

## **Introduction**

### **i. The Definitional Problematic of Democracy**

Democracy, as commonly intoned, is generally taken to imply some sort of an ethical or moral content or direction. Political regimes and even entire nations will be described as ‘democratic’ to the extent that it is desired to portray them as ‘good’ or as potentially ‘democratic’ to the extent that it is desired to portray their intention or potential as ‘good’. Where, etymologically speaking, democracy describes the strength, *kratos*, lying with the people, *demos*, it has now come to signify something of the moral value of the system to which it would be applied. Understood simply in terms of its etymology, there appears to be little reason to champion democracy. In this strict sense, a lynch mob could be understood to be democratic, insofar as, for the specificity of its purposes, counting here ‘the people’ as those who would constitute the lynch mob itself, it can be understood to be a straightforward rule of strength of the people. This point is acknowledged by John Stuart Mill who insists on drawing a distinction between democracy and the “tyranny of the majority” (Mill, 1998/1859: 8). This distinction implies the necessity of adjoining to the notion of the rule of the people certain restrictions, restrictions which would of necessity entail an appeal to a moral or ethical worth. Tyranny, even when it is of the majority, can be understood to lead to conditions which would be considered morally wrong or unacceptable. It might be understood then that it is in the particular configuration of a system, in the restrictions and organisation of democracy, rather than in its appeal to popular sovereignty, that its moral value is seen to lie. This is not, of course, to renounce

absolutely the appeal to popular sovereignty the term democracy would connote. But it is, of necessity, to problematise this appeal in terms of what precisely it might mean in practice. The institution of systems and procedures, while they may be deemed necessary to construe order from the chaos of unrestrained 'mob rule', necessarily complicate the relation between democracy as an abstract ideal of rule by the people and the concrete application of something which would lay claim to this name. Who would constitute 'the people'? Is it possible to institute a clear and unambiguous equation between 'the people' as exercisers of power and 'the people' as those over whom power is exercised? What kind of system would ensure such an equation? And, crucially, what is there to suggest that 'the people', however defined and delimited, are, from a moral or ethical perspective, the *best* candidates to rule. That is to say, whatever system is instituted to ensure or even define 'democracy', it must still appeal to a notion of morality or ethics.

This would appear to an extent to bifurcate the problem of defining democracy. On the one hand one would have to delimit the ethical value or objective which might be understood to ground it or constitute its goal and, on the other, one would have to define the procedures or system which would best achieve that goal or comply with that ground.

Insofar as the term democracy itself is seen to constitute and confer value, the process here can be seen to be somewhat circular. Even given the eighteenth-century addition that democracy pertains to the values of equality, liberty and fraternity, one would still need to consider the question of that to which such equality would be taken to apply and on what grounds, and the question of what precisely might be meant by liberty,

the question of what boundaries, if any, such liberty would be expected to operate or be maintained within. This definitional problematic leads to the situation where democracy is perceived as an “essentially contested term” (Stavrakakis, 1999: 120) wherein the aggregation of questions and potential answers as to what would define democracy themselves form the definition. That is to say, we can be understood to have achieved a point where democracy, as a system of governance, is less defined than it is used as a virtual synonym for politics itself, albeit one which still functions in the popular imagination to indicate and is used to confer the status of legitimacy.

In this sense one might, to adopt a Lacanian register (the framework to be used in the context of this work), describe the term democracy as a floating signifier. That is to say, the term itself as such denotes no precise or particular political system. The term ‘democracy’ can be used by various and opposing political regimes in varying and opposing ways;

in the final analysis, ‘democracy’ is defined not by the positive content of this notion (its signified) but only by its positional-relational identity – by its opposition, its differential relation to ‘non-democratic’ – whereas the concrete content may vary in the extreme: to mutual exclusion (for real socialist Marxists, the term ‘democratic’ designates the very phenomena which, for a traditional liberalist, are the embodiment of anti-democratic totalitarianism).

(Žižek, 1989: 98-99)

Two incompatible regimes may describe themselves as being ‘properly’ democratic, yet, not only do neither mean the same thing, but they actually mean to denigrate the other. The term democracy is a floating signifier which avails itself to be utilised in the justification of a state and its practice in virtue of the fact that it has in itself no fixed meaning. However, what would appear crucial here is that in both opposing usages, the term is felt to convey a certain, or, rather, an uncertain, moral or ethical

sense. In the modern age, the signifier 'democracy' has come to incorporate, to signify, to stand for, the political 'good' *par excellence* without this 'good' availing itself of a more particular or definite content.

A conclusion one might be inclined to draw from this is that democracy, at least in terms of its usage, has simply become a synonym for politics, indicating little more than the fact that the person or body using the term wishes to present themselves as partisan to the state or perspective to which the term 'democracy' is, in that instance, being applied. While such an understanding is perhaps useful or, at least, interesting in terms of the usage of the term and serves to support the suspicion with which one should regard claims to democracy and accusations that others are non-democratic, it is surely less useful in terms of understanding why such a term might have come to function as such a pre-eminent site of contest. Given that democracy is an essentially contested concept, one might still consider what the conditions are which determined it as such.

In his essay 'The Question of Democracy', Claude Lefort defines democracy, or the condition of democracy, in terms of the "*dissolution of the markers of certainty*" (Lefort, 1988/1986: 19). By this Lefort means that democracy in its contemporary usage would signify the collapse of those conceptions of governance in which power derived from a transcendental authority and was vested unquestionably in the figure of the monarch. Through the identification of power and the monarch, Lefort claims, society was given a certain unity. That is, the state or kingdom derives an identity from its sovereign. For Lefort, democracy comes to be defined as that condition of governance wherein the identity between the ruling body and the authority by which it

would rule can no longer be presumed. In actual existing democracies, where the authority to rule is supposed to have derived from the people, one might deduce that the power or authority to rule resides in and with the society in question. For Lefort this would be an erroneous conclusion. It is, rather, that, with the emergence of democracy, a symbolic shift is undertaken whereby the agency of power “no longer refers to an unconditional pole” (Ibid.: 17). That is, the guarantor of power which would be seen to be existent in antiquity, the location of the monarch as the “mediator between mortals and gods” (Lefort, 1988/1983: 17), is no longer accepted and, therefore, no longer operational. This dissolution of the substantial unity provided by the monarch is, for Lefort, the condition of the possibility of democracy which can then be seen to entail, as a defining characteristic, the impossibility of the substantial embodiment of power. In democracy, “[t]he locus of power becomes *an empty place*” (Ibid.). Without the final guarantee of legitimacy or ground of authority which would be ascribed to the position of the monarch, proceeding from its assumed relation to a higher power, the location of power neither dissipates nor is replaced by the substantial authority of the People. Rather, power remains, but remains radically altered insofar as it can no longer lay claim to a definite legitimacy. The People, as such, as a unified body, as an immediate source of authority, as *it*, cannot be said to exist prior to that which would unite it, is not available as a recourse for unproblematic legitimation. For there to be a People at all, there would need to be a unifying force at work. Without the function of the monarch, there is no such unifying force. While democratic government may claim to perform such a function, it also relies on this same function in order to, itself, claim legitimacy. That is to say, democratic government claims to be authorised by that which it would constitute; “the

notion of the people is dependent upon a discourse which names the people” (Lefort, 1988/1981: 230).

This circularity is indicative of the impossibility of any body adequately occupying the location of power. The result of this symbolic shift is the emergence of a form of society which refuses any firm definition, a form of society which cannot be unproblematically brought to reign under any encompassing perspective or be coopted to any proper demarcation. What we would be left with, then, would be “a society in which power, law and knowledge are exposed to a radical indetermination, a society that has become the theatre of an uncontrollable adventure, so that what is instituted never becomes established, the known remains undetermined by the unknown, the present proves to be undefinable” (Lefort, 1986: 305).

The shift discussed by Lefort might be understood as the revolution in thought indicative of the Enlightenment and the emergence of modernity. Such a shift, beyond the confines of the political, can be understood as the displacement of the certainty in a divine or supernatural answer(s) only to have certainty reintroduced on the basis of human reasoning. The quintessential example here would be that of Descartes.

