

Professor Adam Sitze
Office: Clark 204
Office Hours: Friday, 1PM-5PM

Email: asitze@amherst.edu
Phone: x2021

LJST 12: Psychoanalysis and Law

This purpose of this course is to provide an introduction to psychoanalysis as a comprehensive theory of law. Although psychoanalysis has not traditionally been considered an integral part of the discipline of legal theory, its insights into the origin and structure of law are at once intriguing and disturbing, and its response to the basic question of jurisprudence—“what is law?”—permits us to refer with clarity and precision to an experience of law about which we would otherwise have to remain silent. Freud teaches that law is an institution that at once emerges from and recoils upon our most quotidian and intimate experiences of desire—love and aggression, sublimation and art, language and fantasy, perversion and wit, jealousy and forgetfulness, conscience and paranoia, obedience and transgression, gender and sexuality, anxiety and infancy—and he provides us with a set of interpretive terms and techniques that help us grasp this teaching. Our inquiry into psychoanalysis and law will be divided into three parts. After (a) studying the account of law offered by Freudian psychoanalysis, and (b) considering the way in which certain juridical experiences and events are prior to and generative of Freudian psychoanalysis, we will then (c) explore the ways that various scholars have applied, modified, and critiqued psychoanalytic concepts in their understanding of law. In addition to reading Freud’s *Five Lectures on Psychoanalysis*, *The Question of Lay Analysis*, *Totem and Taboo*, *Civilization and its Discontents*, *Moses and Monotheism*, and Lacan’s *Seminar VII: The Ethics of Psychoanalysis*, we will thus also read works by such thinkers as Alain Badiou, Judith Butler, Frantz Fanon, Carlo Galli, Bonnie Honig, Pierre Legendre, Julia Kristeva, Juliett Mitchell, Jacqueline Rose, Edward Said, and Slavoj Žižek.

Required Texts (available at Amherst Books)

Judith Butler, *Antigone’s Claim: Kinship Between Life and Death*
Sigmund Freud, *Five Lectures on Psychoanalysis*
Sigmund Freud, *The Question of Lay Analysis*
Sigmund Freud, *Totem and Taboo*
Sigmund Freud, *Civilization and its Discontents*
Sigmund Freud, *Moses and Monotheism*
Jacques Lacan, *The Seminar of Jacques Lacan, Book VII: The Ethics of Psychoanalysis*
Elisabeth Roudinesco, *Why Psychoanalysis?*
Edward Said, *Freud and the Non-Europeans*
Slavoj Žižek, *How to Read Lacan*

Course Reader (available in Room 208 of Clark House)

Recommended Texts (on reserve)

Jean Laplanche and Jean-Bertrand Pontalis, *The Language of Psychoanalysis*
Dylan Evans, *An Introductory Dictionary of Lacanian Psychoanalysis*

Course Requirements

- (a) 2 Short Essays (maximum 5 pages, excluding footnotes) (30% of grade)
- (b) 1 Long Essay (no page limit) (30% of grade)
- (c) 6 Response Papers (maximum 2 pages, excluding footnotes) (30% of grade)
- (d) Close Reading and Active Participation in Class (10% of grade)
- (e) Compliance with Amherst College Honor Code

Source of readings: Book (B), Multilith (M), E-Reserves (E), Handout (H).

Week 1

Tuesday, September 10: Introduction

Week 2

Tuesday, September 15: Elisabeth Roudinesco, *Why Psychoanalysis?*, Parts I and II (B)

Thursday, September 17: Roudinesco, *Why Psychoanalysis?*, Part III (B)

Week 3

Tuesday, September 22: (1) Sigmund Freud, "Psychoanalysis and the Ascertaining of Truth in Courts of Law" (1906) (M)
(2) Susan Schmeiser, "'No Truth Machine': Law, Psychoanalysis, Uncertainty" (E)
(3) Ralph Slovenko, "The Use of Experts in the Adversary System." (M)
(4) Alain Badiou, "Sex in Crisis" (H)

Response Paper #1 Due

Thursday, September 24: Sigmund Freud, *Five Lectures on Psychoanalysis* (1909) (B)

Week 4

Tuesday, September 29: Sigmund Freud, *Totem and Taboo* (1910). (B)

