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Dogmatic Montages as a Challenge to Psychoanalysis

“Zero” by Stephen Mosblech

Summary:

This is about an entire programme in the etymological sense of pre-script – meaning a preceding script, command and arrangement at the same time – and it is not certain whether psychoanalysts have always complied with this agenda. What constitutes this programme? It understands the unconscious as the effect of a transmission, of the passing on of a text, as a message that is directed to every individual. We only gain access to the unconscious with the aid of a dispositive, an element to which interpretation refers. Psychoanalysis can only survive if its practitioners preserve this dispositive; however, confronting its doctrinal significance is no less decisive. I believe that, despite the extensive literature on the function of interpretation – e.g. in transference – we have not yet fully comprehended its full extent. Perhaps the work of Pierre Legendre can enable us to shed some light on these matters.

Pre-script

The aforementioned terms – transmission, text, interpretation – are closely associated with one another. They form a triptych in which each individual component has its very specific place. The text is the reference point of interpretation, which then becomes the agent of transmission. Interpretation opens up access to

textual knowledge and thereby to a rationality that differs from that of the natural sciences. This is shown in a particularly clear way in what Lacan, in one of the most convincing essays of his 'Writings', described as 'the agency of the letter' ('instance de la lettre') (Lacan, 2007, p. 412-444). The letter is the representative of a text whose transmission bestows legal force upon it – upon the text – for a specific subject, although in an excessive and boundless form. Interpretation attempts to introduce a measure or dimension by desecrating the text, so to speak, and takes away some quantum of this overabundant meaning. This loss of meaning has a truth effect that breathes life into the text for the first time. Without interpretation, it is merely a 'dead letter' ('lettre morte') whose weight crushes any form of future life. The text only comes to support life under the conditions and terms of interpretation.

The subject finds itself "in ecstasy" – etymologically derived from ex-stare – vis-à-vis the text. It precedes the subject in a logical precedence ('antécédence logique') that the latter can never reverse. This sequence lends the subject's action a hint of "predetermination" and imprints its desire with the stamp of "deferred action". The subject has no other choice than to submit itself to the temporal structure dictated by the text, as a sub-ject, and not in the sense of an acquisition, as Goethe once wrote.[1] To do this, however, requires a comprehensive working out or 'working through' of the type facilitated by psychoanalysis. In another register, namely that of Talmudic studies, 'learning' ('limud') transforms the master into a 'student of wisdom' ('talmid hakham'). He will remain a student for his entire life because he never ceases to 'learn'.

Now some will say: "I will not even begin with psychoanalysis; it will cost me at least ten years. But I don't have any time." This is wrong. Psychoanalysis will not rob anyone of ten years; instead, it will lead him into another temporal dimension. That would be preferable in any case. Psychoanalysis corresponds to a dispositive, to learning a method ('meta-hodos'), meaning a form of being underway. Movement thus induced is the movement of life, or more specifically: the life of a text. It is necessarily slow and therefore fast, because it is slow. I do not say this to illustrate my love of paradox; I proffer it as a response to those who claim that they do not have any time.

Time is namely paradoxical in its relation to writing. It is subject to the 'agency of the letter', whose 'scansion' is at the same time a sanction: a cut that inevitably causes pain and smashes – both as a cause and effect of jouissance – the power of repetition. The letter, from which this cut proceeds, leads – in Freud's words – into the order of 'castration': it changes the relationship of the subject to its body, as in the case of hysteria, whereas the paranoiac sees in it an extreme threat (for the integrity of the body) against which he does everything to defend himself. Legendre emphasizes that the text becomes the body ('le texte fait corps'), which he differentiates from the text as a document. The latter, however, only fulfils its function as a document when it refers to another text that has already become a body and "is without subject".

