Martin Murray

Lacan and the Law

Introduction

This paper will examine and assess Lacan's analysis and development of notions of law. It will do so by referring to a few distinct but relatabe aspects of his work, and to what can be understood as two different but continuous phases of it. The aspects that will be singled out are describable as historical, psychiatric, philosophical and (of course) psychoanalytic. The first phase that will be referred to can be said to have begun in the 1930's, a decade in which Lacan worked out a number of crucial theoretical formulations. It can be seen as including much of Lacan's work in the 1940's and 50's, during which time these formulations were made both more rigorous and more elaborate. The second phase can be seen as having run from the late 1960's to the early 1980's. In this period, Lacan attempted a comprehensive re-formulation and concomitant formalisation of what he took to be fundamental psychoanalytic concepts.

It's worth acknowledging from the outset that such a division of Lacan's work into two phases is in some sense arbitrary, and serves the interests of this paper rather than any comprehensive description of the history of Lacanianism. Lacan's work can be described according to quite different phasic designations, or even without any reference to phases at all. For example, a particularly philosophical explanation of his work might render it in terms of four successive phases: hermeneutic, dialectical, structural and logical. Alternatively, it might be accounted for entirely in terms of a pervasive theme, for example representation. The current description bisects the work in order to accentuate two quite different (but also continuous) instances in the development of a Lacanian notion of law, and also two distinct (but also not unrelated) contexts in terms of which they can be understood.

Given this proviso, particular attention will be paid to the first of the two designated phases. This phase is written about less frequently than the second in commentaries on Lacan's work.[1] It nevertheless represents a decisive period in a provisional history of Lacanianism, or history of the development of Lacanian accounts of law. The second phase of this development has been quite frequently commented on, and has been explained in terms of Lacan's linking of law to phallicism, paternity and, in keeping with certain of his theoretical and ethical emphases, the symbolic.[2] Although this paper will mention the second phase, it will stress its prefiguration by the first. This prefiguration, which is both inverse and direct, will become apparent in terms of Lacan's early interest in psychiatric, psychoanalytic and philosophical investigations into the character and cause of psychotic behaviour, and the ways in which these investigations cross over with criminological and legal dictates and speculations about the relevance of questions of sanity and madness to notions of individual responsibility. The context in which these issues will be assessed will shift, hopefully not in an entirely random way. This shifting will mostly take place between the psychical (that is, both the psychiatric and psychoanalytic) and the philosophical. Both of these contexts will periodically be broadened or clarified in terms of a legal one.

A more particular anticipation of this paper's progressions, diversions and digressions, and the ways in which these will shape it, can be outlined as follows. A first section will introduce a debate in French psychiatry of the 1930's concerning the determinative or non-determinative status of organic factors in mental illness, and a concomitant concern with the consequences of designation of such status for matters of ethical and legal guilt or responsibility. A second section will divert these issues of the organic or non-organic status of psychical constitution and functioning into a general but markedly Lacanian area of enquiry about what reality might or might not be for the psyche. Questions about the real and the organic will then be reformulated, in a third section, in the context of French psychiatric theory and practice, with attention to its particular attitudes to criminality and penal practice. A fourth section will demonstrate how Lacan dealt with these issues, and will do so wtih reference to his early

psychiatric cases and his collaboration, surprising or not, with the surrealists. After this, a fifth section will summarise important aspects of what will have been discovered so far in the context of Lacanian appropriations, and intervention in the disciplines of, phenomenology and structuralism. A sixth will tease out some philosophical, and thence ethical and legal, presumptions figured in the theorisations employed in doing so.

Organisation and Organicism

Like his cultural background, Lacan's education was, in the broadest sense, catholic. While serving as a hospital intern at Sainte-Anne in Paris during the late 1920's, he studied with influential psychiatrists of various clinical and theoretical persuasions and sustained an interest in contemporary, particularly surrealist, art and writing. He also sought inspiration from other European, notably German, non-psychiatric as well as psychiatric writings. By the end of the decade his preliminary published accounts of psychical functioning revealed an engagement with the work of Claude, Clérambault and Janet (all of whom will be considered shortly), as well as that of Freud and Kraeplin. Instructed by an early enthusiasm for the French rationalism of Charles Maurras, and a slightly later encounter with the teaching of the Russian emigré intellectual Alexandre Kojève, he was shortly to develop a philosophical perspective which (in a way that will be sketched later) set Cartesianism and Hegelianism up, both in relation to each other and against themselves.[3]

It's worth looking carefully at the concatenation of intellectual influences that provided Lacan, at this time, with dispositions towards particular explanations of psychic functioning. Attention to the similarities and differences between Lacan's early work and that of his masters and contemporaries reveals a quite precise mapping of physical and metaphysical co-ordinates, in terms of which his theory was drawn up.

Like all explanations of the psyche and its relation to or distinction from the world (and perhaps like explanations *per se*) Lacan's description proceeds by means of a distribution of emphases and limitations which are not only ontological and epistemological but also ethical. Moreover, it's possible to claim that this description is ethical *precisely* in so far as it can be seen in terms of an ontology or epistemology that is distinctive, and not only in itself. The works of the thinkers just mentioned, in terms of which Lacan's is drawn up, as well as being influential, are also *other* ones, and this alterity renders his account conditional. Because it is marked out in terms of *alternative* as well as related explanations or possibilities, what the psyche *might* be and *can* know is irreducible to an absolute condition. This conditionality leaves open a question of what the psyche *should* be or know, and hence *do*.

As indicated above, the ethical situation of the psyche pertains to both philosophical issues, notably of action and responsibility, and legal ones, notably of intention and guilt. For philosophers, lawyers, and philosophers of law, what a person or subject is seen as having done can sometimes be justified, mitigated or condemned with reference to a psychic state. Psychical lucidity or disturbance, for example, can be invoked in an attempt to establish culpability. During the 1920's and 30's Lacan and his masters and contemporaries were concerned to articulate relations and differences between normal and pathological states, and encountered, at least by implication, issues of responsibility or guilt. This encounter sometimes took the form of expert psychiatric testimony in legal cases. The real and theoretical status and functioning of the psyche with respect to law was thus very important for Lacan's *oevre*. This can all be demonstrated by means of a more detailed account of the Lacanian heritage just sketched.

Such an account can be undertaken with specific reference to medics whose theories can be seen as having shaped Lacan's, either by being included in or excluded from his formulations and practices. Notable amongst these are the theories of Gaëtan Gatian de Clérambault and Pierre Janet. It might also be useful to mention the work of some others, whose names and historical and theoretical relevance are outlined below.

