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Ellie Ragland

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Lacan and the Subject of Law: Sexuation and Discourse in the Mapping of *Subject* Positions That Give the Ur-Form of Law

Ellie Ragland*

In 1972 and 1973, Jacques Lacan gave the *Seminar* he entitled *Encore*.¹ In Chapter 7 of *Encore*, "A Love Letter,"² he offered an interpretation of Freud's *Totem and Taboo*³ that is essentially an original theory of the foundation of law. By reinterpreting Freud's development of the Oedipus myth as the founding *myth* that explains the derivation of law, Lacan offers a *structural* logic to explain his theory in light of Freud's *fable* of the primal hoard in *Totem and Taboo*. Working since the 1950s to understand the differences between metaphor and metonymy, Lacan reconceptualized the Oedipus complex as a paternal *metaphor* derived from the subject's experiences of castration and the phallus.⁴ By arguing that metaphor functions by predictable laws and that myth has structure as well, Lacan demonstrated in *Seminar XX* that myth has an ordering that guarantees a certain predictability. *Myth*, says Lacan, gives epic form to that which works from *structure*. He defines this *structure* in *Seminar XX* as the Borromean triadic unit of the *real*, *symbolic*, and *imaginary*.⁵ A fourth order, the order of the *Symptom* or

* Class of 1962 Alumni Professor of Romance Languages (French) and Comparative Literatures (English). B.A., Michigan State University, 1963; M.A., University of Michigan, 1967; Ph.D., University of Michigan, 1972. This Article is based on an address presented at the Washington and Lee School of Law on March 28, 1997, in connection with the *Lacan and the Subject of Law* Symposium.

1. JACQUES LACAN, *LE SÉMINAIRE DE JACQUES LACAN, LIVRE XX: ENCORE*, 1972-1973 (Jacques-Alain Miller ed., 1975).

2. *See id.* at 73; Jacques Lacan, *A Love Letter*, in *FEMININE SEXUALITY: JACQUES LACAN AND THE ÉCOLE FREUDIENNE* 149 (Juliet Mitchell & Jacqueline Rose eds., Jacqueline Rose trans., 1982) (English translation).

3. 13 SIGMUND FREUD, *Totem and Taboo*, in *THE STANDARD EDITION OF THE COMPLETE PSYCHOLOGICAL WORKS OF SIGMUND FREUD 1* (James Strachey et al. eds. & trans., 1955) [hereinafter *THE STANDARD EDITION*].

4. *See* JACQUES LACAN, *On a question preliminary to any possible treatment of psychosis*, in *ÉCRITS: A SELECTION* 179, 199-200 (Jacques-Alain Miller ed. & Alan Sheridan trans., 1977) (1966).

5. *See* LACAN, *supra* note 1, at 14.

sinthome, knots the other three units of associational meaning into a necklace of *mind/memory* made of thousands and thousands of such *connexions*.⁶

This Article will seek to establish that cultural law has the same roots as individual desire. This paradox lies at the heart of the minimal requisites necessary to maintain the "social link" Lacan recognized as present when language is used to negotiate a lack-in-being. Therefore, for Lacan, "*discourse*" is not commensurate with conversation, communication, speech, or intersubjective language exchanges. Rather, *discourse makes a social link* insofar as the agent of speech addresses the other from a *place* of lack. Lacan did not envision the *other* as other person, but as representative of something. Thus, the *other* occupies a *place* in language that Lacan defined as having quantifiable dimensions at the level of meaning something for someone.

In the master discourse, the one seeking confirmation of his or her knowledge (S_1) addresses the other as the-one-who-knows, *the supposed subject of knowledge* (S_2). The simple supposition that the other's knowledge confirms or guarantees your being is not necessarily commensurable with the grammatical usage of "I" and "you." It is, rather, the castration or lack-in-being of the subject of desire that Lacan stressed. In the academic discourse, the professor addresses the *cause* of the student's desire (a), seeking to transmit knowledge by evoking interest. The hysteric speaks to the other, not so much as a guarantee of his or her own knowledge, but as an embodiment of law or authority (S_1). Finally, in her discourse, the analyst addresses the analysand's lack of knowledge about his or her desire ($\$$) in reference to his or her identity as symbolized by a few master signifiers (S_1).⁷

Lacan's other theories implicitly propose that one must *symbolize* a minimal number of places — eight, to be precise — in order to make "a social link." This assertion makes sense if one accepts linguist and logician Charles Pyle's premise that: (1) most individuals in a group have symbolized mother, father, self, and a fourth position that Lacan called *dummy* at bridge; and (2) the psychotic subject has not symbolized the position of the father. At the simplest level, one could define the *dummy* position as the awareness

6. See Jacques Lacan, *Le sinthome, Séminaire du 18 Novembre 1975*, in JOYCE AVEC LACAN 36, 37-48 (1987).

7. See LACAN, *supra* note 1, at 21. In Chapter 2 entitled "À Jakobson," Lacan indicates:

<u>the agent</u>	<u>the other</u>
the truth	the production

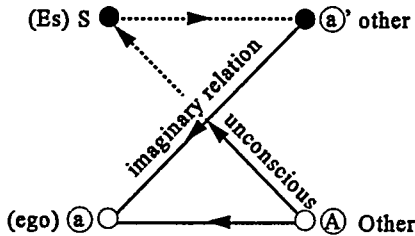
Id. The terms are: S_1 , the master signifier; S_2 , knowledge; $\$$, the subject; and a , the excess or surplus value in *jouissance*. See *id.*; Jacques Lacan, *On Jakobson*, reprinted in 1 GRADIVA 152, 152-60 (Louise Vasvari Fainberg trans., 1977).

that at the place of the *other*, one symbolizes something other than the common terms of one's *own* narcissistic identifications with the first figures of one's base family unit; it is also a question of to what one's desire is referred.⁸

Long before he formalized his discourse theory in *Seminar XX*, Lacan had schematized the individual speaking subject in *Seminar II* by using the Schema L, a quadrature of four places. In Schema L, Lacan argued that the speaking subject is stretched over these four places rather than *being* a unity or unitary self.⁹ He named those places: (1) the *Other*, which means both the world of language and images an infant is born into, as well as the world *outside* the infant's own biological organism;¹⁰ (2) the *Ideal ego*, an unconscious formation made up of identifications with others who give the Ur-model or *form* of the traits that individuals later seek in *ego ideals* in an

8. Charles Pyle, *Lacan's Theory of Language*, in PROVING LACAN: PSYCHOANALYSIS AND THE FORCE OF EVIDENTIARY KNOWLEDGE (forthcoming 1998) (manuscript at 71, on file with author).

9. See JACQUES LACAN, THE SEMINAR OF JACQUES LACAN, BOOK II: THE EGO IN FREUD'S THEORY AND IN THE TECHNIQUE OF PSYCHOANALYSIS, 1954-1955, at 243 (Jacques-Alain Miller ed., Sylvana Tomaselli trans., 1988). Lacan structured the Schema L as:



Id.; cf. 18 SIGMUND FREUD, *Beyond the Pleasure Principle*, in THE STANDARD EDITION, *supra* note 3, at 7; ELLIE RAGLAND-SULLIVAN, JACQUES LACAN AND THE PHILOSOPHY OF PSYCHOANALYSIS 313 n.4 (1986).

10. Lacan emphasized the uniqueness of each subject's *particular* signifying associations taken from the Other — *birth* into the Other — in his development of a fourth order of the knot. Cf. ROSINE LEFORT & ROBERT LEFORT, BIRTH OF THE OTHER 7, 265-77 (Marc du Ry et al. eds., 1994). Lacan presents the knot as a dimension in language which has the metaphorical structure of a symptom insofar as the *structurations* of desire — normative, neurotic, perverse, psychotic — are signifieds that refer to the constructing (or not) of the Father's Name as a signifier for the first experiences that constitute *the law* for a subject (which Freud attributed to an impersonal superego agency). That is, the metaphorical substitution of father for mother creates the experience of *difference as an abstraction* which Lacan called the phallic signifier. The *phallic signifier* is not only the base form of the law. It also underlies the possibility of a person's making discriminatory judgments or thinking dialectically.

In its French medieval spelling as *sinthome*, the knot has the metonymic structure of the repressed desire of each subject.

effort to repeat the first experiences of images, words and drive affects; (3) *ego ideals*, or the place of the *other*, where intra-subjectivity first enters human relations as a contradictory relation that points from one to another *within* an individual's own language; (4) the *speaking subject* (*Es/S/\$*) which is formed both retroactively in time and inversely in space from the *Other* on the *symbolic* axis; and (5) the *Ideal ego* on the *imaginary* axis. The speaking subject does not *acquire speech* directly from grammatical language or from others in the container/contained imaginary model of learning advanced by contemporary learning theories. Rather, he or she only *perceives* or *thinks* at all through a continually dynamic process wherein socio-conventional language is transformed in the experience of identification with others. This process follows the laws of the *language* functions of metonymy and metaphor. Lacan placed the *cause* of desire in metonymy, while metaphor uses substitutions of sound for sound, word for word, image for word, object for object, and so on, to make *meaning*.