The status of the text is a function of its pre-script, the 'transcript' of which precedes the subject: in order to discover more about this, the subject must take one step backward, back to 'what stands written'. He often makes the astounding and always disturbing observation that what happened to him 'already stood written'. It is not a rare occasion for a patient to say to us: "In the week before my father died, I dreamt of it." Of what exactly? Of the father, his death, or something else? It cannot always be articulated clearly. In any case, there are moments in the life of the subject in which he is confronted with his fate (fatum); he perceives a sliver of his destiny, and he even believes that he is capable of grabbing hold of it. The death of the father or mother represents a decisive turning point for everyone and invokes the idea of the end of life, of the time that remains to the subject. The fear that builds as one approaches the age at which a parent died, whether beloved or hated, provides testimony to this phenomenon. These are all indications of a text, a version of 'what stands written', that is so powerful that it may be difficult to escape.

Which rationality?

Legendre assigns central importance to Cicero's De fato: Fatum does not mean fatalism, but rather etymologically something closer to 'the said' (from 'fari', 'fatus'), irrevocable fate, or 'what stands written' (Lalande, 1972, p. 345 f.). The term of fate is more poetical than it is philosophical. When confronted with their fatum, many begin to believe in a higher power. Is this an authentic confession of faith, belief, simple superstition, or the first signs of incipient delirium? Each of these possibilities can be assessed. Would it follow that an appropriate position would be to push everything away that could in the remotest possible way approach fate? We could also ask: are there people without fatum? Or is it not more reasonable to inquire into another form of rationality that still requires definition?

Lalande refers to Kant, in particular to "The Analytic of Principles" ('Die Analytik der Grundsätze'):

Hence the proposition, Nothing happens by blind chance (in mundo non datur casus) is an a priori law of nature, and so is likewise the other, No necessity in nature is blind, but is always a conditional and therefore an intelligible necessity (non datur fatum) (Kant, 2008, p, 242).

This remark is all the more helpful because it shows us, and warns us, that we – with our interest in a person's fatum and the investigation of it – are leaving the firm footing of scientific rationality as enumerated by the 'laws of nature'. This, however, is the path blazed by Freud, after he initially recognized immutable, timeless 'destiny' in the tragic poets of Greece, to which the neurotic, and by corollary all of us, are subjected. Legendre refers to the inexorable relationship between every legal production and oracular divine speaking. The law has, in this montage of the Roman Empire, competes with the successor of fatum, the divine word, the oracular fata, in which we recognize the Greek term tà thésphata (Legendre, 1983, p. 140).

Thésphatos – in Aeschylus, Sophocles, Euripides – is announced by the gods, meaning that it is predicted or said previously. I began with the pre-script – in the sense of 'what stands written' and defines the structure of the text – to convey an idea of the logic of fatum, the 'said'.

Interpretation refers to 'what stands written', meaning a reference without which interpretation would be meaningless, mistaken or delirious. The great challenge – both for psychoanalysis and the law – lies in determining to which type of rationality this dispositive corresponds. From this perspective, Legendre's contribution is decisive, assuming that one notices and considers him. One of the difficulties of grasping the radical nature of his thought lies in his use of the 'principle of reason' that does not correspond to that employed in the natural sciences. Legendre wants to restore to the principle its legitimacy, power and rigor, in reference to what he calls the question of dogma. He is initially surprised at the degree to which our epoch – he calls it one of 'industrial organisation' – has managed 'not just to circumvent the dogmatic question, but also to eliminate it as an object of scientific knowledge" (Legendre, 1983, p. 48). Does there exist, he asks, "without our being aware of it, a prohibition against knowledge?" (p. 49). It is true that the rise of scientific rationality led to the preclusion ('forclosure') of another form of reason, one that preceded today's form yet – especially in view of legal practice – has therefore not disappeared.