In his *Meditations on First Philosophy*, Descartes engages in a program of systematic doubt with the aim of adducing that “something certain” (Descartes, 1993/1641: 17) even if it is “just one thing, however slight, that is certain and unshaken” (Ibid.). Descartes’ method entails bracketing all those things about which he cannot be absolutely certain. Descartes rejects the notion that the one thing of which he can be certain is that there is nothing of which he can be certain, insisting that the very fact

that he is engaged in a search for something certain posits a certainty outside of this rejected, contradictory, conclusion. That is to say, he can at the very least be certain that there are thoughts occurring to him. Such thoughts, for Descartes, would be indicative of some agency or, at the very least, some receptacle. The thoughts which occur may be authored by some higher entity or may be authored by Descartes himself, but, either way, they would appear to indicate that he exists in order to be the receptacle of the thoughts in question.

Is there not some God, or by whatever name I might call him, who instils these very thoughts in me? But why would I think that, since I myself could perhaps be the author of these thoughts? Am I not then at least something? But I have already denied that I have any senses and any body. Still I hesitate; for what follows from this? Am I so tied to a body and to the senses that I cannot exist without them? But I have persuaded myself that there is absolutely nothing in the world: no sky, no earth, no minds, no bodies. Is it then the case that I too do not exist? But doubtless I did exist, if I persuaded myself of something. But there is some deceiver or other who is supremely powerful and supremely sly and who is always deliberately deceiving me. Then too there is no doubt that I exist, if he is deceiving me. And let him do his best at deception, he will never bring it about that I am nothing so long as I shall think that I am something. Thus, after everything has been most carefully weighed, it must finally be established that this pronouncement 'I am, I exist' is necessarily true every time I utter it or conceive it in my mind.

(Ibid.: 17-18)

From this initial certainty in his existence at least at the moment of thought, Descartes proceeds to add mental states and perceptions.

But what then am I? A thing that thinks. What is that? A thing that doubts, understands, affirms, denies, wills, refuses, and that also imagines and senses.

(Ibid.: 20)

Even given that he may not be conscious, Descartes affirms that the reception of these thoughts is undeniable. Though this may not certify the existence of a world beyond thought, it does at the very least certify thought itself.

For although perhaps, as I supposed before, absolutely nothing that I had imagined is true, still the very power of imagining really does exist, and constitutes a part of my thought. Finally, it is the same 'I' who senses or who is cognizant of bodily things as if through the senses. For example, I now see a light, I hear a noise, I feel heat. These things are false, since I am asleep. Yet I certainly do seem to see, hear, and feel warmth. This cannot be false. Properly speaking, this is what in me is called 'sensing.' But this, precisely so taken, is nothing other than thinking.

(Ibid.)

Descartes proceeds to derive from this certainty of thought a whole series of claims he asserts as necessary, if not immediately self-evident. Certainty, then, spreads out from this initial singular certainty in thought to encompass such things as the necessary existence of his body, God, material things and the external world.

In this way, we might understand that modernity succeeds in shoring up the vacuum left in the wake of the dissipation of the certainty of ancient thought. One way of perceiving this movement would be in terms of the displacement of religion by science. Where once it was religion which provided the answers, now it is science. Certainty, in a sense, has a new messenger but remains no less certain for it. This is not, of course, to say that religion is entirely vanquished. As Descartes 'return' to and reliance on God in his third mediation would indicate, God is still very much assumed as the final guarantor of thought and knowledge. What the shift does do is at least bring into question the certainty of that final guarantor. Which would be to say that the centrality and certainty of God is, to an extent, displaced and reason assumes the mantle of the guarantor or provider of truth. The moment of doubt is passed over and a new authority is instituted.

The problem which ensues here for modern ‘objectivity’ and science is that it is still susceptible to the same critique that would be leveled against pre-modern religiosity or mysticism. While consistency may be seen to guarantee the ‘correctness’ or adequacy of maneuvers within a particular system, that same consistency cannot be assumed to apply outwith the system in question. That is to say, while modern science may well provide certain scientific answers, it is still a limited discourse, one which cannot claim to provide solutions outside its own confines. For example, progress in the field of genetic research and technology may well provide the means to produce human clones. Within this field or discourse it is possible to argue or even prove what would constitute more effective and successful techniques of producing such clones. What the field itself cannot, however, do is provide any answer as to why this might be a morally valid or even worthy thing to do. The certainty science would claim pertains only to the limits of its field. Expand as this field might and, with this, its claims to explanation would no doubt expand too, it is of necessity defined by limits. It cannot be all encompassing. This is because human knowledge is not all encompassing. To phrase this by means of a tautology, the only way to say anything meaningful about ‘reality’ would be to do so through the medium of language, through a particular discourse.

How is one to return, if not on the basis of a peculiar (*spécial*) discourse, to a prediscursive reality? That is a dream – the dream behind every conception (*idée*) of knowledge. But it is also what must be considered mythical. There’s no such thing as a prediscursive reality. Every reality is founded and defined by a discourse.

(Lacan, 1998/1975: 32)

With the collapse of pre-modern certainty, we might, then, be understood to have entered an age wherein all that is left is the proliferation of competing discourses. If there is available no meta-discourse which would be understood to span or underpin

these competing discourses, then there is no gauge immediately available with which to choose between them.

In terms of the political, this would mean that the collapse of certainty in the rule of the monarch which would define the advent of modern democracy does not and cannot herald a new, absolute answer. Democracy, that is, which pretends to certainty, would not, in this sense, be democratic. Entailed in such a shift, for Lefort, would be the separation of power, knowledge, justice and law. If power is no longer availed of certainty, it can no longer lay claim to the totalisation which would reduce justice, law and knowledge to aspects of itself. That is to say, with the evacuation of certainty and surety in power, the ground of justice and law becomes a matter of debate and negotiation without recourse to a final answer.

The dimension of the development of right unfolds in its entirety, and it is always dependent upon a debate as to its foundations, and as to the legitimacy of what has been established and of what ought to be established.

(Lefort, 1988/1983: 18)

This condition would then give rise to competing political discourses, competing interests and notions of how to proceed and, with these, competing claims as to the legitimacy of the discourse advanced. It is such a perspective which would support claims to pluralism. If no claim to legitimacy can be shown to entail absolute authority, then all claims to legitimacy would appear to be equally (in)valid. This is not simply to say, as with our previous discussion of democracy as an essentially contested concept, that no definition can contain democracy. It is rather to suggest that this very irreducibility of democracy to a positive definition is its minimal defining characteristic.

In terms of the question of ethics, such a conclusion would perhaps suggest a minimum of toleration. If there is no answer, no right way, then the ‘best’ we can hope for is the acceptance of competing ways.

The fact that such an advocacy of toleration still rebounds to an assumption of something like respect for competing discourses notwithstanding, there does still persist the problem that such a position of toleration does not account for the inevitable moment of conflict between competing claims. A minimum of toleration is all very well on condition that there are no serious grounds of conflict and, crucially, so long as everyone accepts the premise and conditions of such a minimum toleration. This problem can be exemplified in what one might characterise as the traditional liberal position or, specifically, in Mill’s formulation of the harm principle:

That principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.

(Mill, 1998/1859: 14)

While such a principle may seem to be relatively uncontentious, it is so only insofar as it is not applied to a situation of contention. That is to say, given the circumstances when two parties might very well leave each other alone it would appear fairly straightforward to apply the harm principle. Such application would already suggest that there is a minimal agreement as far as defining one’s own legitimate space and an agreement on what would constitute harm. Given that, clearly, the matter is considerably more complex, given that there is no agreed and uncontentious definition of harm, and that many circumstances will entail the perception of harm necessarily

resulting for one party, and that the questions of what would constitute that which would be subject to and that which would constitute the agent of harm are open, we can see that Mill's solution solves little. Without proceeding beyond minimum toleration, we can understand such a position to leave an ethical hole in the democratic project. Without the persistence of a substantial notion of the good, a guarantor such as God and, in the name of God, the monarch as earthly representative, there appears to be no ethical aspect to democracy beyond the proliferation of different moral positions and perspectives with a constitutional blindness to the circumstances of their conflict.

