the necessity of the search for and proliferation of competing contingent solutions.

What we are left with is the bond of the social, the impossibility of the assumption of subjectivity outwith the social field, a bond which necessitates that the assumption of subjectivity is also the assumption of responsibility wherein such responsibility would always be a limitless responsibility for the other. Such responsibility is necessarily limitless insofar as to assume to have accomplished one's responsibility towards the other would be to assume to access and secure the other's desire. As such desire is neither accessible – as we have seen, we do not know what the other desires, we cannot know what the other desires – nor accomplishable – desire accomplished, desire satiated, is desire extinguished - the responsibility one would assume before the other is necessarily without end. Coupled with this, such responsibility is also limitless in the sense that any compartmentalising and, thus, delimitation of the other's desire is, again, to claim to impossibly know what such desire would be.

What we are left with is the subject as the necessary and inconstant location of ground for the validity of the content of the law and the security of the social order within which he or she is constituted. That is to say, the possibility of ethical responsibility

resides, not with the system or order, whatever its make-up, but with the subject, each time uniquely; “since the Other does not exist, all that remains to me is to assume the fault upon ‘I’” (Lacan, 1977/1960: 317).

The inconstancy of the subject is such that, as we have seen, it cannot be reduced to a monad, a self-sufficient entity which would be exclusively for itself. The responsibilities we might have, as they are not and cannot be preordained, are necessarily the outcome of negotiations and challenges. Within a stable framework where the aim was apparent, where the good was an attainable goal and the considerations of the system self-evident, it would be possible to demarcate the responsibilities one ought to entertain. As no such stable framework is available, as the aim is unapparent and the good structurally and necessarily unattainable, the responsibilities and the contours of such responsibilities, for what and in what way one might be responsible, are necessarily mutable. That is, they can only be constructed and, in so being constructed, indicate their own provisional status. The demarcation of responsibilities as permanent and immutable necessarily entails a point of exclusion and thus an unjustifiable certainty of what ought and ought not to be enveloped within the scope of responsibility.

4.2 The Indeterminacy of Rights

One example here would be that of rights. Insofar as rights masquerade as natural, that which would be excluded from the protection of rights is excluded on a permanent basis. Moreover, the precise articulation and application of rights necessarily reveals the impossibility of their encompassing or achieving that which they would purport to encompass or achieve. That is to say, even when it is acknowledged that rights have no claim to a natural status, that is, that rights accrue through decisions made by a community and through the decision to conceive of ourselves as a part of a community which will decide rights, even then the decision made must be seen to be contingent and, moreover, formed on the basis of a fragile assumption. The community which would uphold and recognise certain rights is the community which would be formed on the basis of such mutual recognition. As Arendt has noted in relation to the notion of natural equality;

We are not born equal; we become equal as members of a group on the strength of our decision to guarantee ourselves mutually equal rights.
(Arendt, 1979/1951: 301)

Stripped of the illusion of their natural status, all rights can be seen to be not only created by but also, significantly, creative of the community who would endorse them. Clearly the rights accorded are not necessarily created by those who would be protected under the recognition of the right in question. Animal rights or children's rights are not formulated by animals and children. Rather, the point is that through the inscription, for example, of rights for animals or children is created a community of those who would ascribe to and uphold such rights, those who would be defined in

terms of their duty to endorse the right(s) in question. This allows us to see that in any formulation of rights, there is necessarily a double moment of inclusion / exclusion. There is the inclusion of those who or that which would be protected, the exclusion of those who or that which would not be protected or which would not be recognised and, on the other axis, there is the inclusion of those who would be considered to be bound in duty to the recognition of the rights in question and those who or that which would be excluded or exempt from such duty. As rights are not naturally given, as rights are not transparent and beyond question and, bound to this, as rights are necessarily inscribed in a language which is never adequate to the task of their definition, all such rights are necessarily available to interpretation. That is to say, not only is the delimitation of rights and the concomitant delimitation of duty necessarily open to renegotiation but also, at each moment of its potential application, any one inscribed right and its concomitant duty must be interpreted for and coopted to the particularity of the situation or circumstance in question. Each such moment of interpretation is necessarily the decision to inscribe the point of exclusion / inclusion again.

This logic can be seen in the example of The European Convention on Human Rights, Article 1 of which reads:

The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention.
(The European Convention on Human Rights, 1950: Article 1)

Despite the gesture of inclusivity evident here, where one might understand the term ‘within their jurisdiction’ to limit responsibility on the basis of the reach of legal

authority rather than the exclusion of certain parties whose rights might otherwise be protected, the subsequent articles of the Convention appear to erode this opening gesture.

On a cursory reading one might suppose that those who would fall under the jurisdiction of the signatories would be the citizens of those nations and those residing within or present within the geographic borders of those nations at the moment of application of the rights in question. This point is clarified in Article 14;

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

(Ibid.: Article 14)

While it is conceivable that Article 14 seeks to exemplify and thus delimit those types of discrimination which would be deemed reasonable or acceptable from those which would be deemed unreasonable or unacceptable, the status of the examples is left somewhat uncertain. Do the examples of what we might understand as unreasonable discrimination constitute an exhaustive list, an exemplary list or are they mere examples which would facilitate the conceptual space for the addition of further (examples of) unreasonable forms of discrimination? The status of this list is thrown into further uncertainty by Article 16 which stipulates that:

Nothing in Articles 10, 11, and 14 shall be regarded as preventing the High Contracting Parties from imposing restrictions on the political activities of aliens.

(Ibid.: Article 16)

Articles 10 and 11 seek to protect, respectively, the rights to freedom of expression and freedom of assembly and association.

Article 10

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Article 11

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

(Ibid.: Articles 10 & 11)

If Articles 10 and 11 can be understood to effectively protect the rights of ‘everyone’ under the jurisdiction of the High Contracting Parties, with the addition of the provisos noted in the second paragraph of each of the articles, and Article 14 can be understood to describe some examples of the types of conditions which would not warrant discrimination, then this raises a question over the status and purpose of Article 16. Not only is the exact meaning of ‘alien’ open to interpretation but,

moreover, those who would be bracketed through any such interpretation of 'alien' are then also bracketed out of the protection supposedly safeguarded under Articles 10 and 11 and the examples of unreasonable discrimination listed in Article 14 must be reread in the light of such bracketing. That is to say, the inclusion of Article 16 appears to modify not only Article 1 but, by extension, it places under question the inclusivity implied in the list of unreasonable types of discrimination listed in Article 14, with perhaps particular emphasis on the inclusion of terms such as 'political or other opinion' and 'national or social origin'.

The point here is not that the European Convention of Human Rights constitutes an erroneous document per se, but rather that any such attempt at precise stipulation of rights is impossible insofar as it necessarily avails itself to a moment of interpretation particular to the circumstances of its application. The removal of Article 16 could be understood to render the signatory states unnecessarily vulnerable to, for example, terrorist factions, even given the point that the correlation terrorist-alien is extremely suspect in itself. On the other hand, however, the inclusion of Article 16 could be understood to warrant the potential exclusion of any and everyone deemed to fall under the bracket of 'alien' from the protection of the Convention.

This fragility of the convention and its avowed aims is further evident in the more extensive potential exclusion warranted under Article 15 wherein it is stipulated the right of the signatory states to derogate from adherence to much of the remainder of the document under particular circumstances.

In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its

obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.

(Ibid.: Article 15)

The failure of the convention to define with any adequacy what might constitute a “public emergency threatening the life of the nation” (Ibid.) appears to leave open the possibility of suspending the very protection of rights that it is its sole purpose to guarantee. That the article stipulates that any such suspension ought to be limited in strict relation to “the exigencies of the situation” (Ibid.), insofar as what precisely would constitute acceptable or necessary circumstances to warrant derogation from the responsibility to ensure the rights of those under the involved nation’s jurisdiction is not defined, adds only fragile limitation on the possibility of derogation. Even the restrictions attached to the right to derogation as stipulated in the second paragraph of Article 15, the stipulation of those articles of the convention from which signatory states may not derogate, fail to offer firm guarantee of the rights in question insofar as these too are dependent upon interpretation.

No derogation from Article 2, except in respect of deaths resulting from lawful acts of war, or from Articles 3, 4 (paragraph 1) and 7 shall be made under this provision.

(Ibid.)

Article 2 which seeks to uphold the right to life, is supplemented in its second paragraph by conditions under which the right to life may not be upheld and is further supplemented by the clause in Article 15 specifying ‘lawful acts of war’ as legitimate circumstances in which the right to life may not be honoured or protected. Articles 3 and 4 (paragraph 1) which appear to be without qualification, are still susceptible to interpretation. Article 3 stipulates that,

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

(Ibid.: Article 3)

While Article 4, Paragraph 1 stipulates that;

No one shall be held in slavery or servitude.

(Ibid.: Article 4)

Clearly, what precisely constitutes ‘torture’, ‘inhuman or degrading treatment’, ‘slavery’ and ‘servitude’ is susceptible to some interpretation. To focus on Article 3, one can wonder where the line might be drawn. Does sleep deprivation or mild beating constitute acceptable treatment under this directive? When might the infliction of pain be justified and to what degree? Would what would constitute acceptable treatment be relative to the possible consequences of not inflicting such treatment? For instance, would the employment of certain measures deemed unacceptable under other circumstances be considered acceptable if they are employed with the intention of extracting information which would avert what would be considered a graver outcome. What factors would be considered relevant here? The supposed status of the those who would be effected by the outcome to be averted? The estimated number of those who would be effected by the outcome to be averted? And how might one measure what would constitute necessary or acceptable means in relation to projected outcome to be averted?

Such a moment of decision can be understood to constitute an extreme instance of subjective choice. The precise limit one would ascribe to effective and acceptable measures in any given situation is a matter which demands subjective response. This

is not to suggest that the implementation of measures taken, the decision to operate at, and the very definition of, the limit of what one would consider torture or degrading treatment, becomes the sole and exclusive responsibility of the one in the situation. It is rather to suggest that the acceptance of the regulations as they stand and the acceptance of any warranted interpretation of those regulations is necessarily the responsibility of each of those who find themselves confronted by the convention. As we have seen previously, ethics entails interminable judgement.

In such a context, where a term such as ‘torture’ is left vague, left, that is, without any precise definition, a certain danger necessarily accrues. As Žižek illustrates with regard to the climate of fear of terrorism post-September 11th 2001, the very debate as to what ought to form the proper limits of legitimate treatment of (suspected) terrorists itself imparts a certain public legitimacy to those treatments considered. Even if one does not explicitly advocate what might otherwise be considered an extreme measure, just by introducing the measures in question into the field of public, and what would be considered legitimate, debate has the effect of altering the terrain of the debate and thus the contours of what might be conceived of as torture.

Such legitimization of torture as a topic of debate changes the background of ideological presuppositions and options much more radically than its outright advocacy: it changes the entire field, while, without this change, outright advocacy remains an idiosyncratic view.

(Žižek, 2002: 239)

It is precisely in such a case that the porosity of a document such as *The European Convention on Human Rights* opens on to the level of decision. Not only is it clearly the case that the convention does not adequately delimit what would be meant by the term ‘torture’, does not specify what would, under the convention, be deemed

acceptable treatment, but, moreover, the convention invites debate on this very point which itself allows the possibility of the erosion of the very protection the convention would otherwise claim to provide. Clearly, the point here is not that public debate concerning the limitations or definition of torture is in itself to be avoided. It is rather that the very terms with which one would enter into such a debate and the terms on which one would accept to debate such an issue are themselves open to question and demanding of a subjective response and, consequently, subjective responsibility.

To indicate some of the limits or failings of a document like the European Convention on Human Rights is not to single it out as an unavoidably suspect document, it is rather to acknowledge that any such document is unavoidably suspect. It is not as though the convention could be replaced by another document which would avoid the definitional problems this document encounters (though it could, no doubt, be improved upon). It is rather to acknowledge that any such document cannot avoid encountering its own limits (that is, that any such document could also be improved upon). Clearly, this is also not to suggest a passive acceptance of this or any other existent document on the grounds that, as any document is by definition imperfect, any inscription of rights is as good as any other. Rather, it is to suggest that any such document constitutes a demand of those who would confront it to interpret it and through the process of interpretation call the existent limitations into question, assume responsibility for the particular interpretation endorsed and undertake the responsibility for the improvement of such conventions.

4.3 The Question of Democracy

Given the constitutional uncertainty, the necessarily incomplete status of the law and the social order, the lack of any final answer, it would seem obvious that the most amenable social structure to put in place would be one that acknowledges rather than attempts to obfuscate this structural necessity. That is, a system which acknowledges the impossibility of totality, the lack of final guarantor for or answer to not only the question of the good of society but also, significantly the contours and limits of society, that is, the determination of who or what is excluded in the process of inclusion and on what grounds. Moreover, in so acknowledging its own indeterminacy such a system would have to entail the perpetual redescription and re-delimitation of those contours it seeks to emplace. That is to say, such acknowledgement would necessitate the active and perpetual justification of not only that which it seeks to uphold and defend but, moreover, the grounds by and on which such upholding and defending are supposed to rest or be justified. Such a system would necessitate not only its own invention but its own perpetual reinvention. Such a system would depend “on our ability to move beyond the Scylla of conformity and the Charybdis of utopianism and maintain, in the fullness of time, our distance from both of them” (Stavrakakis, 1999: 140).

Claude Lefort has argued, in his article ‘The Question of Democracy’ (1988/1983), that democracy would be the name for such a system of political organisation. While democracy, as the etymology indicates, is power or strength, *cratos*, resting with the people, the *demos*, it is also such that the location of this power necessarily remains, in Lefort’s words, “*an empty place*” (Lefort, 1988/1983: 17). Lefort’s point is that, in

contradistinction to the monarch of pre-modernity, democratic government eschews the possibility of the seat of power being occupied and thus embodied by any actor. The monarch, in Lefort's understanding, embodies the function of mediator between the earthly kingdom and those transcendental values not immediately available to the mere mortals of the kingdom. Where justice, reason and the Good are unavailable in themselves, the prince functioned as the guarantor that such justice, reason and Good would prevail in the end. It was as availed of access to this "other-worldly pole" (Ibid.) that the prince could be positioned as provider or guarantor of unity in and of the kingdom. No justification was required beyond the prince. As we have seen, no system is capable of its own substantiation, the justification of its own founding moment or legitimation of the limits it would impose. This constant slippage of justification is halted with the prince, the mediator between the earthly kingdom and the transcendent, that which confers authority and unity on the system without itself being accountable in the system.

Against such a picture, democracy accomplishes a structure wherein power is not seen to be located with the actors, the parliamentarians or legislature. Power, in democracy, is rather dispersed such that it arises as a purely symbolic effect. This is not to rebound to a concrete location of power in the people. While the people, one by one, may exist, The People, as a homogenous entity, does not exist. The point is rather that by divorcing the symbolic mechanism of power from the actuality of the actor who might wield such power, democracy describes the possibility of political power being utilised without such power being appropriated by the actor assigned to any one position within the apparatus of government or by the government as a whole.

This logic can be, as it has been by Žižek, described in terms of the elective process of representative democracy. Following Lefort, Žižek conceives of democratic elections as indicative of “the moment of dissolution of the socio-symbolic bond” (Žižek, 1989: 147), that is, the recognition of the structural impossibility of closure. The unity of society which would appear to be maintained with (the belief in) the prince is demonstrated in democracy to be but a fragile arrangement. Without the guarantor of the prince the dislocation of power, the infinite dispersal of authorisation is halted in democracy through the institution of offices which might only be and are seen to only be occupied on a transitory basis. The maintenance and acknowledgement of this transitory status is evident in the suspension of the markers of any such unifying project and the occlusion of permanent occupation of the offices of power. Elections function here, then, to not only allow the expression of the *vox populi* but significantly to mark the disparity between the location of power and the functionaries of government.