The young Leo Strauss stumbled on a similar problem in his studies on Jewish and Arabic literature in the Middle Ages. Maimonides occupied a central position in his thought and writings, and remained an important source of inspiration throughout his life. Maimonides is the most important authority of the post-Talmudic time, a figure to which many generations of Jewish legal experts refer, even to the present day. He assumes a position removed from that of Rashi, the other great commentator on the Talmud and the Torah, who reconstructed the Pshat, the literal meaning of the text. Legal thought refers to the Mishneh Torah ('Repetition of the Torah') in which Maimonides takes into account the entire Talmud. Leo Strauss felt unending admiration for this towering work and wrote in 1935, in a moment at which Western culture was beginning to tear apart at the seams, that "Maimonides's rationalism is the true natural model, the standard to be carefully protected from any distortion, and thus the stumbling-block on which modern rationalism fails" (Strauss, 1995, p. 21).

We can summarize thus: the rationalism of Maimonides is simultaneously a model, dimension and stumbling block against which modern rationalism falters and breaks down. Strauss formulated a program of study for his entire working life as follows: concerning the question of which of the two rationalisms is the true one, Maimonides's "medieval rationalism […] changes in the course of the investigation from a mere means of discerning more sharply the specific character of modern rationalism into the standard measured against which the latter proves to be only a semblance of rationalism [Schein-Rationalismus]" (Strauss, 1995, p. 21-22).

This split is crucial and is seldom thought through rigorously to its conclusion in an era in which we – Legendre never tires of denouncing it – stand under the power and influence of a certain 'ideology of science' that wants to standardize all areas of our lives, even the most intimate. Nothing seems to offer resistance to this ideology anymore. Even those authorities that determine research projects at the academic level allow their decisions to be dictated by this normalizing authority.

Dogmatic Montages

Michel Foucault, an author to whom Legendre seems to pay scarcely any attention, also questions this ideology. Legendre's approach is completely different and applies above all to the exploration of the 'dogmatic core', meaning the rationality upon which Roman law was based. This rationality is found in a collection produced by the emperor Justinian I in the sixth century, and it experienced a renaissance in the course of the twelfth century, one that continues to this day. Both authors – Foucault and Legendre – move in two different planes and pursue very different aims: the former criticizes the power of the norms that rule our everyday lives more and more and displace the order of law, while the latter is much more interested in the origin of norms, their logic and their structural composition.

Legendre analyzes the normative systems that apply in the Western world and points out their astounding stability over two millennia. He seeks to think the normative structure from the inside out, proceeding from the exercise of law itself. In doing so, he refers to the term 'dogma', which is often misjudged and misunderstood:

> The noun dógma, which is derived from the verb dokéo, is the actual foundation of my study, an especially complex and rich semantic reference, not to mention a semantic site of great beauty. (Legendre, 1983, note 5, p. 30).

From the verb dokéo – meaning 'to have the appearance of', 'to look like', 'to seem', 'to deceive', as well as 'to think', 'to believe', 'to judge', 'to decide' – we can derive several nouns: 'dógma', 'opinion', 'resolution', 'decree', 'prescription' and 'dóxa', general, unfounded 'opinion', 'assumption', axiom', 'principle' and 'decision'.

In the history of medicine and jurisprudence, dogma plays an extremely important role that has been completely lost in contemporary epistemology. Medicine, even more than the field of law, has deprived itself of an authentic concept whose practical, theoretical, economic and human implications are enormous. Medicine today has submitted to the yoke of a scientistic ideology that – described as 'evidence-based medicine' – has not the least interest in its 'dogmatic core'. According to Legendre, this is connected with a fundamental principle of Roman law: Vitam instituere, the institution of life. This reference, shared by law and medicine, is constantly present in Legendre's work:

In this light, the vitam instituere of Roman law – a discourse that assumes the position of an ancestor in the normative system of the West – gains its theoretical form, proceeding from which we can understand that the demand for legitimacy is synonymous with that of the reason (of the foundation) of human reproduction, and that therefore the genealogical principle stands in the center of every process that opens up access to rationality and that forms the core of the subject's existential question (Legendre, 1999, p. 76).