One response to this problem of concensus is that proffered by Chantal Mouffe. For Mouffe, the proper question facing democratic theory is not that of how to achieve concensus but rather that of how to move from *antagonism* to *agonism*. That is to say, to move from a situation of conflict between enemies to a situation of conflict between adversaries (Mouffe, 2000: 102-3). By Mouffe's own admission such a position still necessitates a minimum of concensus. The novelty of Mouffe's proposal, however, lies in the fact that the agonistic system she advocates would rely on a communal allegiance to 'ethico-political principles' which themselves can only emerge through varying and competing interpretations which in turn require and reinforce the inevitability of a perpetual "conflictual concensus" (Ibid.: 103). The benefit of such a conception is that it acknowledges the necessity of the decision in politics and, with this, the necessity of exclusion that any decision entails. As no such decision or exclusion can ever be grounded in any certainty this in turn necessitates that agonistic contestation is kept alive.

What such a position does not, however, account for is the place of ethics in the maintenance of such a situation. That is to say, the question which remains is, what conception of ethics would rise to such a demand?

This work will seek to examine the possibility of describing such an ethics, a conception of ethics which might subsist without recourse to a substantial notion of the good or a higher moral authority, a conception of ethics which refuses the reduction to relativism, and which might be seen to address the ethical hole in democracy without reducing democracy to an orthodoxy and thus negating it. For the purpose of clarity, the term 'ethics' will be distinguished from 'morality', the latter being taken to refer to particular codes, prescriptions or bodies of prescriptions, the former will refer to that which cannot be reduced to any particular code or prescription and will be delimited more thoroughly as we proceed.

## ii. Ethics and the Infinite

The notion of a sovereign good, the persistence of some higher moral authority which would somehow guarantee any particular human conception of morality is perhaps best exemplified in Plato's notion of the good (*to agathon*) which 'persists' beyond being (*epekeina tés ousias*). For Plato, the question of the good is already a question of epistemology. Rather, however, than it being a question of how we might know the good which would preside over our (potentially) moral actions and judgements, it is the good itself which would be the condition of all knowledge. In book six of the *Republic*, Plato, through the character of Socrates, explains this by means of an analogy with the sun. Just as the sun, in Plato's understanding, is the source of all seeing and thus the condition of possibility of the realm of the visible, the good is the source of all knowing and thus the condition of possibility of all knowledge.

So what gives truth to the things known and the power to know to the knower is the form of the good. And though it is the cause of knowledge and truth it is also an object of knowledge. Both knowledge and truth are beautiful things, but the good is other and more beautiful than they. In the visible realm, light and sight are rightly considered sunlike, but it is wrong to think that they are the sun, so here it is right to think of knowledge and truth as goodlike but wrong to think that either of them is the good – for the good is yet more prized. ... Therefore, you should also say that not only do the objects of knowledge owe their being known to the good, but their being is also due to it, although the good is not being, but superior to it in rank and power.

(Plato, *Republic*:182; para.509a)

The location of the good beyond being has the advantage of providing a source for morality or ground upon which moral edicts and actions would be based. What renders an action or judgement right or just would be its resemblance to or 'participation' in the (Form of) the Good itself. What such a conception does not, and by definition cannot, answer is the question of how we might know this good by

which we would judge all other instances of goods. Though Aristotle refutes just this aspect of Plato's ideas through what has come to be known as the *third man argument*, (Aristotle, *Ethics*: 8-9) he retains a notion of the good as sovereign and necessary. For Aristotle, all pursuits necessarily have an end and this end would be the good of the pursuit in question. It for Aristotle therefore logical to assert that there must be some ultimate good which would be the end of all other goods.

Every art and every investigation, and likewise every practical pursuit or undertaking, seems to aim at some good: hence it has been well said that the good is that at which all things aim. ... Now in cases where several such pursuits are subordinate to some single faculty ... in all these cases, I say, the ends of the master arts are things more to be desired than all those of the other arts subordinate to them; since the latter ends are only pursued for the sake of the former ... If therefore among the ends at which our actions aim there be one which we wish for its own sake, while we wish the others only for the sake of this, and if we do not chose everything for the sake of something else (which would obviously result in a process *ad infinitum*, so that all desire would be futile and vain), it is clear that this one ultimate end must be the good, indeed the supreme good.

(Ibid.: 3)

Aristotle's view or supposition of the good is clearly based on a conception of nature and the cosmos as ordered and, somehow, already ethically motivated. Which is to say that the assumption of the good as telos, as the logical culmination of all other goods rests upon the prior assumption that the universe is so ordered and would have such a good. Without such an assumption, there remains little reason for supposing an ultimate good which would be the end of all others. In Aristotle's own terms, there would remain little reason to assume that all desires were not in fact futile and vain. The ultimate end only imposes as a necessity within a conception of a system of order which posits determinate ends to all processes.

Beyond the particularities of the Platonic and Aristotelian conceptions of the good, the notion of a sovereign guarantor for our earthly conceptions of morality can be found at work in the Judeo-Christian tradition too. Here, clearly, the name of the Good beyond being, the Good which must exist as the end and guarantor of all earthly pursuits and knowledge is God. It is as such that Nietzsche will characterise Christianity as “Platonism for the ‘people’”(Nietzsche, 2002/1886: 4). The *reductio ad infinitum* is halted, as it was for Plato and Aristotle, only now that which halts it becomes God the *prima causa* of the universe (Aquinas, 1988/1277: 30-1). The certainty which would ensure our knowledge is again posited beyond our knowledge itself.

Enlightenment thinking, as we have seen, sought to displace such an assumption of a guarantor of certainty in an otherworldly sphere, seeking instead to found knowledge on rational premises. Kant, in his *Critique of Pure Reason*, believed he had detected just such a possibility of certainty. Kant argues that that which would guarantee our knowledge is not to be found either in something like a substantial entity beyond being nor in the coherence of the objects of our experience. Rather, Kant argues, it is necessary to reverse the suppositions of such a search for certainty and consider our experience of knowing itself. Through so doing, Kant arrives at the idea that it is our ‘rules’ of perception themselves which provide the *a priori* foundation for the possibility of knowledge.

If intuition must conform to the constitution of the objects, I do not see how we could know anything of the latter *a priori*; but if the object (as object of the senses) must conform to the constitution of our faculty of intuition, I have no difficulty in conceiving such a possibility.

(Kant, 1965/1787: 23)

That is to say, the very possibility of our mental experience is conditioned by certain *a priori* rules. It is such rules which would give form to what would otherwise be but the formless matter of the senses. Only by uncovering these rules which consistently give form to our experience can we arrive at certain knowledge or knowledge of that which would guarantee certainty. In terms of the good or morality, Kant can be understood to have displaced the notion of a transcendental guarantor and ‘replaced’ it with what he terms the moral law, a rational principle available to all rational beings. Where previous theories of morality had assumed the notion of a substantial good from which principles of morality could be derived, Kant argues instead that it is necessary to identify that law or principle to which any one would rationally submit and only then might we define the good, as the object of the will, on the basis of such an antecedent law. That is to say, for Kant, it is “the moral law that first determines and makes possible the concept of the good, insofar as it deserves this name absolutely” (Kant, 1997/1788: 55). To do otherwise would be to “assume as already decided the foremost question to be decided” (Ibid.). To posit a concept of the good as the ultimate basis for moral principles would be, that is, to defeat in advance the possibility of deriving moral precepts at all insofar as it would afford no insight into how one might apply the correlation between the ultimate good and the objects of the will in experience. In this sense, the traditional conception of the good as the ultimate guarantor of morality leaves open the question of what determines the good as good in the first place and effectively renders the rational will subject to an external authority. In so doing, such a conception cannot account for the necessity of moral requirements. It is simply a case of the good *is*, therefore we *must*.

It is important to understand then, that for Kant the moral law is not something which would be given as such. Clearly, were it so, then it would be subject to the same critique he levels at the traditional assumption of a substantive good. Rather the moral law is necessary insofar as our possibility of cognising the world of experience requires a frame of systematicity. By showing that, rather than being derived from an antecedent conception of the good, moral precepts can and, indeed, must logically precede any determinate conception of the good as ultimate object, Kant can be understood to have provided a ground for morality which neither presupposes what the good must be, and thus results in a tautology, nor reduces morality to a heteronomy wherein the subject of that law would be bound to it absolutely, without choice, and thus morality would be little more than the slavish pursuit of inclination.

