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The Dream of Interpretation

ANTHONY PAUL FARLEY*

*How do I know someone is enchanted? How does one learn the linguistic expression of enchantment? What does it connect up with? With the expression of bodily sensations? Do we ask someone what he feels in his breast and facial muscles in order to find out whether he is feeling enjoyment?*¹

—Ludwig Wittgenstein

LOGIC

Logic is the form of repressed desire. Repressed desire is revealed in symptoms and dreams. Law is the symptom of repressed desire. Interpretation is the dream of reason.² Reason is the desire for a pleasure that is endless. Logic is the repressed form of the desire for the endlessness and inevitability of pleasure. Pleasure is the end of desire.

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1. 2 LUDWIG WITTGENSTEIN, REMARKS ON THE PHILOSOPHY OF PSYCHOLOGY 90e (§ 500) (G.H. von Wright & Heikki Nyman eds., C.G. Luckhardt & M.A.E. Aue trans., University of Chicago Press 1980) (1948) [hereinafter WITTGENSTEIN, RPP].

2. Law and interpretation cannot be separated. The symptom and the dream reveal the same desire.

What is the enchantment of reason?³ What is desire? What is hierarchy?⁴ Like “three coins in the fountain” one of these questions may grant our wish for an answer.⁵

Desire is cultivated by training.⁶ Desire is both the necessary condition for and the result of training. Desire reveals itself in rules. Rules are institutions, habits, and conventions. Desire, confronting the possibility of its own finitude, projects itself as the whole of space and time. Desire confronts a repressive force and becomes logic. Logic is desire infinitely extended. Logic reveals itself as desire in rules, interpretations, and compulsive repetitions.

Law, the revelation of duty, is the result of the compulsive repetition of rules and interpretations. Law, revealed duty, is thought to be the repression of desire. Law, considered psychoanalytically, is the expression of desire as thought: as logic, as reason, and as duty.⁷ Psychoanaly-

3. This is a question with which Pierre Schlag has been much concerned. See generally PIERRE SCHLAG, *THE ENCHANTMENT OF REASON* (1998) [hereinafter SCHLAG, *ENCHANTMENT*]; PIERRE SCHLAG, *LAYING DOWN THE LAW* (1996) [hereinafter SCHLAG, *LAYING*].

4. A useful explanation states:

Hierarchy is a value system in which your worth [is] measured by the number of people and things you control, and how dutifully you obey those above you. Weight is exerted downward through the power structure: everyone is forced to accept and conform to this system by everyone else. . . . You're afraid to abdicate your power over those below you because they might end up above you.

CRIMETHINC. WORKERS' COLLECTIVE, *No Masters, in DAYS OF LOVE, NIGHTS OF WAR: CRIMETHINK FOR BEGINNERS* 31 (2001).

5. I recall Frank Sinatra singing *Three Coins in the Fountain*:

Three hearts in the fountain
Each heart longing for its home
There they lie in the fountain
Somewhere in the heart of Rome

Frank Sinatra, *Three Coins in the Fountain*, on *BEST OF THE CAPITOL YEARS* (Capitol Records 1992). “Which one will the fountain bless?” If dreams are indeed “the Royal road to the unconscious” as Freud argued, and if it is true that all roads lead to Rome, then perhaps the third question, the question of hierarchy, will be the one.

6. Training implies something akin to what Rousseau called the “faculty of improvement” or “improvability.” JEAN-JACQUES ROUSSEAU, *DISCOURSE ON INEQUALITY* 88, 106 (Maurice Cranston trans., Penguin Classics 1984) (1755) [hereinafter ROUSSEAU, *DISCOURSE*].

7. I use the words “logic,” “reason,” and “duty” throughout this article to refer to formal logic, informal logic (philosophy), and practical reason (moral philosophy). My use of these terms is intended to echo their interchangeability. I have in mind Gilbert Ryle’s observation that:

The Formal Logician really is working out the logic of *and*, *not*, *all*, *some*, etc., and the philosopher [the Informal Logician] really is exploring the logic of the concepts of *pleasure*, *seeing*, *chance*, etc., even though the work of the one is greatly unlike the work of the other in procedure and in objectives. Neither is doing what the other is doing, much less is either doing improperly what the other is doing properly. Yet we are not punning when we say, for example, that the considerations which are decisive for both are ‘logical’ considerations

GILBERT RYLE, *Formal and Informal Logic*, in *DILEMMAS* 111, 119 (1954). Ryle used the marketplace as a metaphor and argued that logic, formal or informal, is a method of exchange. *Id.*

sis supposes thought to be filled with shadows, desires, shadows of desire, and desires for shadow.⁸

Reason reveals equality as a duty, or so it seems. There is hierarchy: our institutions, habits, and conventions reveal it. There is a pleasure in hierarchy. Our institutions, habits, and conventions are training in the pleasure of hierarchy. There is a logic of hierarchy. Our institutions, habits, and conventions train us to experience our training in the pleasure of hierarchy as the cultivation of reason. Our institutions, habits, and conventions train us to experience the pleasure of hierarchy as reason. Reason, in turn, reveals equality as a duty, the only duty, or so it seems. And it seems so as a matter of logic.

Respect for reason, for the duty of equality, requires the renunciation of the pleasure of hierarchy. Renunciation is repression. Reason requires repression as a matter of duty. The instrument of repression—duty, reason, or logic—is also the vehicle of return. That which represses serves also to return that which has been repressed. The pleasure of hierarchy returns in the form of logic itself. Equality is pursued as a duty of reason. Equality, pursued with deliberate speed, always escapes. Pleasure, experienced with the majestic instancy of hierarchy, never surrenders. The pleasure of hierarchy, once buried deep within the social unconscious, blossoms into the science of right:

At first it must be agreed that the more violent the passions, the more necessary are laws to restrain them; but the disorders and crimes which these passions cause every day among us demonstrate well enough the inadequacy of laws to achieve this end; and, what is more,

Ryle argued that the border dispute between logic and philosophy, between formal logic and informal logic, is the result of a confusion between *coins* and *baskets*. *Id.* Ryle's clarification partakes of the magic of the commodity: The terms of formal logic are akin to *coins* since they are can be used to purchase whatever one desires from the marketplace of ideas. *Id.* The terms of informal logic, however, are akin to *shopping baskets* in that they can be used to carry virtually anything one purchases from the marketplace. *Id.* Coins are not shopping baskets and shopping baskets are not coins but each has its place in the magic realm of commodity exchange. One can see an awareness of Wittgenstein's language games in Ryle's style. I use this particular passage from Ryle's work to foreshadow my own discussion of the role of inequality (one might say property) in the creation of logic, reason, and duty. For now, I argue that logic, reason, and duty flow into each other like the waters of a fountain. There are no separations. Each is the reflection of a different aspect of the same symptom.

8. Peter Goodrich's work in this area is indispensable. See PETER GOODRICH, *LAW IN THE COURTS OF LOVE: LITERATURE AND OTHER MINOR JURISPRUDENCES* (1996); PETER GOODRICH, *OEDIPUS LEX: PSYCHOANALYSIS, HISTORY, LAW* (1995) [hereinafter GOODRICH, *OEDIPUS*]; PETER GOODRICH, *LANGUAGES OF LAW: FROM LOGICS OF MEMORY TO NOMADIC MASKS* (1990) [hereinafter GOODRICH, *LANGUAGES*]; PETER GOODRICH, *LEGAL DISCOURSE: STUDIES IN LINGUISTICS, RHETORIC AND LEGAL ANALYSIS* (1987); PETER GOODRICH, *READING THE LAW: A CRITICAL INTRODUCTION TO LEGAL METHOD AND TECHNIQUES* (1986); *LAW AND THE UNCONSCIOUS: A LEGRENDRE READER* (Peter Goodrich ed., Peter Goodrich et al. trans., 1997). See also JEROME FRANK, *LAW AND THE MODERN MIND* (Anchor Books 1963) (1930).

it would be worth considering whether these disorders did not arise with the laws themselves, in which case, if the laws were capable of suppressing anything, the very least that ought to be demanded of them is that they should put an end to an evil which would not exist without them.⁹

The rules that spring from our duty of reason are the vehicles of inequality, of hierarchy. Reason reveals the duty of legislation—one ought to create rules for equality:

Liberty consists in the power to do anything that does not injure others; thus, the natural rights of every man have only such limits as assure to other members of society the enjoyment of the same rights. These limits can only be determined by law.¹⁰

The production of law is a transcendental duty of reason. That which is produced in accordance with the transcendental duty of reason—law—is a symptom of the repressed desire for hierarchy.

Law is both the symptom of repressed desire and the instrument of hierarchy. Laws directly relating to equality are the *precision* instruments of hierarchy and the *high-velocity* vehicles of its return. The repressed desire for hierarchy is, in the end, given form and substance through law: the instrument of repression is the vehicle of return. The desire for hierarchy is first repressed and then returned in the form of rules requiring equality. Rules, whatever they may seem to require, are indeterminate. And so the rule that represses the pleasure of hierarchy can and does take the form of the very pleasure it was supposed to repress.

Rules are indeterminate, a rule requiring equality is as available for a reading that will produce inequality as is any other rule.¹¹ Hierarchy exists through having made itself a pleasure, a pleasure that is experienced in and through our institutions, habits, and conventions.¹² Hierarchy becomes the reason of the state, the thought that convinces the state of its existence.¹³ Hierarchy reproduces itself in rules or laws. Hierarchy reproduces itself in rules requiring equality as well as in rules requiring inequality. Hierarchy reproduces itself in the pleasure of interpretation. The interpretation of rules in ways that produce hierarchy is a pleasure.

9. ROUSSEAU, DISCOURSE, *supra* note 6, at 102.

10. Article IV of the French Declaration of the Rights of Man of 1789, *quoted in* ALLEN D. ROSEN, KANT'S THEORY OF JUSTICE 11 (1993).

11. Anthony Paul Farley, *Thirteen Stories*, 15 *TOURO L. REV.* 543 (1999).

12. Anthony Paul Farley, *The Black Body as Fetish Object*, 76 *OR. L. REV.* 457 (1997); Anthony Paul Farley, *Sadomasochism and the Colorline*, in *BLACK MEN ON RACE, GENDER, AND SEXUALITY* 68 (Devon Carbado ed., 1999) [hereinafter Farley, *Sadomasochism*].

13. Anthony Paul Farley, *Lacan & Voting Rights*, 13 *YALE J.L. & HUMAN.* 283 (2001).

Every hierarchy is an ecstasy. "In the Unconscious, nothing is brought to an end, nothing is past or forgotten."¹⁴ A pleasure, once enjoyed, is never surrendered. The pleasure of hierarchy is never surrendered. Hierarchy is as easily achieved through rules requiring equality as through rules requiring inequality.¹⁵

Pleasure always wins.