The exercise of power is subject to the procedures of periodical redistributions. It represents the outcome of a controlled contest with permanent rules. This phenomenon implies an institutionalization of conflict. The locus of power is an empty place, it cannot be occupied – it is such that no individual and no group can be cosubstantial with it – and it cannot be represented. Only the mechanisms of the exercise of power are visible, or only the men, the mere mortals, who hold political authority.

(Lefort, 1988/1983: 17)

The mechanisms of democracy and, particularly, democratic elections thus function to prevent the sedimentation of occupation of office and thus to render less likely the confusion of occupant with position occupied. Moreover, the very locus of power cannot, while maintaining the logic of representation or popular sovereignty supposed in democracy, be assumed to rest with the office of government. Government, in

democracy is such that it derives its authority only from the civic body. However, the civic body as such is never more than a myth construed on the basis of those moments of identification which would lend it the semblance of a unity. A democratically elected government would be the facilitator of one such mode of identification. It is, however, important to recognise the retroactive logic at work here. A representative government derives its authority from a unity, the people, the *populus*, which is only ever fixed as a unity with the emergence of the government so constituted. The unity cannot be seen to be a unity before the emergence of the government which would represent it. The government cannot then be said to represent anything other than the unity it itself constitutes.

This logic is clearly demonstrated in the example of the American Declaration of Independence. In the closing paragraph of the text of the declaration, the signatories are referred to as the “Representatives of the united States of America” (*American Declaration of Independence*, 1776), such representation entailing acting “in the Name, and by Authority of the good People of these Colonies” (Ibid.). The body which would confer the necessary authority on those who claim to represent it is only constituted through the very declaration which derives its legitimacy from that body. Prior to the declaration there is, strictly speaking, no People in the sense that there is no unity which could be gathered under the name of ‘the People’. “They do *not* exist as an entity, the entity does *not* exist *before* this declaration, not *as such*” (Derrida, 2002/1984: 49).

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the

good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

(American Declaration of Independence, 1776)

Such a double logic is no less apparent in any democratic election and thus at the base of any democratic governance. On the one hand, through the separation of elected official(s) and the office(s) to which such an official(s) would be elected, the mechanism of democratic election allows democracy to acknowledge the constitutional indeterminacy necessary to its continuance without such indeterminacy inculcating a nihilism. That is to say, through the dislocation between the place of authority and the actors who might, temporarily, perform authorised functions, democracy signals not only that the “locus of power is an empty place, [that] it cannot be occupied – [that] it is such that no individual and no group can be cosubstantial with it – and [that] it cannot be represented” (Lefort, 1988/1983: 17) but also, in so doing, it maintains that no such assignation of function is ever *it* without resigning to the contrary assumption that, as no assignation is *it*, no such assignation should be allowed or entertained. On the other hand, insofar as any election would, at one and the same time, produce and presuppose the semblance of social unity from which the elected body would be seen to derive its authority, democracy can be understood to conceal, and through so concealing, demonstrate its own foundational lack. In this sense the logic of democracy can be seen to mirror the logic of subjectivity we have described previously. Like the subject, democracy can be understood to entail a

moment of pure and necessary assumption which relies on the retroactive positing of its own authorising moment. What this would then indicate is that democracy enjoys the same instability and fragility as the subject. Democracy, like any other subjective assumption, can never be said to *be* as such but is rather perpetually assumed in the logic of the future anterior wherein, in the terms of democracy, the authority or ground, the *arche* of the *demos*, necessary to proclaim the institution of the democracy in question can only be posited from a point retrospective to the very institution it would have been claimed to authorise.

Rather than perceiving such a logic to be undermining of the legitimacy of democracy, we should see it as entailing the very promise of democracy. No system, as we have seen, can be adequate to its own foundation. Each system necessarily defers to a point outwith itself in order to allow the very possibility of its own conception. It is the constitutional impermanence of the democratic invention which allows it to maintain a relation of possibility towards the future insofar as democracy is understood as entailing the maintenance of a structural gap which refuses the possibility of closure.

This is comparable to the logic of the fantasy we have unfolded previously. While the fantasy object is never adequate to the desire of the subject, neither would it be possible to relinquish the structure of fantasy without relinquishing all possibility of subjectivity. The most that is available is the traversing of the fantasy, the acknowledgement that the object is not *it* and the re-inscription of fantasy with the assumption of and by the subject as cause of the desire indicated and maintained in the fantasy. On the level of the political, democracy can be understood to perform or

allow such a function insofar as it both supposes and thus constitutes the semblance of unity of society while at the same time both facilitating and necessitating the suspension of any such semblance of unity, thus undermining the possibility of the illusion of unity and the possibility of the exclusions marked therein being fixed, and requiring that the illusion be inscribed anew. That is to say, democracy allows the possibility of the supposition of unity or coherence while always necessarily consigning such unity and coherence to the future, to the *yet to come*. Democracy allows the traversing of the fantasy of social coherence, ensuring that the answer is never quite *it* or never quite *yet*.

Such a formulation or understanding is clearly reminiscent of Derrida's notion of *démocratie à venir*;

democracy remains to come; this is its essence in so far as it remains: not only will it remain indefinitely perfectible, hence always insufficient and future, but, belonging to the time of the promise, it will always remain, in each of its future times, to come: even when there is democracy, it never exists, it is never present, it remains the theme of a non-presentable concept.

(Derrida, 1997/1994: 306)

What needs to be emphasised in any such accommodation of this Derridean notion is the fact that the democracy to come is not only deferred in the temporal sense but is also always particular to the subject who would embrace it. That is to say, what we need to emphasise here is not only the diachronic but also the synchronic aspect of the impossibility of the actualisation democracy. Insofar as we envisage democracy as a constitutional impossibility in the sense that democracy cannot be institutionalised without this entailing its own disappearance and, coupled with this, the repetition of

its demand, the demand of democracy emerges particularly for the subject. As Derrida himself has put it;

Political action for me today cannot, must not be the same as that for anyone else in another place, another class, another country. From this standpoint, political action is not empirical but constantly strategic. For me, the rule of this strategy would be this 'democracy to come.'

(Derrida, 2002/1989: 180-181)

Democracy in this sense would not only be 'to come' in the sense that actual existing democracy is inadequate to itself but also in the sense that 'the coming' pertains to the subject who would encounter the demands of the political. That is to say, what a Lacanian perspective would add to this Derridean notion is the centrality of the aphanitic subject to the possibility of and ethical potential of democracy. Democracy, that is, remains a possibility insofar as the subject arises and posits itself in the place of impossible guarantor, that is, to the extent that the subject, through the assumption of itself as its own cause, locates itself in that position which would be the position of ultimate responsibility for what is assumed.

Clearly, just as the subject is faced with the choice of assuming or refusing the responsibility for its own cause, of persisting in assuming the *objet petit a* as the cause of its desire or placing itself in such a position, assuming the place of its own cause, democracy too can be confused as the solution to the very lack it might otherwise function to maintain. In one sense, concentrating on the logic of elections, by celebrating the empty place of power conceived in the disparity between the office and the official elected to perform the duties of that office we can find ourselves gliding over the fact that the office itself can become fixed beyond question. That is to say, focusing on the functionaries of government precisely allows the possibility of

the mechanisms of government sedimenting into the illusion of *the* answer. That is to say, it allows particular forms of what would claim to be democratic societies, particular combinations of what would claim to be democratic institutions, to be assumed as *the* correct mechanism of government or provision of social hope. While such institutions and mechanism may or may not purport to provide any solid answer, they are necessarily in danger of being conceived as the certain means of guaranteeing proper consideration of the question. Moreover, the very articulation of the question, what might be considered a political, rather than, to use the most obvious example, a private, issue and the manner in which such an issue might be considered is in danger of being predetermined. As Lefort has argued, the very manner in which we define the political is itself always already politically motivated (Lefort, 1988/1983: 11).

The paradox here is that any institutional provision intended to forestall such a possibility is necessarily then itself one such institution which would require scrutiny. Moreover, the very means by which, the standards, criteria and methods by which such institutions might be appraised and reconfigured or simply collapsed are themselves, by necessity, always already politically tainted. That is to say, no neutral means of appraisal are available.

It is, however, in the very impossibility of closure, the impossibility of perpetual self-maintenance that such institutions might be brought to check. As the totality any system might seek to maintain is such that it necessarily masks the failure of that system to maintain a totality, the system necessarily does entail and thus is liable to encounter its own structural 'weakness'. This is not, however, to say that everything can or should be left alone, that chance will prevail. As circumstances evolve and

situations change, as events overtake the mechanisms of government and the configurations of power, such mechanisms would be forced to transmute and new mechanisms, configurations and procedures instituted. This, however, is also to say that the worst case scenario could manifest. Change of circumstance only entails the necessity of responding, not the assurance that any such response might be adequate or beneficial. This is the necessary moment of encounter with the Real. A moment which persists as necessary precisely because it is there all along. It is when the cracks in the symbolic edifice become apparent, when the totality or finality of the system is revealed to be illusionary, that the Real imposes as a force which cannot be refused.

4.4 The Encounter with the Real

The symbolic order cannot contain the Real. No law, no language, no configuration of political ideals is ever adequate to the particularity of its implementation. Laws in order to be applied necessitate interpretation. The contours and guidelines which might exist for such interpretation similarly require interpretation. The regress is infinite. The conception of any institution or institutional regulation as determinedly authorised, that is 'above' interpretation, supposes the pre-existence of that body, force, idea or agency which would have authorised it, such supposition then requiring justification and authorisation. Even in the circumstance where a dictate may appear to be devoid of ambiguity, devoid of the possibility of competing interpretations, where, for example, the consensus appears absolute, the decision to apply that dictate, its supposed appropriateness still demands justification. This is the insistence at the

limitation of the symbolic which would be indicative of the encounter with the Real, that which “resists symbolisation absolutely” (Lacan, 1988/1975: 66).

The insistence of such an encounter as already entailed within any political institution is marked not only in the occurrence of some unforeseen event - such as terrorist attacks, popular uprisings or natural catastrophe – to which, insofar as they are ill-prepared, the institutions would be inadequate. The differences between the examples here notwithstanding, such events should be understood to be indicative of the Real in the sense that they would be representations of the Real. In this sense, they can be seen to be commensurate on a political level with those representations of the Real which would insist on the sleeping individual.

The Real may be represented by the accident, the noise, the small element of reality, which is evidence that we are not dreaming. But on the other hand, this reality is not so small, for what wakes us is the other reality hidden behind the lack of that which takes the place of representation
(Lacan, 1977/1973: 60)

The insistence of the Real is not then something which might occur in the events themselves but, rather, the events, insofar as in order to be conceived as events at all they would require representation in the symbolic, are indicative of the Real insofar as they are indicative of *something* which would resist conceptualisation. That is to say, the insistence of the Real is inscribed in the very impossibility of the symbolic order closing the gap of the Real. It is thus that any system or body, any institution, necessarily entails its own structural weakness.

The obvious example here would be the attacks on the World Trade Centre on September 11, 2001. It is not that such attacks are in themselves instances of the Real.

Insofar as they are mediated and explained, that we achieve a sense of surety about what happened, who or what was responsible, who or what was to ‘blame’ for the attacks, the attacks are always already mediated representations of the Real, indications, that is, of “the other reality hidden behind the lack of that which takes the place of representation” (Ibid.). It is in reaction to this ‘other reality’ that no response is ever adequate. Remaining with the example of September 11, no response, be it attacks on rogue states or heightened security is ever adequate to the trauma of the encounter with the Real which would remain ‘hidden’ behind any representation or rationalisation of the attacks.

The real has to be sought beyond the dream – in what the dream has enveloped, hidden from us, behind the lack of representation of which there is only one representative.

(Ibid.)

The dream here, in the context of Lacan’s discussion, is indicative of the (unconscious) attempt, the impetus, to provide a representation for that which cannot, in itself, be represented. That is, it is the inclination to cover over the Real with some, necessarily inadequate, signification. The same function can be seen to be operative in the example of the events of September 11 and the reactions to which they gave rise. The explanation and blame for the event, the portrayal or characterisation of certain regimes and, perhaps, by extension, ideologies, as villainous or evil, are attempts to represent and domesticate the Real which cannot in itself be represented. Such attempts are indicative of the limit point of the system wherein the relation of cause and effect exceeds the system itself;

cause is a concept that is unanalysable – impossible to understand by reason – if indeed the rule of reason, the *Verunftsregel*, is always some *Vergleichung*, or equivalent – ... there remains essentially in the function of cause a certain *gap*

(Ibid.: 21)

This weakness, this structural inadequacy is not, in turn, something which could be embraced in and of itself. It is not that the inadequacy of the system suggests that we abandon all hope. It is rather that such inadequacy demands a response. The nihilistic abandonment of hope, the rejection of all law on the basis of the law's structural inadequacy is an impossible position. Such a position could only ever be entertained outwith the symbolic order where, clearly, no position can or could be entertained at all. In terms of the *vel* of alienation we have used previously, such a choice would be the 'impossible' choice of not choosing. Rather than suggesting a self-refuting 'anarchist' position, then, the inadequacy of the system demands a response. Such a demand is a demand made of the subject. Such a response is the potential emergence of the ethical.

It is not because the subject would be some pre-existent entity or agency which could already provide the elusive authorisation or cementation, the legitimation of any system or institution. Clearly, the subject as necessarily incomplete, the subject as divided, is only ever constituted in response to this demand, in response to the lack experienced in the symbolic order, in response to $S(\%)$, the signifier of the lack in the Other. Such a demand is a demand made of the subject precisely because the possibility of subjectivity is that which is constituted in and as the reception of this demand.

The subject, as we have seen, is itself never anything more than the division it would experience. That is, the subject is never secure or securable but rather only ever possible as a pulsational emergence dislocated from any possibility of self-adequation. And yet, so dislocated, the subject emerges as the possibility of that which would experience the Other, that which would encounter the other without any such experience or encounter ever being definitive. Insofar as something is experienced, the subject is faced with the possibility of assuming itself in this transient moment. In so doing, the subject would be seizing its own possibility, constituting itself in the pure assumption of a position it cannot hold, a position which is necessarily and by definition not its own.

4.5 The Impossibility of Certainty

As pessimistic as this may sound, it is a pessimism faced with the alternative of labouring under the impossible dream of finitude, the utopic fantasy which is necessarily inadequate to our own self-experience and our own experience of the world in which we would find ourselves. Certitude in our conception of the good, certitude in the system we would have constructed to ensure our good, and then, necessarily, certitude in the demarcation and limitations of our conception of the good, precisely because such certitude is but a fantasy, precisely because such certitude is never adequate to the possibility of the good, necessarily excludes the very possibility it would purport to embrace. If we cannot know the good, then any illusory position of certainty necessarily excludes the possibility of the good emerging.

This is not, for Lacan, to suggest that we wander the world in a perpetual state of conscious doubting, as though engaged in an eternal existential crisis concerning the reality of the world in which we live. For Lacan, certainty can precisely be opposed to reality, which is always, for Lacan, “precarious” (Lacan, 1992/1986: 30). The “normal subject” (Lacan, 1993/1981: 74) is not concerned with certainty, only the psychotic is concerned with certainty. Which is precisely to mark certainty as a delusion.

You are surrounded by all sorts of realities about which you are in no doubt, some of which are particularly threatening, but you don't take them fully seriously, for you think ... that *the worst is not always certain*.

(Ibid.)