Autonomy of the will is the sole principle of all moral laws and of duties in keeping with them; heteronomy of choice, on the other hand, not only does not ground any obligation at all but is instead opposed to the principle of obligation and to the morality of the will.

(Ibid.: 30)

Thus the moral law which would serve as the basis of rational morality must be purely formal, in that it is not subsequent to any prior object, and non-pathological, in that it is not the mere slavish pursuit of desire. Such a fundamental law is formulated by Kant as the categorical imperative;

So act that the maxim of your will could always hold at the same time as a principle in a giving of universal law.

(Ibid: 28)

Importantly for Kant, considering the second aspect here, the necessity of freedom with regard to the moral law, it is not sufficient that one's actions coincide with the moral law but rather one would, in order to act morally, have to act such that one acts

in accordance with the moral law purely because it is one's duty to do so. Mere adherence to the letter of the law would render the law non-formal and thus eradicate its very founding principle;

It is of great importance in all moral appraisals to attend with the utmost exactness to the subjective principle of all maxims, so that all the morality of actions is placed in their necessity *from duty* and from respect for the moral law, not from love and liking for what the actions are to produce.

(Ibid.: 70)

That is to say, for Kant, those actions which would happen to be in conformity with what the moral law would prescribe but are undertaken for pathological reasons and not because of respect for the moral law and reverence for one's duty would not in fact be moral. Morality is not a matter simply of conforming but is crucially a matter of motivation. The form of the moral law demands that one freely choose it and that one freely choose it purely in virtue of its being the moral law. In this sense it is not enough, to use one of Kant's well known examples, to tell the truth out of fear of being caught lying, nor because one genuinely wants one's interlocutor to know the truth, nor even because one has been brought up not to lie. Rather, one must tell the truth exclusively because it is one's duty to tell the truth. The difference here between telling the truth because one has been so raised and telling the truth because one recognises it as one's duty is crucial. In the first there is no choice as such. One is simply conditioned to respond in this way. In order for one's truth telling to be understood as a proper moral action, one must make the choice and one must make the choice in a certain way for no other reason than it is one's duty to so choose.

We might ask of Kant's theory whether it is in fact ever possible to sufficiently expunge our pathological inclinations such that we might become the purely rational

beings that his ethics requires. Kant's own answer to this is that we cannot here in this world. To become the purely rational being required of Kantian ethics, that is, to attain the highest good which would be the pure rationality of moral duty would require an infinite progression or moral refinement and would thus only be possible *beyond* this world. This necessitates that Kant postulate the existence of an immortal soul and, conjoined with this, God as that which would have attained pure rational morality. This is not to say that God would exist as a pure given and thus ground for the rational moral law. It is rather that God arises as a pure and necessary concept, one which would be, logically, subordinate to the pure rationality of the highest good itself. God here is subordinate to the rational moral law in the sense that were the law derived from a pre-given conception of God we would have returned to the assumption of the sovereign good and morality would have become once again a matter of pure (religious) faith. That is to say, there would still be lacking the reason for assuming God as morally perfect. As Kant argues in his earlier *Grounding for the Metaphysics of Morals*;

every example of morality presented to me must itself first be judged according to principles of morality in order to see whether it is fit to serve as an original example, i.e., as a model. But in no way can it authoritatively furnish the concept of morality. Even the Holy One of the gospel must be first compared with our ideal of moral perfection before he is recognized as such.

(Kant, 1993/1875: 20-21)

If pathological motives are expunged from any commitment to the moral law, if, that is, the moral law must be adhered to for reason of pure duty, then this still leaves the question as to what the nature of the will to duty itself would be? Kant's initial answer is to this question is that this is "for human reason an insoluble problem"

(Ibid.: 62). He does, however, go on to argue that although it cannot be shown *how* such a situation is possible, it can be shown that it *is* possible. That is to say, we do feel respect for the moral law despite the fact that we cannot rationally account for the origin of such a ‘feeling’. Kant’s argument here is that pathological motives such as self-love or self-conceit are experienced as lesser with regard to the “weightiness of the moral law” (Ibid.: 65). That is, it is the effective removal of pathological motives which would allow the incentive to duty towards the moral law to rise as an *a priori* non-pathological incentive. Kant here appeals to the image of a scale wherein it is the removal of pathological motives from one side which causes the scale to rise in favour of the moral law on the other. Such an image conveys a notion of the moral law as always already there. What it necessarily fails to account for is what it would be that would allow us to know this moral law as good. Effectively Kant has argued that we feel inclined towards the moral law because we feel guilty when we do not respect it. But what it is that would allow us to know or to rationally adduce the potential moral value from such a feeling remains uncertain.<sup>1</sup>

It has been suggested by Alenka Zupančič that such a failure to account for that which would allow us to know the moral law as moral law leads to the logical conclusion that there is nothing to distinguish the moral law from its opposite, diabolical evil.

‘Diabolical evil’ would occur if we were to elevate opposition to the moral law to the level of a maxim. In this case the maxim would be opposed to the law not just ‘negatively’ ... but *directly*. This would imply, for instance, that we would be ready to act contrary to the moral law even if this meant acting contrary to our self-interest and our well-being.

(Zupančič, 2001: 90)

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<sup>1</sup> The inadequate status of this solution is developed by Freud in his conception of the super-ego and will be discussed further in these terms in Chapter Two below.

The definitional difficulty here lies in the fact that, in Kant's terms, such an opposition to the moral law would not be an opposition at all insofar as the moral law does not prescribe any particular content which might be opposed. That is to say, as the moral law prescribes a categorical duty without content, then the maxim to oppose the moral law, assumed as a duty, would be nothing less than the moral law itself; "there is no way of introducing any distinction between them at this level" (Ibid.: 91). Rather than seek to refute this correlation between the highest good and diabolical evil, Zupančič proposes to develop from it a new definition of the ethical that refuses, at a structural level, any difference between evil and good (Ibid.: 92). Zupančič's point here is not simply to separate the ethical from the moral, to conceptually distinguish the possibility of an ethical action from the received moral categories of 'good' and 'evil'. Her point is rather to reinforce the Kantian point that, if nothing grounds the moral law, then there can be no conception of good or evil which is properly prior to the moral law. If Zupančič is right, and there are those who would refute her reading of Kant (see Banham, 2003), then the result is to render ethics radically removed from its traditional or etymological meaning. Zupančič's ethics becomes, with Žižek and Badiou, an ethics of the *act* or *event*. While this notion of ethics will be discussed in further detail in the final chapter of this work, it is necessary here to consider briefly Badiou's position.

Badiou develops his thinking on ethics from his theorisation of the confrontation with the inaccessible, a theorisation which is formulated in terms of mathematics, particularly in terms of developments in set theory following Cantor's Theorem.<sup>2</sup> What we might regard as the fundamental insight that Badiou borrows from set theory

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<sup>2</sup> for a more detailed discussion of Badiou's relation to Cantor see Feltam, O. (2003) translator's introduction in Badiou, A. (2003)

is that “the One is not” (Badiou, 2001/1998a: 25). An over-arching unity or totality is a mathematical impossibility.

This impossibility of unity must be thought in three interrelated ways. If there is no one, then things cannot be broken down to the level of composite atoms, neither can things be gathered under a unifying concept, nor, thirdly, can the very multiplicity which would refute the one itself be thought in a unifying manner, which is to say there are only multiplicities of multiplicities without end. Such a thinking clearly impacts on the notion or presumption of the sovereign good discussed above; there can, in Badiou’s thought, be no such thing. Equally clearly, however, as Badiou’s thinking dismisses the possibility of a totality, there must still persist a limit to thought. This limit marks what Badiou’s terms the void, that which cannot be rationally accounted for within or on the basis of any given system of thought. This mathematical thinking of infinity, the impossibility of unity and the void which is internal but irreducible to any situation is, for Badiou, what would distinguish philosophy proper from what he terms *anti-philosophy* and, in particular, religion. What characterises philosophy is its adherence to a mathematical thinking, the possibility of a disconnected discourse, a discourse which is not reliant on any exterior referent;

if mathematical propositions are thought-ful [*pensantes*], this means that there exists a speaking [*un dire*] without any experience of an object, an a-subjective, regulated access to the intelligible.