The power of interpretation divides masters from slaves. The pleasure of interpretation divides S/M. The power and the pleasure are one. Hierarchy unifies power and pleasure in the disguise of interpretation. The pleasure of mastery finds its way into the body as it interprets: masters, therefore, endeavor to interpret. The pleasure of slavery finds its way into the body that it interprets: slaves, therefore, endeavor to be interpreted. This is the ecstasy of hierarchy.¹⁶

There is hierarchy or there is not. Hierarchy means masters and slaves. Rights cannot be equal. Rights cannot be equal because only those who are who are oppressed are said to require "equal rights." To be oppressed is to exist in a situation in which the gaps, conflicts, and ambiguities of life are interpreted in ways that oppress. The body is the first situation. Hierarchy exists when bodies are read through marks that serve as interpretive keys.¹⁷ All flesh comes to sing the system's endless hymn of self-praise: the song of equal rights. If the gaps, conflicts, and ambiguities are endlessly resolved in favor of one's continued oppression, in favor of the hierarchy, then one will lose endlessly even though one might be said to possess equal rights.

A rule cannot determine the circumstances of its own application; there are always gaps, conflicts, and ambiguities. In a world of masters and slaves, the entire ensemble of institutions, habits, and conventions

14. SIGMUND FREUD, *THE INTERPRETATION OF DREAMS* 378 (Joyce Crick trans., 1999) [hereinafter FREUD, *INTERPRETATION*]. For a discussion of the timelessness of the legal unconscious, see Anthony Paul Farley, *The Poetics of Colorlined Space*, in *CROSSROADS, DIRECTIONS, AND A NEW CRITICAL RACE THEORY* 97 (Francisco Valdes et al. eds., 2002) [hereinafter Farley, *Poetics*].

15. Raoul Vaneigem argued that the "secret" of "hierarchical social organization" is its ability "to place itself out of reach of the violence it gives rise to, by consuming everybody's energy in a multitude of irrelevant struggles." RAOUL VANEIGEM, *THE REVOLUTION OF EVERYDAY LIFE* 32 (Donald Nicholson-Smith trans., Rebel Press & Left Bank Books 1994) (1967). Hierarchy blocks all possibilities:

The hierarchical principle is the magic spell that has blocked the path of man in his historical struggles for freedom. From now on, no revolution will be worthy of the name if it does not involve, at the very least, the radical elimination of all hierarchy.

Id. at 78. Hierarchy blocks all possibilities through law ("a series of irrelevant struggles").

16. Hierarchy is the ecstasy of equal rights.

17. For a discussion of the system of marks, see Maria Grahn-Farley, *The Law Room*, 36 *NEW ENG. L. REV.* 29 (2001).

results in and exhibits mastery and slavery.¹⁸ If the rules require equality, then the gaps, conflicts, and ambiguities will be resolved in favor of the masters; there will then be mastery and slavery, and some will have while others will have not. If the rules require inequality, the gaps, conflicts, and ambiguities will be resolved in favor of the masters. There will then be mastery and slavery and some will have while others will have not. The sum of our institutions, habits, and conventions is the sum of our training. Our training, in a world of masters and slaves, implants in us the desire for the pleasures of mastery and slavery.¹⁹ And we follow that training to infinity.²⁰

There is a pleasure in mastery. There is a pleasure in slavery. Each is the necessary condition for the other. The pleasure of mastery is sadistic. The pleasure of slavery is masochistic. Hierarchy is a pleasure of the flesh, a pleasure of the flesh that oppresses and a pleasure of the flesh that is oppressed. Without this tryst there is revolution and mutual destruction of the contending classes, or a new class order, or, possibly, the end of hierarchy and the beginning of the commune. In non-revolutionary situations, hierarchy divides the body that we all inhabit in common into the bodies of masters and the bodies of slaves. What was one becomes many.²¹ This is the origin of inequality. What was mere flesh becomes masters-over-slaves. Hierarchy describes, elaborates, stimu-

18. Farley, *Poetics*, *supra* note 14, at 97.

19. George Jackson described both slavery and the terms of a love that is neither love of mastery nor love of slavery in a way that is instructive. Jackson defined slavery in the following terms, "[i]f you cannot visit Zanzibar, Havana, Peking, or even Paris when you get the urge [,] you are a slave." GEORGE JACKSON, *SOLEDAD BROTHER: THE PRISON LETTERS OF GEORGE JACKSON 191* (1970) [hereinafter *SOLEDAD BROTHER*]. Jackson also wrote of love's possibilities in the loveless world of hierarchy:

We are on the inside. We are the only ones (besides the very small white minority left) who can get at the monster's heart without subjecting the world to nuclear fire. We have a momentous historical role to act out if we will. The whole world for all time in the future will love us and remember us as the righteous people who made it possible for the world to live on. If we fail through fear and lack of aggressive imagination, then the slaves of tomorrow will curse us, as we sometimes curse those of yesterday. I don't want to die and leave a few sad songs and a hump in the ground as my only monument. I want to leave a world that is liberated from trash, pollution, racism, nation-states, nation-state wars and armies, from pomp, bigotry, parochialism, a thousand different brands of untruth, and licentious usurious economics.

Id. at 204.

20. We are forever building the many mansions of the house of law. For a discussion of the architecture of law, see Grahn-Farley, *The Law Room*, *supra* note 17, at 36. See also AUDRE LORDE, *The Master's Tools Will Never Dismantle the Master's House*, in *SISTER OUTSIDER: ESSAYS AND SPEECHES* 110, 112 (1984) ("[T]he master's tools will never dismantle the master's house. They may allow us temporarily to beat him at his own game, but they will never enable us to bring about genuine change.").

21. Anthony Paul Farley, *All Flesh Shall See it Together*, 19 *CHICANO-LATINO L. REV.* 163 (1998).

lates, intensifies, and endlessly dwells on the pleasures of mastery and slavery that are experienced by masters and slaves. Hierarchy is and requires the implantation of a positive orientation toward the pleasures of mastery and slavery. Training accomplishes the implantation of this orientation toward hierarchy.

The pleasure of mastery is repressed. Reason makes us ashamed of this pleasure. The pleasure of slavery is repressed. Reason also makes us ashamed of this pleasure. Our duty, the duty of reason, felt as logical compulsion, seemingly requires equality. Slaves engage in rights discourse in order to repress their desire for slavery. Slaves repress their desire for slavery through the active pursuit of equal rights. Slaves sometimes request rights from their masters. Masters sometimes grant rights to their slaves. The request and the grant are both instruments of repression. The rights requested and granted constitute the vehicle by which the pleasures of mastery and slavery return.

Reason reveals the duty of equality and the impulse to create rules of equality. The rules of equality fail, as they must. The rules of equality fail, and this failure is the ecstasy that guides the reproduction of hierarchy. The rules of equality, which fail, are expressed in the form of the Social Contract. The Social Contract, however, is felt to be the product of duty or reason or logic, but not desire. Nevertheless, duty or reason or logic is nothing more than that which emerges to allow us to partake of the ostensibly forbidden pleasure of hierarchy. Resistance to this observation about duty or reason or logic takes the form of the Social Contract. The Social Contract resists analysis of its oppressive nature. George Jackson's theory of the "oppressive contract" is instructive²²:

The system produces outlaws. It also breeds contempt for the oppressed. Accrual of contempt is its fundamental survival technique. This leads to excesses and destroys any hope of peace eventually being worked out between the two antagonistic classes, the haves and the have-nots. Coexistence is impossible, contempt breeds resistance, and resistance breeds brutality, the whole growing in spirals that must either end in the uneconomic destruction of the oppressed or the termination of oppression.²³

The Social Contract is always an oppressive contract. "Always" implies an impressive genealogy; but a genealogy is precisely what is made impossible by the Social Contract.²⁴ That is why we endlessly

22. GEORGE L. JACKSON, *BLOOD IN MY EYE* 182 (Black Classic Press 1978) (1972).

23. *Id.*

24. Peter Goodrich writes:

To read the institution against itself is to read the history of institutional repression as a history of incorporations; a pathology of failures, exclusions, losses traumas,

repeat and, in the mode of repetition, enjoy and forget the pleasure of hierarchy. The Social Contract ends the possibility of a before-time—a time before this became the best of all possible worlds, before reason announced itself as duty, before the inexorable logic of the status quo, before hierarchy. Awareness of the oppressive contract is repressed through the compulsive repetition of the terms of the Social Contract. The Social Contract is compulsively repeated through rules that have it as their source of legitimacy and of their normative claims of duty or reason or logic.²⁵ The prison writings of George Jackson, particularly his observations regarding the Social Contract, are a place to begin:

All my life I've done exactly what I wanted to do just when I wanted, no more, perhaps less sometimes, but never any more, which explains why I had to be jailed. "Man was born free. But everywhere he is in chains." I never adjusted. I haven't even adjusted yet, with half my life already spent in prison. I can't truthfully say prison is any less painful now than during that first experience.

In my early prison years I read all of Rafael Sabatini, particularly *The Lion's Skin*. "There once was a man who sold the lion's skin, while the beast still lived and was killed while hunting him." This story fascinated me. It made me smile even under the lash. The hunter bested, the hunted stalking the hunter. The most predatory animal on earth turning on its oppressor and killing it. At the time, this ideal existed in me just above the conscious level. It helped me to define myself, but it would take me several more years to isolate my real enemy.²⁶

and their symbolic recollection. It is a question of reproducing a theology of law, a science of spirit, a history of the fates, not because these are desirable or recuperable forms but because the repressed returns and the injunctions of these unconscious structures are the law of law or, in secular terms, the law of thought. It is a question of genealogy when criticism uses history, and pragmatically that means that a method should be developed that is cognizant of a poetics repressed within institutional prose, of an affectivity harbored in its science, a power in its reason, an image in its logic, a justice in its law.

GOODRICH, OEDIPUS, *supra* note 8, at 29-30. The "institutional prose," "science," "reason," "logic," and "law" that Goodrich lists, which all claim the Social Contract as their source, are *themselves* forms of repressed desire.

25. Gilles Deleuze observed, "I do not repeat because I repress, I repress because I repeat, I forget because I repeat. I repress because, at first, I cannot live certain things or certain experiences except in the mode of repetition." *Id.* at 30-31 (quoting GILLES DELEUZE, *DIFFÉRENCE ET RÉPÉTITION* 158 (1968)).

26. SOLEDAD BROTHER, *supra* note 19, at 19. Jackson, literally writing from within the unconscious of law (Soledad Prison), observed:

None who leave here are normal. If I leave here alive, I'll leave nothing behind. They'll never count me among the broken men, but I can't say that I am normal either. I've been hungry too long. I've gotten angry too often. I've been lied to and insulted too many times. They've pushed me over the line from which there can be no retreat. I know that they will not be satisfied until they've pushed me out of this

This leads toward a reply to Saidiya Hartman's question: "What if the presumed endowments of man—conscience, sentiment, and reason—rather than assuring liberty or negating slavery acted to yoke slavery and freedom?"²⁷ Rousseau, prefiguring Jackson and Hartman, observed:

The words 'slavery' and 'right' are contradictory, they cancel each other out. Whether as between one man and another, or between one man and a whole people, it would always be absurd to say: 'I hereby make a covenant with you which is wholly at your expense and wholly to my advantage; I will respect it so long as I please and you shall respect it so long as I wish.'²⁸

What are slaves dreaming of when they ask for rights? Are such slaves the stuff of which masters' dreams are made? By which endowment—conscience, sentiment, reason—are slaves made to imagine themselves as obligated or bound to their masters' science of right? It seems

existence altogether. I've been the victim of so many racist attacks that I could never relax again. My reflexes will never be normal again . . .