There is, then, no direct one-to-one, robot-like repetitive learning of the words of the world as linguist Benjamin Whorf once suggested.¹¹ Nor is this learning reducible to silent inner speech as Lev S. Vygotsky maintained.¹² An understanding of Lacan's theory of language also obviates much *feminist* misunderstanding of his work, as typified by arguments such as those advanced by philosopher Nancy Fraser. Fraser designates Lacan's thought as "Lacanianism," and she mistakenly writes that Lacan put forth a single symbolic discourse agency or system that ignores both the social and the pluralities of subjectivity.¹³

Although grammar expresses conventional language of the symbolic, grammatical language is not commensurable with discourse in Lacanian theory. Lacan's theory is quite different, then, from Foucault's conflation of discourse with a given social language. But what does a theory of discourse, defined as something apart from grammatical language, have to do with the foundations of law? Lacan proposed that his discourse unit constitutes a skeletal structure to the social itself in any historical moment or place.

11. See John B. Carroll, *Introduction* to BENJAMIN LEE WHORF, LANGUAGE, THOUGHT, AND REALITY: SELECTED WRITINGS OF BENJAMIN LEE WHORF 1, 27 (John B. Carroll ed., 1956) [hereinafter SELECTED WRITINGS]; BENJAMIN LEE WHORF, *Grammatical Categories*, in SELECTED WRITINGS, *supra*, at 87, 100; BENJAMIN LEE WHORF, *Language, Mind, and Reality*, in SELECTED WRITINGS, *supra*, at 246, 259.

12. See Lev Vygotsky, *The Problem of the Cultural Development of the Child*, in THE VYGOTSKY READER 57, 67-69 (René van der Veer & Jaan Valsiner eds., 1994); LEV VYGOTSKY, UNDERSTANDING VYGOTSKY: A QUEST FOR SYNTHESIS 266-71 (René van der Veer & Jaan Valsiner eds., 1991).

13. See NANCY FRASER, JUSTICE INTERRUPTUS: CRITICAL REFLECTIONS ON THE "POSTSOCIALIST" CONDITION 159-70 (1989).

This invokes a (near) universal picture of knowledge as that which organizes a few minimal necessities in myriad patterns. Lacan's argument develops by reference to three basic human experiences around which individuals organize institutions: love, desire, and the incest taboo. Therefore, the terms of a local universal *symbolic* language are only content-specific insofar as they elaborate and develop these basic structures of being. Knowledge arises, at first, in order to continually fill up a lack-in-being created by the psychic separation of infant and mother with substitute "objects" of desire. Further, because any encounter with the *lack* is unpleasant if not unbearable, identifications quickly solidify into fixations (that Lacan called *fixions*, punning on *fictions*) that produce a point of *more than enjoyment*, or a surplus value within enjoyment or satisfaction.

The *repetitions* of self or identity that Lacan identified as a master signifier (S_1) lie "beyond the pleasure principle" and place a limit point in being and language that blocks individual and social change, making the master signifier a rigid designator of narcissistic *jouissance*. By discovering that psychotic language is a mental state of *being* inside language but outside the *law* of the taboo, Lacan came to the understanding that *language* functions differently from *discourse*. The psychotic is *in* language but not under the law of the phallic signifier. Thus, the psychotic subject is oriented towards language on the slope of metonymy rather than on the language slope of substitutive metaphor.¹⁴

Lacan's distinction here is an original contribution to our understanding of how the mind/language works. In advancing his theory of how psychosis functions *in language*, he goes beyond behavioral descriptions of the psychoses and gets out of the impasses of theories which attribute the cause of psychosis to brain dysfunction or loss of reality. By demonstrating that a speaking subject *can* function by *a certain rational logic* within language and within the social realm and, yet, have a different relationship to the lack-in-being than do most subjects, he unveils a viable way of functioning *in* language and within a social group that does not take the lack-in-being *as referent*. If, then, one takes the lack-in-being as the basis of dialectical thought, the capacity for such a manner of mind would not be, as it was for Hegel, a dynamic movement of thesis/antithesis/sublation. Instead, from Lacan's perspective, dialectical thinking would be an equivalent of a *dynamic* movement of thought in grammatical language. Individuals use language, taken here to mean *thought*, for the concrete purpose of filling in the lack-in-being that responds to the desires first constituted by an infant's

14. See JACQUES LACAN, LE SÉMINAIRE DE JACQUES LACAN, LIVRE III: LES PSYCHOSES, 1955-1956, at 233, 243 (Jacques-Alain Miller ed., 1981). See generally JACQUES LACAN, DE LA PSYCHOS PARANOÏAQUE DANS SES RAPPORTS AVEC LA PERSONNALITÉ (Seuil 1975) (1932).

symbolization of its body. Thus, the body is *imaginarily* constructed in reference to a *dynamic* of having and losing "objects" of satisfaction. Lacan proposes, then, that the earliest *forms* of thought *refer* to the unary traits or concrete details retained at the moment of the loss of the objects that *caused* the first desires: The primordial shape of thought comes from corporal identifications bound to a void.

Borrowing the concept of *separation* from symbolic logic to argue that separation occurs at the same time as *alienation*,¹⁵ Lacan asserts that an infant's first experience of the law symbolizes the father's sexual interest in the mother as an interdiction placed on the child's *own jouissance* of oneness with the mother. This means that the infant symbolizes (or not) as a first form of law, the interference of the real father — in an image or figure of a father — who shows his desire for the mother as an implicit "no" to a symbiotic oneness in identification with her. Lacan argues that this *experience* of loss of identification is a castration by the Father's "no." It produces as a referent a paradoxical third effect, the experience of castration that arises as a structuration of desire in response to the phallic signifier, taken as an injunction to difference (Φ).

Lacan's concept is of the phallic signifier as a third term effect that arises from the mother/father/infant triad at the point where the infant is the phallus in the couple (i.e., an object of desire for each parent). This quite clearly does not intend that the "phallic" signifier means the representation of the male sexual organ. Contrary to the *imaginary* phallus that is an object-*cause*-of-desire and, as such, a non-dialectical object (*a*), a limit point of the absolute, the phallic signifier points to a dialectical movement of identification between the mother and father on the part of the infant. Thus, the phallic signifier points to the effect of prohibition which gives rise to a lack-in-being whose inverse is the subject of desire. The imposition of a "no" to oneness with the mother places a bar of division upon the infant's elemental thinking processes by dividing them into two kinds of knowledge: (1) the narcissistic knowledge of the imaginary ego and (2) the knowledge of desire that refers itself to the Father's Name. Therefore, the Lacanian *subject* differs quite radically from the "self" of Foucauldian "self-fashioning." The Lacanian *subject* is constituted primordially and within a negativity that gives the lie to the social myths of free will and freedom of choice which individuals generally use to represent their experience to themselves. Perhaps the freedoms of choice that remain open are all the more important given that so much is determined as a limit concomitant with the ego in the

15. See generally Bruce Fink, *Alienation and Separation: Logical Moments of Lacan's Dialectic of Desire*, 4 NEWSL. FREUDIAN FIELD 78 (1990). Cf. JACQUES LACAN, THE FOUR FUNDAMENTAL CONCEPTS OF PSYCHO-ANALYSIS 211-16 (Jacques-Alain Miller ed., Alan Sheridan trans., 1978).

laying down of primordial signifying networks from which the subject is henceforth appended.

Long before the infant interprets the sexual difference in the Oedipal tailoring of identity to sexuality and biological gender that Lacan called the paternal metaphor, she has begun to structure the *different types of meaning* of the world of signs within a logic of cuts.¹⁶ Insofar as forms and images first captivate an infant, the first cut is between the image of an object and the wrenching experience of losing that object. This experience of loss might be described as the cut an infant experiences between the image or sense of having a thing that fulfills through a seeming oneness of consistency, and the rupture of that imaginary consistency which introduces division and conflict into being. It gives rise to the second order of the real whose residual traces or introjects Freud described as unary traits or *Einzeiger Zügen*. Peirce called these traits the mark. Such traits of identification with an *imaginary* or real partial object — whether a breast, a gaze, a voice, a phoneme, a urinary flow, a phallus, the feces, or a nothing — retain properties of the positive object, as well as affective reminiscences of the experience of loss. They enter thought as enigmas and impasses. We have words like "separation anxiety," melancholy, normal mourning, depression, and others to describe the negative encounters with loss that Lacan locates as a void *place* in being that enters language as the "sense" of a meaning.