From 1928 to 1929 Lacan received instruction from Clérambault, chief psychiatrist at the special Infirmary for the Insane of the Police Prefecture in Paris. Unlike his influential contemporary, Henri Claude (who also taught Lacan) Clérambault eschewed an explanation of madness which was grounded in a sense of its fundamentally schizophrenic character in favour of an arguably broader description of it in terms of a symptomatic (mostly psychotic) typology. Whereas Claude's theories recalled Bleuler's, Clérambault's evoked Kraeplin's. In this regard, Clérambault's preferences and prejudices mirrored Freud's[4]. This detail is revealing. Although apparently indifferent to his influence, Clérambault offered an account of madness that bore similarites to Freud's. These similarites extended as well as included the one just mentioned. What is shared in Freud and Clérambault's intellectual heritage, and what echoes Kraeplin's teaching rather than Bleuler's, is an aspiration to describe mental states in terms of their relations to and differences from each other, rather than in terms of any fundamental or common characteristic or property. This aspiration is apparent both in Clérambault's insistence on symptomatological classification and in Freud's increasing interest in the psyche's topologic structure.[5]

It's tempting, of course, to move from a recognition of the importance of structure in Freud's arguments to all sorts of claims by and about Lacan's supposed revelation of their structural presuppositions[6]. Similar sorts of claims could be made with regard to the derivation of Lacan's theory from Clérambault's. It's also possible to begin to see how Lacan's intellectual predecessors might have already been engaging, not only with notions of structure, but also with philosophical and legal notions of responsibility, and to stress Lacan's continuation with this engagement. Freud viewed psychic presentations in terms of their possible subjective or metapsychological associations, and hence in terms of their relational and differential place in a particular or general psychic structures. Clérambault's symptomatology was, precisely, a logical and hence formal description of the relations between different symptoms, a condition which permits structural explanations to be at least likened to it. Both accounts are irreducible and even resistent to material, organic or naïvely real descriptions of the psyche, and hence to attributions of determination, at least in so far as they might be made with regard to matter, biology or the real. This means that what is called madness cannot simply be a psychical effect of a physical cause, that the apparently mad (legal, philosophical or psychical) subject cannot always be seen as having been overcome by it, and that madness cannot always be taken to determine or override intention or action to the extent of an elimination of responsibility.

Now these sorts of arguments are tenable enough, and will even instruct what follows, but do not quite register the complexity of Lacan's theories, influences, or the legal and ethical debates that came out of and instructed them. So much can be demonstrated by a quick look at some of the quite diverse tenets, and concomitant inconsistencies, of late 1920's and early 1930's French psychiatric dogma. Contrary to the formalism of his descriptions of madness, for example, Clérambault declared its cause to be organic. Although this biological precipitation rendered its victims, in Clérambault's eyes, virtually untreatable, they did not benefit from any concomitantly diminished attribution of guilt in criminal situations. Clérambault favoured incarceration of his patients over therapy or rehabilitation.[7] Although he revised his views on the matter, Lacan was given to comparably authoritarian and contradictory pronouncements (later, and in keeping with his revised view, it should become apparent that this position might be contradictory *because* authoritarian, or *vice versa*.). For example, Lacan recommended strict disciplining of ocurrences of protestation in asylums.[8] Although such an attitude might indicate that he took his patients to be responsible, or at least punishable, for their behaviour, it did not prevent him from working in friendship and intellectual sympathy with members of the dynamic psychiatric movement, who advocated an understanding of the mitigating social pressures leading to criminal insanity, sympathy for the patient's position in the psychiatric institution as well as in society, and social rehabilitation.

In view of this oscillation between theoretical and practical dogmatism and muddle, its probabaly clearest to describe the French psychiatric situation in the late 1920's and early 1930's as one which was made up of both contradictory and and consistent elements. None of the work being done at the time manged to resolve a tension between organic and non-

organic (or non-material, or non-reality based) psychiatric perspectives, which were very often equally apparent in it. As suggested above, however, a clear tendency to favour the latter, rather than the former sort of perspectives can be seen as having developed and been followed through in a particular tradition, of which Lacan became the heir. Once again, it's tempting to make bold claims about him in this sort of regard, and also worth continuing to limit them. The difficult problem of the relationship between, or individual independence of, physical and non-physical existence (a modality of the problem of existence *per se*) is one which holds before after and beyond the situation of French intellectual life in the early part of the century. As indicated, it can be understood as a particular metaphysical, as well as scientific, ethical and legal problem. It will be considered in this way in a moment. For now though, it can simply serve to limit a sense of Lacan's intellectual contribution. This having been granted, a space is nevertheless left open for an appreciation of what it was the Lacan's work did allow in the way of intellectual insight or even progress, particularly with regard to the general philosophical, and ethical status of the psyche. This can be quite reliably done by returning to a consideration of Lacan's place within a provisionally constituted but particular tradition of the study of the psyche. The provisionality of the constitution of this tradition is demanded by the limitations and complications that can be seen to have beset it, and which have just been mentioned. Provisionality accepted, it's particularity will be demonstrated below.

Pursuing an already developing line of argumentation, it's possible to make a limited claim that one sort of analysis of the psyche rather than another was taken up and developed by Lacan, even though this was not done without ambiguity or equivocation. In line with important aspects of the work of Clérambault, Kraeplin and Freud, Lacan studied the differentiality and assimilability, that is, in an important sense, the *structurality* of various aspects of psychic constitution and functioning. This openess to something like non-organicism, or non-materialism in respect of questions of the psyche served to interrogate an intellectual, particularly psychiatric, prejudice which permeated psychical explanations in the early part of the century. This prejudice, which is still quite prevalent in some accounts, can be seen as having regarded the principles and ends of psychic functioning as ultimately being to do with the *real,* and as being, accordingly, *realistic*. This meant that the psyche would be fundamentally and functionally apparent and operative in terms of a sort of reality, and that this reality might be best understood as material or organic. One way of clarifying the difference of the work of the medics just mentioned from work which indulged this sort of realistic intellectual preference is to compare the former with that of an exponent of the latter, Pierre Janet.

Real problems with the Real

This can be done succinctly, by referring to a brief account of Lacanian intellectual genealogy carried out by another theoretician, and one of Lacan's later contemporaries, Moustapha Safouan. An increasingly close collegue of Lacan's at the Sociétè Française de Psychanalyse and then at the École Freudienne de Paris, Safouan sought to mark the specificity of Lacan's teaching both within and apart from various scientific and philosophical dictates. Concerning the exact way in which a Lacanian notion of the psyche and psychic functioning can be seen to have been differentiated and developed with regard to others, he pointed up, for example, some marked similarities and differences between the theories of Lacan's avowed mentor, Freud, and those of Janet.[9] Two decades before his theories were to have a subtley marked influence on Lacan's doctoral thesis[10], Freud was testing Janet's theories, in an influential paper, against his own.[11]

Safouan's account of this encounter notes Freud's summary of Janet's description of neurosis, in which the psyche is taken to have suffered a diminution of 'the function of the real' (la fonction du réel).[12] As Safouan indicates, this description implies that the psyche is, in it's normal and hence natural state, capable of a immediate and unmediated communion with reality. So much is implied not only by the supposition, included in Janet's formulation, that reality is given to the psyche for ordinary apprehension, but also in the converse intimation

that unrealistic psychical states are aberrant, a condition which serves to mark the normality of realistic ones.

Freud's account seems at first to concur with Janet's, but this concurrence becomes unsettled as the former claims an omission in the latter concerning investigation of or speculation about the determinants of neurosis. This apparent omission is rectified with reference to repression. Neurosis is caused by what is *really* traumatic being rejected, the inverse effect of which is the neurotic's alienation from it. According to Freud's argument, neurosis is the result of the neurotic's having turned away from a reality become unbearable.