I look into myself at the close of every one of these pretrial days for any changes that may have taken place. I can still smile now, after ten years of blocking knife thrusts and pick handles of faceless sadistic pigs, of anticipating and reacting for ten years, seven of them in solitary. I can still smile sometimes, but by the time this thing is over I may not be a nice person. And I just lit my seventy-seventh cigarette of this twenty-one-hour day. I'm going to lay down for two or three hours, perhaps I'll sleep . . .

Seize the Time.

Id. at 32-33. "Seize the Time," wrote Jackson. This project begins with a seizure of time, and as Jackson indicated, it is a place as well as a time. Foucault observed the connections between violence, normalization, death, law and hierarchy:

Law cannot help but be armed, and its arm, *par excellence*, is death; to those who transgress it, it replies, at least as a last resort, with that absolute menace. The law always refers to the sword. But a power whose task it is to take charge of life needs continuous regulatory and corrective mechanisms. It is no longer a matter of bringing death into play in the field of sovereignty, but of distributing the living in the domain of value and utility. Such a power has to qualify, measure, appraise, and hierarchize, rather than display itself in its murderous splendor; it does not draw the line that separates the enemies of the sovereign from his obedient subjects; it effects distributions around the norm. . . . [T]he law operates more and more as a norm . . . the juridical institution is increasingly incorporated into a continuum of apparatuses (medical, administrative, and so on) whose functions are for the most part regulatory. A normalizing society is the historical outcome of a technology of power centered on life.

1 MICHEL FOUCAULT, *THE HISTORY OF SEXUALITY* 144 (Robert Hurley trans., 1990) (1978). Jackson, writing from prison, writing under the threat of death, writing just before his teenage brother Jonathan was killed while attempting to liberate political prisoners, writing just weeks before he would meet his own death in an attempt to escape, expressed and embodied resistance to what Foucault called "normalization." *Id.* See also Maria Grahn-Farley, *A Theory of Child Rights*, 57 U. MIAMI L. REV. 867 (2003) (discussing the master norm).

27. SAIDIYA V. HARTMAN, *SCENES OF SUBJECTION: TERROR, SLAVERY, AND SELF-MAKING IN NINETEENTH-CENTURY AMERICA* 5 (1997).

28. JEAN-JACQUES ROUSSEAU, *THE SOCIAL CONTRACT* 58 (Maurice Cranston trans., 1968) [hereinafter ROUSSEAU, *SOCIAL CONTRACT*].

beyond reason to expect masters to be bound to slaves. And yet this seems to be exactly what slaves are made to dream.

REASON

The dream begets reason, its other. The dream's reasons are many and wild and varied and yet subject to elaboration and interpretation. There are endless gaps, conflicts, and ambiguities to be closed, mediated, and clarified.²⁹ And then there are endless gaps, conflicts, and ambiguities among and within the laws that are the instruments and the products of closure, mediation, and clarification. Reason dreams of its own perfection, its own order. Like dusk and dawn, reason and dream blend seamlessly into each other.³⁰

We are all possessed by reason. We all possess reason. Reason seems to be that which joins us one to another in a kingdom of common purposes, in a commonwealth of ends.³¹ The moral law that governs each of us, insofar as we are imagined to be creatures of reason, insofar as we are imagined to be rational creatures, is the same for one as it is for all of creation. Each of us, being possessed by and of reason, is the same as the common and, being the same, is as fit to judge as to rule, as fit to judge as to be judged, as fit to rule as to be ruled. Indeed, each of us, as a creature of reason, is a perfect legislator of the will of our own hearts as much as our neighbor's and of our neighbor's as our own. Reason seems to be a universal pulse, a compelling logic of hearts beating as one, a politics of mind that takes place in some time out of time and for time out of mind.³² Reason seems to be the dream of all hearts united as one mind, of all people united as one kind. Reason seems also, therefore, to be the dream of equality. Because all creatures, when purely rational, are said to be the same as all other rational creatures, each must treat each as each would have others treat itself. "*So act as to use humanity, both in your own person and in the person of every other,*

29. See generally DUNCAN KENNEDY, *A CRITIQUE OF ADJUDICATION* (1997).

30. "Arthur Shopenhauer wrote that dreaming and wakefulness are the pages of a single book, and that to read them in order is to live, and to leaf through them at random, to dream. Paintings within paintings and books that branch into other books help us sense this oneness." JORGE LUIS BORGES, *When Fiction Lives in Fiction*, in *SELECTED NON-FICTIONS* (Eliot Weinberger ed., Esther Allen et al. trans., 1999).

31. Immanuel Kant described this dream of reason as the:

[N]oble ideal of a universal kingdom of ends in themselves (rational beings) to which we can belong as members only when we carefully conduct ourselves in accordance with maxims of freedom as if they were laws of nature.

IMMANUEL KANT, *GROUNDWORK OF THE METAPHYSICS OF MORALS* 66 (4:463) (Mary Gregor ed. & trans., Cambridge University Press 1998) [hereinafter KANT, *GROUNDWORK*].

32. The common law is said to be that which comes to us from time out of mind, a place beyond the past. See, e.g., GOODRICH, *OEDIPUS*, *supra* note 8, at 16-40. The kingdom of ends, by contrast, is that which comes to us from some time out of time, a place beyond the future.

always at the same time as an end, never simply as means."³³ Reason, then, has a politics.

We make choices and we act on them. To make a choice is to select a maxim, a rule for one's will. A good will is the only thing good in and of itself. All other goods are merely good for something. A good will, in contrast, is an absolute good. A good will, further, is the *only* absolute good.³⁴ Our will is revealed as good when it reveals us acting as creatures of reason, that is to say, in accordance with universalizable maxims.³⁵

The good will is revealed in action, or so it seems. To be absolutely or categorically good, one must will in accordance with maxims that are absolutely or categorically good. To be categorically good, we must act out of respect for duty alone. "*Act only on that maxim through which you can at the same time will that it should become a universal law.*"³⁶

Our choices, our acts, create the ethical universe we inhabit. Our actions bring the ethical universe into being. A universe, to be a universe for us, must be governed by laws and not random. We are the ones who gather the blooming, buzzing confusion of that which is the case into a universe. "*Act as if the maxim of your action were to become through your will a universal law of nature.*"³⁷ Our choices, then, become our universe, a universe we govern and a universe that becomes, through our choices, an ethical universe. "*So act that your will can regard itself at the same time as making universal law through its*

33. KANT, *GROUNDWORK*, *supra* note 31, at 37 (4:429) (emphasis added).

34. Kant wrote: "It is impossible to conceive of anything in the world, or even out of it, which can be taken as good without limitation, save only a good will." *Id.* at 7 (4:393).

35. Kant wrote:

Will is a kind of causality belonging to living beings insofar as they are rational. Freedom would then be the property this causality has of being able to work independently of determination by alien causes. . . . The concept of causality carries with it that of laws in accordance with which, because of something we call a cause, something else – namely, its effect – must be posited. Hence freedom of the will, although it is not the property of conforming to laws of nature, is not for this reason lawless: it must rather be a causality conforming to immutable laws, though of a special kind; for otherwise a free will would be self-contradictory. . . . What else then can freedom of the will be but autonomy – that is, the property which the will has of being a law to itself? The proposition "Will is in all its actions a law to itself" expresses, however, only the principle of action on no maxim other than one which can have for its object itself as at the same time a universal law. This is precisely the formula of the Categorical Imperative and the principle of morality. Thus a free will and a will under moral laws are one and the same.

Id. at 52 (4:446-447).

36. *Id.* at 31 (4:421) (emphasis added).

37. *Id.* (emphasis added).

maxim."³⁸

There is a shadow.³⁹ The edge of night, the scythe that grimly separates us from reason's dream kingdom, is sometimes said to be ignorance. We are ignorant of our neighbors' hearts and minds. The dawn of reason is our awareness of the cutting shadow that seems to separate us from each other. This darkness can be banished, it is sometimes said, if each of us illuminates our own interior world with the light of reason and reason's light alone.⁴⁰ Inside the burning darkness of every conscience is every other conscience and our duty, it seems, is not to curse the darkness but to burn, to burn with the universalizing, purifying, unifying light of reason, to burn everything that seems to stand in the way of the kingdom. Reason, then, has a politics that looks like lawlessness, chaos, havoc, a war of all against all.⁴¹ "*So act as if you were always through your maxims a law-making member in a universal kingdom of ends.*"⁴²

And there is another shadow. Who or what are we? Perhaps we are what we desire to remember.⁴³ We are strangers to ourselves. In Augustine's *Confessions* we find shadows of infinite depth:

38. *Id.* at 42 (4:434) (emphasis added).

39. In an attempt to render this darkness visible, William Golding observed that:

People find it remarkable when they discover how little one man knows about another. Equally, at the very moment when people are most certain that their actions and thoughts are most hidden in darkness, they often find out to their astonishment and grief how they have been performing in the bright light of day and before an audience. Sometimes the discovery is a blinding and destroying shock. Sometimes it is gentle.

WILLIAM GOLDING, *DARKNESS VISIBLE* 29-30 (Farrar Straus Giroux 1999) (1979).

40. René Descartes described the intensification of this light of reason as an ethical obligation: "[One should] consider simply how to increase the natural light of his reason, not with a view to solving this or that scholastic problem, but in order that his intellect should show his will what decision it ought to make in each of life's contingencies." 1 RENÉ DESCARTES, *THE PHILOSOPHICAL WRITINGS OF DESCARTES* 10 (John Cottingham et al. trans., 1985). Jean-Jacques Rousseau wrote:

I have tried to set out the origin and progress of inequality, the establishment and the abuse of political societies, to the extent that these things can be deduced from the nature of *man by the light of reason alone*, independently of the sacred dogmas which give to sovereign authority the sanction of divine right.

ROUSSEAU, *DISCOURSE*, *supra* note 6, at 37 (emphasis added).

41. Jean-Jacques Rousseau wrote:

It is reason which breeds pride and reflection which fortifies it; reason which turns man inward into himself; reason which separates him from everything which troubles or affects him. It is philosophy which isolates a man and prompts him to say in secret at the sight of another suffering: 'Perish if you will; I am safe.'

ROUSSEAU, *DISCOURSE*, *supra* note 6, at 101 (footnote omitted).