The cut or break with the imaginary traits that constitutes an ordering of the real is a *type* of disjunction that Charles Pyle has described as having the character of brute fact.¹⁷ This description is consonant with Lacan's interpretation of Freud's theory of conflict as a category where the *real* of contradiction operates logically *in* language.¹⁸ Lacan placed the negative experience of an encounter with the void in the areas of overlap between *imaginary* form and the real experience of trauma or displeasure *qua* loss. Loss of the semblances that *seem* to structure one's universe, albeit as illusions or false facades, produces an encounter with the *real* of anxiety itself (\emptyset).¹⁹ Although Lacan described the *object* of anxiety as the void, one

16. See 1 CHARLES SANDERS PEIRCE, *On a New List of Categories*, in COLLECTED PAPERS OF CHARLES SANDERS PEIRCE 287, 292-93 (Charles Hartshorne & Paul Weiss eds., 1960) (1931); 1 CHARLES SANDERS PEIRCE, *Three Principle Senses in which Comprehension and Extension Will Be Taken in this Paper*, in COLLECTED PAPERS OF CHARLES SANDERS PEIRCE 248, 252 (Charles Hartshorne & Paul Weiss eds., 1960) (1931).

17. See Charles Pyle, *Natural Logic and the Law of Markedness* § 2.2 (Sept. 25, 1989) (unpublished manuscript, on file with author).

18. See Ellie Ragland, *An Overview of the Real, with Examples from Seminar I*, in READING SEMINARS I AND II: LACAN'S RETURN TO FREUD 192, 194 (Richard Feldstein et al. eds., 1996).

19. See Jacques Lacan, *L'Angoisse*, Séminaire du Janvier 1963, at 125, 127 (Jan. 23,

can also attribute a referent to anxiety. Freud made the concept of *castration anxiety* famous and developed it at length in his "Little Hans Case,"²⁰ in which he argues that Hans's father is not enough of an interdicting force to calm his own anxieties about his sexual difference from his mother.²¹

By recasting Freud in Lacanian terms, one can assert that if the imaginary father is not an adequate force of law, bringing about symbolic castration, then the real father functions as pure anxiety in the other/Other. In Lacan's topological terms, a loss of *imaginary semblants* that perforates the consistency of identifications which normally give a stability and unity to conscious life produces the real of anxiety. In the terms of Lacan's rethinking of object relations theories, the real father who sets himself up as an obscene law where *jouissance* reigns supreme becomes an imaginary figure of tyranny whose effect on the "object relation" is that of a real privation.²² Examples of such horrors abound in political life, as well as in daily newspapers. In psychoanalytic literature, Judge Daniel Paul Schreber's father is a famous example. He undertook to be a "real" father of the law and, to that end, put his son in a torture chamber chair to force him to learn.²³ The recent Australian film *Shine*²⁴ depicts the same kind of father. David Helfgott's father, determined to make a concert pianist of his son, tortured him into psychosis (i.e., into foreclosing him as a principle of law).²⁵

The first experience that an infant has of the *law* is the stabilization and orientation of the *real* by a *symbol* taken from the Other. In that the infant takes the symbol to be *the thing itself*, the symbol functions for her as what Lacan called an S_1 , or master signifier. This signifier names things from its position in the *symbolic* order of thirdness. Indeed, the practice and ritual of symbolic naming covers over the raw anxiety produced by the real.

1963) (unpublished transcript, on file with author); Jacques Lacan, L'Angoisse, Séminaire du 13 Mars 1963, at 215, 218-19 (Mar. 13, 1963) (unpublished transcript, on file with author).

20. 10 SIGMUND FREUD, *Analysis of a Phobia in a Five-Year-Old Boy*, in THE STANDARD EDITION, *supra* note 3, at 5.

21. *See id.*; cf. Vicente Palomera, *The Paternal Function and Little Hans' Phobia*, 6 NEWSL. FREUDIAN FIELD 49, 49-61 (1992).

22. *See* JACQUES LACAN, LE SÉMINAIRE DE JACQUES LACAN, LIVRE IV: LA RELATION D'OBJET, 1956-1957, at 269 (Jacques-Alain Miller ed., 1994).

23. *See* Ida Macalpine & Richard A. Hunter, *Translators' Introduction* to DANIEL PAUL SCHREBER, MEMOIRS OF MY NERVOUS ILLNESS I, I (Ida Macalpine & Richard A. Hunter eds. & trans., 1988); Samuel M. Weber, *Introduction to the 1988 Edition* (Benjamin Gragg trans.) of DANIEL PAUL SCHREBER, MEMOIRS OF MY NERVOUS ILLNESS vii, vii-ix (Ida Macalpine & Richard A. Hunter eds. & trans., 1988) (1955); *see also* 12 SIGMUND FREUD, *Psycho-Analytic Notes on an Autobiographical Account of a Case of Paranoia (Dementia Paranoides)*, in THE STANDARD EDITION, *supra* note 3, at 9.

24. SHINE (Australian Film Corporation & Film Victoria 1996).

25. *See id.*

Lacan emphasized the phenomenon of our naming both experiences and things. Likewise, we name the effects produced by encounters with the real of loss or trauma, mourning, melancholia, a kick in the gut, and so on. We also name the emotions connected with imaginary identifications, such as jealousy, aggressivity, or narcissistic selfishness. The *symbolic* comforts by covering over the real of *affect*. One could even consider naming it as the realm that negotiates *affect* precisely because it offers the safety and comfort of distance from the *real*. Moreover, insofar as language represents the unsaid or unrepresentable, the symbolic seems to be reality. In representing the affective disturbances of the *real* whose terms are those of conflict, tension, and disjunction, the *symbolic* order functions at one remove from the real, placing a mask of *alienation* over this order which Lacan described as the *impossible to bear*, the place of non-being.

One can better understand the distinctions Lacan made between his orders by situating them historically. Such an endeavor also permits us to acknowledge the degree to which he borrowed from several disciplines in the elaboration of his teaching. His friendship and intellectual companionship with Lévi-Strauss in the 1950s, for example, enabled him to link the anthropologist's work to his own. Lévi-Strauss described the founding of the social — of social *symbols* — on the interdiction of incest, with its consequent injunction to marriage exchange, as that which *establishes* the conditions necessary for a social ordering of *symbols* on the basis of this primary and fundamental taboo.²⁶ Incest is the implicit law which founded law itself.²⁷

Lacan advanced the work on the incest taboo that Freud and Lévi-Strauss had begun by showing the "empirical" example in reference to which one can assess what it would mean to be *in* the structure of incest, in reference to one who does not fundamentally use language for the purpose of exchange, or to deny a lack-in-being. The psychotic subject uses language to try to erect an Other of the Other which would be tolerable. In contrast, the Other does not deeply trouble the subject who *in discourse* exchanges one thing for another without an undue amount of suffering. Indeed, this is one measure of the presence of law in dialectical thought. It is a *knowledge* that psychic oneness with the mother is forbidden. Although a triple effect — the real father's taboo on incest with the mother, the father as member of a lawful group, and the mother's desire for the infant to *differ* from her in deference to a symbolic father — is required to achieve a normative structuration of law, Lacan shows only one such effect in his *Le*

26. See CLAUDE LÉVI-STRAUSS, *STRUCTURAL ANTHROPOLOGY* 46 (Claire Jacobson & Brook Grundfest Schoepf trans., 1963).

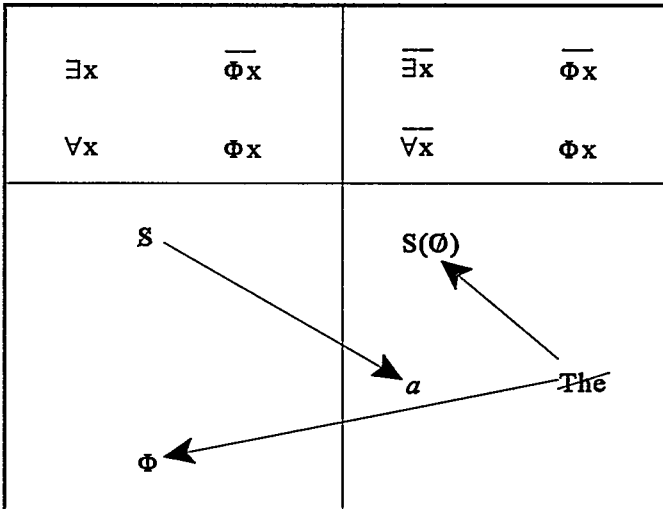
27. See *id.* at 47-51.