At this point Freud begins to develop an argument that is quite incompatible with the sort advanced by Janet. In order to illustrate the psyche's turning away from reality, Freud refers to a type of hallucinatory psychosis. Although it is used quite casually, this example confounds any consistent maintenanace of Janet's (or Freud's) original analytic position. In a way which has just been revealed, Janet describes neurosis as an aberrant form. Now this divergence from what is normally realistic not only bears a difference but also a relation in regard of it, and does so by default. Precisely because it is a deviation *from* normal and realistic functioning, neurosis is related *to* it, as that which it becomes in an unnatural state. In terms of Freud's original description of neurosis by way of repression, this means that the neurosis includes some real sense, implied or not, of what is being repressed by it. This sort of description accords with a classical psychiatric one which is still employed today, and which takes neurosis to bear a certain relation to reality. The same description would contrast this condition with a psychotic one, where realistic psychical functioning is taken to be absent. The development of Freud's argument disturbs and even destroys the logic of this sort of description and, in doing so, problematises any straightforward or naïve invocation of what, for the psyche, is real. If a discernible albeit perverse trace of realism is evident in neurosis but not in psychosis, then reality, or some sense of it, can be understood as being present in the former and absent in the latter. As soon as a distinction between psychotic and neurotic states is effaced, as it is in Freud's exemplary substitution of hallucination for repression, then it becomes difficult or impossible to know in which psychic states realistic functioning is present, or whether such states prevail over ones where it is not.[13]

Both Safouan's account of this problem of psychical existence and functioning, and his proposed solution to it are sophisticated, and well worth considering. Although there isn't space to examine what is both suggestive and questionable about his solution here, it's worth sketching, and will be outlined in a moment. Meanwhile, immediate and recent purposes can be well served by looking at the problem at hand a little more closely, and in terms of an argument that is predominantly Safouan's. This re-examination of Freud and Janet by way of Safouan should bring us back to the question of their respective places in a tradition or traditions striving to settle issues about the relation or non-relation of real, organic or material aspects of psychical existence and functioning with others that might be separable from them. This re-examination of a current problem, along with the sketch of Safouan's mooted solution to it, should throw an ethical, and by extension legal, dimension of it into relief once again, and show how all of the issues just mentioned can be seen to have been taken up by both Clérambault and Lacan.

According to Safouan, then, Freud's paper, perhaps unwittingly, complicates Janet's account of a psyche whose foundation and functioning is primarily realistic. It does this by finding a non-realistic, and pychotic, mechanism at work in a supposedly, if perversely, realistic neurotic one. Safouan suggests that this complication points up a tension in descriptions of the psyche between a realistic orientation and a non-realistic one. Safouan invokes Freud's claim that an infantile and fundamental urge for satisfaction is led to simulate its object irrespective of the presence of that object in reality.[14] This function, to which the type of hallucination which Freud invokes conforms, is activated in correspondence with the pleasure principle.[15] In this instance as in others, Freud's frequent assertion of the dominance of this principle stands in contradiction with his some time acceptance of a fundamental psychical realism.

Safouan provides a bald statement of this problem which also hints at his proposed solution of it: 'either reality *is* not, or pleasure is not the principle to which the psyche is subject'.[16] Later, it will be shown that this problem cannot *simply* be explained as one of a difference between empirical and ideal perspectives.[17] For his part, Safouan claims that the simulative and pleasurable psychical function takes priority over any realistic one, but does so in a way that does not necessarily oppose or absolutely negate it. It attains this status by being manifest in representation. According to Safouan, representation provides the primary potential for the appearance of objects, at least for the subject, whose world, which like the infant's is otherwise indistinct, is figured in terms of it. Because, it is what objects are manifest *in terms of*, representation is something other than, as well as something assimilable to them. It can thus take place in the absence of it's objects, as well as in their presence, and hence need not always answer to an already constituted reality that it only *might* be a representation of.

Safouan's approach, which amounts to a particular sort of culmination of a pre- and post-Lacanian tradition, involves a certain attitude to philosophical and psychical and by implication and intent, ethical and legal complexes. It's thrust is discerniby non-empirical, non-organic and tendentially structural or formal. This means that any meaning or purpose that it ascribes to psychic functioning cannot originate, in any simple sense, in reality, and that reality, at least in so far as it is naïvely figured, is powerless to impose moral prescriptions on the psyche. Safouan knows as much, but is far from concluding that this renders psychical functioning immune to the dictates of ethics or law.[18] In order to begin to understand how he might have arrived at such a position, we might return to some prefigurations of it in the work of Clérambault and, more importantly, Lacan.

Meaning and Mania

Once again, it's possible to see comparable tendencies emerging in the work of most of the analysts considered so far. It's important to acknowledge the prevalance of these tendencies in a tradition which can be seen as relating some of their discoveries to each other. It's also important, once again, to register the limitations or blind-spots of this sort of view. Many of the analysts regarded up until now have favoured non-organic, and non-realistic modes of analysis of the psyche. However, none of them have taken up this preference exclusively or unambiguously. It's been suggested that Clérambault's symptomatological perspective belied a sometimes dogmatic organicism. The biologism apparent in Freud's theories has been quite often commented on elsewhere.[19]

Similarly Lacan's theoretical position with regard to the status of reality cannot simply be upheld or dismissed as being, for example, structural. It's not possible to demonstrate this in any detail here, but the following proof might suffice. *The real*, in Lacanian theory, increasingly shows up as a disturbance of representation in all of its modes. This disturbance derives from what might be called its *necessary alterity* with regard to representation. The real bears a necessary minimal difference from, and hence alterity to, representation, which it can thus become apparent in terms of. Without this difference its status as real would just be represented, and therefore contradictory or tautological. Because differentiality can be seen as constitutive of representation, and because the alterity, or differentiality, of the real to representation just mentioned is irreducible, the real shows up as what is essential, but alien, to it. There is a sense in which the real, for Lacan, is both unrepresentable and unavoidable in what is represented. Apart from anything else, this means that Lacanaian theory is no more purely structural than it is materialist.

Yet again, it looks as if a genealogy that leads up to and also includes the work of Lacan bears a distinct but complicated emphasising of questions of structure. So far, it's been suggested that a structural genealogy can be accurately traced *despite* it's implications in what is alien to structure. This has at least allowed some theoretical, and consequently ethical and legal grounds to be cleared. For example, it's allowed for the identification of a conflict between realistic, for example organicist, and non-realistic, for example structural, perspectives on the psyche to be seen as one that involves considerations of determination and responsibility

respectively. Now it should be possible to hang on to this sense of a theoretical tradition whose development is both diffuse and weighted, and to draw out its ethical and legal correspondents. This will involve an appreciation of a theoretical condition that can be described in terms of a *marked structure,* where this designation of structure bears a double sense. Attention to structure is a *marked* characteristic of a certain Lacanian tradition. At the same time, this tradition is *marked* by what is not reducible to structural explanations. What this means is that structural explanations will always be apparent in this tradition, but never simply. For example, and in a way that has just been intimated by a description of the Lacanian real, structure, though always significant, will always be complicated by the non-structural, and conversely, in itself. This can be seen to have significant and challenging ethical and legal consequences. So much can be shown, as indicated a moment ago, with respect to Clérambault.