(Badiou, 1994: 43; in Hallward, 2000: 27)

Where, for example, Aristotelian thought would posit a world of things from which ideas, including mathematics, can be established as a means to measure or describe

those antecedent things, Badiou's contention is that mathematics proper seeks no such description but rather functions as a pure "access to the intelligible" (Ibid). Badiou concludes from this that mathematics offers the possibility of conceiving being as "not necessarily foreclosed to all proposition" (Ibid.). That is to say, through and on the basis of mathematics, we might understand the "[self-validating] act" (Ibid.) as being of a theoretical nature, that through the 'purified' realm of mathematics we can begin to conceive of thought and, crucially, the thought of being, without recourse to a subjective perspective or reliant on some exterior guarantor. It is such a rigorous and systematic, "a-subjective" (Ibid.) possibility of thought that anti-philosophy and religion, for Badiou, oppose. Religion, for Badiou, is characterised by the belief that "God's designs are impenetrable, and for this reason we can negotiate, to infinity, our being-in-the-world, interpret traces, and interpret the interpretations." Religious thought poses "the Inaccessible as Inaccessible, and so open[s] the way to an infinite hermeneutics, [this] is the religious position par excellence." (Badiou, private correspondence to Peter Hallward, quoted in Hallward, 2000: 28)

In his article, 'Demanding Approval: On The Ethics of Alain Badiou', Simon Critchley contends that "Badiou's ethics is an entirely formal theory, a grammar of ethical experience, and not a specific determination of the good" (Critchley, 2000: 21). It is, however, for Critchley, a purely formal ethics which relies upon a theory of the subject with "strong normative connotations" (Ibid.). As the subject, for Badiou, would not be something given or simply would not 'be' prior to its becoming as ethical, that is to say, as the subject, for Badiou, is coterminous with its own emergence as ethical, then the very possibility of subjectivity is reliant upon the experience of what Badiou terms 'the event.' It is this reliance on the event which for

Critchley indicates a problematic logic at the core of Badiou's ethics. As Critchley rightly points out, for Badiou only the subject called by and faithful to the event is in a position to recognise the event as a true event. Outwith such a position, the event remains "*invisible*" (Ibid.: 22). The event is only an event for the subject who makes the decision to declare itself in fidelity to that event or, as Critchley formulates it, "*the event is not the mere act of a subject, but it only becomes an event through a subjective act*" (Ibid.). Critchley's problem with this logic is that, for him, it appears to be circular.

The consequence of this argument is that *every* event is an ethical event. That is, every exception to the order of being belongs to the domain of practical rather than theoretical reason.

(Ibid.: 23)

This circularity, that every event is an ethical event, is not, for Critchley, a problem in itself. It is rather just the definition of the event as ethical. What renders Badiou's position problematic is the ascription of *truth* to the event. That is to say, for an event to be seen to be an event necessitates that it be experienced as a true event by the subject who is constituted in relation to it. It is thus, Critchley suggests, that every event can be understood as "the consequence of a decision to relate oneself to the situation in a certain way" (Ibid.). Referring to Badiou's *Saint Paul: The Foundation of Universalism*, Critchley suggests that such a decision of fidelity can be exemplified in the position of religious commitment, that is that, contra Badiou, religion can or should be understood as the pre-eminent condition of philosophy and the possibility of ethical action. What Critchley has in mind here is less a straightforward advocacy of a religious or pious position than a concession that religion, structurally, entails a pure commitment, a decision without appeal to argument or reason. If an event is only

an event for the subject who pledges itself in fidelity to that event, then, suggests Critchley, is not a position such as Saint Paul's in fact exemplary of the event? For Paul, the decision to commit to *the truth* of the event of Christ would be precisely the kind of truth of the event that Badiou sees as ethical. What, for Badiou, excludes religion from attaining such a position as a condition of philosophy is the impossibility of its premise, namely God. It is, as we have seen, mathematics, not religion, which Badiou posits as the fundamental condition of philosophical thought and, thus, of the possibility of the ethical.

In his response to Critchley's article Peter Hallward reproaches such readings of Badiou which ignore this fundamental position of mathematics in his thought. Such an omission, for Hallward, results in a misunderstanding of Badiou's argument, particularly here, his argument against religiosity, namely, that, as it can be shown irrefutably that the set of all sets is not a coherent possibility, then such an impossibility demonstrates the impossibility of God. God, clearly, here should be understood in the Abrahamic tradition's conception as the One, the single unifying, omni-entity.

What might perhaps give rise to confusion here is the temptation to run seamlessly together on the one hand the claim to have proved the non-existence of (a particular conception of) God and on the other hand the refusal of any "questioning confrontation with the 'inaccessible'" (Hallward, 2000: 28). That is to say, Badiou's anti-theistic move does not in itself account for the void, the interminable insistence of the inaccessible at the limit of any systematization. Mathematics may well announce the possibility of a discourse which does not entail a reliance on the

experience of an object, but it does not account for its own inaugural moment. This is a point of which Badiou is well aware. The adoption of mathematics as the foundation of (philosophical) thought is necessarily a decision, a decision which cannot, by definition, appeal to mathematics itself for guarantee nor, without destroying the primacy Badiou accords it, can it appeal to anything else;

since the brute facts of existence cannot settle the issue, the answer [to the question of being] must properly be a *decision*, rather than an investigation or perception. In the end, whatever is to be thought of as *pure* being as be-ing proves to be indistinguishable from the very be-ing of thought itself. As a general rule, 'to think being, being-as-being, requires the determination of the axioms of thought in general' [*Court traité d'ontologie transitoire*, 183], and there is no deriving this determination from the analysis of a faculty, or a nature, or an evolution. Or, in Badiou's terms, the discourse of ontology is itself a truth procedure, and like any truth procedure, it involves a fundamental choice that cannot be referred back to a more primitive objectivity.

(Hallward, 2003: 51-52)

This aspect of the debate between Critchley and Hallward may be understood to hinge then on how one chooses to define religion or religiosity. Critchley's point is clearly not to reinstate a belief in God as an omni-entity, it is rather that the confrontation with the inaccessible, the void, results in an inevitable decision, a decision which Badiou himself acknowledges cannot be made on the basis of any prior system, including mathematics. Such an insistence of the decision at the limits of thought has crucial implications for the formulation of an ethics.

In the first half of his *Ethics: An Essay on the Understanding of Evil*, Badiou presents a critique of what he terms "the 'ethics of the other'" (Badiou, 2001/1998a: 18), arguing that, philosophically, "the other doesn't matter" (Ibid.: 27), that "in the context of a system of thought that is both a-religious and genuinely contemporary with the truths of our time, the whole ethical predication based upon recognition of

the other should be purely and simply abandoned” (Ibid.: 25). In place of what we might thus term an ethics of the other, Badiou presents what he calls an “ethic of a truth” (Ibid.: 44).

As it is on the basis of a mathematics subsequent to the decision that Badiou formulates his ethics, it is clear that mathematics will function as its determining condition. There is, as we have seen, no possibility of a unifying One and thus there is, for Badiou, only endless multiplicity. This ‘truth’ allows Badiou to elucidate a conception of what he calls an *event*, the emergence of that which cannot be accounted for in the existent framework or system, that which “cannot be reduced to its ordinary inscription in ‘what there is’” (Ibid.: 41). It is in fidelity to the singularity of such an event that the ethical, for Badiou, would reside. Such a fidelity would have nothing to do with responsibility towards the other, it is, rather, strictly on the basis of mathematics that one can consider the event and the relation of fidelity possible towards it. Such a mathematical basis is that of consistency.