*séminaire, livre IV: La relation d'objet, 1956-1957.*²⁸ He depicts the real father as producing the beginnings of law or *symbolic castration* on an infant by demonstrating that the mother is *his* sexually and not the infant's. Lacan does not formulate the logic of the group of masculine subjects who have undergone *symbolic* castration until 1972-1973. But, he follows Freud and Lévi-Strauss who both claimed that the Ur-form of the symbolic law comes from the Oedipal experience in which the little boy turns away from identification with the mother-of-the-drives to identify with the father of language insofar as language opposes the drives. This turning towards the father requires him to symbolize the primary father as an Ur-father who is not castrated. This real father who is (or was) an exception to the *symbolic* law of castration remains as a *paradoxical* principle in that he requires the law because he is an exception to it. The little girl will identify with symbolic castration at one remove through her attachment to the phallic signifier. Within the feminine logic of identification, if she identifies with her mother as most girls do, then she will have identified with the one who is castrated, who is not the Other of the Father's Name, and who is proximate to the logic of the same that characterizes the order of the real.

According to Lacan's sexuation graph,²⁹ if the father confuses *having* the mother with *being* outside the law, then he occupies the place of the obscene Ur-father that the mythic figure of the primal hoard in Freud's

28. See LACAN, *supra* note 22, at 269.

29. See Lacan, *supra* note 2, at 149. Lacan's Sexuation Graph indicates:



Id.

Totem and Taboo embodied.³⁰ Insofar as an infant symbolizes the *lack* that marks the first knowledge of difference as a difference between the sexes, one can situate this effect between the *symbolic* and *imaginary*. Lacan denotes the experience with the *matheme* for a negativized phallus ($-\phi$) which gradually becomes the lacking subject or the subject of desire ($\$$). There is a lack-in-being at the point where the subject wants, and this *want-to-be/have* is structural. Lacan, moreover, establishes this lack as a negative effect of law. A cut in identification gives rise to the *real* loss that catalyzes the game of moving the imaginary bobbin reel to and fro with accompaniment from the phonemic representations of that movement, the *Fort! Da!* (*Here! Gone!*) of Freud's anecdote in *Beyond the Pleasure Principle*.³¹

Charles Pyle writes that mathematico-scientific proof belongs to the third order, namely the Lacanian symbolic.³² Jean-Paul Gilson writes that Lacan's topology — the places of psychic structure made up of the relations of points, lines, surfaces, space and knots — is of the real, with the real being the *time it takes to understand the truth*.³³ One can locate the void place precisely between the image of the bobbin reel that Freud's nephew was rolling back and forth and the real of the infant's loss of his mother from his field of vision. This loss is not the loss of the mother *per se* as object relations theories maintain, however, because the infant subject is not one with the bobbin reel, or the affect of loss. Rather, Freud's young nephew is already a *subject of desire*, the $\$$ who lacks a presence of identity or fullness to self in the field of language, equated with thought.

This negativity, or lack-in-being, is the referent to which the subject *represents* his or her modes of *jouissance* or enjoyment, divided as it is among the three intersections of the Borromean knot: $\textcircled{3}$. As such, one might call the subject a paradoxical response to loss ($\textcircled{0}$). Although lack-in-being marks masculine and feminine subjects as subjects of lack and (concomitant) desire, Lacan argued in 1972 and 1973 that while masculine Oedipal identification is *with* the forms of local universal *symbolic* and *imaginary* law — law being first and foremost the law of the sexual difference — a feminine resolution of the Oedipal injunction results less in an identification with symbolic castration than in an identification with the lack in the Other. If we remember that the first cause of the lack in the Other is the absence of an essential Woman, it will make sense to say mother is not an abstract category of the symbolic for woman, as father is for man. The

30. See 13 FREUD, *supra* note 3, at 125-26; James Strachey, *Introduction* to 13 THE STANDARD EDITION, *supra* note 3, at xi.

31. See 18 FREUD, *supra* note 9, at 14-15.

32. See Pyle, *supra* note 8 (manuscript at 9).

33. See JEAN-PAUL GILSON, LA TOPOLOGIE DE LACAN: UNE ARTICULATION DE LA CURE PSYCHANALYTIQUE 211 (1994).

imaginary forms connected with motherhood and the signifiers that name the mother do not sufficiently separate Woman's identification from the real of the drives and the power of the objects that cause desire to make her a philosophical or linguistic abstraction. Lacan does not envision the gender difference here as a binary but as the relation of each sex to the law of difference, taken as a third thing. Femininity, epistemologically speaking, is a subject position of identification with the *real* that transcends the law of the symbolic.

Lacan's account of the constitution of sexuation places *law* primarily on the side of the masculine, which he marks in the overlaps of the Borromean unit by two castrations: the positivized one between the *real* and *symbolic* (Φ) and the negativized one between the *symbolic* and the *imaginary* ($-\Phi$) where "sense" becomes truth-functional. The feminine in knowledge is related, then, to the knowledge that something is lacking in the *symbolic* itself, a fact that Lacan denoted by placing the bar over the Other ($\bar{\Phi}$). In recasting the Freudian Oedipus myth as a function of the paternal metaphor in the 1950s,³⁴ Lacan developed a concept of the phallus which he described as a function of substitution, specifically the Father's Name substituted for the Mother's Desire. Although Lacan argued in the 1970s that the Father's Name was a fiction and not a guarantee of law, he also argued that the Father's Name was the fourth order of the *sinthome* through which a person gives coherence to his life through belief or ideology.

In the 1950s, however, he was concerned with the conceptualization of the *phallus* as the value someone or something had as an object of desire. A child *signifies* the phallus in the dialectical relation of the mother's *unconscious desire* to the signifier for the Father's Name. Thus, it is not only the specific content of a desire in question, but the mother's *unconscious* itself — insofar as the unconscious *is* an interpretation of the sexual difference — that has the phallus and castration as referents. The phallus (Φ) is not the Father's Name, then, but *unconscious* messages from the Mother's Desire as they constitute her infant's *symbolic*. Ideal ego and give the first shape to the subjectivity of desire and fantasy. Lacan first elaborated his formula in *On a question preliminary to any possible treatment of psychosis* in reference to psychosis that does not foreclose oneness with the mother.³⁵

Herein, Lacan suggests that the subjectivity of Schreber's delusion concerns "[t]he signification of the phallus [which] . . . must be evoked in the subject's *imaginary* by the paternal metaphor."³⁶ A failure to introject the imaginary father yields psychosis where the *only* thing signified to the

34. See LACAN, *supra* note 4, at 200.

35. See *id.* at 200-201.

36. *Id.* at 199 (emphasis added).

subject is the Mother's Desire. Within Lacan's logic, the bedrock structure of a law of identity adequate to sustain itself is the phallic law, a third term whose effect calls into being a fourth party. The fourth party is the Father's Name which functions like *dummy* at bridge and is found in conjunction with the theme of death.³⁷ In this sense, law is the law of the dead Father, a *symbolic* function.³⁸ Symbolic functions are ever further removed from the real of the first experiences of the drives that we can call brute experience. Some of this brute experience remains resonant within the forms of an imaginary father whose many faces communicate fear, anger, hope, and so on. Lacan points out that as agent, the imaginary Father can cause a privation in the real relation to a supposed object, as far as symbolic value (Φ) is concerned. Pyle stresses this paradox: While such forms seem to represent reality itself, the imaginary is the most duplicitous of all the orders.³⁹

Thus, representation — through both images and language — has the quality of distance, deferral, and perspective that Pyle describes as "the symbolic type of proof [that] enjoys great rigor . . . [as] a matter of deductive reasoning from general propositions."⁴⁰ In *Seminar XX*, the positivized phallus refers to a lack in identification that constitutes *the* sexuated *subject* as a masculine or feminine position in *knowledge*.⁴¹ Epistemologically, the masculine is concerned with differentiations and the mechanisms of the symbolic, while the feminine in knowledge concerns desire, the masquerade, loss, and a *beyond* in knowledge that enters language as an opening onto the real. Women nonetheless have one foot in the symbolic camp of law and signifying differences, while men can inscribe themselves on the feminine side epistemologically.⁴² By the time Lacan writes the phallus in a positivized form (Φ) to mean the effect of the sexual difference as a signifier whose signifieds are four possible structures of desire, he has given a new twist to his theory that distinctions made between the masculine and the feminine organize epistemology. The distinctions come from the particular ways each subject signifies his or her being in *sexuation as a relation to the law of difference*.

In this paradoxical turn, Lacan puts forth the theory that any knowledge is a knowledge based in desire. Knowledge is based in desire because the coalescence of the *real*, *imaginary*, and *symbolic* marks language and images

37. *See id.*

38. *See id.*

39. *See* Charles Pyle, On the Duplicity of Language 55, 91, 93, 271 (Dec. 13, 1995) (unpublished manuscript, on file with author); *cf.* LACAN, *supra* note 22, at 269.