This lack of certainty which would characterise the ‘normal,’ neurotic subject can be understood in terms of the lack in the Other or the Other experienced as lacking, the constitutional incompleteness of the symbolic order. Where the psychotic subject would be characterised by the structure of foreclosure such that it would admit of no lack in the Other (Lacan, 1990/1974: 40), such, that is, that it would attain to a certainty, the neurotic subject, as we have seen, would precisely encounter the Other as lacking, as incapable of providing that ultimate guarantee for the socio-symbolic order in which the subject would find itself.

The moment of subjective assumption, as we have seen, is the possibility of the ethical precisely because it is without impossible guarantee. In the pure assumption of subjectivity, the subject so assumed necessarily assumes the weight of responsibility for not only its own constitution but also the parameters and configuration of that which it would experience. While this necessarily means that there is no preordained morality, no defined content or guide which could inform the course of action one

might undertake, it is also to say that no irreparable treatment or even conception of the other is ever justifiable. If the subject is irreversibly responsible for not only the position it would itself assume but, inseparable from this, it is responsible for that which it would encounter, then any conception of the other the subject would seek to maintain is necessarily *of the subject*, that is, it would be the subject's conception, and would, thus, be neither adequate to nor inherent to the other. However, adjoined to this it should be emphasised that neither is it possible to have no conception of the other one does encounter. The point is rather that the conception we do assume is never *it*, never the other as such and thus always contingent, to be made again.

If the subject is responsible for its conception of the other and this conception is necessarily inadequate to the other, this is then clearly not to avail the subject of an idealism wherein the subject might absolve itself of the difficulties of any encounter by so configuring the encounter to suit his or her expectations. Reality, however "precarious" (Lacan, 1992/1986: 30), does persist. That is to say, the other, as incommensurate with the subject's conception of them does persist. As we have seen, in every recuperation to identification there remains an excess which refuses any such recuperation, *das Ding*. Which is also to say that the other does suffer, that torment and injustice are unavoidable possibilities. What remains is that what constitutes suffering and injustice and, moreover, what constitutes the best available, the most just, response to such suffering and injustice is never receptive to precise definition and thus the persistence of suffering and injustice cannot be avoided once and for all but must rather be encountered, defined and addressed again and again by the subject.

The subject cannot but respond to situations and circumstances without recourse to any certainty of what the correct response might be. The subject must respond to others and others' circumstances and actions without recourse to what the correct response might be. The course of non-response is not an available option insofar as such a course would itself constitute a response. The subject is thus faced with an impossible dilemma but an impossible dilemma which cannot be refused. The measure by which one might decide what constitutes the lesser of two or more evils is not a certainty which can be instituted or guaranteed. It is only for the subject to configure a response, a response which might ameliorate the situation and circumstances without seeking to obliterate the potential for further amelioration.

Clearly any system of rule at all, insofar as no system of rule can attain the closure of totality and infinite authority it might claim, entails the possibility of subjectivity and so entails the possibility of the ethical. The point here is that all systems of rule, all forms of government and institutions, just as they entail the possibility of subjectivity, just as they entail the possibility of the ethical, also entail the possibility or promise of democracy. But it is also to say that no system, government or institution is ever adequate to such a promise.

What would differentiate different systems, forms of government and institutions would be the relative extent to which they have attained the emancipation immanent in the idea of democracy. That is to say, what would differentiate different systems would be the relative extent to which they were understood to have attained the conditions of existence commensurate with subjective life and the refusal of closure necessary for the possibility of subjectivity. What such conditions might be, to whom

or what they might apply and to what extent would again be a matter of relative and subjective judgement; relative insofar as any judgement would avail itself of the symbolic co-ordinates in which the subject would experience itself, subjective insofar as those co-ordinates would never be adequate to the situation. Which would thus entail the acknowledgement that the current conception and definition of adequate conditions is without guarantee and thus must be perpetually reviewed. Such a proviso would be the promise of democracy, conceived as the refusal of the possibility of ultimate closure and totalisation, refusal of the attainment of any adequate answer.

Democracy, then, cannot be conceived as an actuality without assuming to close the very gap essential to its promise. That is to say, any attempted institutionalisation of democracy as an actuality is necessarily self-refuting insofar as its very institutionalisation would entail the impossible certainty of the exclusions it would mark. The institution of any particular conception of democracy by definition excludes other potential conceptions and consequently the actualisation of democracy as a social system would necessarily run the risk of fixing it in the position of solution, of curtailing the possibility of other solutions. And yet, not only must something be instituted but something is always already instituted. Without institution in and of the symbolic order, there is no possibility of subjectivity in the first place. That the field or terrain of the social is structurally incomplete is to acknowledge that it is fragile and insufficiently determined. To refuse the very task of social institution would be to impossibly institute an absence of institution.

If we can then understand the promise of democracy to lie in the impossibility of closure inherent to any system, the inevitable absence of adequate foundation inherent

to any institution and at the same time we can understand the obliteration of the promise of democracy to lie in the impossible instituting such an absence, then democracy can only be understood to arise in and as the aphanitic space between these two moments.

The promise of democracy then exists only insofar as the subject embraces it and exists only in the form in which the subject embraces it, wherein this is understood to be but a fragile and fleeting possibility, a conception which cannot but, insofar as it is a conception, be re-inscribed in the symbolic order, one which can only persist as promise insofar as it exceeds its articulation. The promise of democracy so understood is necessarily subjective. The promise of democracy is maintained only insofar as it is maintained by the subject. The assumption of subjectivity entails the assumption of democracy precisely because the assumption of subjectivity is the situating of I in the place of the impossibility of certainty. As such an assumption is necessarily also the assumption of responsibility for the other, the democratic moment is indistinguishable from the ethical moment. That such a moment is the refusal to reduce the other to a fixture of imaginary identification, to objectification, the assumption of democracy must also entail the impulse to democratise, to afford the other a voice, to afford the other the possibility of the maintenance of their desire. As it is never possible to know what this is and as any, albeit necessary, articulation of or attempt to attain or guarantee the good of the other is never adequate to the other's good, any such attempted articulation is necessarily also an exclusion. It is thus that the moment must be revisited, the articulation reattempted, the conceptual limitations redefined. The hope of democracy is not extinguished in this futility, it is rather maintained. It is in

refusing the complacency of the accomplishments of what might pretend to democracy that the scope of inclusion can be widened.

While the promise of democracy can thus only be maintained by the perpetual reevaluation of our social and political institutions, by the refusal to allow such institutions or the doctrines of such institutions to lay claim to any permanence, while the promise of democracy can only be broadened, the limitations inherent to the institutions we would accept reviewed and redrawn, this is also to say that democracy can never be reduced to a unity, but can only be envisaged and embraced fleetingly by the subject uniquely, only to have to be envisaged and embraced again.

4.6 The Subjective Assumption of Democracy

The subjective assumption of democracy is, by definition of its unavailability to a prior ground, a prior irrecusable rule (both in the sense of a law or a system of law and in the sense of a regime or system of governance), irreducible to any convention of political activity. One interpretation here would be the suggestion that any involvement in predetermined systems of political activity would necessarily already be tainted by unsubstantiable limitations. As we have seen, the subject cannot engage with the symbolic order, and cannot thus become subject, without doing so in the terms of a system which would precede it. The tautology here is evident. As no system entirely outside any prescribed system is available, the most available to the subject is the reconfiguration of and the response to the symbolic, that is to say,

responding to the system and through so responding, re-inscribing in reconfigured terms.

This is not to suggest that invention is not a possibility. It is rather to emphasise that invention necessarily partakes of that which would precede it. There is no meaningful encounter without contextualisation and there is no contextualisation without context. That such a context itself requires configuration is to emphasise once again the absolute unavoidability of subject involvement. This is the logic we have seen earlier in terms of the articulation of desire:

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.

(Lacan, 1988/1978: 228-9)

Desire is neither reducible to nor maintainable outwith the order of the symbolic, the rules and language in which it could be given meaning, a meaning which in turn would never be adequate to it. Desire is not "entirely given" (Ibid.: 229), its articulation is not and cannot be predetermined, insofar as it is not reducible to the available language in which it would be articulated. Desire is not "ready to be coopted" (Ibid.), not ready to be fit seamlessly into the symbolic order. And yet, the only possibility of its articulation is in the terms, in the context, of the symbolic order. In so articulating its desire, the subject is, thus, by necessity, reconfiguring the terms of the symbolic order, reconfiguring its relation to and within the symbolic order. The

moment of subjective assumption entailed in political engagement is by definition such a moment of invention. To paraphrase Lacan, we could say that;

If democracy doesn't dare to speak its name, it's because the subject hasn't yet caused this name to come forth ... the subject should come to recognise and to name democracy ... 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.

In these terms, the out and out rejection of political convention must be understood to be already an impossibility while still recognising, on the counter side, that the refusal to question existent conventions is tantamount to assuming that the Other has the answer, that is to say, refusing one's position as subject. The only available option is to respond to the political convention and in so doing undertake the responsibility for its re-inscription, not as is, but as will be.

4.7 Badiou's Advocation of Non-participation

One such response might be Badiou's call to articulate politics outside of the party political and administrative convention;

don't stand for election, don't vote, don't expect anything from any political party.

(Badiou, 2001/1998b: 99)

One ought to be clear here as to Badiou's aim. He neither seeks to ignore completely the mechanisms and functioning of state apparatus nor does he seek to advocate a politics which eschews all organisation. Rather, he is advocating the adoption of a

strategy towards effecting change regarding particular issues and allowing the particularity of the issue in question to determine the contours of the political engagement. Such a strategy would respond to, rather than circumvent, the existent political machinery or, in Badiou's terms, the state. In this sense, Badiou recognises that the state will continue to function but advocates that it be "led to change" (Ibid.:98) through the pressure and creation of conditions which cannot be refused (the example Badiou invokes here is that of the *sans-papiers*, 'illegal immigrants', who, after seeking asylum in a church and gaining much publicity, had the ruling against their stay in France overturned¹ without, as Badiou puts it, "any real change in the laws or the legal perspective" (Ibid.: 100)). Badiou's position thus refuses the state, not as an enemy which must be overthrown and thus replaced, but rather as a system which compels a particular form of subjectivity;

in order to participate in electoral or governmental representation, you have to conform to the subjectivity it demands – that is, a principle of continuity, the principle of the *politique unique* – the principle of 'this is the way it is, there is nothing to be done'

(Ibid.: 99)

Such a position, then, maintains the mechanisms and functions of the state but not as a field in which to participate. Rather, it maintains the mechanisms and functions of the state as an element within the field of politics. The state is repositioned from its location or perception as the condition of political activity to a position as a necessary but inadequate moment of political activity (Ibid: 98). The key point in such a move might be understood to be that the principles which would govern political activity in

¹ In July 1996 approximately 300 *sans papiers* sought asylum in Saint Bernard church in Paris. After much publicity and public protest, and after those involved had been removed from the church, the French government agreed to re-examine the cases of those involved. Some were deported and others granted stay. The government refrained from offering explanation for the decision to re-examine the cases on the grounds that it might give rise to a precedent (www.fecl.org/circular/4603.htm (accessed 12/02/03)).

a perspective which would render the state as *the* condition and proper site of political action are necessarily exterior to the situation in question, whereas the principles which would govern political activity in the perspective advocated by Badiou would be particular to the situation and circumstance with regard to which they arise. That is to say, for Badiou, the task which faces us is to respond to particular circumstances and situations and that in so doing, as we cannot avoid the inscriptions of principle, we would at least be inscribing principles in terms of the particularity of the situation or circumstance to which we were responding.

I think it's possible to conceive and practise a discipline that is the discipline of the particular process itself.

(Ibid.: 96)

To this extent, Badiou's advocacy is one which would describe the necessary subjective assumption of the political advanced here. The question which does, however, necessarily rebound from such a position is the limitations it both imposes and presupposes with regard to party and parliamentary politics.

While Badiou's position should not be confused with a simplistic anti-statism, an outright refusal of the state's authority, it is still such that it refuses traditional and state-controlled means of participation. While we might understand such a position to be one which advocates a refusal to be limited by conventional perspectives, it must be made clear that a position which defines itself in contradistinction to traditional party politics is precisely defining itself on the basis of a pre-existent conception.

This is not to say we participate in the state. We remain outside the electoral system, outside any party representation. But we include the state within our political field, to the extent that, on a number of essential points, we have to work more through prescriptions against the state than in any radical exteriority to the state.

(Ibid.: 98)

Badiou still recognises the existence and the function of the state but refuses state-sanctioned means of affecting the decisions the state must take. The grounds for such a position, then, are the perceived limitations imposed by the adoption of a position of participation as opposed to relative lack of limitation imposed by the adoption of a position of non-participation. Both cases, participation and non-participation, in Badiou's terms, necessarily give rise to a subjective position. The difference would be that the subjective position arising from a stance like Badiou's would be such that it is conditioned only by the particularity of the cause in relation to which one acts. The participatory position, on the other hand, is neutral to the particularity of any cause but is rather conditioned by the tradition of the governing system in which one would have chosen to participate.

Badiou's position should not, then, be understood as one which situates itself outwith the existent parliamentary mechanisms and ethos in any straightforward rejection. Rather, such a position should be understood as locating itself in a double relation with the system it would seek to maintain itself outwith. Firstly, in the sense that Badiou recognises, the position of Badiou's *L'Organisation Politique* would be delimited by the existence of that against which it defines itself, precisely the organisation of governance it would seek to refute. Secondly, by definition of its strategy of refusal to engage in any direct manner with the mechanism of election, the *L'Organisation Politique* would seek to situated itself and its goals outwith the

configuration of traditional party politics and traditional conceptions of what would be the domain or definitional principles of party and parliamentary politics, and thus refuse any direct effect on the configuration of government. That is to say, by situating itself, in principle, against the traditional mechanism of government whilst at the same time recognising that the state does exist and does function, Badiou's strategy can be understood to be one which would conflate all and any party and party ideology. One obvious problem with such a stance is that without direct voice, one allows precisely the possibility of the worst. That the existent choices might be understood to be limited and that the existent inhabitants of positions of government might be understood to engage in and promote policies we might deem undesirable is not the question here. Refusing participation allows the possibility of the worst while retaining the demand to stand against the worst. Clearly, from Badiou's perspective, non-participation does not mean non-action. That is to say, against the accusation of permitting the worst, we should hear Badiou's rejoinder that his is precisely the effective manner of creating the conditions wherein the worst does not transpire. What such a stance does not sufficiently consider is the ramifications of widespread non-participation and the effective apportioning of choice of government to others.

What is at issue here is precisely the question of authorisation which appears to occur through the practise of democratic election. Badiou's position should be understood as highlighting the illusion of unification apparent in such processes of election, that 'the People' configured and retroactively posited as the authorising basis of any democratically elected body are, by definition, never adequate to the authority assumed therein. In proposing a strategy of non-participation, Badiou can be understood to be emphasising and politicising this precise point. That is, in removing

political engagement to a field outside the traditional field of political decision-making, Badiou can be understood to be advocating the inhabitation of a political space not configured by the mechanisms of power, mechanisms which would seek not only to dominate and delineate the ‘proper’ forum of political engagement but, moreover, to do so on the basis of an authority assumed to have derived from those it would govern.