42. KANT, *GROUNDWORK*, *supra* note 31, at 45 (4:438) (emphasis added).

43. SAINT AUGUSTINE, *CONFESSIONS* 214 (R.S. Pine-Coffin trans., 1961) [hereinafter *CONFESSIONS*].

The power of memory is prodigious, my God. It is a vast, immeasurable sanctuary. Who can plumb its depths? And yet it is a faculty of my soul. Although it is part of my nature, I cannot understand all that I am. This means, then, that the mind is too narrow to contain itself entirely. But where is that part of it which it does not itself contain? Is it somewhere outside itself and not within it? How, then, can it be part of it, if it is not contained in it?⁴⁴

The politics of reason, war, by another name, is the dream of unity. War and reason, reason and politics, knowledge and ignorance, the song, a song of freedom, remains the same. Fire and light, burning and purity, ignorance chastened by destruction, chaste and ignorant reason cloistered from the world it ruins, and all of it in the name of the most obscure object of desire, the desire that denies its desire: reason.⁴⁵ If the sleep of reason produces monsters, it is no doubt true that the monsters' sleep is full of reasons.⁴⁶ These reasons are dreams.

RULES

Are we ruled by reason? How do we follow a rule? What is the rule for interpreting the various italicized formulations of the categorical imperative listed in the above text? What is the rule for interpreting "+" or "=" when used in a formula such as $2+2=?$ ⁴⁷ We feel certain, as a matter of logic, of the right answer. We feel certain that we know how to follow the rule. We feel certain, moreover, that an answer other than ours is a violation of the rules and of reason itself. We call this feeling logical certainty.

Reason seems to eliminate debate, to bring logical certainty. Mathematics seems to be an especially clear method of eliminating debate and producing logical certainty.⁴⁸ Descartes wrote:

44. *Id.* at 216.

45. Pierre Schlag writes:

As in various kinds of earlier. . . practices, legal thinkers will often repeat the terms "reason" or "reasonableness" over and over again as if the mere repetition of the terms will make reason and reasonableness themselves appear. This is the same rather bizarre, though widespread, confusion that enables legal thinkers to believe that in virtue of *advocating* reason, goodness, or moral wonderfulness, they are themselves engaged in an enterprise that is reasoned, good, or morally wonderful. At the limit, it is this confusion that enables them to believe that, in virtue of their *advocacy* of reason, goodness, or moral wonderfulness, they are themselves reasoned, good, or morally wonderful.

Pierre Schlag, *Anti-Intellectualism*, 16 CARDOZO L. REV. 1111, 1119 (1995).

46. See Anthony Paul Farley, *Amusing Monsters*, 23 CARDOZO L. REV. 1493 (2002). See also Keith Aoki, *P.I.E.R.R.E. and the Agents of R.E.A.S.O.N.*, 57 U. MIAMI L. REV. 743 (2003).

47. In Wittgenstein's words, "' $2+2=4$ ' – but this *isn't* about 2: it is grammatical." LUDWIG WITTGENSTEIN, *Lecture XXVI*, in WITTGENSTEIN'S LECTURES ON THE FOUNDATIONS OF MATHEMATICS 251 (Cora Diamond ed., 1976).

48. Wittgenstein commented, "The mathematical proposition has, as it were, been given the

Those long chains composed of very simple and easy reasonings, which geometers customarily use to arrive at their most difficult demonstrations, had given me occasion to suppose that all the things which can fall under human knowledge are interconnected in the same way. And I thought that, provided we refrain from accepting anything as true which is not, and always keep to the order required for deducing one thing from another, there can be nothing too remote to be reached or too well hidden to be discovered Reflecting that of all those who have hitherto sought after truth in the sciences, mathematicians alone have been able to find any demonstrations—that is to say, certain and evident reasonings—I had no doubt that I should begin with the very things that they studied.⁴⁹

The chains of logical inference are, simply, chains (“long chains composed of very simple and easy reasonings”⁵⁰). “*You can’t just take anything this man hands out, because he has a hundred different kinds of chains, and before you know what happened to you, you could be the worst slave in the world—I mean the kind that beg for their chains.*”⁵¹ These chains—of logic or iron—are the desire to chain and the disguised desire to be chained. Social Contract thinking is always the same. There is hierarchy and its philosophers present it as a matter of logical necessity: “[P]ut yourself in my place, think logically, and you’ll reach the conclusion that I cannot proceed any other way. The part that can be saved is much larger than the part that must be given away.”⁵² Chains restrain. Chains also seduce: “*All ran towards their chains believing that they were securing their liberty*”⁵³ The Social Con-

stamp of incontestability. I.e.: Dispute about other things; *this* is immovable—it is a hinge on which your dispute can turn.” LUDWIG WITTGENSTEIN, ON CERTAINTY 87e (§ 655) (G.E.M. Anscombe & G.H. von Wright eds., Denis Paul & G.E.M. Anscombe trans., 1969).

49. DESCARTES, *supra* note 40, at 120.

50. *Id.*

51. JOHN LANGSTON GWALTNEY, DRYLONGSO: A SELF-PORTRAIT OF BLACK AMERICA 133 (1980) (emphasis added).

52. Chaim Rumkowski, ‘Give Me Your Children,’ in THE PENGUIN BOOK OF TWENTIETH-CENTURY SPEECHES 207, 211 (Brian MacArthur ed., 1992) (emphasis added) (persuading the inhabitants of the Łódź ghetto, on 4 September 1942, to submit to a logic of necessity—sacrifice the *children* of the ghetto or *everyone* in the ghetto will be eliminated—and follow the rules for selecting the children to be turned over to the Third Reich).

53. ROUSSEAU, DISCOURSE, *supra* note 6, at 122 (emphasis added). Rousseau is instructive:

Destitute of valid reasons to justify himself and of forces adequate to defend himself; easily crushing an individual but crushed himself by troupes of bandits; alone against all, and unable because of mutual jealousies to form alliances with his equals against enemies united by the common hope of plunder, the rich man under pressure of necessity conceived in the end the most cunning project that ever entered the human mind: . . . to make his adversaries his defenders, to inspire them with new maxims and give them new institutions as advantageous to him as natural right was disadvantageous.

. . . .

‘Let us unite,’ he says, ‘to protect the weak from oppression, to restrain the

tract is not the commune.

Orwell famously observed that $2+2=5$.⁵⁴ Winston Smith, the protagonist of Orwell's Oceania, understands how to follow the rules for interpreting "+" and "=" in the formula $2+2=5$ when he understands the rules. At one point in time, contrary to reason and ethics, the "thought-criminal"⁵⁵ Winston Smith had invented his own rules: "'O cruel, needless misunderstanding! O stubborn, self-willed exile from the loving breast!' he lamented."⁵⁶ But in the end "it was all right, everything was all right, the struggle was finished. He had won the victory over himself. He loved Big Brother."⁵⁷ Winston Smith's training in Room 101 of Oceania's Ministry of Truth eventually provided him with logical certainty regarding $2+2=5$. That logical certainty came from "loving Big Brother." That logical certainty is something akin to the political mathematics of the Social Contract.⁵⁸ That logical certainty is the flowering of the science of right.

Wittgenstein remarked:

Suppose we called " $2+2=4$ " the expression of a convention. This is misleading, though the equation might originally have been the result of one. The situation with respect to it is comparable to the situation supposed in the Social Contract theory. We know that there was no actual contract, but it is as if such a contract had been made.⁵⁹

We might regard the meaning of a sign such as "+" or "=" as its use:

ambitious, and ensure for each the possession of what belongs to him; let us institute rules of justice and peace to which all shall be obliged to conform, without exception, rules which compensate in a way for the caprice of fortune by subjecting equally the powerful and the weak to reciprocal duties. In a word, instead of directing our forces against each other, let us unite them together in one supreme power which shall govern us all according to wise laws, protect and defend all the members of the association, repulse common enemies, and maintain us in everlasting concord.'

.....

... All ran towards their chains believing that they were securing their liberty

.....

Id. at 121-22.

54. GEORGE ORWELL, NINETEEN EIGHTY-FOUR 239 (Signet Classic 1984) (1949).

55. Orwell wrote, "His pen had slid voluptuously over the smooth paper, printing in large neat capitals—DOWN WITH BIG BROTHER . . . over and over again, filling half a page." *Id.* The *voluptuous* slide of the pen across the smooth paper meant that Winston Smith was a thought-criminal and that the Thought Police of Oceania would get him, which they did.

56. *Id.*

57. *Id.*

58. ERNST CASSIRER, THE MYTH OF THE STATE 164-65 (1946). For discussions of the production of logical certainty in legal training see SCHLAG, LAYING, *supra* note 3, at 146-59; DUNCAN KENNEDY, LEGAL EDUCATION AND THE REPRODUCTION OF HIERARCHY 14-32 (1983); and Maria Grahn-Farley, *An Open Letter to Pierre Schlag*, 57 U. MIAMI L. REV. 755 (2003).

59. WITTGENSTEIN'S LECTURES: CAMBRIDGE 1932-1935 156-157 (Alice Ambrose & Desmond Lee eds., 1979) [hereinafter WITTGENSTEIN'S LECTURES].

" $2+2=4$ is an instrument. The way in which it is taught deprives it of all character as an utterance; it becomes impersonal."⁶⁰ It seems "impersonal" in the way that logical propositions are impersonal, in the way that the Social Contract is presented as impersonal. We do not argue that $2+2=4$. What is the feeling of logical certainty that overwhelms us when we are presented with the convention $2+2=4$?⁶¹ The Social Contract too seems to be a convention that overwhelms with logical certainty. What is the enchantment of reason?⁶²

$2+2=5$.⁶³ Can we imagine a rule that would provide *us* with logical certainty regarding *that*? No, no more than we could imagine other forms of training. But that is misleading. We can, after all, imagine other forms of training. The negative prohibitions and positive incentives of Orwell's *1984*, for example, are quite well known to us. We can, as Wittgenstein and Orwell did, imagine forms of training that might produce a reaction of logical certainty regarding $2+2=5$. We have

60. *Id.* at 157.

61. Descartes wrote:

Of all the sciences so far discovered, arithmetic and geometry alone are . . . free from any taint of falsity or uncertainty

These considerations make it obvious why arithmetic and geometry prove to be much more certain than other disciplines: they alone are concerned with an object so pure and simple that they make no assumptions that experience might render uncertain; they consist entirely in deducing conclusions by means of rational arguments.

DESCARTES, *supra* note 40, at 12.

62. Bernhard Schlink, Professor of Public Law at the University of Bonn and Justice of the Constitutional Court of the State of Nordrhein Westfalen, writes as one of the enchanted:

As a constitutional lawyer, I understand the state as something inherently rational. This is neither my personal idiosyncrasy nor my German and European heritage. Research, teaching, and practicing in the field of constitutional law all presume the apprehension of the inherent rationality of the state. Without this presupposition we would simply flounder or even drown in a sea of legal discourse. This is especially evident in the field of interpretation. Interpretation is the reconstruction of a hidden rational meaning; interpretation of legal texts lives on the presupposition of their inherent rationality.