40. *See* Pyle, *supra* note 8 (manuscript at 12-13).

41. *See* LACAN, *supra* note 1, at 73, 83-85, 89.

42. *See* Lacan, *supra* note 2, at 150.

with three kinds of *jouissance* meanings: *jouissance* of the void that oscillates between mania and anxiety; *jouissance* of the positivized phallus that concerns identification with an Ideal; and *jouissance* of unconscious identifications with the imaginary and symbolic traits that make a person the subject of her own *materiality* of meanings. Lacan writes the subject of this knowledge regarding desire as a barred S: $\$$.

In the 1960s, Lacan moved from the idea of the phallus as an *imaginary* object, created by the mother's desire which gives the baby an ego, to the notion that the phallus is a signifier — that which represents a subject for another signifier — that functions dynamically and dialectically to elaborate desire in structures of the normative masquerade, the neuroses, the psychoses, or perversion. In the 1970s, he moved away from the idea of the subject as that which a signifier *re*-presents in reference to another signifier in order to focus on the ways in which an individual constructs the subject (of unconscious desire) for sexualization, but in an asymmetrical logic. Basically, this logic seeks to link the anatomical difference to masculine or feminine psychic positions. The fact that gender identity does not always adhere to anatomy is one sign that there is no innate correlation of gender with sexual identity.

Using the symbols of existential quantors, Lacan proposed that each subject starts off rooted in sexual identifications and not in the biological meaning of sex. In *A Love Letter*, he wrote:

Any speaking being whatever is inscribed on one side or the other. On the left, on the bottom line, $\forall x \Phi x$, indicates that it is through the phallic function that man takes up his inscription as all, except that this function finds its limit in the existence of an x through which the function, Φx , is negated, $\exists x \overline{\Phi x}$. This is what is called the function of the father from where is given by negation the proposition $\overline{\Phi x}$, which allows for the exercise, through castration, of what makes up for the sexual relation — in so far as the latter can in no way be inscribed. In this case, therefore, the all rests on the exception posed as the term over that which negates this $\overline{\Phi x}$ totally.⁴³

Now what does Lacan mean by this? He is saying that despite each person's ability to identify in different ways with the masculine or feminine, and despite the connections of the two logics to one another as the arrows depict on his graph, each subject (who is not psychotic) *identifies* unconsciously as either masculine or feminine. Likewise, each means of identification concerns a use of knowledge on the side of the *all within the law of the symbolic* or the *not all* within the law of the symbolic. The hysteric's discourse is on the side of the question, while the answer is on the side of the

43. *Id.*

master. In other words, masculine or feminine positions in knowledge do not emanate from biology or anatomy. Rather, the infant experiences her encounter with the social as a trauma, in that she must choose between masculine and feminine identifications in order to acquire social identity. Not only does such a demand cut into the mirror-stage illusion of being whole, it also cuts against the *natural* grain of mixed identifications that the infant has already experienced.

Lacan interpreted Freud by arguing that each person's construal of the sexual difference results in the construction of the lack-in-being around the repression, denial, repudiation, or foreclosure of this difference. A normative solution to the traumatic encounter with the sexual difference represses it, thereafter *masquerading* around it. A neurotic response denies the difference, while a perverse solution repudiates it and a psychotic response forecloses it. One cannot equate these responses to the sexual difference with masculine or feminine positions in knowledge, however, except to say that psychosis is always a *pousse-à-la-femme*. Instead, Lacan's point was that identification with the masculine works in conscious life on the basis of a belief in the whole or the all, an epistemological position which totalizes knowledge. Identification with the feminine, on the other hand, entails an acceptance of castration that results in a deployment of knowledge as a knowledge of the part, or the *not all*.

At the level of simple narrative, Lacan's account of law's foundation in reference to the phallic signifier and castration offers a logical explanation of *Totem and Taboo*. Rather than characterize Freud's venture into pre-history as the ramblings of late night fatigue or as an innocent excursus into fantasy, as some commentators have done, Lacan reads this little book as a structural insight into sexuation that Freud could only explain as a mythical story. Masculine identification in knowledge is with the One Father, the one-who-knows, the leader of the group who lays down his or her law to the group. The fantasy that there is a superman who is an exception to castration and has it *all*, gives rise to a masculine solution to paradoxical social co-existence. Although each individual becomes whole in knowledge, the masculine response of the *all*, accepting the first castration — the sexual difference — is an injunction to submit to the *law* of the group. It is the phallic structure.

But where does this logic come from? Lacan argues that the little boy's first submission to the experience of *symbolic* castration — his acceptance of the father as an inhibitor to his oneness with his mother — is an acknowledgment of the *real father* of *jouissance*, the one whom the law permits to desire the mother. This prohibition of his own *incest* with the mother prepares the little boy to believe, at least unconsciously, that there is *one*

father who stands outside the law.⁴⁴ Although the little boy represses and forgets his early interpretation of the Oedipal dilemma, it remains as the unconscious structural edifice on which he grounds himself in a relation to law.

Women can inscribe themselves on the masculine side because, according to Lacan, nothing prevents it. In any case, they are connected to the masculine side by the arrows that arise from the lack of an essential Woman. Lacan reasons that this lack of grounding, attributable to the nonexistence of the absolute or essential Woman, gives rise to two arrows. These two arrows suggest paradox: Because there is no pre-given substantive essence of Woman, the feminine in knowledge intersects — not with the positive object, but — with the void place in the Other, showing the Other as a decompleted set rather than the set of the whole that it imagines itself to be in masculine sexuation. The nonexistence of an essential Woman points to the void created by her own in-existence, as defined by an essential nature, and bifurcates in the direction of the phallic or *symbolic* identifications that compensate for this lack of foundation. The only arrow that originates on the masculine side responds to the lack-in-being, and Lacan aims it at the woman as object *a-cause-of-desire*.

Given that the masculine entails an identification with an abstraction of the father as *name* of the law, it is not surprising that *feminine* sexuation works asymmetrically to the masculine. Little girls, like little boys, accept the symbolic castration that interdicts incest in the name of the Father. They do not, however, have to rationalize their submission to a same sex parent. Insofar as the father will always be the opposite sex parent for boys and girls, there is an internal contradiction within his law. His implicit statement, "You are not the one who can have your mother, I am," constitutes the first castration of the incest taboo. The second castration is the identification of one's self as a double. The little girl, identifying herself with her mother as the object of the father's desire, believes he also desires her. At a minimum, this would be the identificatory pattern in the normative Oedipal trajectory. Lacan symbolizes this by an $S(\emptyset)$, stating: "The woman relates to $S(\emptyset)$, which means that she is already doubled, and is not all, since on the other hand she can also relate to Φ ."⁴⁵

On the *feminine* side, there is no exception to the rule of castration. All are castrated: $\exists x \Phi x$. But paradoxically, all women are *not all* under the phallic function, *not all* under the restrictions of the Father's Law, and *all* are *not* identified with a *symbolic* injunction to the sexual difference that one calls patriarchal restrictions. The result of this proximity to the *real* means

44. See LACAN, *supra* note 22, at 269.

45. Lacan, *supra* note 2, at 152.

that all women are *not all* castrated: $\overline{\forall x} \Phi x$. Each one has a freedom, in relation to *symbolic* restrictions and conventions, that generally has earned women labels like seers, mystics, psychic adepts, relationally attuned, emotionally superior, alongside the inverse face of fear, suspicion, contempt, envy, and so on.

But what does sexuation have to do with *discourse* or with love or desire? In an essay written to Roman Jakobson in response to Jakobson's communicator/communicatee model of communication, Lacan offered a reply that joined linguistics to psychoanalysis. Lacan's theory explains the motivation behind the field of language by suggesting that a master signifier (S_1) or pure signifier takes on its meaning retroactively in reference to a second signifier, which of necessity was made of the same cloth as the first signifier. Lacan denotes the second signifier as the one required to establish a body of knowledge (S_2). He developed these two signifiers in *On Jakobson*⁴⁶ and refers to them in the beginning of *A Love Letter*.⁴⁷ Lacan hoped his sexuation graphs would convey to his interlocutors that the S_2 "goes further than being merely secondary in relation to the pure signifier which is inscribed as S_1 ."⁴⁸ In so doing, he implies that the *symbolic* and *real* of sexuation are inferred in between the gaps of words and sounds *in reference* ($\$$) to the phallic signifier with which one identifies as a reality principle (Φ); by the desire that hides fantasy within discursive language in one's identification with or to the object *a*-cause-of-desire; and in one's experience of the void in the Other ($S[\emptyset]$). Both epistemologies — the masculine and the feminine — are grounded in the absence of an essential Woman that one experiences in knowledge as a pure castration. Elsewhere, Lacan calls this S_2 .