The primary principle of the institutional establishment of life substantiates the dogmatic dimension: a montage that is necessary against the abysses of 'being born' and 'dying', a task that is traditionally assumed by religion. Legendre problematizes the latter by referring to what he calls the 'religion of the law', meaning the religious origin of law, from which a 'dogmatic repetition' proceeds. This causes "the founding texts to be inscribed in the timelessness [intemporalité] of structure and no longer as a witness in a social chronology" (Legendre , 1983, note 5, p. 50). With this statement, Legendre differentiates his position from any purely sociological or historiographical approach to these ancient texts, which rather revert to a principle beyond time that cannot be anticipated. Time cannot change this principle, which in contrast affects time, transforms it and presses it into another form, in the successive epochs of our history, be they of individuals, societies or humanity.

This remark also applies to Talmudic literature, the writing of which – as noted previously – was completed at the same time as classical Roman law. Without Rome, there probably would never have been a Talmud. It refers however to a much older oral tradition that reaches back to the events at Mount Sinai. Just as Roman law rested on the fatum of the ancestors, the Talmud relied on the word of God. The probative force of the Talmud is based on "what stands written": ketiv. The teacher provides the student with a corresponding Bible verse that the Talmud does not explicitly mention. It constitutes only the written, consonant framework that, in order to be legible, in accordance with the oral tradition, requires an interpretation. The Talmud represents a decisive transition – from 'holy' to legal text. The materialization of the transition through the double languages of Hebrew and Aramaic preserves the 'supertemporality' of a text in which no single letter can, may or should be forgotten or removed. This quasi 'absolute' inflexibility is, in accordance with the requirements of legal rationality, the condition of its transmission. It occasioned Emmanuel Lévinas's remark that he did not have the necessary 'brain muscles' to follow the argumentation of the Halacha, the actual normative part of the Talmud, in all of its consequences.

The institution of life ('vitam instituere') requires that life be breathed into the text, into the human text. This is the first mitzvah (commandment) of the Torah, the grounding of its dogmatic dispositive. The reproduction of life requires this kind of montage, one that is threaded through all human societies since their origination and also continues to hold validity in our advanced industrial societies. The reformulation and rewriting of the law proceeds, in the perspective of dogmatic rationality, from this primary principle. It sets an 'absolute' boundary against scientific rationality, a boundary that was invalidated by the two forms of totalitarianism that shaped the twentieth century. They sought a legitimation, an utmost insufficient and even risible one, in the natural sciences, which were bent to their purposes.

The rationality to which Legendre refers with the term 'dogmatic' is also the one assumed by Maimonides, Freud, Leo Strauss, Lévinas and a few others, who I would like to align in the same vein. Legendre's entire body of work pursues the aim of reconstructing and rehabilitating the term 'dogmatic', which has been excluded from contemporary scientific ideology.

The term – one that many hold to be incompatible with scientific ideals and associate with contempt for the religious traces of European textuality or even with totalitarian discourses – has been banished. This gives neither the role of such a term in the emergence and classification of the sciences, nor, more importantly, the meaning of this word in the context of human communication, any attention (Legendre, 1999, note 11, p. 78).

Dogmatics developed, in accordance with their normative logic, a relation to truth that preceded, by centuries, the arrival of scientifically founded rationality and facilitated its very existence. Dogmatics mean therefore the splitting of rationality and the manner of its ordinance ('ordonnancement').

It is also interesting that the young Heidegger dealt with very similar questions shortly after the First World War in his first lecture at the University of Freiburg in 1919. In his confrontation of the works of Windelband and Rickert, Heidegger derived the splitting of rationality from a normative logic that referred to truth and opposed the laws of nature. "A law of nature is a principle of explanation, a norm is a principle of evaluation. The two kinds of lawfulness (Gesetzgebung) are not identical, but they are also not absolutely

different from each other" (Heidegger, 2008, p. 28-29).

I would like above all to point to the two 'orders of law' that result from the differentiation between science and norm, explanation and evaluation. "Norms are necessary in regard to the telos of truth" (Heidegger, 2008, p. 29). Heidegger defines a split that still applies today, yet is not acknowledged by predominant scientism.