Bernhard Schlink, *The Inherent Rationality of the State in Hegel's Philosophy of Right*, in *HEGEL AND LEGAL THEORY* 347, 348 (Drucilla Cornell et al. eds., 1991).

63. Wittgenstein once remarked in a lecture about his philosophical method:

What I give is the morphology of the use of an expression. I show that it has kinds of uses of which you had not dreamed. In philosophy one feels *forced* to look at a concept in a certain way. What I do is to suggest, or even invent, other ways of looking at it. I suggest possibilities of which you had not previously thought. You thought there was one possibility, or only two at the most. But I made you think of others. Furthermore, I made you see that it was absurd to expect the concept to conform to those narrow possibilities. Thus your mental cramp is relieved, and you are free to look around the field of use of the expression and to describe the different kinds of uses of it.

NORMAN MALCOLM, *LUDWIG WITTGENSTEIN: A MEMOIR* 50 (Oxford University Press 1972) (1958). I have tried for a similar effect with this article.

more difficulty, though, viewing our own training from the same distance. Our training seems mysterious, mystical, and metaphysical when examined in this way. It seems to us that neither *certainty* regarding $2+2=5$ nor *uncertainty* regarding $2+2=4$ can be regarded as a normal part of rational thought.⁶⁴ Such feelings of logical certainty seem part of something else, something pathological, something rather like dreaming. This brings us closer to the enchantment of reason.

“The dream,” Freud wrote, “has no way of expressing the alternative ‘either . . . or.’ It usually takes up the two options as if they had equal rights.”⁶⁵ Waking life is the same:

This was our paradox: no course of action can be determined by a rule, because every course of action can be made to accord with the rule. The answer was: if everything can be made out to accord with the rule, then it can also be made out to conflict with it. And so there would be neither accord nor conflict here.

It can be seen that there is a misunderstanding here from the mere fact that in the course of our argument we give one interpretation after another; as if each one contented us at least for a moment, until we thought of yet another standing behind it. What this shews is that there is a way of grasping a rule which is *not an interpretation*, but which is exhibited in what we call “obeying the rule” and “going against it” in actual cases.⁶⁶

This is an especially dense point: interpretations are endless. There is nothing, for example, in “+” or “=” that binds one to any particular rule of use for “+” or “=.” Because interpretations are endless, any use of “+” or “=” can be made to accord with any and every rule for using “+” or “=.” The rule cannot determine the circumstances of its own application. But it does seem to us that rules are followed. This seems a paradox. There is *something* that leads us to feel certainty about how certain rules must be followed. That *something* is a matter of history, not metaphysics. The way of “grasping a rule which is *not an interpretation*”⁶⁷ is revealed by training. According to Freud, Immanuel Kant wrote teleologically of dreaming in his *Anthropology from a Pragmatic Point of View*: “[T]he dream no doubt exists to disclose to us our hidden dispositions and reveal, not what we are, but what we could have become if we had had a different upbringing.”⁶⁸ For “upbringing” substitute “train-

64. Wittgenstein wrote, “The law of contradiction can, but need not, be used as a law of our expression. $2+2=4$ and $2+2=5$ together might be useless but not false.” WITTGENSTEIN’S LECTURES, *supra* note 59, at 72.

65. FREUD, INTERPRETATION, *supra* note 14, at 241.

66. LUDWIG WITTGENSTEIN, PHILOSOPHICAL INVESTIGATIONS 81e (§ 201) (G.E.M. Anscombe trans., 3d ed. 1968) [hereinafter WITTGENSTEIN, PHILOSOPHICAL].

67. *Id.* (emphasis added).

68. Immanuel Kant, *quoted in* FREUD, INTERPRETATION, *supra* note 14, at 241. Interestingly,

ing” or, better, substitute “discipline.”⁶⁹ Our training is what “is exhibited in what we call ‘obeying the rule’ and ‘going against it’ in actual cases.”⁷⁰

We are trained in things that our trainers imagine useful. Our form of life is the sum of useful things, that is, the sum of things found useful in the world in which we are found. We can imagine both $2+2=4$ and $2+2=5$ if we imagine a rule and a form of life that provides *uses* for both $2+2=4$ and $2+2=5$:

The laws of logic, for example, excluded middle and contradiction, are arbitrary. A contradiction is a proposition in the form p and not- p . To forbid its occurrence is to adopt one system of expression, which may recommend itself highly. This does not mean that we cannot use a contradiction.⁷¹

We are not ruled by reason.⁷² We are simply ruled. And that rule is a matter of desire. And that desire is a desire that desire be recognized as a *logical must* and not as simply as a form of lust.

What is training other than the cultivation of desire? Training, we might call it discipline or upbringing, is the cultivation of desire for certain rules, including rules for certainty itself, and, paradoxically, the cultivation of the possibility of certain transgressions. We are able to desire and it is our ability to desire that enables us to be led and it is our ability to be led that enables us to follow rules. What then of the enchantment of reason? Again, the query that began this article is instructive: “How do I know someone is enchanted? How does one learn the linguistic expression of enchantment? What does it connect up with? With the expression of bodily sensations?”⁷³

We see the series “2, 4, 6, 8, 10, . . .” and we feel *certain* of how to

the quoted passage does not exist in IMMANUEL KANT, *ANTHROPOLOGY FROM A PRAGMATIC POINT OF VIEW* (Victor Lyle Dowdell trans., 1978). It seems only to exist in *The Interpretation of Dreams*.

69. Discipline is a form of internalized surveillance. MICHEL FOUCAULT, *DISCIPLINE AND PUNISH* (Alan Sheridan trans., 1995).

70. WITTGENSTEIN, *PHILOSOPHICAL*, *supra* note 66, at 81e (§ 201).

71. WITTGENSTEIN'S *LECTURES*, *supra* note 59, at 71.

72. Wittgenstein wrote:

What we call “logical inference” is a transformation of our expression. For example, the translation of one measure into another. One edge of a ruler is marked in inches, the other in centimeters. I measure the table in inches and go over to centimetres on the ruler. — And of course there is such a thing as right and wrong in passing from one measure to the other; but what is the reality that “right” accords with here? Presumably a *convention*, or a *use*, and perhaps our practical requirements.

LUDWIG WITTGENSTEIN, *REMARKS ON THE FOUNDATIONS OF MATHEMATICS* 6e (Part I, § 9) (G.H. von Wright et al. eds., G.E.M. Anscombe trans., 1978) [hereinafter WITTGENSTEIN, RFM].

73. WITTGENSTEIN, *RPP*, *supra* note 1, at 90e (§ 500).

go on. We feel *certain* that the rule governing the series is “ $n+2$ ” and that the series continues with “12, 14, 16, 18, 20, . . .” and yet there is nothing in the series that excludes another interpretation, for example, “20, 40, 60, 80, 100, . . .” and then “200, 400, 600, 800, 1000, . . .” In fact, since no rule—not even Kant’s various formulations of the categorical imperative—determines the circumstances of its own application, there are always gaps, conflicts, and ambiguities of this sort. Our training, our upbringing, our discipline, in sum, our *desire*, sorts them out. Pleasure closes the gaps, resolves the conflicts, and clarifies the ambiguities. Indeed, to refer to gaps, conflicts, and ambiguities is peculiar. There is no system, no order, save as a desire for hierarchy that causes us to hallucinate order.

Logic is the return of the repressed desire. Logic is the form desire takes when, confronting the possibility of an obstacle, it extends itself as the entirety of space and time. Reason is the dream of the endlessness and inevitability of a pleasure. The dream is a disguised appearance of a fulfilled wish.⁷⁴

DUTY

Reason contains an impulse towards equality, as shown in Kant’s various formulations of the categorical imperative. The impulse towards equality is always and everywhere its opposite. This is the logic of sin or the sin of logic or, better, the enchantment of reason. The light of reason seems to be one thing, and night’s dreaming another. “*Good things of day begin to droop and drowse, While night’s black agents to their preys do rouse.*”⁷⁵

Bertrand Russell often told the following story of Ludwig Wittgenstein’s struggles with “night’s black agents”:

He was not, however, altogether easy to deal with. He used to come to my rooms at midnight and, for hours, he would walk backwards and forwards like a caged tiger. On arrival, he would announce that when he left my rooms he would commit suicide. So in spite of getting sleepy, I did not like to turn him out. On one such evening, after an hour or two of dead silence, I said to him, “Wittgenstein, are you thinking about logic or about your sins?” “Both,” he said, and then reverted to silence.⁷⁶

74. FREUD, INTERPRETATION, *supra* note 14, at 124.

75. WILLIAM SHAKESPEARE, MACBETH, act 3, sc. 2.

76. RAY MONK, LUDWIG WITTGENSTEIN: THE DUTY OF GENIUS 64 (1990) (quoting Bertrand Russell). And Wittgenstein’s own rooms? Ved Mehta quotes Iris Murdoch:

[Wittgenstein] had two empty rooms, with no books, and just a couple of deck chairs and, of course, his camp bed. Both he and his setting were unnerving. His extraordinary directness of approach and the absence of any paraphernalia were the

“Are you thinking about logic or about your sins?”⁷⁷ The answer for each of us is always and everywhere, “*Both*.” That which is repressed in favor of respect for the categorical imperative returns in the very form of the categorical imperative itself. Kant once remarked, “[t]wo things fill the heart with ever renewed and increasing awe and reverence, the more often and the more steadily we meditate upon them: the starry firmament above and the moral law within.”⁷⁸ “*Stars, hide your fires; Let not light see my black and deep desires.*”⁷⁹

Kant imagined his critical philosophy to be a revolution worthy of Copernicus.⁸⁰ Just as Copernicus moved the Earth from the center to the margin of our celestial thoughts, so too did Kant argue that our knowledge of the universe is limited to its phenomenal margin.⁸¹ Per Kant, the universe for us is not necessarily the universe as it is.⁸²

things that unnerved people. I mean, with most people, you meet them in a framework, and there are certain conventions about how you talk to them, and so on. There isn't a naked confrontation of personalities. But Wittgenstein always imposed this confrontation on all his relationships.

VED MEHTA, *FLY AND THE FLY-BOTTLE* 52 (Penguin Books 1965) (1963).

77. MONK, *supra* note 76, at 64 (quoting Bertrand Russell). Of Bertrand Russell, Wittgenstein commented:

In the course of our conversations Russell would often exclaim: “Logic’s hell!”—And this *perfectly* expresses the feeling we had when we were thinking about the problems of logic; that is to say, their immense difficulty, their hard and *slippery* texture.

I believe our main reason for feeling like this was the following fact: that every time some new linguistic phenomenon occurred to us, it could retrospectively show our previous explanation was unworkable. (We felt that language could always make new, and impossible, demands; and that this made all explanation futile.)