Lacan's discourse theory, first elaborated in *Le Séminaire, Livre XVII: L'envers de la psychanalyse, 1969-1970*,⁴⁹ then summarized in *Encore*,⁵⁰ suggests the same idea that he develops later in the sexuation chapter. If one tries to decipher meaning directly from language itself, one will miss its most important components, its "sense" or *jouis-sens*, which quickly turns meaning into semblance.⁵¹ Regarding Jakobson, he says:

46. See Lacan, *supra* note 7, at 152 (English version); LACAN, *supra* note 1, at 19 (French version).

47. See Lacan, *supra* note 2, at 149-50.

48. *Id.* at 149.

49. See JACQUES LACAN, *LE SÉMINAIRE OF JACQUES LACAN, LIVRE XVII: L'ENVERS DE LA PSYCHOANALISE, 1969-1970*, at 176-77 (Jacques-Alain Miller ed., 1991).

50. See LACAN, *supra* note 1, at 19-27.

51. See Lacan, *supra* note 2, at 150.

One day, I realized that it was difficult not to get involved in linguistics from the moment the unconscious was discovered. Whereupon, I did something which to tell the truth seems to me the only objection I can formulate to what you may have heard the other day from Jakobson, specifically that everything that has to do with language is dependent on linguistics — that is, in the final analysis, on the linguist. Not that I do not willingly grant him this concerning poetry, in regard to which he has advanced this argument. But if one considers all that follows from the definition of language as far as the foundation of the subject is concerned — which has been both renewed and subverted by Freud to the degree that for him it affirms everything that he asserts about the unconscious — it then becomes necessary, in order to leave Jakobson his private domain, to coin some other word, which I will call *linguisterie* My statement that the unconscious is structured like a language does not belong to the field of linguistics. It is an open door . . . on that sentence which I wrote on the board on several occasions last year without developing it any further: "what one may really be saying is left hidden behind what is said in what can be heard."⁵²

Feminist philosopher Nancy Fraser, like some other feminist commentators on Lacan, has not taken the measure of Lacan's rejection of the structuralist linguistic model, the Saussurean model, which he radically reconceptualized. Likewise, she has not addressed the importance of his theories of the *masculine* and *feminine* as knowledge positions. Fraser's errors are typical of many readings of Lacan that conflate his *use* of structural linguistics with an imaginary concept of him as a structuralist linguist. Fraser argues that one should shun Lacanianism because it "abstracts from *parole* . . . bracket[ing] questions of practice, agency, and the speaking subject[, and] [t]hus, it does not engage with the discursive practices through which social identities and social groups are formed."⁵³

Perhaps an understanding of Lacan's *discourse* theory will begin to address the doubts Fraser expresses about Lacan's usefulness for feminist theory, social practice, or politics. Lacan's reply to Jakobson expands upon his early depiction in the Schema L of how a quadrature of four terms constitutes the agency of the subject. When the subject makes a social link, it brings *into language*: (1) a master signifier (S_1) that one might equate with the unconscious formation of an Ideal ego, (2) a second signifier (S_2) that imposes *jouissance* knowledge (*connaissance*) on what we ordinarily call knowledge (or *savoir*), (3) an object-cause-of-desire (*a*) at the location where *jouissance* points to a surplus value in language, and (4) the subject of the

52. Lacan, *supra* note 7, at 152-53 (citations omitted) (English version); LACAN, *supra* note 1, at 19-20 (French version).

53. FRASER, *supra* note 13, at 155.

unconscious that places a *lack* in conscious language. Any act of speech that engages the other *qua* other uses these elements within four possible different kinds of discourse (master, university, hysteric and analyst). From the moment the unconscious enters language as a functional presence *in language*, albeit a presence aimed askew of conventional meanings of a supposed common tongue, discursive practices must take account of the possibility that language does not work from a linguistic *categorical imperative*, nor is the subject agent unified, nor is there ever a unity of the "we" except in epiphanic moments of identification with an Ideal. Lacan brings us to the recognition that no one will advance in understanding how discourse works by supposing that there is *no* structure to it and no limits.

The distinction that Lacan makes between the use of grammatical language, whether spoken or written, and his theory of *discourse* is entirely and radically new. Keeping Saussure's distinction between speech (*la parole*) — the speakers' uses of language in communication or the practice of speech along with its symbolic system or code — and written language (*la langue*), Lacan nonetheless does away with Saussure's devaluation of *parole* at the expense of *langue*.⁵⁴ Lacan teaches that one can be *in* language without being *in* discourse. For example, psychotic subjects are *in* language, but not *in* discourse. Adding to Saussure's theory, Lacan develops the idea that *parole* comes from *langue*, but that *parole* reveals the properties of desire and *jouissance* that written language can hide. Thus, *parole* connects both spoken and written language, but more particularly the spoken, to the gaze, the voice, the phoneme, and the other objects-*cause-of-desire* that bring something of the real into language itself. In one sense, the truths of sexuality, trauma, and anxiety that Lacan later equated with the *real* can never be directly revealed except in speech.

More surprisingly still, Lacan added love as one of the salient characteristics of *discourse* that he defines, basically, as the social or exchange. However, in Lacan's theory, it is not love *per se* that constitutes discourse in the sense of various kinds of feelings in friendship, family, or romance. Rather, love is the very *sign* within language that expresses one's acknowledgment of the other person as particular. Still borrowing from linguistics, Lacan uses Charles Sanders Peirce's theory of the sign — that which communicates something to someone — to say that "love is the *sign* that one changes discourse."⁵⁵

54. See FERDINAND DE SAUSSURE, COURSE IN GENERAL LINGUISTICS 24-25, 138-39 (Charles Bally et al. eds., Wade Baskins trans., 1959); cf. RAGLAND-SULLIVAN, *supra* note 9, at 208-09.

55. Lacan, *supra* note 7, at 153 (emphasis added) (English version); LACAN, *supra* note 1, at 21 (French version).

Lacan argues that language is not *discourse*. In comparison, linguist Charles Pyle contends that language is confused and confusing. Indeed, language is duplicitous. Pyle's point, which Lacan does not make, is that language is not essentially a function of physics or biology, but of *truth*. The relation between language and truth is, at the most basic level, a simple and straightforward one. Language is an inverse function of truth.⁵⁶ Lacan included *truth* as one of the four topological *places* in his theory of four *discourse* structures — master, university, hysteric and analyst — that make a social link. Each discourse has a different agent of truth occupying the place in the lower left corner of the structure. In the master discourse, for example, the (repression of the) lack-in-being — which is commensurable with the sexual masquerade that marks the sexuation of normative desire — fills that place. In other words, any language functioning as *discourse* is double because it maintains two terms in consciousness and two in the unconscious at the same time. The topological *places* in which the four terms — S_1 , S_2 , a , and $\$$ — rotate are the speaking agent, the other who receives the message, truth, and the production of meaning.⁵⁷

Each type of discourse — master, university, hysteric, and analyst — takes its descriptive name not only from its label, then, but also in reference to the discourse that precedes it. The master discourse tries to achieve the impossible, namely to impose the speaker's master signifiers or major identity themes on the other. The speaker confuses his or her knowledge with the making of *truth*; but the master discourse is a use of language for sheer power politics. It has nothing to do with truth. Although Lacan states that one can infer a logic in the breaking down of language towards the truth from the master discourse through the university and hysteric's discourse to the analyst's discourse, he also says that something *of* the analytic discourse will emerge in the passage from one discourse structure to another.⁵⁸

In light of Lacan's theory of discourse, one is always listening to language backwards, in that a listener is trying to know the truth hiding behind what is being said. The progression towards the analytic discourse is probably not all that different from the progression towards the truth that law seeks, at least *ideally*. It seems quite clear that the legal discourse, from its myriad angles, takes apart the master discourse, as characterized by its multiform efforts to tally reality and truth to the language conventions of an historical moment. Moreover, the master discourse, like the masculine position in sexuation, totals at the expense of imputing any truth value to the

56. See Pyle, *supra* note 39, at 7.

57. See Lacan, *supra* note 7, at 153 (English version); LACAN, *supra* note 1, at 20 (French version).

58. See Lacan, *supra* note 7, at 153 (English version); LACAN, *supra* note 1, at 20 (French version).

fantasy base ($\$ < > a$) underlying every use of language. For purposes of discussion, Lacan's theory of this base is similar to what contemporary American intellectuals call subjectivity. The master discourse denies any *lack-in-being*, it denies the substratum of desire *in* language, and it denies that there are purposes and teleology to words that go beyond the significations of grammar, syntax, and semantics. Whether used in any institutional discourse, everyday speech, or literary criticism, the master discourse also denies that terms such as desire or surplus value *in language*, much less unconscious formations, actually condition the language of conscious perception. Thus, Lacan labels the effort made between the agent of speech and the other as *impossible*.