I shall call ‘truth’ (*a truth*) the real process of a fidelity to an event ... What I will call, in general, the ‘ethic of a truth’ is the principle that enables the continuation of a truth-process – or to be more precise and more complex, *that which lends consistency to the presence of some-one in the composition of the subject induced by this truth.*

(Ibid.: 44)

Importantly here, by ‘subject’ Badiou does not intend anything reducible to traditional psychological, reflexive or transcendental conceptions of subjectivity or human agency (Ibid.: 43). Rather the subject, for Badiou, is purely that which would be conditioned by the event itself. It is thus through participation in and through fidelity towards the event that the subject, in Badiou’s understanding of it, would emerge as a possibility at all. The subject so composed is ethical insofar as it remains consistent or

true to the irruption of the event. Examples of the event given by Badiou are the Cultural Revolution in China, Schoenberg's development of atonal music, Einstein's theory of special relativity and an amorous encounter. Thus, for example, fidelity to the 'event of Schoenberg' would necessitate remaining committed to and thus consistent with the break with neo-Romanticism inaugurated by his in(ter)vention (Ibid.: 42).

If, for Badiou, the only criterion available for an ethical act is that of consistency, so long as one is consistent in one's fidelity to the event, then one has acted ethically. In fact, it would seem that, as for Badiou there is only animal life outside the event, the subject is always ethical insofar as it has been brought into being on account of its participation in the event.

Such a conception of the subject as conditioned by the event suggests that there can, strictly, be no difference between the consistency of the event and the consistency of the subject conditioned by the event. The problem here is that an event cannot be considered from a position exterior to its own emergence. This leads some critics, like Critchley, to suggest that there is no available means to distinguish a true from a false event. Clearly, given the criterion of consistency, this is not strictly the case. A true event would be that which passes the test of consistency and the ethical subject that which has remained faithful to this consistency. It would seem here that it is not the case, for Badiou, that a subject could remain faithful to an inconsistent event insofar as the inconsistency of the event would not be commensurate with the process of conditioning a consistent subject.

Thus, Badiou is able to distinguish ‘events’ such as the emergence and rule of National Socialism as false events on the basis of their constitutional inconsistency. That is to say, the emergence and rule of National Socialism, in basing itself on the assumption of a positive entity, ‘the German people’, denies the necessary persistence of the void and assumes to achieve the totality of a One. Such an assumption can only be based on the double movement of an exclusion, that which will not be counted, and the denial or discounting of this exclusion. This inconsistency in the pseudo-event or, as Badiou terms it, *simulacrum*, determines that any fidelity towards it is itself bound to inconsistency as it cannot but repeat the exclusion and inconsistency of the event in relation to which it would purport to be faithful.

The problem with Badiou’s criterion of ethicality is that it does not adequately account for the decision through which it would be possible. That is to say, as Badiou himself does acknowledge, the very foundation of philosophical thinking which would allow the possibility of determining the consistency of the event and thus that which would allow the possibility of ethics cannot itself be accounted for within that system. If it could, then mathematics would necessarily institute itself as a totality, the possibility of which it would itself exclude, thus rendering mathematics, by its own criterion, a *simulacrum*. This is neither to dismiss Badiou’s thinking nor the considerable insights his prioritisation of mathematics affords. It is rather to suggest that his philosophy bears at its core an inadequate thinking of the decision and how this might impact on the ethical. Crucial here is the status or non-status Badiou affords the other. By excluding the other as a category of ethical experience, Badiou can be understood to have excluded the encounter with that which cannot be totalised, what we might, following Critchley, term “the otherness of a demand,” (Critchley, 2000:

17) a demand which cannot itself be accounted for in the terms of the mathematics upon which Badiou's system hinges.

Importantly, for Badiou, the event is to be embraced in terms of its singularity, that is, the fidelity which the subject constituted in and through the event would entertain towards this event is a fidelity toward its singularity insofar as the event cannot be reduced to or comprehended on the basis of existent knowledge. Badiou dismisses the other as a category of ethical experience because, as he sees it, the category of the other is predicated on the notion of a unity such that the other would be that which would be excluded from the totality of the self. Is not, however, contra Badiou, the other precisely one category, one manner of experiencing the singularity Badiou accords the event? If the other, the other human subject, cannot be thought with any adequacy, is this not because there is that in the other which would resist any attempt to think it as a whole? That is to say, the other as one would experience it can only be thought as a singularity, or, to use a Levinasian phrase, it can only be experienced in its unicity (Levinas, 1969/1961: 214 , 279). Such an encounter with the other, insofar as it is an encounter with that which cannot be totalised, insofar as it is an encounter with a singularity which cannot be thought on the basis of an already constituted knowledge, would be that which would be understood to precede any decision. That is to say, the decision which might be understood to be the fundamental condition of any ethical act, the decision without which ethics would be reduced to a heteronomy, the decision which cannot itself become the ground for a totality, which cannot be taken once and for all, is that which is demanded in the encounter with the other and it is precisely here that we might locate the possibility of the ethical.

It is perhaps significant that Badiou himself allows the figure of the other to re-emerge in his discussion of the amorous event, where the subject who would be constituted in fidelity to the event of love is “supported by the other” (Badiou, 2001/1998a: 25). Conjoined with this, it is, in Badiou’s estimation, the work of Jacques Lacan which is pre-eminent in “the order of love, of the thinking of what it conveys with respect to truths” (Badiou, 1999/1992: 81). It is my contention that the work of Jacques Lacan is here a more adequate resource for discerning an ethics. Such a thinking of ethics will also necessitate a rethinking of the subject, a rethinking which will posit the subject as the site of an ethical responsibility which does not rely on any supposition of an antecedent or sovereign good, a rethinking of the subject which accounts for the infinite of the inaccessible as that which exceeds any attempt of systematisation without recourse to an otherworldly sphere.

The emphasis in reading Lacan in this work will be on, without being exclusively restricted to, *Seminar VII, The Ethics of Psychoanalysis*. As is well documented, Lacan’s ideas developed greatly over the course of his work. Given this development it is plausible to suggest that *Seminar VII* is neither Lacan’s last nor most insightful word on the topic of ethics (as is suggested by Stavrakakis (2003) and Zupančič (2000)). Such an observation should not, however, encourage us to dismiss the work of *Seminar VII* on the assumption that it has been ‘overwritten’ by latter Lacan. Lacan testifies to the persisting relevance of the ideas worked out in this seminar when he comments some twelve years later that it is still the only one of his seminars that he would like to see published as a book (Lacan, 1999/1975: 53), although it should be acknowledged that he does also express a desire to rewrite the seminar rather than publish it verbatim. Given this wish to, at one and the same time, preserve and

amend the work of *Seminar VII*, it is my contention that the ideas expressed therein can and ought to be given a certain centrality in developing an understanding of Lacanian ethics without such centrality being taken as totalising. That is to say, while *Seminar VII* is certainly not Lacan's last word on ethics, it is central to any attempt to understand his ethics and should therefore be accorded such a position while being illuminated by the insights and developments of both earlier and later texts and seminars.

One particular contention which has arisen in recent years is the claim that the centrality of the concept of desire in *Seminar VII* is superseded in Lacan's later work by the concept of the drive. Such claims usually appeal to *Seminar XI, The Four Fundamental Concepts of Psychoanalysis* where Lacan describes the drive as in terms of what remains or is attained when one traverses the fantasy. While it is no doubt true that Lacan does develop the concept of the drive in his latter works in a manner which necessitates reviewing his notion of desire, it would be a mistake to assume from this that the significance of desire to Lacan's understanding of the subject is somehow replaced by the drive. It is rather, as Zupančič concedes, that the notion of the drive comes to supplement Lacan's conception of desire (Zupančič, 2000: 239). Already in *Seminar VII*, Lacan portrays desire as splitting, as divided between that which retains an object and that for which "there is no longer any object" (Ibid.: 249). Such a split in what, at the time of *Seminar VII*, falls exclusively under the term desire can be understood as an early adumbration of what will later be theorised as desire and the drive. The detection of the embryo of the notion of the drive, albeit under a different name, in *Seminar VII* and, crucially, the location there of its articulation with the concept of desire allows us to surmise something of the close relation between these

two concepts. As such, it remains the case that Lacan's thought, even in his later work, still very much attest to the centrality of desire to his thinking on ethics. The possibility of ethics arises through the difficult work of confronting desire and necessitates the naming of desire in the moment of judgement without which it is difficult to see in what sense an ethics would be an ethics at all. It is in this sense that, as will be shown with reference to Žižek in the final chapter of this work, that an ethics of the drive tumbles into obscurity. Both Žižek and Zupančič argue for a conception of ethics which would prioritise a certain (mis)reading of the Lacanian concept of 'the act'. Such a conception of the act relates to their conception of the drive insofar as the drive would be that which is attained beyond the fantasy and the act would be that in which the fantasy does not figure. Or, in Zupančič's words, "*In an act, there is no divided subject*" (2000: 255).