LUDWIG WITTGENSTEIN, *CULTURE AND VALUE* 30e (G.H. Von Wright ed., Peter Winch trans., University of Chicago Press 1984) (1977) [hereinafter WITTGENSTEIN, *CULTURE*].

78. IMMANUEL KANT, *CRITIQUE OF PRACTICAL REASON* 133 (5:162) (Mary Gregor ed. & trans., Cambridge University Press 1997) [hereinafter KANT, *PRACTICAL*].

79. SHAKESPEARE, *supra* note 75, at act 1, sc. 4.

80. IMMANUEL KANT, *CRITIQUE OF PURE REASON* 22 (B xvii) (Norman Kemp Smith trans., 1965) [hereinafter *CRITIQUE OF PURE REASON*].

81. *See generally id.*

82. Analysis meets resistance. Consider the attempts of those who deviated from the pleasures of the white-over-black hierarchy to reveal, through critical social psycho-analysis, the various ways in which the Equal Protection clause of the Fourteenth Amendment to the Constitution of the United States of America was wedded to the very same hierarchy, white-over-black, that it had supposedly denounced. Consider also the following observation about the “fixed” position of blacks in the American firmament and:

Try to imagine how you would feel if you woke up one morning to find the sun shining and all the stars aflame. You would be frightened because it is out of the order of nature. Any upheaval in the universe is terrifying because it so profoundly attacks one’s sense of one’s own reality. Well, the black man has functioned in the white man’s world as a fixed star, as an immovable pillar: and as he moves out of his place, heaven and earth are shaken to their foundations.

JAMES BALDWIN, *My Dungeon Shook: Letter to My Nephew on the One Hundredth Anniversary of the Emancipation*, in *THE FIRE NEXT TIME* 23 (Vintage 1993) (1963).

Freud, repeating Kant's repetition of Copernicus, wrote:

Just as Kant warned us not to overlook the fact that our perception is subjectively conditioned and must not be regarded as identical with the phenomena perceived but never really discerned, so psychoanalysis bids us not to set the conscious perception in place of the unconscious mental process which is its object. The mental, like the physical, is not necessarily in reality what it appears to us to be.⁸³

To think of logic is to think of one's sins, however much we may desire to deny any such thing. Our sins, as we are accustomed to thinking of them, are the sum of our submissions to forbidden desires of all sorts. Our sins are revealed in our hierarchies, our inequalities. Our sins are hidden in our science of right, in our laws. To speak of sin in this way is to bring into focus the commonwealth of ends of which Kant dreamed. To speak of sin is to speak of the enchantment of reason. Reason enchants because it hides our sins so well ("How do I know someone is enchanted? How does one learn the linguistic expression of enchantment? What does it connect up with? With the expression of bodily sensations?"⁸⁴).

The desire we forbid ourselves as a matter of pure reason is the desire the attainment of which would require us to violate the categorical imperative. Desires that lead us to act out of something other than respect for duty, for law, for the categorical imperative, are forbidden. Logic is the form taken by repressed desire. Reason is the system of desire, the structure of the unconscious. Law is the social form of the unconscious.

Logic is the form of repressed desire. Repressed desire returns in the form of logic. The categorical imperative is the instrument of repression and the vehicle of its return. The desire for inequality is *repressed* through the categorical imperative. The desire for inequality is also *expressed* through the categorical imperative. Desire unconscious of itself is logic: "Isn't it like this: so long as one thinks it can't be otherwise, one draws logical conclusions. This presumably means: so long as such-and-such is not brought into question at all. The steps which are not brought into question are logical inferences."⁸⁵

The categorical imperative requires us to treat each and every other as we treat ourselves. Hierarchy, however, is a pleasure. "*Who can be wise, amaz'd, temperate and furious, loyal and neutral, in a moment? No man. The expedition of my violent love outrun the pauser, reason.*"⁸⁶

83. SIGMUND FREUD, *THE UNCONSCIOUS* (James Strachey ed. & trans., 1915). See also WITTGENSTEIN'S LECTURES, *supra* note 59, at 50.

84. WITTGENSTEIN, RPP, *supra* note 1, at 90e (§ 500).

85. WITTGENSTEIN, RFM, *supra* note 72, at 45e (Part I, § 155).

86. SHAKESPEARE, *supra* note 75, at act 2, sc. 3 (emphasis added).

There is a pleasure in domination. It is a pleasure of the body. Hierarchy requires flesh to be differentiated into races, gender, nations, sexualities, economies, and other abominations, other desolations.⁸⁷

Every identity—race, gender, nation, sexuality, class, and so on—is a form of pleasure in dominance and submission, a form of sadism and masochism, a form of mastery and slavery. From an early age, if we are raised to find the golden rule⁸⁸ within ourselves, we *think* that such hierarchies are wrong and, if we are raised within such hierarchies, we *desire* mastery or slavery:

A second distinction [after sex]⁸⁹ which the youth begins to make about the time of his entrance into society consists in the knowledge of the *distinction of rank* and the *inequality of men*. As a child he must not be allowed to notice this. He must not even be allowed to give orders to the servants The young man should be shown that the inequality of man is an institution that has arisen on account of one man striving to get advantage over another. The consciousness of the equality of men, together with their civil inequality, may be taught him little by little.⁹⁰

Training leads us to think that inequalities are wrong as a matter of logical certainty. Training leads us to produce the metaphysics of morals. Training leads us to desire inequality. Training leads us to be ashamed of our desire for inequality. Training leads us to look at something as

87. A Zapatista parable is illustrative. When the Zapatistas were asked whether Subcommandante Marcos, who has never been photographed without a mask, was “in reality” a gay restaurant waiter who had immigrated from San Francisco to the mountains of the Mexican southeast, they responded:

Marcos is gay in San Francisco, black in South Africa, an Asian in Europe, a Chicano in San Ysidro, an anarchist in Spain, a Palestinian in Israel, a Mayan Indian in the streets of San Cristobal, a gang member in Neza, a rocker in the National University, a Jew in Germany, an ombudsman in the Defense Ministry, a Communist in the post-Cold War era, an artist without gallery or portfolio, a pacifist in Bosnia, a housewife alone on a Saturday night in any neighborhood in any city in Mexico, a reporter writing filler stories for the back pages, a single woman on the subway at ten P.M., a peasant without land, an unemployed worker, a dissident amid free-market economists, a writer without books or readers, and, of course, a Zapatista in the mountains of southeast Mexico.

E.Z.L.N., quoted in Lawrence Ferlinghetti, *Ends and Beginnings*, 6 CITY LIGHTS REV. 10 (1994). There are many names for nobody. Each name locates at least two bodies in relation to each other. One is on top and the other, the Other, is on the bottom.

88. The following well-known formulations of this rule are found in Christian writings: “Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets.” *Matthew* 7:12 (King James). “And as ye would that men should do to you, do ye also to them likewise.” *Luke* 6:31 (King James). Kant’s project, it should be remembered, was a Christian one. The categorical imperative is not the golden rule but both compel through an emphasis on universalization.

89. IMMANUEL KANT, *EDUCATION* 117 (1960). For a discussion of Kantian sexism, see ROBIN MAY SCHOTT, *COGNITION AND EROS* (1988).

90. KANT, *supra* note 89, at 119.

equal or unequal. Training leads us into temptation. Training leads us to look to the categorical imperative as deliverance from evil. Following the categorical imperative *in the expected way* is a product of our training in the application of the categorical imperative. Training leads us to expect pleasure. Training leads us to expect hierarchy. Training leads us to view the categorical imperative, which is itself the metaphysical product of training, as an obstacle to the pleasure of hierarchy. Training leads us to follow the categorical imperative *in the expected way* and thus follow our pleasure in hierarchy all the way to infinity.

Let us take Kant seriously as an anthropologist of his own situation. Anthropology always tells more about the observer than about the observed, and so we may be safe in assuming Kant to have accurately described a certain widely and deeply held conviction in what is described as “the West.” That conviction is the categorical imperative.

Sometimes we feel that following a rule, such as the categorical imperative, is something akin to functioning as a machine. At such moments we repress our awareness that the machine is a model of the machine only. A machine may not work as it works on the chart. A machine may not work as it seemed to have previously worked. Training is like this. We can be trained. Desires can be cultivated and developed within us—desires that take us along certain paths, that lead us to follow certain rules or maxims in certain ways, all in accordance with feelings of certainty. But things go awry. Things fall apart. There are always more things on heaven and earth than are dreamt of in our philosophies. Training is not the end of it. Just as the machine is only a model of the machine, so too is training only a model of training. Training may not *work* as it works on the chart. Desire is like this. Some part of it always escapes training, goes awry, or falls apart. And training itself may not work as it seemed to have previously worked.

The dream of equality is the heart of reason. Insofar as we are rational creatures, insofar as we are creatures of reason, we are equal. Each rational creature is the same as every other. Reason contains a duty of equality, or so it seems, if we contemplate things-in-themselves from the place where reason’s wings cannot take us. When did Being divide into *phenomena* and *noumena*? Kant, it is said, kept one portrait in his otherwise unadorned rooms.⁹¹ That one portrait was of Jean-Jacques Rousseau.⁹² Let us consider the transcendental idealism of citizen Kant of Königsberg in terms of this portrait and look within its frame for the source of our divided experience. Rousseau argued that the divide

91. J.H.W. STUCKENBERG, *THE LIFE OF IMMANUEL KANT* 155 (Univ. Press of Am. 1986) (1882).

92. *Id.*

between being and appearance emerged only with the desire for hierarchy⁹³:

Behold all the natural qualities called into action, the rank and destiny of each man established, not only as to the quantity of his possessions and his power to serve or to injure, but as to intelligence, beauty, strength, skill, merit or talents; and since these qualities were the only ones that could attract consideration it soon became necessary either to have them or to feign them. It was necessary in one's own interest to seem other than one was in reality. *Being and*

93. Rousseau described the desire for hierarchy as beginning simply:

As a result of seeing each other, people cannot do without seeing more of each other. A tender and sweet sentiment insinuates itself into the soul, and at the least obstacle becomes an inflamed fury; jealousy awakens with love; discord triumphs, and the gentlest of passions receives the sacrifice of human blood.

ROUSSEAU, DISCOURSE, *supra* note 6, at 114. Rousseau argued that this simple "sweet sentiment" turns into a desire for recognition or "consideration":

Each began to look at the others and to want to be looked at himself; and public esteem came to be prized. He who sang or danced the best; he who was most handsome . . . became the most highly regarded, and this was the first step towards inequality and at the same time towards vice. From those first preferences there arose, on the one side, vanity and scorn, on the other, shame and envy, and the fermentation produced by those new leavens finally produced compounds fatal to happiness and innocence.

As soon as men learned to value one another and the idea of consideration was formed in their minds, everyone claimed a right to it, and it was no longer possible for everyone to be refused consideration without affront. This gave rise to the first duties of civility, even among savages: and henceforth every institutional wrong became an outrage, because together with the hurt which might result from injury, the offended party saw an insult to his person which was often more unbearable than the hurt itself. Thus, as everyone punished the contempt shown him by another in a manner proportionate to the esteem he accorded himself, revenge became terrible, and men grew bloodthirsty and cruel.