Response Paper #2 Due

Thursday, October 1: (1) Jerome Frank, "The Basic Myth," "A Partial Explanation," "Legal Realism," and "Appendix VIII" (M)
(2) José Brunner, "Freud and the Rule of Law" (M)
(3) Pierre Legendre, "The Other Dimension of Law" (M)
(4) Anton Schütz, "Pierre Legendre's Critique of Rational Law-Giving." (M)

Week 5

Tuesday, October 6: (1) Sigmund Freud, "Remembering, Repeating, and Working Through" (1914), "Mourning and Melancholia" (1917), "Reflections on War and Death" (1918), and "The Uncanny" (1919) (M)
(2) Ruth Leys, "Freud and Trauma" (M)

Response Paper #3 Due

Thursday, October 8: (1) Ralph Slovenko, "Elusive Evidence" and "Posttraumatic Stress Disorder" (M)
(2) Carlo Galli, "On War and the Enemy" (E)

Week 6

Tuesday, October 13: Sigmund Freud, "The Resistances to Psychoanalysis" (1924); and
The Question of Lay Analysis (1926) (M/B)

Response Paper #4 Due

Thursday, October 15: (1) Robert Wallerstein, "The Development in Europe," "The
Confrontation from America and the 1938 Rule," and "The
Identity of Psychoanalysis" (M)
(2) Ona Nierenberg, "The Lay and the Law" (H)
(3) Hans Kelsen, "Conception of the State and Social
Psychology" (H)
(4) Étienne Balibar, "The Invention of the Superego" (H)

Week 7

Tuesday, October 20: Sigmund Freud, *Civilization and its Discontents* (1930) and "Why
War?" (1932) (B/M)

Response Paper #5 Due

Thursday, October 22: (1) Frantz Fanon, "The Black Man and Psychopathology" (M)
(2) Jacqueline Rose, "Why War?" (M)
(3) Julia Kristeva, "On Foreigners and the Enlightenment" and
"Might Not Universality Be...Our Own Foreignness?" (M)

Week 8

Tuesday, October 27: (1) Sigmund Freud, *Moses and Monotheism* (1939) (B)
(2) Bonnie Honig, "The Foreigner as Founder" (H)

Optional: Michel de Certeau, "The Freudian Novel." (M)

Thursday, October 29: Edward Said, *Freud and the Non-Europeans* (B)

Week 9

Tuesday, November 3: Slavoj Žižek, *How to Read Lacan* (B)

Short Essay #1 Due

Thursday, November 5: (1) Louis Althusser, "Freud and Lacan" (M)
(2) Juliet Mitchell, "Introduction" and "The Different Self, the
Phallus, and the Father." (M)

Optional: Michel de Certeau, "Psychoanalysis and its History."
(M)

Week 10

Tuesday, November 10: (1) Jacques Lacan, *The Ethics of Psychoanalysis*, Chapters 1-6 (B)
(2) Slavoj Žižek, "Much Ado About a Thing." (M)

Thursday, November 12: (1) Jacques Lacan, "Kant with Sade" (M)
(2) Slavoj Žižek, "Kant with (or against) Sade" (M)
(3) Kenneth Reinhard, "Freud, My Neighbor" (E)

Week 11

Tuesday, November 17: Lacan, *Ethics*, Chapters 7-18 (B)

Response Paper #6 Due

Thursday, November 19: Lacan, *Ethics*, Chapters 19-24 (B)

Week 12

Tuesday, December 1: Slavoj Žižek, "Why Does the Law Need an Obscene Supplement?" (M) and "You May" (E)

Short Essay #2 Due

Thursday, December 3: Jodi Dean, "Žižek on Law" (E)

Week 13

Tuesday, December 8: Judith Butler, *Antigone's Claim*, Chapters 1 and 2 (B)

Thursday, December 10: Butler, *Antigone's Claim*, Chapter 3 (B)

Week 14

Tuesday, December 15: (1) Judith Butler, "Dynamic Conclusions" (M)
(2) Slavoj Žižek, "Holding the Place" (M)
(3) Ralph Slovenko, "Homosexuality" (M)

December 22: **Long Essay Due.**