One of the significant contributions to psychiatric knowledge made by Clérambault in the late 1920's, which was shortly to be utilised by Lacan, concerned a condition known as erotomania. In keeping with, but also as an extension of, symptomatological procedure, Clérambault provided a description and, crucially, elaboration of what he took to be the significant features of this condition. The erotomanic subject, he reported, sees herself or himself as loved passionately by an object. This object is often famous and distant, and is usually apprehended as loving the subject platonically. According to Clérambault the presumption made by the subject that s/he is loved, although delusory, can be understood in terms of a series of relations and negations implied, if not always apparent, in the erotomanic condition as such. Clérambault claimed that erotomania implies a sexual desire on the part of the subject which is felt to be unacceptable and is therefore transformed in a manner that allows it to be disowned and effectively denied. Sexual desire is nullified or abated by being figured as a merely amatory passion. This passion is attributed to the object, and is thus represented as not belonging to the subject. Along with a reversal of the direction of the passion, this turn permits the subject to infer intent on the part of the object, and thus to deny her or his own.[20]

A couple of things are striking about this analysis. It is carried out without obvious reference to organic or real factors of the illness analysed. Rather than taking account of these dimensions, its argument is preoccupied with what can be taken to *structure* the condition concerned. This attention to structure is significant. The importance of Clérambault's account of psychic functioning for subsequent ones, including Lacan's, has to do with the way in which it not only accentuates structure, but also does so as not just symptomatic, manifest or superficial. This claim can be justified in the following manner.

Clérambault's initial inference about the way in which erotomania is put together and functions is in some ways not unusual or unorthodox, but is complicated and extended in significant ways. It first of all describes the condition in terms of relations and distinctions - between the subject and the object and states of passion and indifference that might be attributed to them. It is structural from the outset. Thus far, though, it does not necessarily differ from analyses that can be likened to structural ones, but which treat manifestations of illness, and the relations and differences between them, as incidental aspects of it. These sorts of analyses would oppose the superficialty of behavioural symptoms to the meaningfulness of organic cause. At first Clérambault's account seems to be of this sort. It is, broadly speaking, symptomatological. That is, it describes certain logical, and therefore formal, and analogously structural, factors at work in apparent manifestations or symptoms of illness. Crucially, though, these factors are complicated and extended to include a meaning that can be attributed to the illness, and which is concealed in or goes beyond its pathology. To extend a point made a moment ago, and to use structural and logical terms to do so, it could be claimed that Clérambault's argument considers the meaning, or signification of illness as well as it's representation, but does so without appeal to an organic or realistic reference.

Clérambault thus takes up a perspective which, as suggested earlier, is *marked* as such. As indicated, it is both markedly structural and marked, in certain ways, by what an attenuation of structure leaves, or at least seeks to leave, out. The first of these senses in which structure is marked in Clérambault's account should be apparent from its description given above. The

second is a little too complex to be dealt with in any detail here. It can, however, be intimated, in a fashion which should prefigure the way in which a similar sort of marking is apparent, and theorised, in Lacan's work. In short, it can be noted that what can be called a perversion of sense is detectable in Clérambault's theory, and that this perversion seems to be both material and figural. It's already been mentioned that Clérambault's work involves a quite fearful contradiction in its utilisation of structural theory and methodology alongside a dogmatic insistence on organic cause. Clérambault's forgets or disacknowledges this contradiction every time he concentrates solely on psychical structurality. However, as suggested earlier, a notion of structure that depends on an oppositional or assimilative orientation towards reality cannot eschew it without becoming cocntradictory *in itself.* In Clérambault's thoery of erotomania, for example, this *structural* contradiction shows up as a conflict between a symptomatology that reveals an irrational or pathological psychic condition and one that makes sense. Clérambault's explanation of erotomania treats the condition as both aberrant, and one which can be coherently understood. In other words, Clérambault regards erotomania as something which both does and doesn't make sense.

The ethical and legal consequences of this sort of position are considerable. For reasons given formerly, where there is a question of whether behaviour that is deemed to be socially dubious or harmful does or doesn't make sense, a corresponding set of questions arise about the responsibility or culpablity of the subject that they might be attributed to. Ethical or juridical judgements about this situation might seek to settle such questions by trying to establish exactly what sort of sense the sense that might be made of it might be. They might, for example, be concerned to establish whether the subject was conscious of this sense, and whether s/he might thus be taken to have been responsible for it. In a moment, however, it will be suggested that there is an important respect in which this situation is *impossible* to legislate about. It will also be suggested that Lacan knew this, and at least tried to take some account of it, where perhaps Clérambault did not. It's interesting to note from this point of view, that Clérambault's practice with regard to ethical and legal situations was to treat them with a certain sort of clinical violence, which might have sought to make them, in a sense, disappear. Not only did he tend to incarcerate the very patients whose situation he quite delicately explained, he also tended to interrogate rather than analyse them as prisoners rather than patients, and blankly refused to act as expert witness for them in legal trials.[21] It's worth investigating whether Lacan's approach managed to avoid this violent indulgence of penal and legislative practice in the face of theoretical and moral complexity.

Intention and Invention

So far, psychical conditions have been described in terms of a theoretical tradition whose arguments are both odd and logical. They have shown up, to doctor logical terminology, as being as distracted as they are deducible, and as given to immateriality as they are to induction. So much can be stated more rigorously, and as follows. A certain tradition of the study of the psyche, of which Lacan became an heir, opposes real or organic psychical factors (or, to generalise them, material factors) to not simply real or non-organic ones. It accentuates the influence of the former and it's prevalence, in important respects, over the latter. However, to the extent that a preponderance of immateriality can only ever be marked against, and therefore in terms of, the material, it cannot help but invoke what it might aim or be determined to dismiss. The material is necessarily marked in the immaterial, not least definitionally, and by its absence. This condition not only marks its difference from but also converse assimilability with the immaterial. Precisely because something is not material, it might also otherwise be so (the only case where this could not be so would be where immateriality could only be defined with reference to itself, which would render it tautological or contradictory). What is material is necessarily potentially both present and absent to what isn't, which means that it can turn up unexpectedly in what is immaterial, to the extent that immateriality cannot be entirely consistent in itself. This formulation (or realisation) works as a summary of Lacan's late conception of *the real* (not, emphatically, and for reasons that should be becoming clearer, *reality*) and begins to reveal why immaterial (for example structural, logical, or, in a sense that will be revealed later, phenomenological) explanations of psychic functioning (including

Lacan's) utilised in fairly early French psychiatric theory not only make sense but are also concomitantly warped or deformed. Now if theoretical formulations, or their practical or clinical realisations, always include ontological and epistemological presumptions, and if, as suggested earlier, ontological and epistemological figurations always include ethical ones, and if, furthermore, these can all, by extension, be formulated, observed or practiced legally, then there must be a sense in which psychical disturbances, or disturbances or deformations in the theory of the psyche, might mirror lapses in the logic of the law. It's possible to show that Lacan's early theorisations and clinical practices show as much, sometimes quite self-consciously, and that they thus anticipate his later ones. Such a demonstration will be attempted now. Because the dimensions of concord and dissociation between the real and (its) representation are many, complex and heterogeneous, one rather than others will be concentrated on in Lacan's early work. This dimension will appear, provisionally at least, as being one, or one that is analogous to one, of structure.