Thus, following Badiou’s argument, the position of the (ethical²) subject would be not only to be structurally irreducible to the functioning of traditional state politics but to be practically exempt from traditional state politics. The question here is whether or not such a bi-polar choice is necessary. If, as we have seen, the subject is necessarily structurally irreducible to the existent law, if the persistence of the law and the system of politics relies on the subject’s choice to, whether actively or passively, allow such systems to persist, then the subject is perfectly capable of choosing both to engage in the terms of and outwith the terms of the existent system of engagement. That is to say, accepting the very terms of the either/or of state politics, that is, either one works within the state-condoned apparatus or one rejects it and reconfigures the still existent state as one moment in an alternative political field, might be understood as defining the position of subjectivity assumed, if not in the terms of the traditional mechanism of power, at least on the basis of the persistence of the traditional mechanisms of power. Contra this, might not one assume a position which is radically beyond the reach of the limitations of the traditional system in the sense that it simply does not recognise those limitations it would suggest. That is, one adopts a position which

² As opposed to what Badiou terms the “subjective figure of politics”, the subjectivity demanded by the system of electoral or governmental representation (Badiou, 2001/1998b: 99).

encompasses participation and seeks to affect change from within *and* one operates outwith the official system and seeks to affect change in that way too.

The point here is that a position such as that advocated by Badiou, insofar as it is understood to entail the imposition of the prescription to renounce direct participation in parliamentary politics, denies the absolute unicity of the subjective assumption entailed in the ethical act. That is to say, the ethical act entails the assumption at the limits of any existing or supposed rule and the rule to not engage in traditional mechanisms of politics would constitute just such a rule.

In the understanding of ethics we have unfurled, no prescription is ever adequate to the task of delineating what would and would not count as ethical. The defining characteristic of the ethical, as we have seen, would reside in its utter unicity and irreducibility to any rule or law. “[D]on’t stand for election, don’t vote, don’t expect anything from any political party” (Ibid.: 99), would be just such a rule in response to which the subject would necessarily have to make a choice and it is precisely here, in the choice made and the action taken in response to the choice faced, that the ethical would reside.

This is not, however, to reject Badiou’s position outright or to claim that it is commensurate with, though opposed to, the tradition it would seek to reconfigure. As we have seen, actual existing democracy is perpetually in danger of being heralded as ‘the right answer’ or, at least, as the system which can guarantee the raising of the right questions, the proper consideration of such questions and provision of the proper and most adequate choice of solutions or responses to those questions. To accept

without question the mechanisms and conventions of any actual existing democracy would be to, necessarily, accept the rules of *its* game, even as ‘the only game in town’. Such would be the moment when actual existing democracy slides into a form of totalisation, when it metamorphoses into an orthodoxy, into *the* right way, and consequently, then, closes down alternative perspectives, solutions, questions and routes forward. In this context, Badiou’s advocacy should be understood as one example of a necessary position of opposition to the system, that is, of the necessity of there being an opposition to the coagulation of the existent system as *the* answer. Such an example, however, in its particularity, should be understood as a contingent political intervention, not as an ethical stance. That is to say, Badiou’s position should be seen as strategic, not as ethical.

A strategy is a rule, and like any rule, fails to account for its own guarantee, fails to provide its own grounding moment. A strategy then, just as with the law, demands a response and cannot itself be upheld or instituted as the ‘correct’ ethical approach. Rather, like the law, any strategy requires a subjective choice; whether to uphold, to modify, to reject, or to invent another strategy. In Badiou’s own formulation;

A truth punches a ‘hole’ in knowledges. We shall say that the truth *forces* knowledges. The verb *to force* indicates that since the power of a truth is that of a break, it is by violating established and circulating knowledges that a truth returns to the immediacy [*l’immédiat*] of the situation, or reworks that sort of portable encyclopaedia from which opinions, communications and sociality draw their meaning. If a truth is never communicable as such, it nevertheless implies, at a distance from itself, powerful reshapings of the forms and referents of communication.

(Badiou, 2001/1998a: 70)

The strategy advocated by Badiou necessarily, as soon as it is generalised and assumed to apply outwith any given context, as soon as it is understood to transcend the necessity of subjective response and responsibility for its adoption in a specific

circumstance, ignores the particularity or ‘immediacy’ of those circumstances and the (non-generalisable) subjective moment of the ethical. That is, insofar as we accept that one should not vote etc., in general, one has already renounced certain possibilities of response to certain situations and one has situated the ground of the ‘decision’ to act outwith the subject. As we have seen, it is necessarily for the subject to provide the justification for any such response and any preordained stance raises the question of what justification, outwith the subject, is available for such a position. Any generalised response, such as, in this case, non-participation in parliamentary and party politics, is necessarily and by definition a prejudgement, and, as such, disregarding of the particularity of the situation in question.

Any act, any political act, in order to be understood to be ethical can only arise from the subject who would find themselves confronted with the situation in question, the situation which would demand that the subject respond. To advocate a generalised stance, while it might be efficacious, and this would be itself, in certain circumstances, questionable, is not, in itself, ethical, insofar as the ethical is situated in the absolute unicity of the subjective response to the situation in question.

What this raises is a problem inherent in any general(ised) advocacy of a position or response. That is to say, the problem of providing an ethical example. We can more fully examine this problematic status of the ethical example through consideration of Žižek’s reading of Sophocles’ *Antigone*.

4.8 The Non-example of Antigone

Ostensibly Sophocles' drama concerns the story of Antigone, Oedipus's daughter, who refuses the king's order to leave her brother unburied outside the city walls. The city of Thebes, following the exile of Oedipus, was to be ruled in alternate years by Oedipus' sons Polynices and Eteocles. When Eteocles refuses to allow Polynices his turn on the throne, Polynices determines to engage in war with the city. The war results in the two brothers dying at each other's hands and, in the aftermath of the war, the throne being assumed by Creon. Deeming Polynices an enemy of the state and Eteocles the defender of the state, Creon pronounces an edict that while Eteocles will be honoured by a full state burial, Polynices is to be left as carrion outside the city walls. Antigone, the sister of Polynices and Eteocles, refuses this edict and determines to bury Polynices. Before his attack on the city and before the events which form *Antigone*, Polynices had asked Antigone to bury him, to guarantee him "the honored rites of death" (Sophocles, *Oedipus At Colonus*: 366, line 1600). *Antigone*, the play, thus opens with Antigone's first determination to follow her promise to her brother, to fulfil her duty and bury him. What is striking about Antigone's stance is that she determines to do so even in the face of certain death. Creon's edict is unwavering. Anyone who attempts to cover or remove the body of the traitor shall be executed.

One possible reading of *Antigone* is that the play illustrates the conflict between two forms of law, the universal(isable) law of the city, the written, promulgated law, and the singular law of the heavens, which is neither susceptible to universalisation nor interpretation. There exists an incompatibility between the law of the state, embodied

in Creon's edict, and the law of the heavens, the Penates, which obliges Antigone to perform the funeral rites of her brother. One could interpret Antigone as prioritising the latter over the former, as maintaining her duty to the gods over her duty to the polis. Such an interpretation would be supported by Antigone's speech when brought before Creon and challenged for violating his decree in full knowledge of what she was doing.

... It wasn't Zeus, not in the least,
who made this proclamation – not to me.
Nor did that Justice, dwelling with the gods
beneath the earth, ordain such laws for men.
Nor did I think your edict had such force
that you, a mere mortal, could override the gods,
the great unwritten, unshakable traditions.
They are alive, not just today or yesterday:
they live forever, from the first of time,
and no one knows when they first saw the light.

These laws – I was not about to break them,
not out of fear of some man's wounded pride,
and face the retribution of the gods.

(Sophocles, *Antigone*: 82, line 505)

One might argue that the dramatic tension of the play arises from the fact that there is no immediate solution to this conflict. While Antigone commits herself steadfastly to burying Polynices, to following “the great unwritten, unshakable traditions” (Ibid.), Creon commits himself equally steadfastly to enforcing the law of the land. On the basis of such a reading, there is little to choose between the two characters. Both are in a position to appeal to a certain discourse on right or justice (*Δίκη*), each discourse being both irreducible to and incommensurate with the other. Without a further metadiscourse by which the discourses supported by Creon and Antigone might be judged, there appears to be no means available to justify any choice between them. If there is no available means of justifying one law over the other, then, clearly, the

ethicality of the characters' decisions, in such a reading, cannot lie in the possibility of their making the 'right' choice as such.

One problem which such a reading does raise, however, is the status of the two laws invoked. Creon's law is not only inscribed by himself, but is done so on the basis of the authority vested in him, with appeal to prior law and in terms of what we might understand as the rule of reason. As king of Thebes, Creon is authorised to speak in the name of the people, to uphold and serve the common good. His edict would be understood, moreover, to be formed on the basis of established law; his edict that Polynices should remain unburied is the application of what Antigone herself refers to as "the doom reserved for enemies" (Ibid.: 59, line 12) and, in Creon's eyes at least, Polynices, having raised an army against the city, would be considered such an enemy. In such an understanding, Creon's would not be a mere will for revenge but rather an attempt to maintain civil order and uphold the will of the populus. To honour a traitor and enemy of the city in the same way as one honours the defender of the city would be to defame the defender and, by extension, the city itself, the people of Thebes.

His refusal to allow a sepulchre for Polynices, who is an enemy and a traitor to his country, is founded on the fact that one cannot at the same time honor those who have defended their country and those who have attacked it. From a Kantian point of view, it is a maxim that can be given as a rule of reason with a universal validity.

(Lacan, 1992/1986: 259)

This is a simple rule of difference, to honour both traitor and defender in the same way would be to extinguish the symbolic difference between them. It would be, in the

language of ceremony, to say that they are the same and valued equally by the city with which they would otherwise stand in different relations.

Against Creon's appeal to the authority vested in him, the support of the laws of the land and a certain rule of reason, we find Antigone's appeal to "the gods, the great unwritten, unshakeable traditions" (Sophocles, *Antigone*: 82, lines 504-5). But, what, we might be justified in asking, are these unwritten and unshakeable traditions?

Lacan, in *The Ethics of Psychoanalysis*, argues that the divine source of the laws to which Antigone appeals cannot be understood by a contemporary audience or reader;

we no longer have any idea what the gods are. Let us not forget that we have lived for a long time under Christian law, and in order to recall what the gods are, we have to engage in a little ethnography. ... In other words, this whole sphere is only really accessible to us from the outside, from the point of view of science and of objectification. For us Christians, who have been educated by Christianity, it doesn't belong to the text in which the question is raised. We Christians have erased the whole sphere of the gods. And we are, in fact, interested here in that which we have replaced it with as illuminated by psychoanalysis.

(Lacan, 1992/1986: 259-260)

Lacan's point here would be that the laws of heaven invoked by Antigone would be ineffable. What we are confronted with in the play would then be the law of the polis, human law, on one side and *something* else on the other. In the contemporary understanding, such an opposition cannot be figured as two conflicting dialogues or interpretations of justice as this would be to impossibly recuperate the ineffable to language. It is as such that Antigone can further no argument in support of her cause, she cannot and does not attempt to justify her insistence on burying Polynices but rather just repeats her insistence.

Lacan's reference to Christianity here should remind us of our previous discussion of the Decalogue and Saint Paul, to, that is, the relation between law and desire. The law introduces a division which would be constitutive of desire. The immutable laws of heaven which Antigone claims to follow, situated beyond signification and the laws of the community, as they are, would be indicative of the limit point of signification and of civil law. What Sophocles, through Antigone, terms immutable laws of heaven would be another name for that which insists beyond the symbolic order. That is to say, Antigone appeals to something in the Real. It is this aspect of Lacan's reading of *Antigone* which has perhaps encouraged a certain reading of the play as concerning Antigone's desire. Such a reading would hold the character of Antigone as exemplary of an ethics of desire, as the quintessential subject who does not cede on her desire. One such reading would be that advanced by Žižek.

For Žižek, the crucial aspect of both *Antigone*, the play, and Antigone, the character within the play, lies in what he, following Lacan (Ibid.: 282), terms her 'act' (Žižek, 2001a: 165-178). The term 'act', in Lacanian theory, is differentiated from the sense of "mere behaviour" (Lacan, 1977/1973: 50). As we saw in Chapter 2, what would differentiate the act from mere behaviour would be the location and persistence of desire. This is to say that the act is necessarily a subjective undertaking and that it can be understood to be coterminous with the assumption of subjectivity and the responsibility entailed in such an assumption. Where behaviour would describe the response to needs, for example, the act is defined by the impetus of desire. Desire makes the subject act and as such the weight of responsibility for the act committed lies with the subject. Desire, as we have seen, cannot be treated as a given which

would determine the subject's act without the subject's volition. The very subjectivity which would be taken to act cannot be described without the manifestation of desire which would allow its constitution. But such desire must always be particular to the subject; it is the subject's desire. The act would be the moment of subjective assumption in which the desire which is in one is manifest and thus brought into existence. The act in this sense should be understood to be coterminous with the emergence of desire; the act is desire made manifest.

As we have seen in Chapter 2, and as Lacan insists immediately after his commentary on *Antigone*, the act necessarily partakes of a double instance of judgement. The subject, in acting, must make the judgement to act and the judgement of the act. Or, phrased otherwise, there is in the act both the judgement to act and the judgement to act in this particular way. As no rule exists to define how or when one must act, the weight of both moments of judgement must lie solely with the subject. That is, in acting, and in the moments of judgement indispensable to the concept of the act, the subject necessarily assumes the weight of responsibility of the choice to act. The act is then also contemporary with the possibility of the ethical.

For Žižek, Antigone's act at the beginning of the play is such a moment of an act in the full and properly Lacanian sense of the term. If "the great unwritten, unshakeable traditions" (Sophocles, *Antigone*: 82, line 505) invoked by Antigone can be situated as indicative of her desire, then her act would be understood to be the manifestation and subjective assumption of this desire. There is in the act, says Lacan, always "an element of structure, by the fact of concerning a real that is not self-evidently caught up in it" (Lacan, 1977/1973: 50). This would appear to correspond to the structure we

encounter in *Antigone*. The laws of the gods ‘speak’ from beyond, that is on the side of the Real. Which is, of course, to say they do not in fact speak at all. They are manifest in *Antigone* and given expression through her act in such a way that “it isn’t a question of recognising something which would be entirely given, ready to be coopted” (Lacan, 1988/1978: 229). In giving voice to the law of the gods, *Antigone* should be understood to have created and brought forth “a new presence in the world” (Ibid.). She should, that is, be understood to have named her desire and, moreover, assumed herself as the cause of this desire.

The act, we can then see, is inextricably linked to the conception of the ethical as we have exposed it. It is with an emphasis on this ethical character of the act that Žižek interprets *Antigone* and, more precisely, *Antigone*.

For Žižek, *Antigone* functions as the ethical example *par excellence* insofar as she is understood to “exemplify the unconditional fidelity to the Otherness of the Thing that disrupts the entire social edifice” (Žižek, 2001a: 157). Capitalising the ‘O’ of ‘Other’ in the ‘Otherness of the Thing’, Žižek can be understood to emphasising the *Thing*, *das Ding*, as it relates to the field of the symbolic. That is to say, *das Ding* as it would represent the limits of the symbolic field, *das Ding* as indicative of the insistence of the lack in the Other as it is experienced by the subject. It is as such that *das Ding* would be understood as (a name for) that which would disrupt “the entire social edifice” (Ibid.).

The act, for Žižek, describes the moment of suspension of the symbolic, the recognition of the limits of the symbolic. In such a moment of recognition it is not that

the Other would somehow be suspended to be subsequently resolved as a moment of a dialectic or integrated into a subsequent schemata. The act, for Žižek, is not a moment of *Aufhebung*. Rather, in the Žižekian act, one would assume the very location of the lack which persists in the Other;

it is not so much that, in the act, I 'sublate'/'integrate' the Other; it is rather that, in the act, I directly 'am' the Other-Thing.

(Ibid.: 160)

For Žižek, the ethical import of the act, and the act is, for Žižek, the very definition of the ethical moment, is separated from any notion of responsibility for or towards the other. His is not an ethics of responsibility but, rather, his understanding of ethics is as the momentary and, in the moment, absolute suspension of the symbolic order. The ethical act, for Žižek, is neither a response to the other nor a response to the Other.