The appropriate method for identifying and grounding norms, according to the problem of norm validity, is the teleological method or, as it is otherwise called, the critical method. It is absolutely incomparable with the methods of the particular sciences, which are all oriented towards establishing and explaining facts. It grounds quite a new fundamental type of science. With this method philosophy begins; in our case … logic begins as distinct from psychology…(Heidegger, 2008, p. 29).

The 'critical method' is therefore focused on the elaboration and grounding of norms, meaning with the criteria of truth, and is "absolutely incomparable" with the "science of simple facts" ('bloße Tatsachenwissenschaft'), in the sense of Husserl. This schism – crucial for Lacan – founds a "new science" and poses an essential delimitation of logic from every kind of psychology. Heidegger made Husserl's criticism of psychology his own, following that of Frege on the one hand, also applying to Freud, in another register.

Vitam instituere

The radical nature of this principle, from which dogmatic montages issue, also applies to the contemporary science of life, independently of whether it is ready to refer to it or not. It is a question of jurisprudence, as though the reproduction of the law, in Legendre's terminology, had a choice between a scientific and a dogmatic logic:

> It should be noted that what is said and taught by the term dogma refers to the discourse of legal and universally acknowledged truth as such. It is therefore about the discourse of what is said, because it must be said. We should understand the guilt in what must be said as a ritual guilt and not in the sense of an obligation to recognize truth through scientific procedures (Legendre, 1999, note 11, p. 78).

This opposition must be considered in view of the necessity to reformulate the law in those situations that are becoming ever more numerous through 'progress' in science and technology, and not just in medicine. Legendre introduces the case of transsexuality, in which lawmakers seem to have no means at their disposal to withdraw from the discourse of 'experts', a discourse which rests on an extremely uncertain, so-called scientific reference. The rewriting of the norm often follows the boldest scientistic ideologies or fantasies. In National Socialism, the reference was that of a biological delirium.

The 'institutional installing of life' is the ethical principle par excellence to which Georges Canguilhem refers in his medical dissertation. He wrote and defended his dissertation in the middle of the Second World War in Clermont-Ferrand, to which the University of Strasbourg had relocated due to the German occupation of the city. Canguilhem initially studied philosophy, so he did not begin his confrontation with medicine unprepared. He was also a major resistance fighter, and his entire body of work represents an often heroic act of resistance against ruling scientism. He positions medicine, which is oriented primarily in a clinical and therapeutic practice, within a normative rationality that he considers different from the "jurisdiction of objective knowledge." At the end of his dissertation of 1943, his most important work, he notes:

> In pathology the first word historically speaking and the last word logically speaking comes back to clinical practice. Clinical practice however is not and never will be a science even when it uses means whose effectiveness is increasingly guaranteed scientifically (Canguilhem, 1991, p. 226).

By establishing “clinical practice”[2] as a field apart from science, Canguilhem assigns it to another type of rationality that must be preserved by both medical and legal practitioners. Clinical practice is not separated from therapeutics, and therapeutics is a technique for establishing or restoring the normal whose aim, that is, the subjective satisfaction that a norm is established, escapes the jurisdiction of objective knowledge. One does not scientifically dictate norms to life (Canguilhem, 1991, note 18, p. 226).

The focus here is on the law and normative logic. It is conceivable that this last sentence will be written one day above the gates of the medical faculty in order to regulate, permit or deny access. This fundamental principle of Canguilhem’s thought served as a guiding principle for his theoretical work, a principle from which he never strayed.