The subject of an act is not a divided subject – this is another way of saying that there is no subject or 'hero' of the act. It is only after 'her' act that Antigone [for example] finds a subjective position from which she can look back and say: 'There, this is it, this was my desire', or 'I am this (it)'.  
(Ibid.)

Contra Zupančič, it is precisely in the reinscription, in the naming of desire, the assumption of responsibility of cause of the desire that is in one that one can locate the possibility of ethics. Such a possibility of an ethics is precisely that with which Lacan furnishes us.

### iii. Overview

#### Chapter One

Any meaningful conception of ethics requires a dual notion of agency and recipient. That is to say, without someone *to do* something which might be considered ethical, it seems to make little sense to talk of ethics at all. If things merely happen, then they merely happen. They would not have what we might generally understand as ethical value. Similarly, there must be a conception of *something* for which things happen. Ethics perceived as occurring in a vacuum, would, just as ethics which merely happens, appear to have little sense. Even with the persistence of a notion of a substantial good, it would still make little sense to talk of actions as having any ethical import if there is no perceived agent or recipient of such actions.

Perhaps the commonsense response here would be to resort to the Cartesian notion of the self-knowing human individual, an individual who not only remains secure in their own self-knowledge but has, in addition, control over their actions and intentions. Descartes' subject is, however, less substantial than it might at first appear. Descartes may well show that the subject must be something because and so long as it is thinking, but without the appeal to God to guarantee the maintenance of this position, the subject can quickly be seen to evaporate. Descartes' claim to certain existence, however questionable it may be, only stands for the duration of that thinking, "for perhaps it could also come to pass that if I were to cease all thinking I would then utterly cease to exist" (Descartes, 1993/1641: 19). That is, it does not provide any substantiation of the subject between or beyond instances of thought. It is only with the appeal to God that the certainty of being, as opposed to thought, is accomplished.

it does not follow from the fact that I existed a short time ago that I must exist now, unless some cause, as it were, creates me all over again at this moment, that is to say, which preserves me. ... Therefore I must now ask myself whether I possess some power by which I can bring it about that I myself, who now exist, will also exist a little later on. For since I am nothing but a thinking thing – or at least since I am now dealing simply and precisely with that part of me which is a thinking thing – if such a power were in me, then I would certainly be aware of it. But I observe that there is no such power; and from this very fact I know most clearly that I depend upon some being other than myself.

(Ibid.: 33)

Without this appeal to God, or a higher, more perfect being, the cohesion of the Cartesian subject wanes. Rather than, on these grounds, rejecting the Cartesian discovery out of hand, we might, following the thought of Jacques Lacan, utilise this very ‘failing’, through the framework of Freudian psychoanalysis, in the development of a conception of subjectivity which is neither reducible to an atomistic self-certainty nor reliant on a conception of an authority beyond it. Chapter One will seek to present such an understanding of the Lacanian subject, an understanding which will suggest that the germ of a potential ethics is already embedded in the very assumption of subjectivity.

The presentation of the Lacanian subject undertaken here will emphasise the subject’s status as constitutionally divided between meaning and being, a division which points not only to the necessary instability and impermanence of the subject but also to the necessity of the subject’s being retroactively posited insofar as it can only be conceived on the basis of the very language which would render it other than and to itself. This divided or split status of the subject indicates a lack which gives rise to the desire for reparation or a return to the state of wholeness supposed to have preceded its division. It will be shown how such lack is experienced in the encounter

with what Lacan terms the Other, the radical alterity of language and law as they are experienced by each particular subject, that this Other is necessarily experienced as lacking too, and how the subject safeguards against both these lacks through the function of fantasy. As fantasy entails the positing of the subject in relation to an object supposed to be the solution and cause of desire, but an object which is necessarily never the 'true' cause of desire, it will be shown that it is only by traversing the fantasy, that is, by assuming itself as the cause of its desire, that the subject can come to assume a position of autonomy and responsibility.

That is to say, the Lacanian subject, in its division, is faced with the paradox of assuming itself in such a way that this assumption does not pretend to a totalising whole but rather arises momentarily as a response to that which exceeds comprehension. It is through such an assumption that this conception of the subject can be understood to resolve the impossibility of the groundless agency, which we can understand to be operative in the Cartesian tradition, without resorting to another impossible ground. Such a position is, however, interminably fragile and thus the assumption must be made again and again. In this sense, rather than conceive of the subject as a fixed entity, we should understand it as coterminous with its own assumption.

If the subject is coterminous with its own assumption, then any ethics which would pertain to the subject cannot be such that it relies on any ground beyond the subject. In terms of the subject's ethical potential, this impossibility of any exterior ground or guarantor can be understood to locate the burden of any potential ethics with, rather than transcendent with regard to, the subject. The assumption of a position of

subjectivity thus can be seen to entail an absolute responsibility which would be indicative of the moment of the ethical. Such a moment is, however, necessarily of an ethics without a prescribed notion of the Good, an ethics without recourse to a moral code or law which would prescribe the ‘right way’.

## **Chapter Two**

The constitution of the subject examined in the first chapter and, particularly, the centrality of desire to such a conception of the subject, will allow us to examine in Chapter Two the significance of Lacan’s statement that “the only thing of which one can be guilty is of having given ground relative to one’s desire” (Lacan, 1992/1986: 319). The chapter will present different interpretations of this statement with a view to showing that Lacan’s phrase can neither be reduced to an imperative to simply pursue one’s inclinations nor to a description of the psychological functioning of guilt, but requires a thinking of guilt in relation to judgement which exceeds the machinations of the super-ego. This interpretation will be explicated through a reading of Freud’s discussion of the mechanism of the super-ego from *Civilization and Its Discontents*. It will be shown how Lacan, on the basis of his reading of Freud, allows us to develop an understanding of the relation between desire and the law. Through reading St. Paul with Freud, Lacan develops a conception of the law which does not depend on a religious grounding or the assumption of a divine authority but, rather, locates the law precisely with the possibility of human community and as essential to the psychological economy of the subject. The relationship of the subject to the law can then be shown

to be such that it is neither reducible to nor separable from the subject, that the law is always experienced as particular by the particular subject who encounters it.

The foregoing discussion of the subject in relation to the law will allow us to revisit Lacan's statement concerning not ceding on one's desire and, crucially, to restore the necessary emphasis on the singularity of desire indicated therein. This will allow us to reassert the vital role of judgement in Lacan's conception of the ethical. Such judgement, as there can be no appeal to any exterior or higher authority, can only be undertaken by the subject without appeal to an ultimate basis outwith the subject. As, however, neither judgement nor the subject itself can be conceived without recourse to the symbolic order, any such judgement must part-take of a reinscription in the symbolic order. This necessity of reinscription in turn necessitates that the moment of the ethical be revisited, that no ethical decision can be instituted once and for all.

### **Chapter Three**

In the third chapter the ramifications of the foregoing explication of the subject and the ethical will be developed in consideration of the question the other. As will have been shown in the previous chapters, it is only in its emergence in the field of language that the subject arises as a possibility at all and, conjoined with this, only through encounter with the Other's desire that the subject comes to experience itself as desiring. As the other would be a site of such an encounter, it can thus be seen that the subject is always already bound in a relationship with others. This chapter will consider the implications and complexity of this relationship and how it in turn

impacts on the conception of ethics developed previously. In this context, the chapter will examine Freud's discussion of the biblical directive to 'love one's neighbour', and Lacan's reading of Freud's discussion, emphasising the significance of the latter's notion of misrecognition and the failure of any attempt to recuperate the other in a process of identification. This logic of (mis)identification and its limitations will be illustrated through a reading of Hegel's master-slave dialect from the *Phenomenology of Mind* to show the necessary intertwining of identification with and of the other and the process of self-identification on the basis of (mis)recognition of the other. It will be shown how in any process of identification there is always something which exceeds recuperation to identity. This something Lacan terms *das Ding*, a concept he develops through a reading of a passage of Freud's *A Project for a Scientific Psychology* to show that there persists that in the other which is absolutely other, that which can be recuperated neither to thought nor to identification. This logic of *das Ding* as the excess in regard to identification and how this relates to the constitution of the subject in relation to the other will be further developed and illustrated through an examination of Lacan's discussions of the poetry of courtly love and Freud's case study of Dora. Subsequently, through reference to Lacan's discussion of the legend of Saint Martin, it will be shown that *das Ding* is indicative of *jouissance* and, moreover, as there is no possibility of recuperating such *jouissance* to the symbolic order, that there is no possibility of distinguishing that which might otherwise be understood as the other's *jouissance* from the subject's *jouissance*. That is to say, through objectifying the other, reducing the other to a fantasy object, the subject effectively excludes the possibility of *jouissance*.