The (ethical) act proper is precisely *neither* a response to the compassionate plea of my neighbourly *semblant* (the stuff of sentimental humanism), *nor* a response to the unfathomable Other's call.

(Ibid.: 161)

Žižek contrasts this notion of the 'ethical act' as assumption of the lack in the Other, as the assumption of the location of *das Ding*, with the Derridean notion of ethics as decision.

The passive decision, condition of the event, is always in me, structurally, another decision in me, a rending decision as the decision of the other. Of the absolutely other in me, of the other as the absolute that decides of me in me.

(Derrida in Žižek, 2001: 161)³

³ The quotation as it appears in Žižek is cited as being taken from Derrida's *Adieu à Emmanuel Levinas* (p.87) but appears to be taken from Critchley's translation as it appears in his essay 'The Other's Decision in Me (What Are The Politics of Friendship?)', Critchley, 1999/1997: 263. In English, the

Žižek, rather than responding to Derrida's text here, appears to respond to Simon Critchley's commentary on it. For Critchley,

the political decision is made *ex nihilo*, and is not deduced or read off from a pre-given conception of justice or the moral law, as in Habermas, say, and yet it is not arbitrary. *It is the demand provoked by the other's decision in me that calls forth political invention, that provokes me into inventing a norm and taking a decision.* The *singularity* of the context in which the demand arises provokes an act of invention whose criterion is *universal*.

(Critchley, 1999/1997: 277)

Žižek perceives in this passage, and by extension, in the Derridean original, “two levels of the decision” (Žižek, 2001a: 162). It is with this bifurcation of the decision that Žižek takes issue. The decision, understood as the act, would, for Žižek, have to be such that the two moments of decision he perceives in Derrida's and Critchley's accounts would coincide. Here, Antigone is offered as the paramount example.

Is it not, rather, that her decision (to insist unconditionally on a proper funeral for her brother) is precisely an *absolute* decision in which the two dimensions of decision *overlap*?

(Ibid.)

Žižek's point here is that separating the decision into two moments, into, that is, the “decision to decide” (Ibid.) and “a concrete actual intervention” (Ibid.), is to render the decision or the act as non-absolute. That is, it is to render the act as less than an act. The act, for Žižek, as we have seen, is situated in the moment of suspension of the Other, what he terms directly ‘being’ the ‘Other-Thing’ (Ibid.: 163), the assumption by the subject of the irrecoverable rent in the social edifice. To incorporate as an

quotation from Derrida, with a slight difference in translation, is to be found not in *Adieu to Emmanuel Levinas* but in *Politics of Friendship*, Derrida, 1997/1994: 68-9.

necessary aspect of the act its reinscription in the symbolic is, for Žižek, to miss the radicality of the act.

The question which insists here is that, in divorcing the act from any reinscription in the symbolic, is not one necessarily, from a Lacanian perspective at least, rendering the act as the impossibility of the ethical. Or phrased otherwise, the act divorced from its reinscription is not party to a judgement which, in Lacan's understanding, would define the ethical;

an ethics essentially consists in a judgement of our actions, 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 in both sides is essential to the structure.

(Lacan, 1992/1986: 311)

Lacan's insistence upon there being two moments of judgement essential to the ethical functions to separate ethics, on the one hand, from mere behaviour and, on the other hand, from mere occurrence. What happens, in order to be understood to have happened to a subject and to be understood to have been caused to have happened by a subject must entail a minimum inscription in the symbolic order, an inscription, that is, on the level of meaning. In order for an act to partake of the responsibility which would render it ethical, this moment of inscription in meaning must be retroactively read into and assumed in the very decision to act. As we have seen in our earlier discussion of Lacan's invocation of Freud's *Wo Es war, soll Ich werden*, it is in the moment of the assumption of subjectivity that the subject retroactively reads its responsibility into its actions. The subject, in assuming itself, assumes responsibility for the act of its own emergence. As we acknowledged in our earlier discussion, the two moments of judgement on which Lacan insists as definitional of ethics cannot be

reduced to a strict chronology. The two instances of judgement are, rather, indicative of two levels. The judgement to act, that it is necessary or desirable to act, necessarily entails the judgement that acting in *this* way is preferable to acting in *another* way; for example, by doing nothing. In so judging, the subject is by necessity creating a new norm, regardless of how contingent or particular such a norm may be. In judging, then, the subject must both inscribe its judgement, its choice, in the symbolic and assume utterly the weight of this judgement or choice. That is to say, the act, insofar as it is to be considered ethical, necessarily entails the assumption of responsibility in the field of the Other.

In this sense, Derrida's notion of 'the other's decision in me' is actually closer to Lacan's act than Žižek would have us believe (Stavrakakis, 2003b). In Derrida's discussion of the decision in *Politics of Friendship* (1997/1994) the emphasis is on the incommensurability of the decision to any traditional notion of subjective agency and the related notion of responsibility. Derrida's point is that a decision, in the classical sense of *décaedère*, a cut, a break, and thus an absolute decision as opposed to a mere calculation which would unfurl on the basis of a prescription, is still necessarily understood in a context. This is precisely not to say that the decision is reducible to its context which would be to rejoin to the logic of a calculation. The decision must, rather, be seen as breaking from the context which would precede it and be reinscribed in a context which would, then, be distinct from that which preceded it. It is the moment of responsibility here which would render the decision ethical and distinct from a mere occurrence or behaviour. It is the reinscription of the decision in the realm of comprehension which allows the subject to assume responsibility.

In contrast to a traditional notion of subjective agency, a subjectivity which, in Derrida's understanding, would be closed in on itself and thus incapable of responsibility, "a subject to whom nothing can happen, not even the singular event for which he believes to have taken and kept the initiative" (Derrida, 1997/1994: 68), Derrida posits the notion of the decision as signifying "in me the other who decides and rends" (Ibid.).

The passive decision, condition of the event, is always in me, structurally, another event, a rending decision as the decision of the other. Of the absolute other in me, the other as the absolute that decides on me in me. Absolutely singular in principle, according to its most traditional concept, the decision is not only always exceptional, *it makes an exception for/of me*. In me. I decide, I make up my mind in all sovereignty – this would mean: the other than myself, the me as other and other than myself, *he makes or I make an exception of the same*. This normal exception, the supposed norm of all decision, exonerates from no responsibility. Responsible for myself before the other, I am first of all and also *responsible for the other before the other*.
(Ibid.: 68-9)

We might understand Derrida here as indicating that there is that in the subject which is irrecuperable to any sense of self-identity, that which would escape the monadology of the ego; the subject, that is, as inadequate to itself. The decision reduced to a moment of self-sufficiency of the subject would not be a decision in the traditional sense at all but would rather be contained as a moment of calculation, inextricable from the "calculable permanence [which would] make every decision an accident which leaves the subject unchanged and indifferent" (Ibid.: 68). It is in contrast to this that the notion of the other's decision in me figures as the impossibility of self-identity, the rupture in the subject which can neither be contained nor recuperated. It is precisely from such a notion that Derrida adduces the possibility of responsibility.

Responsibility cannot remain responsibility when it is immersed in the pre-given. If subjectivity is closed upon itself, then responsibility cannot lie with the subject. The weight of the occurrence would rather remain with that system or field of understanding of which the calculation would be a moment. It is in response to the other, to 'the other in me' that responsibility becomes a possibility precisely because such a response cannot be contained within a pre-given system of knowledge.

To give in the name of, to give to the name of, the other is what frees responsibility from knowledge – that is, what brings responsibility unto itself, if there ever is such a thing.

(Ibid.: 69)

This is not, for Derrida, to separate responsibility in any absolute sense from knowledge, it is not to say that responsibility has nothing to do with knowledge. It is rather to point to the fact that, in the decision, as an ethical possibility, responsibility is impossible if the decision is reduced without remainder to knowledge.

one must certainly know, one must know it, knowledge is necessary if one is to assume responsibility, but the decisive or deciding moment of responsibility supposes a leap by which an act takes off, ceasing in that instant to follow the consequence of what is – that is, of that which can be determined by science or consciousness – and thereby *frees itself* (this is what is called freedom), by the act of its act, of what is therefore heterogeneous to it, that is, knowledge.

In sum, a decision is unconscious

(Ibid.)

Knowledge, for Derrida, is an indispensable prerequisite for the decision and, subsequently, for the assumption of responsibility but the decision cannot itself be reduced to knowledge without this rendering it 'less' than decisive, rendering it, that is, in the realm of pure calculation. On the other hand, without knowledge, there

remains no possibility of responsibility insofar as responsibility would entail a context, a conception of that for and towards which one would be responsible and how. Responsibility thus figures and can only arise between the closed automaticity of the system of knowledge and the 'meaninglessness' that would be beyond any systemisation. Without exceeding knowledge, the decision is but a part of knowledge and thus not of the subject. Without returning to knowledge, the decision has no sense; it is purely arbitrary.

Is not this notion of the decision commensurate with the notion of the ethical in Lacan, with the notion of the ethical act as that which can appeal to no guarantor in the Other, as that which by definition takes place at the limits of the symbolic order, as that which cannot be reduced to the law and yet, at the same time, must be inscribed in the symbolic order? Is not this commensurate with the notion of the ethical as a pulsational moment which emerges from but must also assume a place in the symbolic?

Contra Žižek's notion of the act which must be located absolutely beyond the symbolic order, both Derrida's decision and Lacan's act are such that, in order to be understood as ethical, they must entail a moment of (re)inscription in the order of the comprehensible, or, for Derrida, knowledge, and for Lacan, the symbolic. That is to say, in insisting on the exclusivity of what he terms identification with the 'Other-Thing' as the defining moment of the act, Žižek might be understood to precisely occlude the ethical potential from the act. Returning to Antigone, if, in Žižek's terms, her act is possible because of "the *direct* identification of her particular/determinate

decision with the Other's (Thing's) injunction/call" (Žižek, 2001a: 163), then it is difficult to see in what sense such an act might be considered ethical.

It is, however, for Žižek, precisely this exclusivity, the radical suspension of the Other without recourse to a further moment of reinscription which *does* render the act ethical. Antigone figures here, as we have noted, as the paramount example of the act as a moment of absolute suspension. Antigone, for Žižek, "does not merely relate to the Other-Thing, she – for a brief, passing moment of, precisely, decision – directly *is* the Thing, thus excluding herself from the community regulated by the intermediate agency of symbolic regulations" (Ibid.). It is in so excluding herself from the community, in situating herself beyond the regulations of the symbolic order, that Antigone can be understood, for Žižek, to have engaged in a proper act, precisely because the act, for Žižek, is not simply 'beyond the reality principle' in the sense that it would be the engagement of a performative reconfiguration of reality, of, that is, the symbolic. Rather, the act is that which would "*change the very co-ordinates of the 'reality principle'*". This is not to suggest that for Žižek the act entails performing the impossible. Žižek's point concerns the very structuration of what would be considered (im)possible in the first place. The radical character of the act lies in the fact that it would be that which alters the very contours of what would be considered possible. Or in moral terms, it would not be that which would challenge the received notion of the good but rather it would be that which would redefine what might be considered as good (Ibid.: 167).

In this context Žižek conceives of Antigone as an example of (ethical) civil disobedience. This is not to resort to the reading of *Antigone* as the story of a conflict

between two notions of justice or two instances of the law. In Žižek's reading there is the law on the one hand, the socio-political world of Creon's city, and there is the suspension of this law or 'reality' on the other. That is to say, Žižek recognises Lacan's point that the "unwritten, unshakeable traditions" (Sophocles: 82, line 505) invoked by Antigone should not be understood to constitute an alternative conception of justice or competing sense of law so much as that which would insist in her beyond the law. Antigone, in Žižek's reading does not "decide to disobey the positive law out of respect for a more fundamental law" (Žižek, 2001a: 167), rather she "defies the predominant notion of the Good" (Ibid.: 168).

Žižek explains this point in terms of the Platonic distinction between truth and doxa. Where for Plato, we might understand that doxa is insubstantial opinion, while the truth is universal, eternal and immutable, in Žižek's understanding, our conception of this distinction might be seen to have been reversed. That is, doxa would reflect how things "really are" (Ibid.) in the sense that we would derive our notion of the Good or even our understanding of the world and the manner in which 'it works' from consensus, tradition or even opinion polls. Opposed to this, it would be the act which would intervene as the purely subjective and unique 'truth'. A 'truth' which is clearly, then, not 'true' in the Platonic sense of corresponding to some perpetual higher order but is rather 'true' in the sense of the moment of a pure creation which would 'expose' the conventions of knowledge to be inadequate and force their reconfiguration. For Žižek, the act would be such a truth insofar as the act would be that which would resist and refuse recuperation to the pre-existent symbolic matrix. Where something like a speech act would, by definition, rely "for its performative

power on the pre-established set of symbolic rules and/or norms” (Žižek, 1999: 263), the Žižekian act would signal a break with any pre-established or given order.

This, for Žižek, would be “the whole point of Lacan’s reading of *Antigone*” (Ibid.). In his reading, Žižek emphasises Antigone’s willingness to risk her “entire social existence” (Ibid.), her defiance of the “social-symbolic power of the City embodied in the ruler (Creon)” (Ibid.). Through so doing, Antigone could be understood to have entered the realm of “symbolic death” (Ibid.), that is to say, she can be understood to have situated herself outside the symbolic space of what was, previously, her society. For Žižek, such a moment of self-expulsion is tantamount to a “suspension of the big Other” (Ibid.), a radical break with and from the symbolic order.

In order to emphasise and clarify this radical character of the act, the fact that the act should be radically divorced from the symbolic, that it should be envisaged as irrecoverable to the symbolic, Žižek contrasts it with what he terms the performative ‘staging’ of revolt, or “performative reconfiguration” (Ibid.: 264) of the symbolic order. Such performative reconfiguration would be exemplified in the position taken by Judith Butler in *The Psychic Life of Power* (1997) where she discusses the possibilities of subjective “resistance to given forms of social reality” (Butler, 1997: 97). In *The Ticklish Subject* (1999) Žižek responds to Butler’s advocacy of forms of resistance which would successfully reconfigure and thus, contingently at least, offer the potential of ameliorating one’s social condition(s), warning against the illusion of assuming to have successfully challenged from within that which is always already in a position to recuperate any such challenge. The distinction here, for Žižek, is that between a reconfiguration which would maintain the terms of the symbolic and a

reconfiguration which would transform the very contours of the symbolic and thus the terms in which the reconfiguration might be understood;

one should maintain the crucial distinction between a mere ‘performative reconfiguration’, a subversive displacement which remains *within* the hegemonic field and, as it were, conducts an internal guerrilla war of turning the terms of the hegemonic field against itself, *and* the much more radical *act* of a thorough reconfiguration of the entire field which redefines the very conditions of socially sustained performativity.

(Žižek, 1999: 264)

Žižek’s point can perhaps be illustrated in the common-place notion of reverse discrimination where the very points of discrimination are precisely upheld in the process of their supposedly politically correct reversal. Some negative aspects of discrimination against ‘the disabled’, for example, may be addressed through the implementation of quotas for the employment of a certain percentage of ‘disabled’ workers but such regulation cannot but uphold the demarcation of certain people as ‘disabled’ and potentially stigmatised *and* maintain the significance of factors otherwise deemed ‘irrelevant’ to the criteria of employment or ability to ‘do the job’. This logic is clearly also evident in Badiou’s advocacy of non-participation. Participation in state-sanctioned parliamentary politics, in the system as is, is always in danger of being recuperated and thus annulled in terms of its transformative potential;

None of the parties which have engaged in the parliamentary system and won governing power has escaped what I would call the subjective law of ‘democracy’, which is, when all is said and done, what Marx called an ‘authorized representative’ of capital. And I think this is because, in order to participate in electoral or governmental representation, you have to conform to the subjectivity it demands – that is, a principle of continuity, the principle of the *politique unique* – the principle of ‘this is the way it is, there is nothing to be done. ... I think we need to see this as an inflexible law, not as a matter of corruption. I don’t think it happens because people change their minds, but because parliamentary subjectivity compels it.