In 1931, along with two other psychiatric students, Lacan published a paper which examined the "'Inspired' Writings" of an erotomanic, paranoid patient of Clérambault's.[22] As well as suffering amatory and persecutory delusions, Marcelle, a thirty-four year old schoolteacher, imagined herself to be Joan of Arc. She believed that her position deprived her of certain sexual and intellectual satisfactions, for which she demanded 20,000 francs compensation from the state. Indifferent in his judgement to little other than the anti-sociality of her condition, Clérambault had Marcelle interned. By contrast, Lacan and his co-authors were impressed by the drama of her symptoms, and by the stylistic qualities of certain of her letters. Analysis was undertaken with regard to the way in which certain aspects of her life, imagination and writing could be figured as related to or distingushed from each other in terms of an explanation of her overall condition. Because a not dissimilar one will be summarised in a moment, this analysis will not be reported here. Suffice to say that the distinctions and associations established between various aspects of Marcelle's condition were taken to *structure* her behaviour. Significantly, this behaviour was understood as not only conditioned by illness, but also as a form of meaningful *action*, an attribution which not only granted her a sort of mitigation with repect to the overwhelming influence of the malady, but also, apparently paradoxically, a kind of *intent.*

With regard to Marcelle's verbal outpourings the authors noted: 'There is an aspect of play that is apparent concerning which it is imperative to overlook neither the inventive nor the automatic aspects.'[23] This description presupposes a cross-over between intended and determinative functions. Marcelle's 'inventions' are 'inspired' by something other than her conscious intent, which nevertheless plays a part in their shaping. The notion of automatism is used in a variable sense, taken from its significantly different but also comparable usage by both Clérambault and the contemporary Parisian artists with whom Lacan was beginning to fraternise and collaborate, the surrealists. For Clérambault, certain symptoms were imposed 'automatically' on the psychotic subject independent of her or his intentions. As well as not being intended, these symptoms were also not traceable back (somewhat surprisingly, given Clérambault's biologistic bent) to a certain organic cause. Although structuring the illness, in the manner shown earlier, their origins could only ever be located in terms of external, apparently arbitrary and unrelated, events.[24] For the surrealists, 'automatic' phenomena appeared in states of incomplete or disturbed consciousness, such as the one immediately prior to sleep. These phenomena, which could be exploited for aesthetic purposes, belied both conscious intent and biological explanation, but became meaningful with respect to Freudian theory, and in terms of *unconscious* motivation.[25]

It's not difficult to discern ethical, moral and legal issues in all of the theoretical and practical complexity of both psychiatric and surrealist accounts of invention and automatism. Both Clérambault and Bréton (to take an example of an influential surrealist, who, incidentally, Lacan had met) identified a mode of mental functioning or behaviour whose cause could not be strictly or straightforwardly accounted for (despite, as mentioned, Clérambault's theoretical preferences) in biological or empirical terms.[26] Neither was it, however, explicable in terms of any state of full self-consciouness which might allow deliberate intent and therefore clear

responsibility to be attributed to the subject of it. Nevertheless, and to complicate matters further, automatic phenomena were taken, by Clérambault and the surrealists, in ways that have been and will be explained, and despite their apparent irrelevance, to have a meaning *for* the subject.

As suggested, Clérambault's response to this dilemma was both contradictory and authoritarian. Where culpability was unclear, he simply incarcerated the patient, even though this action was inconsistent with a recognition of complexity, division or incapacity of conscious intent which his own analyses might have uncovered in her or him, and which might have mitigated her or his behaviour.

The surrealists response to theoretically, practically and ethically ambiguous situations was quite opposite to this one. Although it's difficult to summarise surrealist philosophy accurately with any brevity, it can be noted that the intellectual and practical positions they took up were often instructed by a volatile concatenation of radical ideas. These included dialectical materialism, Freudianism, anarchism and nihilism. The surrealists invoked these ideas in the context of a general critique of bourgeoise culture, which they took to conspire with capitalism, rationalism, logic and realism to oppress unconventional and liberatory states of being. Their interventions tended to be irrationalistic and provocative. States of 'criminality' and 'madness' were celebrated, either as being revolutionary, valuable in themselves, or both. Thus, for example, the surrealists occasionally indulged in or praised derangement and criminal activity.[27] In its extreme form, this attitude celebrated psychosis and murder, as in Benjamin Péret and Paul Éluard's defence of Christine and Léa Papin, the maids from Le Mans who, in 1933, killed and mutilated their employers, with sudden and extreme force.[28] Concerning issues that can only be intimated here, it can be said that the surrealist philosophy was no less inconsistent than Clérambault's, even if avowedly so. It's worth wondering, for example, whether an assault on conscious intention can be undertaken without consciousness of what it is, or without intent. Whether or not the surrealist strategy shows up the flaws in or discredits responsibility as a universally applicable notion, it's arguable that it cannot escape or destroy responsibility as an issue, not, at least, with any degree of rigour.

For their part, Lacan and his collaborators in the article on "'Inspired' Writings" were neither Draconian nor libertarian. Although not opposing confinement, they did not support it, as Lacan had done previously.[29] They did not condone anti-social activity, but they did value its potential complicity with forms of creativity. There were already intimations that Lacan was beginning to see psychosis as something which both did and didn't make sense for the subject of it, which rendered her or him both expressive and dangerous, and for which s/he was both responsible and not. He began to explore this double articulation of psychosis with close regard to a particular condition, paranoia, especially as manifested in cases that involved significant acts of aggression or violence. During this period, he met and was influenced by the ideas of one of the most celebrated surrealists, Salvador Dali. A decade after the first surrealist experiments with automatism, Dali became interested in the mechanisms of paranoia, which he understood as being delusory in so far as it involved hallucination, but non-delusory in so far as it contained a truth that was meaningful for the subject of it. Like Clérambault, whose analysis of erotmania analysed apparently duplicitous features of it, he claimed that manifest incoherence existed alongside rigour in psychosis. He did not aim to reduce the former to the latter, rather he saw them as revealing the *same* but contradictory psychic condition. He did, however, indulge in a polemical prioritsation of non-realistic (if meaningful as well as senseless) manifestations over realistic ones. Paranoia thus became not only an alternative to, but also a meaningful criticism of, reality. This is why Dali dubbed his method 'paranoia-criticism' and aimed to 'systematise the confusion and to contribute to the total discrediting of the world of reality'.[30]

Less dismissive of a possible resolution of psychotic conflict than Clérambault, and more ready to forego the attractions of irrationalism than Dali, Lacan sought ways to effect a reduction of the tension that characterised delusory illness. It would be quite wrong to suggest that in this aim he favoured normativity or adaption, both of which he famously spent the rest of his career

denouncing as phantasms.[31] For Lacan, the conscious and unconscious, rational and irrational, aspects of the psyche were mutually conditional. One could not be seen as present in the psyche without the absence, and therebye the potential presence, of the other. This structure bound sense and non-sense together in a way that was not only possibly disjunctive, but also potentially relatable, and therebye at least minimally meaningful. Where this admittedly incomplete meaning could be worked out, it might be able to bring some therapeutic relief for the patient, and some analytic gains for the therapist, and do so without chemical, physical or penal intervention in her or his reality.