Lacan argues that one's own *cause* in desire, the *a cause* that places the quest for her *jouissance* as the carrot to the donkey of a structural lack-in-being, rather than any essential commitment to truth or altruism, supports the position of the other in the master discourse. Moreover, this enjoyment has a lethal inverse side that Lacan refers to as an "excess in enjoying." This means that not only does the fetishization of some *beyond* appear in meaning, but the point where a subject appears *as* subject to its own limits — which Lacan formalized in the terms of repetition, desire, and fantasy — does as well. In Lacan's terms, this point of excess is not a place of infinite and pleasurable freplay, limited by nothing.

In his caption under the master discourse, Lacan asserts that regression from the university discourse clarifies the master discourse. This gives further support to his claim that we can understand these structures by reading them backwards, starting with the analytic discourse:

I will now remind you of the four modes of discourse which I have differentiated. There exist four on the sole basis of this psychoanalytical discourse

. . . [o]ne must listen for a testing of this truth, that analytical discourse appears at every transition from one discourse to another. That is all I am saying when I say that love is the sign that one is changing one's discourse.⁵⁹

The obsessional discourse, which various Lacanian scholars have theorized as containing the same structure as the university discourse, places a body of knowledge (S_2) in the position of agent of speech and aims its message at the other as the quintessential subject of rhetoric — the one whom strategies, rather than truth, must seduce. At the very least, Lacan's point is that the academic discourse is not a matter of flat or rote learning where the teacher pours the contained — her knowledge — into the waiting con-

59. Lacan, *supra* note 7, at 153 (English version); LACAN, *supra* note 1, at 20 (French version).

tainer of an empty student vessel. Insofar as it has the aim of seducing the student with the teacher's knowledge, an enterprise which, according to Lacan, the progress from this discourse to the next one — the hysteric's — clarifies, the university discourse makes a progression towards truth that the master discourse does not make. The impotence in the university discourse structure lies in its use of a concept of the learning "we" that leads the teacher to ignore the desire (to learn) that arises from each student in the particular (\$). By extending Lacan's terms, one can see that this discourse structure is typical of any institutional discourse that uses an organized knowledge or set of rules and strategies as the other's truth, such as medical, legal, or theological discourse. Still, in taking the student's desire as its point of aim, the academic discourse is not a master discourse. It is not a master discourse that also ignores the fact that the other's knowledge has already been structured in minute detail, within concrete signifying units oriented in terms of the singularities and particularities of desire, fantasy, and drive.

The "progress" made in the hysteric's discourse clarifies the university discourse. This "progress" occurs when the lack-in-being — concomitant with the unconscious subject of *desire* — acts as agent of speech, aiming towards the other's master signifier in an attempt not to convince, but to anchor his or her lack-in-being in terms of another's law. Lacan marks this discourse's impotence with the arrow that points to the hysteric's knowledge of the object *a* at the place of truth.⁶⁰ The hysteric's discourse contains the paradox that she seeks a balance to her lack-in-being in the other's certainty, while knowing this truth: Meaning is governed by the *cause* of desire.

The final of these four discourse structures is the analyst's discourse in which the patient's suspended *cause* of desire holds the position of agent; a symptom announces an impasse in enjoyment. The analyst sits in as silent witness to dumb repetitions which constitute the condition of the human subject — in analysis or not — that Charles Pyle has called suffering. Man is, Pyle says, *homo pathos*. Indeed, Lacan knew this and his entire teaching was an investigation of how each speaking subject, one by one, could deliver the truth in such a way as to alleviate suffering. Lacan argued throughout his teaching that the *real* of suffering requires that each subject work with his or her *desire to be* and against the signifiers that have already fixated them in *being*. Lacan argued that we suffer from language and identifications that function as actual thorns in our flesh. For individuals and for social change, the hopeful part is that they can pull out the thorns because the images, words, and affective responses that come to constitute each person as a subject of the Other put them in concretely in the first place. "Mind" or

60. See *supra* note 29 (providing Lacan's Sexuation Graph).

thought is not *only* language, it is language that the associative relations of the Borromean unit organize. The Borromean unit is *real*, *symbolic*, and *imaginary* material that the *sinthome* knotted in keeping with the early response that each gave to the Oedipal law which shaped him or her as *essentially* a subject of desire, rather than a subject of reason. The *sinthome* or knot constitutes each subject as a subject of desire.

The *sign* that *marks* a distinction between using language as *discourse* — for the purpose of social exchange — and using it as flat information, lies in the appearance of *love in the field of language* at the point where language changes from one discourse to another. Rather than remarking on love as an affect or a convention, Lacan's emphasis is on "the question of love [as] . . . linked to the one about knowledge."⁶¹ Love is the *sign* of a limit that marks the difference between one discourse and its preceding discourse. A simple, concrete example may help to explain the meaning of this hypothesis. If your grocer says to you, "Don't touch the tomatoes!," he has spoken a master discourse to you. He has sent a message to you in the superego terms of an impermeable meaning, one which commands. If the grocer notices *your* chagrin, takes pity on *you*, and includes *you as other* in his purview by saying something like: "It's not easy, you know, to grow tomatoes that people will want to buy. They look so hearty, but actually they are quite delicate. You have to hope for a great deal of sunlight and a sufficient amount of rain and then choose the right place and the right insecticides and fertilizers so that the bugs won't eat the vines, etc.," to *you*, then the grocer has switched from using language as a master discourse to using it as a university discourse. The lesson she gives on "how to grow tomatoes" is not really the point because it has another meaning which does not really concern vegetables. The lesson concerns love. The hearer, the buyer of vegetables, the receiver of the message, has understood that the grocer has proffered an act of *love* in speech. The grocer is conveying a message; quite simply, the grocer has moved in her message from the tyrannical, moral position of superego, ferocity, and negativity, replete with the inducement of shame and guilt in the other. She has *seen* the buyer. The explanation of how hard it is to grow nice tomatoes that will sell adds the dimension of love.

Both the master and university discourses are redolent of superiority, but, at the point of *change* from one to the other, an act of *love* has occurred in the taking of the other into account. The grocer may even continue, changing to yet another discourse structure by asking the customer what kind of vegetables she grows or whether she likes to grow vegetables at all. Such

61. See LACAN, *supra* note 1, at 84 (author's translation from French to English).

a use of language brings *love* in the form of truly taking account of the other. Lacan calls this the structure of the hysteric where the lack-in-being (i.e., the question) functions as the agent of speech. If the grocer then urges the customer to free-associate about what she wants out of life, he has infringed his role as grocer and taken up the position of the analyst.

We can see that the master discourse identifies itself with the language of social convention of the positivized phallus ($S_1 \longrightarrow S_2/\Phi$), and with the *masculine* position in Lacan's sexuation table, residing where the language spoken gives a local universal law of what it is licit to say. The master takes his or her language as reality, which is why Lacan writes "impossible" over the connection between the S_1 and S_2 in the discourse structure.⁶² When the master discourse serves as the language of the Other to convey to the other the masquerade required, one is very far away from truth. Furthermore, Lacan links *love* to truth in his theory that the master discourse is based on lying and duplicity, while the analytic discourse allows one to speak the truth.

To validate his own theory, Lacan takes recourse to theological scholarship. That is, if something has the value of a (near) universal logic, then someone will have theorized it before. In this, Lacan supplies a new way to read history. However different the *content* — the historical conventions and expressions — may be, the structural logic will remain intact. In the logic that Port-Royal theologians advanced, for example, Lacan claims the disjunction of two substances which would have no common part — what modern-day symbolic logic has designated as the logic of intersection (\odot)⁶³ — defines love. The point of the Port-Royal theologians was this: What is not a *sign* of love is the *jouissance* of the Other and the body that symbolizes it. Sexual *jouissance* is not a *sign* of love, Lacan claims. A *sign* of love is the changing of discourse. The agent of discourse aims a message at the other. This produces a meaning concerning one's recognition of the *other* that one can take as truth.