(Badiou, 2001/1998b: 99)

A position like Butler's entails, for Žižek, both an overestimation of the effectivity of 'performative reconfiguration' and an underestimation of the potential for the more thoroughgoing revolt which would be exemplified in the character and act of Antigone. For Žižek, it seems, it is this thoroughgoing rupturing status of the act with regard to the symbolic, the impossibility of situating the act in or recuperating the act to the symbolic which renders it ethical.

What, however, are we to make of Žižek's insistence on the act as irrecuperable to the symbolic? In the distinction that he puts forward between performative reconfiguration and absolute reconfiguration, one might be justified in asking how the latter might be possible. Clearly here Žižek is not suggesting that everything of the symbolic is razed. He is not suggesting, for example, that the Greek spoken in Thebes would cease to be spoken after Antigone's act. He appears, rather, to be suggesting that the meaning of the symbolic or social edifice is unavoidably altered. Emphasising the moral aspect, as Žižek does, this would mean, for example, not that the term 'good' could no longer be applied but rather that what would be understood by the term 'good' would have been altered. That is, the contours of the symbolic would have changed such that the relations between terms within the symbolic would have been altered. But is this the same as saying that the symbolic would have undergone a thorough revision? Or, to phrase the question slightly differently, how might one judge whether the change in the symbolic has been thorough enough to count in Žižek's schema as *thorough*? This brings us to a significant point concerning the symbolic which Žižek appears to glide over.

The symbolic order is necessarily experienced by the subject as Other, as an Other of which there is available no objective and totalising conception. That is to say, the symbolic as Other figures only insofar as it figures in relation to the subject who would encounter it. The symbolic order is a structural condition which, as it manifests for and in relation to the subject, can only be seen to exist insofar as it exists for that subject. Conjoined with this, the symbolic would be the field in which the subject would assume its constitution and, thus, from which it would retroactively posit its emergence. While, then, the symbolic and the subject obviously cannot be reduced to (aspects of) one another, neither can they, in this context, be separated from one another.

The conception of the act as a reconfiguration of the symbolic would then have to figure as a subjective undertaking. In terms of Antigone's act, the act would not only be Antigone's in the sense that she performs it but it would be hers in the sense that it is performed in relation to the symbolic order as it manifests for her. This would be to acknowledge that the act can only be experienced by the subject. But even in order for the subject to be understood to have experienced the act or to have experienced itself as acting this would necessitate the act's (re)inscription in the symbolic. The act, as coterminous with the assumption of subjectivity, is necessarily pulsational. One cannot (permanently) occupy the act.

We should perhaps remember here Lacan's claim from *Television* that "Suicide is the only act which can succeed without misfiring" (Lacan, 1990/1974: 43). Suicide would be such an act precisely because it is not, from the subjective perspective, reinscribed in the symbolic. There is in suicide no continuation, no possibility of recuperation by

or to the symbolic but also, quite clearly, no possibility of subjectivity either. That suicide is the only act which can succeed without misfiring is not to advocate suicide, it is, rather, to recognise the impossibility of other acts not misfiring. Suicide is the only act which would not entail a recuperation to the symbolic by the subject who would have committed it.

The point remains here, however, even acknowledging this subjective relation to the Other, that any act at all, in Žižek's understanding of it, might figure as ethical even if this means that it only figures as ethical for the particular subject who has *acted*. Which is precisely to say that there is available no means to differentiate the ethical from the unethical. To paraphrase Simon Critchley's question concerning Badiou's notion of the event, and there does appear to be some theoretical resemblance between Žižek's act and Badiou's event, *how and in virtue of what is one to distinguish an ethical act from a non-ethical act?* (Critchley, 2000: 23). Critchley continues his critique of Badiou by imagining what he characterises as "the pragmatist inference" (Ibid.). Again, to borrow Critchley's point, the pragmatist might agree that there is no possibility of distinguishing between the ethical and non-ethical act, thus introducing a form of moral relativism. Situating the act in exclusive relation to the symbolic cannot but, then, render the ethics which might otherwise pertain to the act as purely arbitrary.

Invoking Kant, Žižek represents the "proper ethical act" as "doubly formal: not only does it obey the universal form of law, but this universal form is also its sole motive" (Žižek, 2001a: 170). Moreover, the proper ethical act is inherently transgressive. It is not merely a matter of allegiance to a universal duty without pathological motives but

it is an allegiance to a form of action which will redefine the very form of the prior conception of what would constitute the good, the norm, the symbolic order. Žižek's "*moral* law does not follow the Good – it generates a new shape of what counts as 'Good'" (Ibid.). The proper ethical act is then, for Žižek, not so much defined by its irrational nature but is that which would institute a new conception or criteria for what counts as rational at all. Nothing which precedes an act is adequate to the task of judging the act.

What Žižek's description of the act omits is the crucial point that even that which would 'appear' to conform to the existent law might be an act. The act does not need to be 'transgressive' in the sense Žižek applies the term, which is to say that, because the existent norms are or the existent system is always already without adequate foundation, the act is always already, by definition, excessive with regard to the law. That is to say, the existent system cannot somehow be bracketed off such that only that which would appear to be transgressive of the system, providing that it is also enacted without pathological motives, is admissible as an ethical act. As the existent system itself is without adequate ground, that it can neither account for its own founding moment nor achieve any totality, even apparent adherence to the law, apparent maintenance of the system can be ethical as such adherence would still require the subject's assumption of, and *as*, the cause or justification of that existent practice or norm. It is in this sense, as we have seen before, that not only can the ethical not be reduced to the law, but neither can it be reduced to an aberration of the law.

As Žižek himself makes clear, the act is radically distinguished from “a simple criminal violation” (Ibid.). This, not because the act is necessarily a violation without pathological intent or because the act is a violation in the name of a competing conception of right or justice but precisely because the act entails the assumption of cause by the subject without illusory appeal to some other (or Other) foundation for action. It is in this sense that the act would be properly described as a suspension of the Other. The act is located at the limits of the authority of the Other, the act is the point of subjective intervention without appeal to anOther authority.

This is a point that can perhaps be deduced from Žižek’s comments on the impossibility of coincidence between one’s particular act or insistence, the fidelity to this or that cause, and the insistence of *das Ding*. This point in Žižek is somewhat obfuscated by his insistence on conflating the Other with the Thing. It is perhaps possible to clarify this point by allowing these two terms the specificity with which Lacan applies them. The Other, as we have seen, can be understood as coterminous with the symbolic order insofar as it manifests as a subjective experience. The Other, that is, is the symbolic order as it is, and with the specificity with which it is, encountered by the subject. *Das Ding* is that which cannot be recuperated to either the symbolic order or to the imaginary order. It is that of the Real which would insist at the limits of subjective experience. It is, in the context of the *Nebenmensch*, that of the other which cannot be accommodated to a point of recognition, that in the other which can neither form an aspect of identity nor be reduced to a point of signification. It is also, then, as we have seen, that in and of the subject which can neither be reduced to imaginary identification nor recuperated to a system of signification. What Žižek characterises as the insistence of “the Other-Thing” (Ibid.: 165) would be more

accurately described as that which cannot be recuperated to a whole, that in any encounter with the other and the Other which is simultaneously impossible to recuperate to an understanding and is, thus, indicative of their lack. The call of the Other, would thus be something like the *Che vuoi?*. *Che vuoi?* might be understood, in this context, to be indicative of *das Ding*, insofar as *das Ding* would be that which might answer the question, which might satisfy the Other insofar as *das Ding* would be a name for that which the Other is experienced as lacking.

It is clear then that, as Žižek appears to acknowledge, there is no possible correlation between the (particular) insistence of the subject in the act and the call of the Other. Similarly, there is no possible correlation between the (particular) insistence of the subject and *das Ding*. If there were, then this would be to say that, in the case of the former, the Other is no longer lacking and, in the case of the latter, the subject is no longer lacking. It is again in this sense that we can understand Lacan's comment that "[s]uicide is the only act which can succeed without misfiring" (Lacan, 1990/1974: 43). It is not here that suicide would somehow be the only true authentic ethical act. It is rather that it would be the only act which could be capable of not misfiring precisely because it is the only act which can be undertaken without the possibility or necessity of it being reinscribed in the symbolic. Suicide is the only act available to the subject which cannot result in a persistence of lack. Post-suicide, there is no subject to lack. And just as there is no subject, neither is there an Other for the subject, there is, that is, no symbolic order in which the act could be (re)inscribed.

The act should then be understood as the subject's always inadequate response to the Other (and the other). The act is the moment of production of *something* in response

to the other and the Other, precisely in the sense that that *something* is not *the Thing*, is not adequate to *das Ding*. The act would be the moment of subjective assumption, the moment of the subject's causing its desire to come forth. But as we have seen, that desire is never something which would be "entirely given" (Lacan, 1988/1978: 229), it is something which must be brought into the world anew. Insofar as the subject's act is to be understood, it must be reinscribed in the symbolic and, in being so inscribed, it does necessarily alter the symbolic.

It is in this sense that, as Žižek correctly notes, the act is a *creatio ex nihilo*. It is in the act that "the subject creates, brings forth, a new presence in the world" (Ibid.). It must however be emphasised that it, the act, is commensurate with the moment of subjective assumption. That is, that the act is the act for the subject.

4.9 The Limit of Antigone

It is precisely for this reason that Antigone's act does not constitute the *exemplary* instance of the *ethical act*. Antigone, that is, cannot, and does not in Lacan's reading, function as an ethical example. The central significance of *Antigone*, the play, for Lacan, lies in the repeated motif of the limit. The limit cannot be reduced to the simple limit 'between' the symbolic and the Real. It is also the limit of the imaginary.

The act is only an act for the subject who would have constituted itself in the act. The act is the subjective moment of assumption and is thus only experienced as such by the subject. This is not to argue that Antigone is a non-ethical example. It is rather to

emphasise that the very concept of an ethical example is non-sensical. The ethical consists in the moment of assumption of and as the cause of one's existence as subject. It is availed of no exterior support or justification.

Lacan's reading of *Antigone* is not, then, concerned with the ethical status of her choice or her act. Lacan is rather concerned with *Antigone* as artefact, as a dramatic work and with the work's relation to the spectator. Within the context of the play, *Antigone*, the character, functions as a spectacle. It is her splendour, not her act which has ethical significance. This, not because her splendour is in itself ethical, but rather because the spectacle of *Antigone* forces a potentially ethical reaction from the audience.

One manner in which we might begin to appreciate Lacan's discussion of *Antigone* is in the relation between the imaginary, symbolic and Real. What one might term the conventional reading of *Antigone*, a reading which would interpret the play as staging the confrontation between two completing conceptions of justice, such as that presented by Hegel in *The Phenomenology of Mind* (Hegel, 1967/1842: 484-499), is what we might characterise as a reading which prioritises the symbolic. Žižek's reading, which acknowledges the Lacanian point that the "unshakeable traditions" (Sophocles: 82, line 505) might not refer to another conception of justice, is no less such a symbolic reading. In his interpretation, the act is defined exclusively in relation to the symbolic and thus *Antigone's* revolt is, for Žižek, a revolt against the symbolic. Against such exclusive prioritising of the symbolic, Lacan's own reading places considerable emphasis on the realm of the imaginary. This is not to suggest that

Lacan's reading rebounds to another extreme. The point is rather that the three realms can never be fully disentangled (except, that is, in the case of psychosis).

For Lacan, the significance of *Antigone* lies precisely in its ability to convey the limit point which would mark the intersection of the realms of the symbolic, the imaginary and the Real. It is crucial to acknowledge here that this limit point does entail but cannot be reduced to the limit of the symbolic. To so reduce the limit point to the gap where the symbolic opens onto the Real, to, that is, occlude the imaginary, results in those notions of the play as a contest or opposition between different approaches to the law or convention, whether this be in the sense of two competing conceptions of justice (Hegel) or between two competing approaches to the law, that is to say, between fidelity to the law and transgression of the law (Žižek). While such approaches are not without significant insights, it is only in reinstating the imaginary dimension that we can really begin to appreciate the ethical significance of the play. Those readings which would emphasise exclusively the rent in the symbolic cannot but render the play a discourse on law to the exclusion of the ethical. As such, the so called ethical example of *Antigone* cannot but falter. Where there is no ethics, where ethics is foreclosed, there can be no example of the ethical. It is only in reintroducing the imaginary dimension that the ethical import of the play can be brought to light. It will, however, be brought to light in a manner which directly occludes the possibility of commandeering it as an example. That is to say, through Lacan's reading of *Antigone* we can begin to appreciate that the ethical avails itself of no examples.

As we have seen previously, the figure of the *Nebenmensch* entails for Lacan the correlation of the symbolic, the imaginary and the Real. The encounter with the other,

that is, can be reduced to neither the dimension of the symbolic nor the imaginary but rather, insofar as it entails both, it indicates the limit point where they would open onto the Real. That is to say, there is imaginary identification and there is symbolic comprehension, there is an overlap wherein imaginary identification would partake of a minimum of symbolic ordering and, beyond this, *something* insists which would refuse any such recuperation. This would be the limit point of what Lacan terms *das Ding*. For Lacan, “[i]t is around this image of the limit that the whole play turns” (Lacan, 1992/1986: 268). The image of the limit is dispersed so thoroughly through the play that it, quite literally, cannot be contained. It cannot, that is, be recuperated to a straightforward symbolisation. The play, in this sense, demonstrates the insistence of the limit without itself becoming a self-contained discourse on the limit.

That the figure of Antigone might be held up as the focal point here is not to say that the limit is, exclusively, Antigone’s. The motif and functioning of the limit is evident too in the other characters, the action and setting of the play. The notion of the limit central to the play is, as Lacan stresses, not only articulated “throughout the text of *Antigone*, in the mouths of all of the characters and of Tiresias” (Ibid.: 248), the seer or prophet who can be understood to signify the limit which would open onto the future, but also “in the action itself” (Ibid.). One example of the functioning of the limit in the play would be the sentence passed on Antigone, that she is to be entombed alive. The sentence unfolds a complex array of instances of the limit. Not only is the sentence itself to place Antigone in the realm between life and death. She is to be placed in a chamber reserved for the dead while still alive, she is to be made to experience that which would be the reserve of the already dead before she is dead. But, in addition, the passing of the sentence itself already situates her in a living

relation to death such that her anticipation of certain death must be borne while she still lives. Hers is a “situation or fate of a life that is about to turn into certain death, a death lived by anticipation, a death that crosses over into the sphere of life, a life that moves into the realm of death” (Ibid.).