Id. This, in turn, preceded the need for help and the discovery that it could be useful for one person to have provisions enough for two. That need and that discovery ended equality and introduced property and work and "vast forests were transformed into pleasant fields which had to be watered with the sweat of men, and where slavery and misery were soon seen to germinate and flourish with the crops." *Id.* at 116. Agriculture requires tools to become more efficient and greater efficiency is needed to win greater "consideration." Thus, manufacturing joined agriculture as a discipline and each discipline dragged greater and greater divisions of labor in its wake:

Things in this state might have remained equal if talents had been equal, and if, for example, the use of iron and the consumption of foodstuffs had always balanced each other, but this equilibrium, which nothing maintained, was soon broken: the stronger did more productive work, the more adroit did better work, the more ingenious devised ways of abridging his labour: the farmer had greater need of iron or the smith greater need of wheat, and with both working equally, the one earned plenty while the other had hardly enough to live on. It is thus that natural inequality merges imperceptibly with inequality of ranks, and the differences between men, increased by differences of circumstance, make themselves more visible and more permanent in their effects, and begin to exercise a correspondingly large influence over the destiny of individuals.

Id. at 118.

*appearance became two entirely different things, and from this distinction arose insolent ostentation, deceitful cunning and all the vices that follow in their train.*⁹⁴

Inside the divide between “being and appearance,” between noumena and phenomena, is hierarchy. Hierarchy produces logic and reason and duty as its obstacle and its vehicle. This vehicle, logic and reason and duty, takes us to the edge of a place where fair is fair and all are equal, and tells us to transform the world in the name of this transcendental ideal, this kingdom of ends. “*Fair is foul, and foul is fair. Hover through the fog and filthy air.*”⁹⁵ As we “hover through the fog and filthy air” of the phenomenal world, “fair is foul, and foul is fair.” The duty of equality facilitates inequality and, further, is felt as duty, as reason, as logic only because of the pleasure brought by this most sublime sin. Rousseau writes, “the vices which make social institutions necessary are the same vices which make the abuse of those institutions inevitable.”⁹⁶

The pleasure of hierarchy is a pleasure of mastery and a pleasure of slavery. Rousseau, whose portrait may be a window into the Kantian erotic, wrote of the pleasures of slavery in his *Confessions*. Rousseau began his *Confessions* by stating, “I have resolved on an enterprise which has no precedent, and which, once complete, will have no imitator. My purpose is to display to my kind a portrait in every way true to nature, and the man I shall portray will be myself.”⁹⁷ Rousseau, in his self-portrait, confessed: “To fall on my knees before a masterful mistress, to obey her commands, to have to beg her for forgiveness, have been to me the most delicate of pleasures. . . .”⁹⁸

Rousseau, writing the pleasures of slavery in general and not only in his own situation, observed: “Slaves, in their bondage, lose everything, even the desire to be free. They love their servitude even as the companions of Ulysses loved their lives as brutes.”⁹⁹

94. *Id.* at 119 (emphasis added).

95. SHAKESPEARE, *supra* note 75, at act 1, sc. 1.

96. ROUSSEAU, DISCOURSE, *supra* note 6, at 131 (footnote omitted).

97. THE CONFESSIONS OF JEAN-JACQUES ROUSSEAU 17 (J.M. Cohen, trans., Penguin Books 1953) (1781).

98. *Id.* at 28.

99. ROUSSEAU, SOCIAL CONTRACT, *supra* note 28, at 52. Interestingly, Frederick Douglass, reflecting on his own life as an enslaved person, wrote of the way that masters inculcated the desire for slavery in those they enslaved:

[T]he slaveholders like to have their slaves spend those days [holidays] just in such a manner as to make them as glad of their ending as of their beginning. Their object seems to be, to disgust their slaves with freedom, by plunging them into the lowest depths of dissipation. For instance, the slaveholders not only like to see the slave drink of his own accord, but will adopt various plans to make him drunk. . . . Thus, when the slave asks for virtuous freedom, the cunning slaveholder, knowing his

Of mastery, Rousseau observed:

The primitive passions, which all tend directly to our happiness, focus us only on objects that relate to it, and having only the love of self as a principle, are all loving and gentle in their essence. But when they are deflected from their object by obstacles, they are focused on removing the obstacle rather than reaching the object; then they change nature and become irascible and hateful.¹⁰⁰

Logic and reason and duty are the way in which we focus on “removing the obstacle” rather than reaching the object.

DESIRE

Hierarchy requires us to follow rules. Rules are endlessly interpretable. For any given rule there are infinite interpretations. For any given rule of interpretation there are infinite rules of interpretation. For any given rule of interpretation of rules of interpretation there are infinite rules of interpretation. And so it goes. Wittgenstein commented, “Something must be taught as a foundation,”¹⁰¹ but “[t]he difficulty is to realize the groundlessness of our believing.”¹⁰² A rule can always be interpreted to mean anything whatsoever. When we follow rules we think that we must follow them a certain way as a matter of duty or reason or logic; we feel logical certainty. Logical certainty is only the result of training. Interpretation dreams of its own objectivity, but “[t]raining accomplishes what no amount of interpretation can: it determines that we proceed in a particular way out of all the possible ways

ignorance, cheats him with a dose of vicious dissipation, artfully labelled [sic] with the name of liberty. The most of us used to drink it down, and the result was just what might be supposed: many of us were led to think there was little to choose between liberty and slavery. We felt, and very properly too, that we had almost as well be slaves to man as to rum. So, when the holidays ended, we staggered up from the filth of our wallowing, took a long breath, and marched to the field,—feeling, upon the whole, rather glad to go, from what our master had deceived us into a belief was freedom, back to the arms of slavery.

FREDERICK DOUGLASS, *NARRATIVE OF THE LIFE OF FREDERICK DOUGLASS* 45 (Dover Publications, Inc. 1995) (1845). Reflecting on his own experience with the “discipline” of the professional slavebreaker, Douglass echoes Rousseau’s comment that “slaves . . . lose even the desire to be free”:

I was somewhat unmanageable when I first went there, but a few months of this discipline tamed me. . . . I was broken in body, soul, and spirit. My natural elasticity was crushed, my intellect languished, the disposition to read departed, the cheerful spark that lingered about my eyes died; the dark night of slavery closed in upon me; and behold a man transformed into a brute!

Id. at 38.

100. JEAN-JACQUES ROUSSEAU, *Rousseau, Judge of Jean-Jacques*, in 1 *COLLECTED WRITINGS* 9 (Roger D. Masters & Christopher Kelly eds., Bush et al. trans., 1990).

101. WITTGENSTEIN, *ON CERTAINTY*, *supra* note 48, at 58e (§ 449).

102. *Id.* at 24e (§ 166).

that could be made out to be in conformity with the rule.”¹⁰³

In Wittgenstein’s words: “To follow a rule is to conform to a practice; to act in the *generally* accepted way. This serves as the independent standpoint for assessing whether a person’s actions conform to a rule—whatever he may think.”¹⁰⁴ Conformity to the “generally accepted way” is possible because we are trainable, and we are trainable because we have the capacity for pleasure. Pleasure, however, is a many-splendored thing. It takes the shape of our judgments, our repressions, our denials, our *a priori*: “We can say *a priori* only what we ourselves have laid down.”¹⁰⁵ The erotic is that which can be experienced as pleasure. The erotic is not something that should be thought of as pre-social or natural, rather, it should be thought of as an especially dense transfer point for numerous relations and strategies of power.¹⁰⁶

There is a pleasure of hierarchy. Hierarchy cultivates this pleasure in us. Hierarchy is training in this pleasure. Hierarchy produces the pleasure that is everywhere denied. The denial of the pleasure of hierarchy is also a form of pleasure in hierarchy. The denial of the pleasure of hierarchy occurs only after the hierarchy, which presents itself as the Social Contract, has been exposed as an oppressive contract.¹⁰⁷

REPETITION

Rights, equal rights, are a form of pleasure in hierarchy. That form may be expressed as S/M. Visions of this aspect of things are repressed and resisted. The shameful things are the things we repress. We repress by repetition. We repeat by repression. The desires that we repress, the pleasures that we repeat, often appear as the latent content of our dreams or as the sense of certain symptoms. The shameful pleasure of hierarchy, repressed in the form of law and experienced in the form of fidelity

103. ROBERT J. FOGELIN, *WITTGENSTEIN* 167 (2d ed. 1995).

104. *Id.* at 168.

105. *WITTGENSTEIN’S LECTURES*, *supra* note 59, at 86.

106. I use the term “erotic” in a manner that is akin to Foucault’s use of the term “sexuality.” FOUCAULT, *supra* note 26, at 101.

107. Imagine something that appears one way suddenly appearing another way. Imagine something suddenly seeming to change aspect. It is as if a door has been opened or a conversation has been interrupted. Sometimes it is as if the king has been suddenly shown to have no clothes, as if the king has nothing to cover his shame. At such times, a return to the original aspect is desired and, perhaps, required. Awareness of the shameful aspect of a thing or event is often repressed and resisted.

Imagine lines that enlase myriad practices and practitioners of subjugation. Imagine these lines that enlase as institutions, conventions, rules of ever-varying complexity, and intersections of every-varying density. The lattice has no outside; each way out leads back in. The lattice repeats. Repetition is repression. Everyone and everything is implicated. The implications of this are everywhere resisted. The lattice is the form of that resistance.

to law, often appears in places where the center does not hold, where anarchy seems to have been loosed upon the world.

Everyone is everywhere always blindly murdering Laius, blindly marrying Jocasta, blindly piercing already-unseeing eyes and blindly departing-only-to-return. The lattice is the eternal return.¹⁰⁸

What is to be done?

Desire itself must be transformed. The lattice is nothing other than our investments of desire. Gaps, conflicts, and ambiguities imply a structure, a lattice. There is no structure, no network, no grid, no lattice. There is only desire.

The pleasure of hierarchy is experienced nowhere but in the rules laid down to put it to an end. The rules laid down to repress the desire for the pleasure of hierarchy, as has been explained, are the vehicles of its return. We follow the rule blindly. Justice is blind. Justice is blind like Oedipus.