Structure and Stricture

At this point, it might be worth risking a summary of the sorts of conclusions that the current and previous investigtions permit about Lacan's intellectual heritage and progression. This should allow a clarification of his early position concerning theoretical, ethical and legal matters with regard to the (particularly disturbed) human psyche.

Lacan's early work can be understood as standing *between* that of Clérambault and the surrealists without being reducible to a simple development of either or a synthesis of both. Clérambault and the surrealists understood that there is a sense in which psychical functioning can and indeed should be investigated and understood independently of any simple or dogmatic reference to biology or reality. They also understood that such investigation involves negotiation of a field of influence which is not simply conscious, or rational. This meant that although quite radical intellectual propositions were entertained ontological, epistemological and ethical certainties were concomitantly thrown in doubt. Clérambault's reaction, which can be described as both over-compensatory and reactionary, was to attempt to stabilise his theory and practice with recourse to (biologistic) intellectual reduction and (repressive) authoritarianism. The surrealists, no more consistently, proposed a political and intellectual, and therefore at least partly real and rationalistic, championing of anti-realism, irrationalism and sometimes criminality.

Like those that influenced him, Lacan eschewed straightforwardly realistic and biologistic explanations of psychical constitution and functioning. He also, like them, noted that this constitution and functioning was dictated in a way that did not, as much as it did, make sense. Perhaps more than others, he began to work on the basis that these two apparently contradictory psychical aspects were inseparable and hence both relatable and disjunctive. Rather than seeking, like Clérambault, to master the (for instance, theoretical and moral) conflict implied in this condition, or, like the surrealists, to aggravate it, Lacan sought to find a way in which it might be both tolerated and understood, and thus respected as fundamental but diminished. He did so by invoking a particular sort of psychic *structure,* which, in accordance with his discoveries, made a certain sort of sense, but also did not, and which could be seen as resulting from a cetain complicity between these two imperatives.

In a way which has been briefly explained, and which cannot be dealt with in detail here, this notion of structure was increasingly developed with regard to a sense that it could not be *only* non-material. This sense of it shows it to be *marked*, by what is material as well as in itself, and reveals it's oddly sensible and non-sensical condition to be to do with external as well as internal influences. It is this marking *out* of the psychical which later led Lacan to propose his notion of the *real.*

By the early 1930's, then, Lacan had begun to explore a sort of duplicitous but also not entirely inconsistent psychical structure, which both did and did not make sense, and which rendered the subject of it's manifestations both responsible and not for her or his actions. Now it's important to note that there's a way in which this notion is theoretically ambiguous and in other, different if not unrelated, senses than the ones just indicated. The ways in which psychical structure both did and did not make sense was primarily *for* the subject, rather than in itself. This notion of *subjective structure* is an unusual and complicated one. It is most particularly so because the notion of structure, in philosophy and the human and social sciences

for example, is most often utilised, and very often in a scientistic manner, as an *objective* rather than as a subjective one.[32]

This quite technical complication of Lacan's theory is important to note, but should not be of too much concern here. Suffice to iterate that Lacan increasingly, if unusually, accentuated what he refers to as the subjective aspect of the psychical and did so with particular attention to its structurality. In other words, he considered how a psychical instance might or might not be structured and make sense *for* the subject rather than realistically or biologically.

It's useful to note that this way of understanding corresponds, in important respects, to certain of the primary dispositions of a particular philosophical tradition known as phenomenology. This tradition is often described as having been initiated, at least in its post-Enlightenment and nominal mode, by Descartes. Just prior to Lacan's theory having adopted some of its tenets, it had undergone a thorough modern articulation in the work of Brentano and Husserl, and was to go on to be developed by one of Lacan's contemporaries, Merleau-Ponty.[33] Modern phenomenologists granted the stuff of mental manifestations a *certain* objectivity, but never independently of its meaning *for* the subject. This sort of meaning is sometimes referred to as intentional objectivity. It was developed (particularly in its most critical form, by Husserl) with regard to the series of objective relations which the subject takes to make up the world, which thus reflect its apprehension of that world, and hence also itself. These intended objectivities are usually described with regard to their *formal relations,* but there is no very good reason why they cannot be described as structural, given that the latter nomination can be taken to be at least analogous to the former one. It is in this sense that we can begin to see a type of (nominally structural) phenomenlogy apparent in Lacan's work.

However, because Lacan's account of psychical functioning notes and even accentuates it's complications and ambiguites, it is not describable as a simple or entirely consistent phenomenology, and does not aim for the same logical, or by extension ethical, consistency that the work of the classical phenomenologists does. Both the influence of phenomenology on Lacan's work and the limits of this influence can be intimated by very briefly considering one more of Lacan's early analyses - a violent psychotic case studied in his doctoral thesis.

Lacan's doctoral thesis, submitted in 1932, studied the case of a thirty-eight year old woman, given the pseudonym Aimée, who stabbed a famous Parisian actress, Huguette Duflos. Aimée apparently intended to do her victim mortal harm, but only succeeded in severing two tendons in her hand.[34] By analysing Aimée's writings, memories and phantasies, Lacan uncovered a series of subjective figurations of herself and her apprehension of the world that were implicit but not immediately apparent in her delirious action. These turned out to involve a series of female figures, with whom she had had both real and imaginary relations. Aimée felt extremely ambivalent about all of these figures, who included her mother, sister, and the actress that she stabbed. She alternately lovingly identified with and violently rejected each of them. Now this ambivalence *structured* Aimée's image of herself in so far as that image was always formed in terms of other ones, which she identified with or disidentified from.[35] When this ambivalence became unbearable, Aimée struck out at a current image of it (the actress) who not only represented the other that she hated and loved but also, by relation or negation, herself. This allowed a certain dissolution of the tension created by her condition, and facilitated a therapeutic examination to take place, which revealed, in a sense, the meaning of and motivation for the act, as described above. Lacan pointed out that, to the extent that the female figures of Aimée's world were those that she identified *with*, they had represented her ego ideal. That is, they had represented those consequential objects which, in loving, she would like to have seen herself *as.* When they were successively villified, this love, through disappointment or something similar, had turned to hatred. Where this hatred had been impossible to bear or own, it had been attributed, in turn, to particular objects, which were therebye experienced as persecutory, and had each taken up the position of a rudimentary and brutal superego.