What does make the character of Antigone stand out in the play is her beauty or, more precisely, her function as the beautiful, as that which would exceed the limits described in the play, the limits both of comprehension and of imagination. What makes the character of Antigone exceptional within the play is that she is presented as that which would be situated, impossibly, on the other side of the limit, in the realm of the Real. It is in this sense that Antigone comes to figure as or is raised to the status of *das Ding*. This is to say, in Lacan’s terms, that Antigone is presented as “inhuman” (Ibid.: 263). This is not, however, to situate her as something monstrous or abhorrent. When the chorus describes her as *ώμώς*, a term Lacan translates as “something uncivilized, something raw” (Ibid.), it, the chorus, is still intent on recuperation. To describe her as *ώμώς* would still be to situate her, to recuperate her to an idea. It would be to insist on situating her in terms of the symbolic. It is precisely insofar as Antigone cannot be situated, cannot be recuperated to a fixed idea that she functions for Lacan as the beautiful. It is important here to grasp that the notion of ‘beauty’ is not meant to refer to any convention, any delimited conception of (what would count as) physical or idealised beauty (Ibid.: 297). Beauty cannot be captured in an image as such. Beauty is rather a function and to speak, then, of Antigone’s beauty is to relate something of her function. That is to say, what is important in the character of Antigone is how she functions in relation to desire. Not, that is, how Antigone functions in relation to her desire but rather how Antigone, as beauty, functions in

relation to the desire of the one who watches her. In relation, that is, to the desire of the spectator.

Significant here, then, is the relation between beauty and desire, a relation which Lacan describes as “strange and ambiguous” (Ibid.: 238).

On the one hand, it seems that the horizon of desire may be eliminated from the register of the beautiful. Yet, on the other hand, it has been no less apparent ... that the beautiful has the effect, I would say, of suspending, lowering, disarming desire. The appearance of beauty intimidates and stops desire.

That is not to say that on certain occasions beauty cannot be joined to desire, but in a mysterious way, and in a form that I can do no better than refer to by the term that bears within it the structure of the crossing of some invisible line, i.e. outrage. Moreover, it seems that it is in the nature of the beautiful to remain, as they say, insensitive to outrage, and that is by no means one of the least significant elements of its structure.

(Ibid.)

The function of the beautiful here is extrapolated in terms of the work of art and it is as a work of art that both *Antigone*, as dramatic art work, and Antigone, as an artistic creation within that art work, would be understood to function in relation to desire. This mysterious relation between beauty and desire cannot be reduced to the idea that beauty would, simply, be that at which desire would aim. Rather, in relation to the object which would be constituted as an object of beauty, desire is split such that it is this very splitting which would constitute the object as beautiful. That would be to say, the object might only be understood as beautiful as an effect of and on the desire which would manifest in relation to it. There is, here, no discernable and monolinear relation of cause and effect.

In its status as limit point, the beautiful is that which would split desire, or in the terminology of later Lacan, that which would render the separation and, at the point of separation, the conjunction of desire and the drive. Desire as we have seen, is that which defines the subject in relation to lack. Desire, as such cannot attain satisfaction. The drive, on the contrary, is that which maintains satisfaction through continuously circulating its object. The beautiful is that which would encompass both such points, thus, simultaneously reflecting the drive and allowing it to continue on its route and drawing desire on. There is thus in the object of beauty both a moment of transfixion and a moment of satisfaction. If the object of beauty were capable of entirely satisfying desire it would be destructive of the subject but if it were incapable of providing satisfaction, it would lose its attraction. It is this conjunction of seemingly incommensurate characteristics which sets the beautiful apart.

Desire is thus not “completely extinguished by the apprehension of beauty” (Ibid.: 249) but it is drawn on into that realm in which it could not subsist.

It [beauty] seems to split desire as it continues on its way, for one cannot say that it is completely extinguished by the apprehension of beauty. It continues on its way, but now more than elsewhere, it has a sense of being taken in, and this is manifested by the splendor and magnificence of the zone that draws it on. On the other hand, since its excitement is not refracted but reflected, rejected, it knows it to be most real. But there is no longer any object.
(Ibid.: 248-9)

Desire, as we have seen, has no object in the proper sense of the term. It is, in the terms of later Lacan, the drive which would take for itself, or which would be constituted in relation to, an object. The beautiful is unique in that it would allow for the conjunction of these two terms, or as Lacan has it in the context of *Seminar VII*,

for the splitting of desire into that which will retain an object and that for which “there is no longer any object” (Ibid.: 249).

It is as an example of the beautiful that Lacan reads *Antigone* and, particularly, within the play, Antigone. It is as such that, with Lacan, we find something in the text “other than a lesson on morality” (Ibid.). This is not to claim that *Antigone* has, for Lacan, no ethical import. It is, after all, in the context of his seminar on the ethics of psychoanalysis that he spends considerable time discussing the play. It is rather to stress that the ethical import of the play lies not in the moralising arguments it might be understood to put forward, whether these be in the sense of a discourse between competing conceptions of the just or (moral) good or in the sense of an advocacy of a position of transgression. While, as we have seen, both these positions are, of course, possible, neither addresses the question of ethics. They remain, rather, on the side of (questions of) the law. The ethical, as we have seen, is by definition a subjective moment, the moment of subjective assumption in response to the lack encountered in the Other and the other. The ethical, that is, is the moment of assumption of that point which refuses recuperation to an image or to a rule, that point where the symbolic and the imaginary break down or break open upon the Real. In terms of the moral law, the ethical is the point at which the subject assumes upon itself the impossible place of that which would guarantee the law. In terms of the imaginary, ethics is the response to that in the other which refuses recuperation to a coherent image of identification. To render *Antigone* or Antigone as an ethical example, or as *the* ethical example par excellence, is to assume to generalise that which is by definition beyond generalisation. That is to say, to confer upon Antigone the status of example would be to make of Antigone and her act a rule which might be

followed; *thou shalt transgress the symbolic*. But such an example is clearly not an ethical example at all (de Kessel, 2002). The ethical moment would necessarily resist any such generalisation and return in the form of the necessity of the subject assuming upon itself the impetus to follow (or reject) the example. This is clearly, also, not to set *Antigone* apart in this sense. It is not especially that *Antigone* or Antigone's act cannot function as an ethical example. It is rather that the ethical cannot be exemplified without recuperating it to a law. Which is to say, precisely, without rendering it other than ethical.

What Antigone can function as is an example of the beautiful. But even here, it should be stressed that the example is not definitive. As Lacan stresses in a number of places, other examples can be found and the example should be one's own; "[i]f you don't find this example convincing, find others" (Lacan, 192/1986: 297). That is to say, Antigone functions as an example of the beautiful only insofar as she functions as the beautiful for the (particular) spectator. Insofar as she does function so, she and the play of which she is an element, can be understood to situate the spectator in relation to their desire and *this* is what is significant in terms of ethics.

As beautiful, as that which would simultaneously reflect and lure our desire, Antigone would demand a response. This demand would be the subject's confrontation with the desire that is in it. That is to say, in its location at and as the limit point of the Real, that at which desire would impossibly aim, the beautiful can be understood to be that which would ask of the subject, "Have you acted in conformity with the desire that is in you?" (Ibid.: 314). As, that is, that which can simultaneously support and lure desire, that which allows the subject to confront *das Ding* without destroying the

subject, the beautiful would be that which would allow the subject to confront the desire that is in it and thus begin to name this desire, to bring it into the world. That is to say, it is precisely insofar as the beautiful allows the possibility of encountering the limit of the Real without subsuming the subject in the Real and thus rendering the subject impossible, that it allows the subject the possibility of both confronting its desire and inscribing its desire in the symbolic.

It is in this sense that the beautiful would entail a cathartic function. The beautiful would allow the possibility of the purification of desire, not in the sense of allowing the subject to attain and occupy pure desire but in the sense of allowing the subject to experience its desire stripped of the trappings of the symbolic and imaginary orders and, significantly, to return to the symbolic and imaginary orders, bringing with it “a new presence” (Lacan, 1988/1978: 229), something which cannot simply be accommodated as though it had always already been there.

We can see, then, that the ethical significance of *Antigone* lies not in Antigone’s act in the sense that her act would function as the quintessential ethical example but, rather, the ethical significance of the play lies in the manner in which it would relate to the desire of the spectator.

The extent to which we can discuss Antigone’s act at all is the extent to which it has been or is being (re)inscribed in the symbolic. This should alert us to the ambiguity of the act insofar as it can become a topic for discussion. Antigone’s act, in the proper Lacanian sense, is *her* act. It is only available for her. What impacts of Antigone’s act on others is either/both a moment of emergence of the Real and/or a symbolic

recuperation depending on the moment of logical time from which it is perceived. That is to say, we might discern separate moments in Antigone's so called act. There would be the moment of incomprehension wherein the act disrupts and cannot be explained. There would also be the moment of comprehension wherein the act is slotted into a framework of explanation – e.g. Antigone promotes an alternative discourse on what is just, Antigone constitutes the revolutionary stance par excellence precisely because she promotes no discourse on justice at all but is understood to have introduced a moment of radical disruption for the social weave of Thebes. Neither of these perspectives, however, can be adequate to the act as it is assumed by Antigone, if it is in fact an act at all. Given that she is never more than a fictional character, one might be justified in pointing out that 'she' cannot assume anything. The pertinent ethical question in *Antigone* is how we, the audience, the spectator, the reader, respond to the play and respond beyond the play. The only true act in *Antigone* is precisely not *in Antigone*, it is *in response to Antigone*.

Returning to Badiou's advocacy of non-participation, is not a similar logic at work? Badiou's stance, if it is generalised becomes but another injunction, another edict, another facet of the Other. Badiou puts himself in the position of laying down the law. This is not to say that Badiou is 'wrong' in his desire to refuse all formal participation in party politics and official elections. But Badiou's stance can only properly be understood as a particular, idiosyncratic stance in response to particular, idiosyncratic circumstance. The problem facing Badiou and our interpretation of Badiou's call is, then, one of a strategy. In order to maintain the ethical import of his position, one should properly see Badiou's position as a particular response from a particular subjective position to a particular situation.

One might assume that Badiou's position, in order to acquire suitable effectivity, requires that others stand along side him. That is to say, in order for Badiou's advocacy of non-participation to gain an effective political import, it is strategically advantageous that he coalesce around him other bodies who would similarly maintain a position of non-participation. It is in this sense that his call to non-participation might be understood as strategically efficacious within the context of his agenda.⁴

But no strategy can in itself be ethical. A strategy, by definition, would (have) require(d) formulation in the terms of symbolic. It is, as we have seen, in the subjective response that the ethical would manifest, in that which cannot be contained or guaranteed within the symbolic. A strategy can be efficacious. One may act ethically in one's choice to adopt a strategy, just as one may act ethically in one's choice to uphold the law or transgress the law. This would be to say that, as in the case of Antigone, we can respond to, and in so far as we read Badiou, we must respond in some way to, his call that we reject the machinery of traditional democratic politics. This also means we must interpret Badiou and decide for ourselves whether or not the machinery of traditional democratic politics is what we are faced with and if, in this or that particular instance, it is what we must reject. That is to say, what might be an appropriate response in 2003 is not necessarily an appropriate response at another time. What is an appropriate response in Badiou's France is not necessarily an

⁴ Of course, one might also read Badiou as simply expressing his own position and not, in fact, concerning himself with what other's choose to do. When asked how many people there are in his group, Badiou responds: "Very few. A few dozen genuine militants, capable of leading a political process. Personally this doesn't much bother me. To know what people do is more important than knowing how many they are. In some situations, two people can do quite a lot where forty might do very little" (Badiou, 2001/1998b: 101).

appropriate response elsewhere. And, in both instances, what constitutes appropriate can only, ultimately, be decided by the subject faced with the question.

4.10 In Conclusion ~ Eating the book

We began in the introduction to this work by considering the claim to ethical or moral content or direction implied in the appeal to the term democracy, the implication of, or even the explicit claim to, an ethical or moral superiority in *being* democratic. It was shown there how such a claim proves problematic insofar as the very ethics or morality to which one necessarily refers in such a claim is itself without justification. Any appeal to a higher, transcendent authority, such as God or the Good, exposes itself, in turn, as requiring either a *reductio ad infinitum* or pure blind faith. Insofar as to know God or the Good as good itself requires a further stage of substantiation which, in turn, requires a further stage and so on, without end, knowledge of the good requires an infinite reduction which might only be halted by a leap of pure blind faith, a simple, unquestioning acceptance of this or that as the Good.

Following Claude Lefort, we argued that the very condition of possibility of democracy is such that it arises with the refutation of any such appeal to a certainty beyond experience. In this sense the very positing of an external or higher authority by appeal to which one might ground a certain conception of morality can itself be understood to be undemocratic. This would then be to say that, if it is only with the demise of widespread belief in an unquestioned sovereign good that democracy, as a condition, arises as a possibility, democracy then necessarily arises without any pre-

given or substantial moral focus to which it might appeal in order to satisfactorily ground itself. In the introduction we described this as an ethical hole in the democratic project, implying that there is or might be an ethical core missing in the democratic project, that invocations of (this or that) democracy's moral superiority function as little more than empty rhetoric in the service of particular state interests or power relations. Such a position clearly invites a certain ethical nihilism or, at most, an advocacy of moral relativism. As both these positions themselves prove as equally problematic as the installation of an unfounded good, insofar as they themselves become unfounded claims to the right way, they can be understood to be insufficient responses to the problem. Against such responses, we have argued that, through a careful reading of the work of Jacques Lacan it is possible to formulate an understanding of ethics which is neither empty nor relativistic, which neither relies on an appeal to an unfounded higher authority nor promotes the notion that anything goes. Rather than seek to fill what we have called the ethical hole in democracy, Lacanian ethics allows us to appreciate the necessity of maintaining such a hole. That is to say, rather than lament the absence of (moral) certainty, Lacan's ethics allows us to acknowledge the impossibility of satisfactorily 'filling' this hole and, crucially, the importance of recognising that it is equally untenable to simply invert this absence itself into a positive entity, where, so to speak, the hole might either come to found the certain good of moral relativism and respect for competing moral perspectives, on the one hand, or the certain renunciation of any ethical endeavour at all, on the other. Rather, Lacan allows us to posit an ethics which entails and necessitates a perpetual responding without rest, an ethical engagement which can never lay claim to certainty but must rather repeat itself, each time anew.

Such an understanding of ethics, we have argued, arises from the Lacanian conception of the subject. For this reason, we developed in the first chapter an understanding of the Lacanian subject and, significantly, the irreducibility of such a conception to commonplace notions of the subject as a self-adequate or atomistic entity. We showed, rather, how the subject must be conceived of as divided, as arising in the place of the Other, the field of language and signification, and, consequently, as necessarily inadequate to itself, as constitutionally lacking. We showed how such a condition of lack gives rise to a movement of desire which can thus be understood to be definitional of the subject as desiring that which would heal this lack. As, however, that which would heal this lack is only ever a retroactive supposition on the part of the subject, it is, by definition, not something which could be attained, which is to say that the movement of desire is not something which could ever find its proper solution or satisfaction. The subject, in this sense, can be understood to yearn for the lost state of unity which is only ever retrospectively posited as preceding its emergence as divided, a unity which is strictly impossible in that it would occlude the very possibility of the position of subjectivity from which it would be supposed. That which would be supposed to fill or heal the lack in the subject is what Lacan terms the *objet petit a*, the location of an imaginary object which would be the solution to the subject's desire. As, however, those objects which would be located in the place of the *objet petit a* are never in fact *it*, are never the 'true' cause of the desire in the subject and, consequently, never adequate to its solution, the subject can be understood as shuttling constantly from one illusionary and disappointing endeavour to another, as each object encountered fails to deliver the suturing effect the subject would desire.

We have shown how Lacan presents us with an understanding of the possibility of the subject momentarily surpassing such a situation and coming to locate itself in the position of its own cause, the possibility, that is, of the subject's assuming the position of the cause of its own desire or the desire that is in it. This assumption, summarised in the Freudian phrase *Wo Es war, soll Ich werden*, 'where it was, there I, the subject, must come to be', can be understood to entail an ethical potential, the assumption being an assumption of responsibility by the subject for the position of subjectivity it would occupy.