On the basis of these insights, the chapter will return to the directive to ‘love one’s neighbour’ and critically contrast Freud’s reaction to this injunction with Kierkegaard’s advocacy of non-preferential love from his *Works of Love*. Against both Freud’s rejection of love for one’s neighbour as abhorrent and Žižek’s critique of Kierkegaard, it will be shown that by reading Kierkegaard with Lacan we can develop a thinking of the encounter with the other which emphasises both the necessity of misrecognition and the persistence of that which would exceed misrecognition. This possibility will be further illustrated through a critical reading of Husserl’s *Cartesian Meditations* to show the impossibility of either reducing the other to the self or the self to the other. Such a reading will highlight the retroactive logic and the importance of the subjective perspective entailed in the encounter with the other and the process of identification, thus indicating once again the significance of the subject’s assumption of responsibility and the relation of ethics to the other. This will be further developed through consideration of Alain Badiou’s critique of Levinas from *Ethics: An Essay on the Understanding of Evil*. The reading of this confrontation will situate Lacan as a mediator between Levinas and Badiou in order to develop an understanding of the encounter with the other which necessitates neither positing the other as a transcendental figure nor rejecting the other as an ethical category but rather demonstrates that the encounter with the other entails an encounter with the infinite which cannot be reduced to comprehension. That is, that the other, rather than being dismissed from consideration in ethics can be seen to be the very site of the demand of the ethical.

The chapter will conclude that, as both the other’s good and the good of the subject are beyond comprehension, and thus there is no possibility of attaining a generalised

conception of the good, any ethics which would purport to institute a substantial content or body of directives not only fails to encapsulate that which it would purport to deliver but, crucially, fails to account for the moment of the subjective encounter with such content or directives. In this light, even Freud's 'common-sense' notion of preferential love will be shown to be inadequate insofar as it promotes a norm which it cannot itself substantiate or account for, a norm which is itself merely based on a process of misidentification. Beyond such a logic of misidentification, it will be argued that the subject must assume a position which entails responsibility for and as its own cause and, crucially, for its conception of the other and the impossibility of such a conception ever being adequate to the other. Thought in such a way, we can agree with Badiou's critique of what he terms the 'culture of difference' not because, as Badiou claims, it posits difference where in fact there is only the 'same' proliferation of the multiple but rather because it necessarily involves objectifying the other and thus fails to account for their singularity or unicity.

#### **Chapter Four**

In the final chapter, drawing on the work of Yannis Stavrakakis, the considerations of the previous chapters will be brought to bear on the field of the political. As neither can the ethical be reduced to the law nor the law to ethics, but rather the possibility of the ethical arises in and as the subjective response to the law and, as such law can never account for the infinite, can never, that is, attain perfection or guarantee the stability of the social, insofar as it can neither account for its own legitimacy nor account for the response it demands, it will be shown that this structural lack in the

law itself is indicative of the impossible venture of utopia, the impossibility of the law satisfying those who would be subject to its rule. Coupled with this, as the subject is such that it would not arise at all without the possibility of the social field, it will be shown that the political is only possible on the basis of a logic of impermanence. This logic and necessity of impermanence will be examined through a reading of the European Convention on Human Rights to indicate the structural failure of such a document, a structural failure which is inherent not only to that particular document but to any attempt to inscribe law or rights on a universal and permanent basis.

Against the totalising tendency of utopic projects, the chapter will present an interpretation of Claude Lefort's conception of democracy as the condition of acceptance of a constitutional, symbolic lack. Such a conception, it will be argued, necessitates a thinking of democracy not as a system but rather as a condition, a condition which can only manifest for and be embraced by the subject. That is to say, as no institution can attain any certainty, the 'promise' of democracy can only be maintained as a promise and any institution pretending to democracy thus demands constant interrogation. While such a conception bears a resemblance to Derrida's notion of *démocratie à venir*, what will be emphasised here is the significance of the subject in any such conception and the pivotal role of responsibility assumed by the subject in terms of what might be accepted, tolerated, rejected or invented. Crucially here, it will be argued that, as the subject cannot be thought outwith the symbolic order, any subjective intervention is necessarily such that it must account for and be reinscribed in the symbolic order. This necessity of reinscription will be considered in a response to Badiou's advocacy of a strategy of non-participation in governmental politics to show that any such strategy is itself vulnerable to the same critique applied

earlier to the law. That is to say, no strategy can itself account either for its own legitimacy or for the subjective response it would demand. This point will be further developed with reference to Žižek's reading of *Antigone* and, particularly, his misappropriation of the Lacanian concept of the 'act' as a revolutionary 'ethical' intervention. Against Žižek, it will be shown that the act is not an absolute intervention which arises outwith the subject's control and disrupts absolutely the symbolic order, but rather that the act is or can be ethical precisely in the sense developed in the previous chapters.

The act, in this understanding, would require of the subject not only a decision to act but also the reinscription or articulation of this decision, such articulation only being possible in the terms of the, necessarily reconfigured, symbolic order. Such an understanding of the act serves to emphasise both the significance of responsibility and the impossibility of ethical permanence, that is, the necessity of returning to one's 'inscription' and deciding again. Following Marc de Kessel (2002), this crucial aspect of the ethical will be developed to show that, from a Lacanian perspective, there can be no such thing as an ethical example and thus the ethical act is always and necessarily singular or unique. This perspective will be illustrated through consideration of Lacan's own reading of *Antigone*, a reading which characterises both the play and the character as examples of the beautiful, not as examples of the ethical. What Lacan here terms the beautiful will be shown to be indicative of that which exceeds comprehension, which is to say, that which allows the movement of desire and requires that the subject respond and assume responsibility for such a response.

This emphasis on the singularity of the subject's response and the impossibility of adequate prescription will be shown to lead to the conclusion that no political structure or decree can ever be ethical as such but that the onus of responsibility in matters political resides irrefusably with the subject. As such there is and can be no justification for the delimitation of others and others' rights and no inclusion which is ever adequate to the infinity of subjective experience. This suggests that ethics entails a demand to democratise, a demand to review and to rectify, a demand which can never be met but which must rather persist and be revisited and taken up again and again. The conception of subjectivity, ethics and politics developed through the thesis thus allows us to think the centrality of the subject and subjective responsibility to the field of the political and thus situate the onus of and potential for political intervention uniquely with each individual without recourse to a position of impuissance or the imputation of responsibility elsewhere.

### **Theoretical Resources**

As indicated above, the thesis draws mainly on the work of Jacques Lacan, supplemented by readings of Freud and considering the works of other authors particular to aspects of the argument. The understanding of subjectivity I develop from Lacan draws on Descartes meditations and Lacan's reading of them. The notion of ethics I present relies largely on readings of Lacan's *The Ethics of Psychoanalysis* and Freud's *Civilization and Its Discontents*, utilising, in addition, readings from Aristotle and Hume. The argument I present concerning the relation with the other draws on readings of Lacan, Hegel, Freud, Kierkegaard, Žižek, Husserl, Levinas and Badiou. The consideration of the notion of democracy as it would relate to ethics draws on Lacan, Lefort, Žižek, Badiou and Derrida. Throughout the thesis, I have drawn upon the works of Žižek, Fink, Stavrakakis, Critchley, Johnston and others.