As well as being quite obviously Freudian, this analysis bears important philosophical and ethico-legal implications and presumptions. The philosophical aspects of these will be considered in a moment. For now, it's possible to mark the distinctiveness of Lacan's early ethico-legal position by considering the ambiguity of the position in which it places the subject. This subject bears a kind of contradiction both before the law and (in Aimée's case, for instance) in herself. She participates, knowingly or not, in a world of objects which can be represented as having a real independent existence, and which are not just her own. However, there is an important sense in which she also occupies another world, which, while it may be caught up in and facilitated by an objectively representable reality, is also quite separable from it. Both these worlds are actually or potentially represented, but, in some significant sense, quite differently. Although they might somewhere be assimilable, the world of objective representations, which is the world in which the law is figured, and which Lacan would later develop in terms of a theory of the *symbolic,* and the primarily subjective world, that Lacan would go on to investigate as *imaginary*, are also quite distinct. Objectively representable (for example legal) and therefore in some sense real limitations on modes of existence and action meant little to Aimée, just as her behaviour was senseless for the world.

Not only are objective and subjective worlds disjunctive and relatable with regard to each other, but also in themselves. Symbolic contradiction, or more particularly the contradictions of symbolic objectivity, cannot be properly treated here. It can, however, be intimated in a suggestion that all objective representations of the world (including the law) are only ever apparent by means of their differentiations from others (and also from non-representations) a conditions which only ever renders them in terms of something else. This condition cannot but compromise any absolute consistency on their part. What has just been suggested, and what will be elaborated again in a moment about Aimee's imaginary identification of herself, is that, because it was always formed in terms of another, it could never have been entirely consistent in itself and therefore could never have supplied the grounds for entirely consistent *action.* This last point can be made quite rigorously, and in terms of phenomenological philosophy.

Consciousness and Unconsciousness

In order to be just, the law contains certain presumptions and aspirations. It takes itself to be, or seeks to be, consistent. It also takes its subjects to be, or to be capable of being, consistent in their actions, and as being reliable in their knowledge of themselves as agents of these actions. Without losing sight of the inescapability of all these injunctions, Lacan's early work begins to show how all of these conditions are as impossible as they are possible.

As indicated a moment ago, there isn't time or space to consider the objective contradictions of law in any detail here. Perhaps its enough to note that it's treatment of some of Lacan's patients and subjects for analysis demonstrates an ambivalence. It's also worth noting that, for his part Lacan increasingly recognised this ambivalence as irreducible, and attempted to avoid being responsible for a submission of it, like Clérambault or the surrealists, to violation or abuse.

Where Clérambault put his patients at the mercy of the often arbitrary dictates of the law, Lacan, increasingly deferred. Despite his early protesations in favour of penal internment of patients, he went on to recommend treatment, especially, and unlike Clérambault, for the likes of Marcelle. Not that this stance simply set Lacan *against* the law. His treatment, which was therapeutic rather than medicinal, was not nevertheless emphatically anti-authoritarian (as Laing's, for example, was later to be) or liberal.[36] Although his doctoral thesis includes criticism of incarceration of patients in prison, and recommends analysis, it does so while favouring isolation in asylums.[37] His comments on the Papin sisters' case cast them as both responsible and not. More sensitive to their condition than the law had been, his double attitude nevertheless reflected a more rigorous articulation of what the law's treatment of them implied. Expert witnesses alternately diagnosed them of sound mind and insane. Their fates were to be mixed - one died in prison, the other, condemned but spared the guillotine, survived.[38]

As indicated above, Lacan took a fundamental ambivalence to be not only a condition of law, but also of the constitution of any subject that might be submitted to it. Because, as also indicated above, Lacan saw that law is assimilable as well as separable to all forms of subjectivity, he began to identify *something like* legality, in all of it's ambivalences, in the very structure of subjectivity. This can be shown with regard to the more avowedly phenomenal of Lacan's explanations of subjectivity just mentioned. These were to include one of his most famous papers, which was first delivered in 1936, before being presented, in its most familiar form, in 1949.

In 'The mirror stage as formative of the function of the I', Lacan emphasised a mode of experience given to the psychoanalytically-understood subject: 'of which it is necessary to say that it opposes us to all philosophy issuing directly from the *Cogito*.'[39] As suggested, Descartes, to whose philosophy Lacan was referring, is regarded as the founder of the phenomenological tradition. Lacan was indicating that this philosophy could be understood as remiss, or, more accurately, that it could be taken in an *opposite* fashion to the one in which it was normally understood. Better still, it could be *inverted.* Where Descartes, famously, said *cogito ergo sum,* or 'I think therefore I am', Lacan was to adapt this statement and the proof that instructed it, to show something far more duplicitous, namely: *'By virtue of the fact that I doubt, I think that I am'.*[40]

Descartes philosophical reflection began (but unlike Lacan's as we will see, sought not to end) with a doubt. Observing that perceptual judgements can be made erroneously, he sought certainty, which he took to be the foundation of proper philosophical enquiry, in his own mind. Observing what appeared to be his own thoughts, he saw himself as the thinker of them, recognising himself in doing so. Thought, which Descartes became conscious of himself as the thinker of, provided a means for him to know himself. This knowlege consisted in the recognition of a thinker identical to one that observes him as such, and hence to an identity established between them. This identity becomes apparent by means of conscious and active reflection in thought, and is thus, to use a slightly more modern term, intended.

It is exactly this sort of mutual self-consciousness of identitiy and intent which responsibility before the law presupposes, and which Lacan's theory questions. That questioning can be put as follows. In order to be able to recognise itself as the thinker of it's own thoughts, that which recognises would have to be already constituted as such, probably as a self. Furthermore, in order to be recognisable as that which is identical to that which recognises it, that which is recognised would also have to have already been constitutes in some sense, probably also as a self. This condition is abyssal and regressive. Subjective and objective dimensions of the self (both what is reflected in any reflection of the self, and what the self is reflected in terms of, which make up, incidentally, intentional objectivity) presuppose both others and each other. This means that the self, considered discretely and elaborately, is only recognisable in terms of a pair or series of disjunctions as well as identifications. One of the correlates of this state is that singular or multiple division of the self is a condition for the possibility of its identification at all. Self conscious identity and intent is conditioned by unconsciousness, anomie, and predisposition which precedes and escapes mastery.

It's these sorts of notions which lead Lacan, in his later work, to explore the aspiration and failure of egoistic venture whose aim is never absolutely achievable, and is both conditioned and frustrated by the division which marks it. From this point of view ethical purity, before or after the law, is as much a phantasm as the abyss which precludes it, but which also produces the space in which a demand can be presented at all, particularly one for the necessity of ethics.

---

[1]For competent accounts of this first phase of Lacan's work see Elizabeth Roudinesco, *Jacques Lacan and Co. A History of Psychoanalysis in France , 1925-1985,* trs. Jeffrey Mehleman (London: Free Association, 1991) esp. pp 101-147; Catherine Clément, *The Lives and Legends of Jacques Lacan,* trs. Arthur Goldhammer (New York: Columbia University Press, 1983) and Peter Dews, *Logics of Disintegration: Post-Structuralist Thought and the*

Claims of Critical Theory (London; Verso, 1987) (hereafter: Dews) esp. pp45-69. The text by Roudinesco is the second volume of a two volume work. Details of the first volume are provided in note 4, below. Hereafter, the second volume will be referred to as Roudinesco.