In the second chapter we expanded this understanding of the subject's ethical potential, this potential of adducing an ethics from subjectivity, through an examination of Lacan's claim that "the only thing of which one can be guilty is of having given ground relative to one's desire" (Lacan, 1992/1986: 319). Here we argued that Lacan's claim cannot be reduced to a comment on the nature of guilt as a product of the super-ego but that, rather, it should be understood to encapsulate a conception of responsibility which would entail the subject's own judgement of its actions, a possibility of judgement which cannot appeal to any ground or authority outwith the subject but must rather locate the subject as its own cause, as the purely assumed originator of its own volition.

Through this discussion we developed an understanding of the relationship between the subject's desire and the law which allows neither the separation of one from the other nor the reduction of one to the other and, as such, the impossibility of locating any pure point of origination. That is to say, without desire, the law is nothing and without the law, there is no desire. In such an understanding, the ethical emerges as

the moment of subjective encounter, the subject's response both to the desire that is in it and to the law as prohibition. By locating itself as the cause of its own desire, the subject locates itself as responsible for its response to the law without appeal to the *a priori* legitimacy of or ultimate and external authority of the law.

In the third chapter we returned to the claim made in the introduction that the relationship with the other is central to the conception of ethics we have developed through reading Lacan and, moreover, that without accounting for the encounter with the other, ethics would remain an empty formalism. Through our examination of Freud's reaction to the biblical injunction to love one's neighbour we showed how the relation with the other necessarily entails not only a process of misrecognition, the recuperation of the other to an image based on the subject's own imaginary identification and the attendant comprehension of the subject in symbolic terms, but that it also entails that which would resist any such misrecognition, what Lacan terms *das Ding*. Through consideration of this logic, we sought to show how, central to the subject's location of itself as responsible for its own position, there is a responsibility for and towards the other. As both the manner in which the subject would conceive the other and the manner in which the subject would treat the other are without ground, it can only be for the subject to assume the weight of any such conceptualisation or treatment without appeal to convention or any higher authority. Significantly, such a position is not such that it might be reversed to facilitate a contract. As there is no available position outwith the perspective assumed by the subject, no possibility of adopting an objective stance, it can only be for the subject to assume responsibility without reversing such an assumption into a demand that the other do so too.

This led us in the final chapter to return to our initial question and consider the impact of such a conception of ethics on the field of politics and social justice. Here we drew on the previous discussion of the relation of law and desire to indicate the impossibility of any self-evident authority which would guarantee the attainment of political perfection, the impossibility of instituting either laws or mechanisms which would safeguard rights or social wellbeing on a permanent basis. This, we argued, is not to say that laws and mechanisms of social order cannot or should not be instituted. It is, rather, to emphasise the necessity of acknowledging the fragile and contingent status of such institutions, acknowledging their status as human inventions which are necessarily and by definition inadequate to the real of experience. The inadequacy of political institutions and of the conceptions which would be taken to underlie them indicates the impossibility of instituting the ethical as such. Rather than this leading to the conclusion that ethics and politics are simply incommensurate realms, we argued that this situation serves to emphasise the necessity of an ethical response to the political. Such a response, we have argued, can only come from the subject.

Importantly, if this response is such that the onus of responsibility it would entail resides singularly with the subject, it clearly cannot be reduced to a matter of straightforward opposition to existent systems or institutions nor can it be formalised as a generalised prescription. Both such positions would amount to the institution of an alternative law which would, in turn, still require the subject to respond. We have examined the logic of such a position through consideration of Alain Badiou's advocacy of non-participation in parliamentary state politics and through Slavoj Žižek's interpretation of Sophocles' *Antigone* as *the* paramount example of the

ethico-political act. In contrast to Žižek's reading of Antigone, its reliance on Lacanian theory notwithstanding, we sought to show that Lacan's own reading of the play demonstrates the irreducible nature of the ethical act, the impossibility of rendering an example from an act without losing precisely that in the act which would have made it ethical; that the unique responsibility for the act and the decision to so act reside singularly with the subject.

Ethics, then, we have argued, can be reduced neither to any example nor to a prior prescription. Ethics cannot, that is, be furnished with a guide without this example, prescription or guide manifesting as law and, thus, evading the specificity of the circumstance that would demand an ethical response. Which is not, clearly, to say that examples and prescriptions will not or should not proliferate but, rather, it is to emphasise that any example, prescription or moral framework *still* necessitates a subjective response and it is only in this response that the ethical might be situated.

Neither is this to suggest that ethics is simply a matter of anything goes. That ethics cannot be reduced to a particular and prior content, coupled with the emphasis we have placed on the subjective location of ethics, is not to argue that simply anything the subject endorses is as viable as anything else. Crucial to the conception of ethics we have developed is the structural condition of the subject which would assume ethical responsibility. The subject only arises as a possibility within the realm of language, within the realm of the social and is thus inseparably entwined with the social order in which it emerges. The ethical response of the subject is thus always already conditioned by and conditioned as a response to other. Ethics thus entails a responsibility for and towards the other but without recourse to any certain

prescription of, not only what this response should be, but, also, without any definite conception of who or what this other would be. Such a response is necessarily a response both to and in the language, culture and social order in which the subject finds itself, but, insofar as it is a response, it is necessarily irreducible to such language, culture and social order.

It is with this in mind that we can, in conclusion, turn to the last pages of Lacan's seminar on *The Ethics of Psychoanalysis* (1992/1986) where he refers to the passage from the Book of Revelations (10:4-10) concerning 'eating the book.' The notion of eating the book first occurs in *The Ethics of Psychoanalysis* as an illustration of the concept of sublimation. Against the commonplace interpretation of Freud which would understand sublimation as entailing "the substitution of a culturally valorized object for one that is immediately gratifying sexually" (Copjec, 2002: 39), Lacan emphasises that it is in fact the changing of the object itself which would define sublimation, not the object to which the aim is 'diverted';

sublimation is the satisfaction of the drive with a change of object, that is, without repression. This definition is a profounder one, but it would also open up an even knottier problematic, if it weren't for the fact that my teaching allows you to spot where the rabbit is hidden.

In effect, the rabbit to be conjured from the hat is already found in the instinct. This rabbit is not a new object; it is a change of object in itself.

(Lacan, 1992/1986: 293)

This does not mean, as Copjec has interpreted it, that sublimation is defined in the mutation of the object, in the alteration of that object which was already aimed at, the 'fact' that the "object of the drive is never identical to itself" (Copjec, 2002: 39). It is rather to emphasise the very process of change which occurs with regard to the object.

It is change as such. I emphasise the following: the properly metonymic relation between one signifier and another that we call desire is not a new object or a previous object, but the change of object in itself.

(Lacan, 1992/1986: 293)

It is the changing of the object, the process or *act* of change, which is significant here. Desire arises as the metonymic relation between one signifier and another which would be to say, with Lacan, that the subject, which is by definition the subject of desire, “is what the signifier represents, and the latter cannot represent anything except to another signifier” (Lacan, 1995/1964: 265). This is not to suggest that desire is the process of metamorphosing the object, which would be the interpretation implied in Copjec’s reading, but rather that in the process of moving from one object to another, we find desire in its purity. That is to say, in changing, desire undergoes catharsis. Desire does not find its proper object in the new object, it is not that desire was somehow aimed incorrectly, an error to be rectified in the location of the ‘correct’ object, it is rather that, in undergoing change, desire is experienced in its proper sense, as the moment of change. Such would be the moment of traversing the fantasy, of the subject’s locating of themselves as the cause of their desire in place of *objet petit a*. Sublimation, in Lacan’s understanding of the term, does not, then, mean that the object must be changed or mutated. It means rather that desire can only be experienced when the object is no longer confused as or with the true source of satisfaction, when, that is, the object is no longer assumed to be the cause of desire.

The notion of eating the book is introduced here to illustrate this emergence of the subject as that which would be represented by one signifier to another.

Think of the shift from a verb to what in grammar is called its complement or, in a more philosophical grammar, its determinative. Think of the most radical of verbs in the development of the phases of the drive, the verb 'to eat'. There is 'eating'. That is how the verb, the action, appears head-first in many languages, before there is any determination as to who is involved. Thus one sees here the secondary character of the subject, since we don't even have the subject, the something that is there to be eaten.

There is eating – the eating of what? Of the book.

(Lacan, 1992/1986: 293-4)

Grammatically, a complement is that which would be added to the verb to form a complete predicate. Thus, a simple sentence, would comprise of;

(grammatical) subject + verb + complement

Or following the example used by Lacan, we would have;

you [the implicit subject] + *eat* [the verb] + *the book* [the complement].

Lacan's point here appears to be that without the complement, there is no subject. Without that which would be desired, there is no subject. As we have seen previously, desire is the condition of subjectivity. Between the verb and the complement, the subject arises.

In the example 'eat the book' we have on the one hand an illustration of the emergence of subjectivity between the two signifiers, the subject as that which is represented by one signifier to another, between 'eating' and 'the book'. On the other hand, as Lacan marks this example as paramount, we have an indication of the

functioning of the drive here. The verb 'to eat' is "the most radical of verbs in the development of the phases of the drive" (Ibid.: 294).

The reference here to eating, to the oral drive, should alert us to the notion of incorporation and remind us, in the context of this work, of the consumption of the primal father in the myth of the primal horde. It is, we recall, through the act of devouring him that the band of brothers accomplish their identification with the father (Freud, 1950/1913: 141-2), a process through which the law and social ordering is inaugurated (Lacan, 1977/1956a: 66). Incorporation entails the process of identification wherein it is possible for the subject to emerge in the field of the Other.

That a book "isn't really made to be eaten" (Lacan, 1992/1986: 322) serves to emphasise once again the proper definition of sublimation; that it is not primarily concerned with the change in object but rather with the change in aim. Entailed in this understanding of sublimation is "a passage from not-knowing to knowing" (Ibid.: 293). The book here should be understood to be synonymous with or indicative of the processes of signification, the field of knowledge. In emphasising the consumption of, the incorporation of, the book, Lacan would be indicating that the subject would be that into which the book would be incorporated. But, as the subject would be that which would only arise as a possibility on the basis of the signifying chain which would produce it, the subject is also that which would be produced through this process. The subject, that into which the book would be incorporated, is also that which would be constituted in the process of this very incorporation. This is once again the instance of *Wo Es war, soll Ich werden*. The change in object, the catharsis of desire, is the assumption by the subject of itself in the place of the cause of the

desire which is in it, the subject's situating of itself as the cause of its desire. The constitution of the subject as that which would 'eat' is also the aphanisis of the subject as that which will have 'eaten'.

When I ate the book, I didn't thereby become book any more than the book became flesh. The book became *me* so to speak.

(Ibid.: 322)

In eating the book, the subject enters the symbolic realm. It is neither that the signifiers become 'flesh' here, that the symbolic order is somehow subsumed into the subject, as though the subject were a pre-given entity, nor is it that the subject constituted in the process becomes a mere part of the signifying order, it is rather that the book becomes *me* ("*me devient*" (Lacan, 1986)), that is, in process of consumption, in the passage from *being* to *meaning*, the subject arises, constituting itself in and with the field of knowledge that would be its. In the terms of the *vel of alienation* we have employed previously, this would be to say, the signifying order does not consume the realm of being any more than the realm of being consumes the signifying order but, rather, in the process of sublimation, in the process of subjective assumption, the two converge in the constitution of the subject which cannot exist outwith either but can neither be reduced to either. As we have seen previously, such a process also necessarily entails the renunciation of *jouissance*, of the mythical wholeness which will be taken to have been prior to the emergence in the field of the symbolic.

But in order for this operation to take place – and it takes place everyday – I definitely have to pay a price. Freud weighs this difference in a corner of *Civilization and Its Discontents*. Sublimate as much as you like; you have to pay for it with something. And this something is called *jouissance*. I have to pay for that mystical operation with a pound of flesh.

(Ibid.)

In terms of morality, then, it makes no sense to consider the originary or innate goodness of humanity or of this or that particular individual. But neither does it make sense to consider the innate goodness of this or that *book*, that is to say, this or that form of knowledge or prescription. The book which will be incorporated is never *it*, is never adequate. The ethical moment is purely subjective and, as Lacan stresses, one will have to pay for it. It is not already and cannot already be formulated in the symbolic order as one would encounter it but rather entails the separation from and return to, and, thus, change in and in relation to, the symbolic.

Prescription, the realm of knowledge, can provide the service of goods, can provide, that is, particular satisfactions which would conform to its contours. What it cannot do, as we have seen, is account for and thus provide for that which would exceed its own limitations; desire, the desire of the subject. Whatever the prescription, whatever the strategy, whatever the concrete implemented and instituted form of democracy, it is always and necessarily inadequate to the moment of subjective emergence, to the subject's assumption of responsibility, as the cause of its own emergence and desire.

Of him who ate the book and the mystery within it, one can, in effect, ask the question: 'Is he good, is he bad?' That question now seems unimportant. The important thing is not knowing whether man is good or bad in the beginning; the important thing is what will transpire once the book has been eaten.

(Ibid.: 325)

In terms of the political, what this would mean is that politics can never be adequate to the ethical, can never contain the ethical. It is precisely herein that the democratic potential in ethics would lie. It is not so much that democracy would provide the best conditions for the assumption of the ethical moment, but rather that the very

assumption of subjectivity would be the ethical moment, the assumption of responsibility, which would be the condition of subjective democracy. Democracy as a generalised condition, as an instituted system, is never *it*. Democracy as the aphanitic moment of subjectivity only arises with the assumption by the subject of, and as itself as, the cause of its own desire. Once the book has been eaten, beyond the incorporation of knowledge, beyond identification as 'democratic', it remains a question of assuming the subjective position of responsibility for the democracy one would have adopted, discovered and invented. The ethical potential, that is, lies in assuming the weight of the democracy one would advocate or support and assuming this weight as that conception of democracy fades and must be reinvented, rethought, never to be *it*.

As any rationalism, any system of thought, as much as any system of rule which would emerge from or base itself upon such thought, including any attempt to actualise democracy as a system, fails to account for its own limitations and, thus, fails to account for the insistence of the infinite which would mark its limits, it is clear that no such system can provide any absolute certainty either in the sense of a successful totalising gesture which would account for that which would impress from outside the system or in the sense of a successful attainment of closure which safeguards against this outside on any permanent and unfringeable basis. This essential breach in the system, as we have shown, can be understood as the possibility of the subject's arising, which can, in turn, be understood as the possibility of the ethical as the subject's assumption of responsibility for its own constitution, its response to the infinite which escapes the confines of and insists at the limits of the system in and with which it finds itself. As outwith any system of thought there is no

possibility of the subject being at all, any such encounter with the infinite beyond the system necessarily requires a return to the system, a return in the terms of the system without this suggesting that the system itself remains unaffected. It is in this movement of encounter and return that we can situate the ethical as an aphanitic moment, a moment of assumption, but a moment which cannot be occupied as such, a moment which must, rather, be repeated, but repeated each time anew.

Such a moment of ethical assumption of subjectivity, bound, as it is, in relation to the other, the neighbour, is also the promise of democratisation, of revisiting and redefining the limitations imposed on the system, reconsidering the delimitation of the social, of widening its scope, of rendering it more inclusive. The responsibility assumed by the subject is always also responsibility for and towards the other precisely because that in the subject which cannot be encompassed within the symbolic is indistinguishable from that in the other which cannot be encompassed in the symbolic; *das Ding* (Ibid.: 198). It is in this sense that we might understand that “[t]here is no satisfaction for the individual outside of the satisfaction of all” (Ibid.: 292). It remains, however, for the subject, uniquely and perpetually, to revisit and (re)define this ‘all’, without guarantee and without recourse to any ultimate rule or higher authority.