Even if he made an essential contribution to contemporary epistemological thought, at least in France, he has nevertheless remained a foreign body (‘corps étranger’). His thought never found purchase in the curricula of medicine or the life sciences. It would have been far too much to expect this. Physicians frequently stand all the more unprepared before their “borderline cases” – and there are no other. When they have to call in a “psy”, they don’t necessarily trust him. Actually, little in a physician’s training has prepared him for another rationality, one not founded in the natural sciences. A number of psychotherapists have for their part had enormous difficulties breaking away from a scientistic approach; this is clear from the current field of nascent cognitive and behavioural therapies. Psychoanalysis itself is only partially able to define its specific status. It runs a grave danger of going to ruin due to the so-called psychotherapy laws. In a few countries, this is already the case. The challenge of the coming decades is to revise and define the rationality that underlies psychoanalysis. And it is precisely on this point that we cannot do without Legendre’s contribution.

The great power that emanates from his work is due to the fact that he provides tools not just for law, but also for medicine, psychoanalysis and other disciplines, in order to appropriate the normative rationality that marks them. This rationality is much older and more radical than those of the ‘modern’ sciences. The autonomy that they demand is opposed by an essential heteronomy that – free of any vitalism – is referred to the highest principle of life. In view of the precipices of birth and death, life calls for a dogmatic montage, one outside of which life cannot be handed down. These abysses are always present, they never leave us, and they require – in every single moment – that we face them. But who is in a position to do so? Who feels up to this challenge, one that often leads to fear, depression and exhaustion? This is only possible with the aid of a dispositive that we have always placed in the hands of religion, a dispositive that today falls with increasing frequency to people who are not really prepared for it. Their field, like that of law and medicine, is ruled by a normative logic that is different from that of the empirical sciences, yet is therefore no less strict and rigorous.

Legendre believes that “the discussion about the opposition between science and dogma” in connection with the “illusion that law can be raised to ‘the status of a science’ [cannot illuminate…] the nature of the normative phenomenon in which law in the modern Western world participates as its hard core” (Legendre, 1999, note 11, p. 80). Other paths must be taken. The transmission of life, the first mitzvah of the Torah and – logically speaking – also its ultimate commandment, functions as a ‘last instance’. It defies every argument to the contrary, even in the Talmud. This first principle of preserving life overrides even the most stringent guidelines – Shabbath and Yom Kippur. In his reconstruction of our juridical systems, working from Roman law, Legendre traces the essential features of a rationality that is subordinate to the genealogical principle. This rationality is also constitutive for the field of transmission in which psychoanalysis inscribes itself: transmission is its element, outside of which its very reason for existence is completely lost. However, it affects psychoanalysis less than the unconscious, the contextual elaboration of which is the uppermost task of psychoanalysis.

Transmission takes place without the knowledge of the subject, without his cooperation, sometimes against his will. Nevertheless, the subject must pay lifelong for something that he did not request or demand, namely the guilt of transmission. This ‘ritual’ guilt, beyond any form of demand (‘demande’), is a function of the gift of naming and thereby of life. It damns the subject not to become older, to study texts, preferably those

of the tradition, for his entire life. “It is forbidden to be old,” says Rabbi Nachmann of Bratislava: a prohibition (‘inter-dire’) that becomes the condition of an authentic utterance (‘dire’). A principle that is called to renew itself and to apply to every individual. It is in this singularisation that its universal character lies.

The transmission of a text changes the relationship to the body and frees it of the exclusive jurisdiction of scientific rationality. The latter hits thereby a limit that retroactively, it may appropriate for itself, if it desires to do so, in order to integrate it into its writing system. This limit, which is constitutive for ethics, is a consequence of the cut required by the letter: inscribed in the body, it becomes a reference to true speech (‘dire vrai’). It thereby closes the path for the drive, not to disable it, but rather to reply to it with a prohibition (‘inter-dire’) and thereby to institute the dimension of the Other.

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Notes:

[1] In accordance with the axiom: “What you received but as your father’s heir, make it your own to gain possession of it!” Goethe (2000, p. 20, lines 682-683).

[2] This means both clinical theory and practice. This is precisely the sense of the term used by Michel Foucault in his work *Naissance de la Clinique*. Paris 1963 (English trans.: The Birth of the Clinic.)

Bio:

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