[2]See, for example, 'Introduction - II' in Jacqueline Rose and Juliet Mitchell (eds.) *Feminine Sexuality. Jacques Lacan and the école freudienne,* trs. Jacqueline Rose (London: Macmillan Press, 1987) esp. pp38-43; Dews, esp. pp84-5 and Bice Benvenuto and Roger Kennedy, *The Works of Jacques Lacan: An Introduction* (London: Free Association Books, 1986) esp. pp130-136.

[3]See Roudinesco pp101-109; Dews 45-60 and Mikkel Borch-Jacobsen, *Lacan, The Absolute Master* trs. Douglas Brick (Stanford: Stanford University press, 1991) pp29-41 (hereafter: Borch-Jacobsen). Many of the influence cited in the main text above can be seen at work in Lacan's 1931 article 'structure des psychoses paranoïaques', *Semaine des hôpitaux* (July 1931) (hereafter: Lacan, 1931) pp437-445.

[4]See Elisabeth Roudinesco, *La bataille de cent ans* (Paris: Seuil, 1986) esp. part 4, chapter 1; Roudinesco pp105-106; Borch-Jacobsen, p23.

[5]See Roudinesco, p106; Richard Wollheim, *Freud* (London: Fontana, 1985) pp14-15 and, as an example of Freud's development of psychical topology, Sigmund Freud, 'The Ego and the Id' [1923], trs. James Strachey (Pelican Freud Library 11, 1984)pp. 339-407.

[6]For a critical approaches of this sort see Anika Lemaire, *Jacques Lacan,* trs. David Macey (London: Routledge and Kegan Paul, 1982) esp. p3. For an example of Lacan's claims for and development of the sort of revelation mentioned see Jacques Lacan, 'Agency of the letter in the unconscious or reason since Freud' [1957], *Ecrits: A Selection*, trs. Alan Sheridan (London: Tavistock, 1977) (hereafter: Lacan, 1977) pp146-178, esp. pp159-171.

[7]Roudinesco, p106-107.

[8]See Lacan, 1931, pp437-445.

[9]Moustapha Safouan, *Pleasure and Being. Hedonism: from a Psychoanalytic Point of View,* trs. Martin Thom (London: Macmillan, 1983) (hereafter: Safouan) esp. pp1-8.

[10]Jacques Lacan, *De la psychose paranoïaque dans ses rapports avec la personnalité* [1932] (Paris: Editions du Seuil, 1975) (hereafter: Lacan, 1975).

[11]Sigmund Freud, 'Formulations on the Two Principles of Mental Functioning' [1911], trs. James Strachey (Pelican Freud Library 11, 1984) (hereafter: Freud) pp. 29-44.

[12]Safouan, p.3; Pierre Janet, *Les névroses,* quoted in Freud, p35.

[13]Safouan, pp3-6.

[14]Safouan, pp4-5.

[15]Freud, p6.

[16]Safouan, p5.

[17]Safouan is quite aware of the inadequacy of this philosophical distinction for analysis of the problem at hand, and demonstrates as much clearly and succinctly. Safouan, pp12-14.

[18]Safouan pp1-2, 63-65.

[19]See, for example, Frank Sulloway, *Freud, Biologist of the Mind* (London: Fontana, 1980).

[20]See Roudinesco pp.106-107 and Guy Rosalto 'Clérambault et les délires passionnels' in *Nouvelle Revue de psychanalyse*, 21 (Spring 1980).

[21]Roudinesco pp105-107.

[22]Reprinted in Lacan, 1975.

[23]Ibid., p379.

[24]See Roudinesco, p106.

[25]'It was in 1919 that my attention was fastened on the more or less partial phrases that, in utter solitude, as sleep approached, became perceptible to the mind, without its being possible to discover in them (without a rather elaborate analysis) a previous determination.' Andre Bréton, 'Manifeste du surréalisme [1924] quoted in Maurice Nadeau, *The History of Surrealism*, trs. Richard Howard (Harmondsworth: Penguin, 1973) (hereafter: Nadeau) p87. Bréton goes on to offer an example of such a phrase: 'There is a man cut in two by the window'.

[26]Ibid. and Roudinesco, p110.

[27]See, for instance, Nadeau, pp85-91 and Roger Shattuck, 'Love and Laughter: Surrealism Reappraised' in Nadeau pp9-39 esp. pp15-16.

[28]*Le Surréalisme au service de la révolution*, 1, July 1933, p28.

[29]See p4 above, and note 8.
[30]Salvador Dali, *La Femme visible* [1930] quoted in Nadeau, p200; see also Roudinesco, pp110-11.
[31]See, for example, 'The function and field of speech and language in psychoanalysis' [1953], Lacan, 1977, pp30-113, esp. p38.
[32]So much can be claimed, for instance, concerning Saussure's work, which was to have such a considerable influence on Lacan's. Whatever else can be said about Lacan's interpretation or appropriation of it, Saussure's theory of language, in it's reductive concentration on what it is that makes language an object for consistent study (that is, for Saussure, its *structure*) can be quite reliably described as scientistic and objectivist. See Ferdinand de Saussure, *Course in General Linguistics* [1916], trs. Wade Baskin (New York: McGraw-Hill, 1966).
[33]See, for example, René Descartes, *A Discourse on Method* (London: Dent, 1977); Edmund Husserl, *Ideas*, trs. W.R. Boyce Gibson (London: Allen and Unwin, 1931); Maurice Merleau-Ponty, *The Phenomenology of Perception*, trs. C. Smith (London: Routledge and Kegan Paul, 1961).
[34]See Lacan, 1975, pt. II.
[35]In a slightly later account of this sort of argument, published in a surrealist journal, Lacan refers to this structuration of the subject in terms of a series of objects as 'iterative identification of the object': Jacques Lacan, 'Le problème du style et la conception psychiatrique des formes paranoïaques de l'expérience', *Le minatoure*, 1 (1933) p69. In a subsequent issue of the same journal, Lacan carried out a similar analysis of the crime committed by the Papin sisters: Jacques Lacan, 'Motifs du crime paranoïaque - le crime des soeurs Papin', *Le minatoure,* 3/4 (1933) pp25-28.
[36]See, for example, R.D. Laing, *The Divided Self* [1959] (Harmondsworth: Penguin, 1965); *The Politics of Experience* and *The Bird of Paradise* (Harmondsworth: Penguin, 1967). For exchanges between Lacanian analysts and Laing, see Roudinesco, p491.
[37]See Lacan, 1975, part III.
[38]See note 35 and Roudinesco, pp124-129. See also Francis Dupré, *La solution du passage à l'acte* (Toulouse: Érès, 1984).
[39]Lacan, 1977, p1, tr. sl. mod.
[40]Jacques Lacan, *The Four Fundamental Concepts of Psychoanalysis,*[1964] trs. Alan Sheridan (Harmondsworth: Penguin, 1987) p35.