

Treating Life Literally (Summary)

This essay is organized around two main questions. Its first and broadest question is what it means to engage in interdisciplinary legal scholarship in the humanities. The essay opens up this inquiry by focusing on the relationship between psychoanalysis and jurisprudence, particularly as it has been developed in the scholarship of Pierre Legendre and Peter Goodrich. The essay breaks with the related assumptions that interdisciplinary scholarship consists either in finding the analogies, homologies, or resemblances that link the methods, techniques, paradigms, or objects of knowledge of various existing disciplines, or in integrating the results, conclusions, data, or information generated by those disciplines.¹ It instead supposes that interdisciplinary research consists in understanding the ways in which, prior to their explicitly thematized interdisciplinary borrowings, disciplines are constituted *at the level of their problematic* by the misrecognition of the *already* interdisciplinary character of the objects of knowledge they claim as their own.² Whereas the traditional concept of interdisciplinarity still relies for its direction and meaning on the faint outline of the desire for encyclopedic knowledge that governed the Humboldtian university, this essay asks how various disciplines' misrecognitions determine the limits of those disciplines' capacity to relate to the problems or questions they pose for themselves, as well as to the problems or questions their historical moment poses to them.³

¹ Jean Laplanche notes the proximity of Freud's concept of interdisciplinarity to this model. See *Life and Death in Psychoanalysis*, Trans. J. Mehlman (Baltimore: Johns Hopkins U P, 1976): 5.

² Jane Gallop offers a reading of this type with regard to psychoanalysis's relation to literature. See *Reading Lacan* (Ithaca: Cornell U P, 1985): 23-30.

³ See, on this point, Louis Althusser, *For Marx*, Trans. B. Brewster (New York: Verso Books, 1997): 67 n30.

What's interesting about the relationship between psychoanalysis and jurisprudence, from this perspective, is not that the two disciplines share a common language, resemble each other in certain ways, or that one is inherently more disruptive or politically progressive than the other. It is that prior to its turn to jurisprudence, psychoanalysis already approaches its own object of knowledge, the unconscious, on the basis of a nonpsychoanalytic understanding of law and sovereignty. The main thesis of this essay is that psychoanalysis's own misrecognition of this problematic blinds it to situations in which exercises of law and sovereignty are unrelated to paternity. The worry that motivates this thesis is that, despite the lucidity and probity of individual psychoanalytic thinkers (Rose, Žižek, Goodrich among so many others), it is *the problematic of psychoanalysis itself* that is not up to the task of responding to some of the harder legal and political questions our moment poses. It is unclear, for example, whether the psychoanalytic study of the state as a kind of father is a desirable or even adequate way to understand problems related to imperial sovereign power (the exercise of in effect unchecked war-making powers on the part of the U.S. executive branch), biopolitical racism (the capacity of overlapping institutions of sovereign power to let poor people with HIV/AIDS die, rather than to provide them with existing, inexpensive generic treatments), or the extension of police powers over the direct administration of life (whether in the form of refugee camps, the management of paperless workers, or through the increasing privatization of the police). At a moment when law and state sovereignty seem to be coming apart at the very seam, even the psychoanalytic study of the fantasy of their lost unity remains too genial and

recuperative, too generative of misleading and ultimately reassuring analogies, if not also commensurable with what Gilles Deleuze would call “state philosophy,” to remain unquestioned in its very root. This should not imply that psychoanalysis is not indispensable for legal studies in the humanities, only that there are certain constitutive risks involved in the way psychoanalysis poses law as a problem for itself, and that these risks, when examined on their own terms, arguably oblige psychoanalysis to invent new concepts, perhaps even to become something other than what it already is, if it is to be sufficient today.

The essay attempts to work through these broad claims by considering a number of specific texts. It discusses psychoanalysis’s misrecognition of its own object of study, the laws of the unconscious, through a gloss on Sophocles’s *Oedipus Tyrannos* and classical tragedy more generally (“Detour I: Tragedy and Law”), through a close reading of the Ghost’s speech in Shakespeare’s *Hamlet* (“Detour II: *Hamlet*”), and a few concluding remarks on the founding analysis of psychoanalysis itself, Freud’s dream of Irma’s Injection (“The Law of the Unconscious?”). The purpose of these sections is to bring to the surface the concepts of law and sovereignty psychoanalysis presupposes and posits in its analysis of the unconscious. The essay attempts to extend and intensify this inquiry by considering a second interdisciplinary juncture, the relationship between psychoanalysis and anthropology as it manifests itself in the work of Wulf Sachs, a psychoanalyst who lived and practiced in Johannesburg, South Africa from the 1920s to the late 1940s. What’s interesting about the relation of psychoanalysis and anthropology in Sachs’s work is the way they relate to his use of the genre of biography.

The essay tries to follow the metonymic self-references in Sachs's text in order to understand the substance it attributes to its own language. The best name for this substance is probably "atropine," but even this remains only a nominalist way to refer to a textual treatment of the life of the native in which law and time, as well as medicine and poison, can no longer be rigorously distinguished. The point of this analysis, in any case, is to show how the mode of being of the writing of Sachs's text—its organization of John Chavafambira's life according to linear time—implies a form of law that doubles as both poison and medicine (which is why the penultimate section of the text bears the very boring but unfortunately pertinent title, "*Pharmakon*").

The trouble with W.S.'s "atropine" treatment of John Chavafambira's life is that its attempt to provide a solution for the racism of South African society very much replicates the bad solution for injustice played out in W.S.'s *Hamlet*. The point of this essay is not to make an atavistic claim about the inevitably Greek and Roman mythological roots of psychoanalytic thought. Nor is it to shore up the existing assumption that undermining assumptions is critical theory's special job in the academic division of labor. It is to question the roots of the concept of law already at work in psychoanalysis in order to reach a point where psychoanalysis itself begins to point to a question that does not already presuppose its own answer.