While the master discourse is a discourse of repression and duplicity — a *semblance* according to Lacan — with an *unconscious* intention to hide the truth that desire, fantasy, or emotion have any *meaningful* function within language, the negation implicit in such denial is itself functional truth.⁶⁴ In that the Lacanian subject is the subject of unconscious desire whose *language*

62. See Lacan, *supra* note 7, at 153.

63. See LACAN, *supra* note 15, at 211-12.

64. See Jean Hyppolite, *A Spoken Commentary on Freud's Verneinung*, in THE SEMINAR OF JACQUES LACAN, BOOK I: FREUD'S PAPERS ON TECHNIQUE, 1953-1954, at 289-97 (Jacques-Alain Miller ed., John Forrester trans., 1988); cf. 19 SIGMUND FREUD, *Negation*, in THE STANDARD EDITION, *supra* note 3, at 233, 235-39.

is that of the fantasy that *drives* language to seek something other than what it says it seeks (*che vuoi*), the lack-in-being governs language at the point where enjoyment turns into repetitive displeasure. At a primary level, these are recognizable limits that exist within grammatical language. At a second level of function, they are the precise terms of the *discourse* one is using. However, they are never natural or biological responses to events or objects. Although Lacan shows how one formally structures these terms as meaning — the meaning of *jouissance* being as localizable and recognizable as are the meanings of representation — this system of meaning is not a familiar referent of Anglo-American pragmatic thought. Anglo-American thought finds its bases in the method of empirical science, symbolic logic, and analytic philosophy that refer themselves to the authority of physics as the standard on which *science* is based.⁶⁵

Lacan's table of sexuation depicts the logical results of taking on knowledge as sexuated — as masculine or feminine epistemological positions — thereby advancing a reason as to why *discourse* is duplicitous. Lacan proposes that these are the only possible responses to the constitution of identity as *sexuated*. He does not place psychosis on the graph because, there, the sexual division does not obtain. Nonetheless, the graph supposes the psychoses as the *empirical* referent of the case that offers the exception to the rule on which the rule is based, given that psychosis is the *foreclosure* of the sexual difference.

Language duplicitously uses most people, however, because the experiences of *separation* and *alienation* constitute their *subject being*. *Separation*, as Lacan uses it, concerns the paradoxical dialectic of the loss of the Ur-objects that first *cause* desire and the recuperation of traces of the lost objects which build up into a *subjective* Ur-lining of the real with *objects* first introjected from the Other. This dialectical movement constitutes the first cut — which becomes the first castration in Lacanian topology — whose logic Charles Sanders Peirce developed in his theory that markedness operates as a firstness, secondness, and thirdness of cuts in language.⁶⁶ The first cut involves the loss of the first object(s)-cause-of-desire whose primordial forms are *fantasy* delineations of the organ/objects of the breast, the voice, the gaze, and the feces (the urinary flow, the phoneme, the imaginary phallus, the nothing).⁶⁷ These primordial objects serve, henceforth, as the referent of desire in *its* quest to satiate its own inverse, namely the lack-in-being created by encounters with loss. This initial experience of the world

65. See Pyle, *supra* note 39, at xiii.

66. See Pyle, *supra* note 17, §§ 4.1, 4.2.

67. See JACQUES LACAN, *Subversion of the Subject and the Dialectic of Desire in the Freudian Unconscious*, in *ÉCRITS: A SELECTION*, *supra* note 4, at 292, 315.

overdetermines all subsequent *meaning-making* on the axis of an effort to eradicate loss.

Pyle claims the cut is not only the logical operation by which something is taken as a sign, but also is the basic predicate of Peirce's diagrammatic logic.⁶⁸ Pyle states:

The logic of the cut assumes that a thing is a thing first, having its own intrinsic nature. And a thing only becomes a sign secondarily as a result of being taken as such by some third party, an observer. . . . The cut that generates the sign, also generates the duplicitous situation in which the sign has its being *qua* sign. And thus the cut positions the thing as alienated from itself in the secondary derivative universe of discourse where it plays the role of sign. In taking the thing as a sign, one is taking it, not as the thing itself, but in the role of representative of something else.⁶⁹

In the paradoxical logic of duplicity, the cut functions to engender all signs as duplicitous.⁷⁰

In Lacan's recasting of symbolic logic, the experience of *alienation*, which entails identification with the images and language of society, occurs at the same time as *separation*, making deferral and duplicity properties of *language* itself. Separation and alienation, two primordial experiences of the sense of the world, place repression and denial at the center of language. Although Lacan's master discourse structure is based on denial and repression of any truth function of language other than identifying the words used with positive facts or empirical realities, this discourse does take the other *qua subject* into account. In this sense, it is still *in the social*. By addressing a signifier to another as a knowledge for that person to receive, a master discourse, even if spoken in an imperative mode, has the potential for doubt. If you tell the other something, you have acknowledged her Otherness and have shown that the subject is a divided structure. If one *truly* lacks uncertainty, one need not speak to the other at all. If psychotic subjects speak to an other *qua* other, it is not to deliver a body of knowledge based on the paradoxical co-existence of certainty (S_1) that a lack-in-being ($\$$) — which Baas and Zaloszyk call the doubt on which subjectivity is based — subtends.⁷¹ The master speaks to ensure that the other verify and validate his or her fantasy of identity. There is an implicit duality in such language.

68. See Pyle, *supra* note 8 (manuscript at 16).

69. *Id.*

70. See *id.* (manuscript at 16-17).

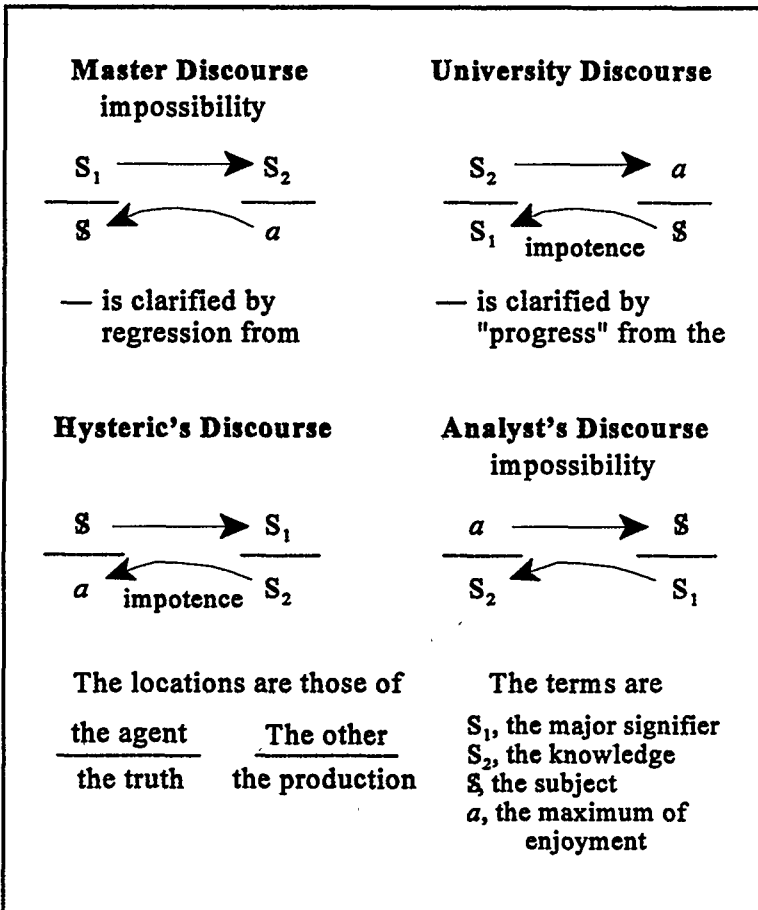
71. See BERNARD BAAS & ARMAND ZALOSZYK, *DESCARTES ET LES FONDEMENTS DE LA PSYCHANALYSE* 23 (1988).

Taking up, once more, the example of the grocer who commands the customer in imperative terms not to touch the tomatoes, one is caught up in the use of language as a master discourse. Property rights or semiotic conventions of a culture are not the point here. The master discourse believes that what it says is true, whether tomatoes or some other object or concept is at issue. His or her intention is to convey the content of a message to the other as a knowledge that, *de facto*, excludes enjoyment or affect from the field of meaning, except the enjoyment taken from enforcing his or her will. The master discourse denies the unconscious dimension which subtends in conscious language. Thus, the structure of fantasy — $\$ < > a$ — is the excluded term in the master discourse. In the university discourse, the unconscious terms are those of the listener's lack-in-being signifier and the speaker's master signifier. In the hysteric's discourse, the excluded terms are knowledge and her awareness that knowledge revolves around the object-cause-of-desire. The supporting unconscious terms in the analyst's discourse are the analysand's master signifier (or phallic identification with a Father's Name) and the analyst's knowledge that supports the use she makes of language in analysis.

In conclusion, one can say that based on "Lacan's theory of language," language itself is the law of the symbolic universe.⁷² What Lacan adds to symbolic logic and linguistics — to change their terms — is an understanding of what constitutes the orders of firstness (the imaginary) and secondness (the real) in the construction of *law* in reference to a third term that he labels *sexuation*. Finally, the dynamics of sexuation operate in language to show that knowledge is not itself. Nor is language the whole of its field, if one accepts that a subject's response to the phallic signifier (S_1, S_2) in its relation to desire ($\$$) and enjoyment (a) develops the social link Lacan defines as *discourse*.

72. See Pyle, *supra* note 8 (manuscript at 79).

Lacan's Discourse Theory*



*Lacan, *supra* note 7, at 153.