ENCHANTMENT

“[W]e shall always return to metaphysics as to a beloved one with whom we have had a quarrel.”¹⁰⁹ Hierarchy is the source of the division of being and appearance. That division is the heart of logic. Universalization is the connection between reason and duty:

[I]t is the mere conformity to law in general (without basing it on any particular law for specific actions) that serves the will as its principle, and has to do so if duty is not to be everywhere an empty delusion and a chimerical concept. Ordinary human reason agrees completely with this in its practical judgements, and has this principle constantly before its eyes.¹¹⁰

A sexist aside in Freud's *Delusions and Dreams in Jensen's Gradiva* shows the political mathematics of the Social Contract to have been of use to the political mathematicians as instrument of repression:

Mathematics enjoys the greatest reputation as a diversion from sexuality. This had been the very advice to which Jean-Jacques Rousseau was obliged to listen from a lady who was dissatisfied with him: ‘Lascia le donne e studia la matematica! [‘Give up women and study mathematics!].’¹¹¹

108. For three new beginnings, see ADAM GEAREY, *LAW AND AESTHETICS* (2001); MARIA ARISTODEMOU, *LAW & LITERATURE: JOURNEYS FROM HER TO ETERNITY* (2000); PANU MINKKINEN, *THINKING WITHOUT DESIRE: A FIRST PHILOSOPHY OF LAW* (1999).

109. CRITIQUE OF PURE REASON, *supra* note 80, at 664 (A850, B878).

110. KANT, *GROUNDWORK*, *supra* note 31, at 402 15 (4:402).

111. SIGMUND FREUD, *Delusions and Dreams in Jensen's Gradiva*, in *WRITINGS ON ART AND LITERATURE* 3, 31 (James Strackey ed. & trans., 1997) [hereinafter FREUD, *WRITINGS*] (footnote omitted).

Freud's aside regarding the doomed attempt of a patient to repress the erotic with the instrument of mathematics ("Give up women and study mathematics") is illustrative of the failure of metaphysics to put an end to (repress) the desire for the pleasures of hierarchy: "So . . . our fugitive threw himself with special eagerness into the mathematics and geometry which he was taught at school, till suddenly one day his powers of comprehension were paralysed in the face of some apparently innocent problems. . . . 'Two bodies come together, one with a speed of . . . etc. . . .'"¹¹² Thus we return to mathematics as to metaphysics.

Hierarchy is a pleasure. The pleasure of hierarchy is experienced in myriad ways. There is a pleasure of hierarchy that passes through touch. There is a pleasure of hierarchy that is written, and another that is read. There is a pleasure that is spoken, and another that is heard. There is a pleasure in the act, and another that is passive. There is a pleasure in the order, and another that is elsewhere. There is a pleasure in the interpretation. There is a pleasure of logic, of reason, of duty. Hierarchy is a many-splendored thing.

Desire traced to infinity is metaphysics (logic, reason, duty). We follow our pleasure and then imagine (wish, desire) that our pleasure might be followed forever. The Social Contract is the desire for hierarchy traced to infinity.

The Social Contract is accompanied by screen memories. Screen memories are memories of a time that never was but which nevertheless exists as a desire, a desire disguised as a memory. The screen memories that accompany the Social Contract take the form of a rationalizing recollection of a "lost" state of nature. The loss of the state of nature is mourned. Law follows the tracks of those tears. A river of tears is wept and its meandering defines and divides the social landscape. The river flows down and down through caverns measureless to man. The source? The Social Contract is its source; the Social Contract is the source of law.

What is the enchantment of reason? What has duty or reason or logic to do with action? Kant answered in terms of reason's "interest": "An interest is that by which reason becomes practical, i.e., becomes a cause determining the will."¹¹³ Kant elaborated:

112. *Id.* Augustine argued that such "continence" is impossible (without a miracle): You command us to control our bodily desires. And, as we are told, when I knew that no man can be master of himself, except of God's bounty, I was wise enough already to know whence the gift came. Truly it is by continence that we are made as one and regain that unity of self which we lost by falling apart in the search for a variety of pleasures

CONFESSIONS, *supra* note 43, at 233 (footnote omitted).

113. KANT, GROUNDWORK, *supra* note 31, at 63 n.* (4:460).

In order for a sensibly affected rational being to will that for which reason alone prescribes the “ought,” it is admittedly required that his reason have the capacity to induce a feeling of pleasure or of delight in the fulfillment of duty, and thus there is required a causality of reason to determine sensibility in conformity with its principles.¹¹⁴

So reason must “induce a feeling of pleasure” in order to cause us to act in “conformity with its principles.”¹¹⁵ How is such a thing possible? Kant answered that we cannot know¹¹⁶:

[I]t is quite impossible to see, that is, to make comprehensible a priori, how a mere thought, which itself contains nothing sensible produces a feeling of pleasure or displeasure. . . . [Thus] for us human beings it is quite impossible to explain how and why the *universality of a maxim as law* and hence morality interests us.¹¹⁷

It is “quite impossible” for us, per Kant, to know how duty or reason or logic can “produce a feeling of pleasure or displeasure.”¹¹⁸ This impossibility speaks volumes. This impossibility speaks in the voice of law’s endless volumes.

It is “quite impossible” for logic to take itself to be merely the form taken by repressed desire without undoing itself as logic. Metaphysics (I use the term to refer to logic and reason and duty together) is the resistance to this undoing, to this analysis.

Within metaphysics it is “quite impossible,” it seems, to analyze the way that training produces law. If education and what might, following Foucault, be called governmentality, are impossible, then perhaps another impossible profession—psychoanalysis—may provide assistance. In Freud’s words, “It almost looks as if analysis were the

114. *Id.* at 64 (4:461) (emphasis omitted).

115. *Id.*

116. Kant would later argue differently:

There is here no *antecedent* feeling in the subject that would be attuned toward morality: that is impossible, since all feeling is sensible whereas the incentive of the moral disposition must be free from any sensible condition And so respect for the law is not the incentive to morality; instead it is morality itself subjectively considered as incentive inasmuch as pure practical reason, by rejecting all the claims of self-love in opposition with its own, supplies authority to the law, which now alone has influence.

KANT, PRACTICAL, *supra* note 78, at 65 (5:75). Kant’s response to the impossibility he took notice of in the *Groundwork* was to reason by subtraction, to avoid the impossibility altogether:

But how is consciousness of that moral law possible? We can become aware of pure practical laws just as we are aware of pure theoretical principles, by attending to the necessity with which reason prescribes them to us and to the setting aside of all empirical conditions to which reason directs us.

Id. at 27 (5:30).

117. KANT, *GROUNDWORK*, *supra* note 31, at 64 (4:461) (footnotes omitted).

118. *Id.*

third of those 'impossible' professions in which one can be sure beforehand of achieving unsatisfying results. The other two, which have been known much longer, are education and government."¹¹⁹

Freud wrote, "Wherever there are hierarchies and promotions to be found in the world, the way is clear for wishes requiring suppression."¹²⁰

What is order but the compulsion to repeat? Freud observed, "Order is a kind of compulsion to repeat which, when a regulation has been laid down once and for all, decides when, where and how a thing shall be done, so that in every similar circumstance one is spared hesitation and indecision."¹²¹ The compulsion to repeat has a meaning that is found in the order or hierarchy it reproduces. "Thought, after all, is nothing but a substitute for an hallucinatory wish, and to say that the dream is a wish-fulfillment is self-evident, for nothing but a wish is capable of putting our psychical apparatus to work."¹²² As discussed earlier, Kant argued that the "[w]ill is a kind of causality of living beings insofar as they are rational, and freedom would be that property of such causality that it can be efficient independently of alien causes determining it."¹²³ Logic, reason, and duty are themselves the products of hierarchy and so the "causality" or motive force of logic or reason or duty is not "alien" to logic or reason or duty. Logic, reason, and duty are the vehicles of the hierarchy they seem to deny. And so the Social Contract brings us back to the desire for hierarchy:

[F]rom the instant one man needed the help of another, and it was found to be useful for one man to have provisions enough for two, equality disappeared, property was introduced, work became necessary, and vast forests were transformed into pleasant fields which had to be watered with the sweat of men, and where slavery and misery were soon seen to germinate and flourish with the crops.¹²⁴

Hierarchy gives rise to metaphysics (hierarchy causes us to see ourselves as necessarily possessing certain fundamental *a priori* concepts or Categories¹²⁵: unity, plurality, totality, reality, negation, limitation, substance, cause, community, possibility, impossibility, existence). Metaphysics gives rise to the concept of equality. The concept of equal-

119. SIGMUND FREUD, *ANALYSIS TERMINABLE AND INTERMINABLE* (James Strachey ed. & trans., 1937).

120. FREUD, *INTERPRETATION*, *supra* note 14, at 315.

121. SIGMUND FREUD, *CIVILIZATION AND ITS DISCONTENTS* 40 (James Strachey ed. & trans., 1961).

122. FREUD, *INTERPRETATION*, *supra* note 14, at 370.

123. KANT, *GROUNDWORK*, *supra* note 31, at 52 (4:446) (emphases and footnote omitted).

124. ROUSSEAU, *DISCOURSE*, *supra* note 6, at 116.

125. In his *Transcendental Deduction of the Pure Concepts of the Understanding*, Kant maintained that we have to apply the categories in order to become conscious of objects. *CRITIQUE OF PURE REASON*, *supra* note 80, at 126-27 (A93-A95, B126-B127).

ity gives rise to the duty to eliminate inequality. This duty serves as the vehicle of inequality. Inequality gives rise to metaphysics. And so it goes. "It is precisely what was chosen as the instrument of repression . . . that becomes the vehicle for the return: in and behind the repressing force, what is repressed proves itself victor in the end."¹²⁶

And equal rights?

Rights are injuries. Oppression requires injury and attachment. Oppression requires both oppressor and oppressed. The oppressor injures the oppressed and the injury creates their respective identities. The oppressed are attached to the oppressors. The oppressors are attached to the oppressed. The attachment is necessary if the oppression is to continue over time. The attachment takes the form of a right. Rights are attachments to the injuries of oppression. Oppressors and oppressed link themselves to each other through rights.¹²⁷

Equal rights are only imaginable in their absence. A group imagines equal rights only from a situation of oppression—a situation in which life's gaps, conflicts, and ambiguities are compulsively resolved against that group. The oppressed sometimes request equal rights from those who oppress them. Oppressors sometimes grant equal rights to those they oppress. Equal rights accomplish nothing. If the oppressed were not oppressed then the equal rights they requested would have remained unimaginable. Oppression means that life's gaps, conflicts, and ambiguities are compulsively resolved against the oppressed. A rule—for example, a rule requiring equal rights—cannot determine the circumstances of its own application. Oppression, which gives rise to the request for otherwise unimaginable equal rights, means that the gaps, conflicts, and ambiguities in the rules regarding equality of rights will be resolved in favor of the oppressors and against the oppressed. Thus eve-

126. FREUD, WRITINGS, *supra* note 111, at 30. Along a similar line, Freud also argued that "Kant's Categorical Imperative is . . . the direct heir of the Oedipus Complex." 19 SIGMUND FREUD, *The Economic Problem of Masochism* (Joan Riviere, trans. 1924), in *THE STANDARD EDITION OF THE COMPLETE PSYCHOLOGICAL WORKS OF SIGMUND FREUD* 155, 167 (James Strachey ed., 1981).

127. There is a relational quality to rights, a quality I have expressed as S/M and as reason itself. Christine M. Korsgaard writes of the relational quality of reason:

Ask yourself, what is a reason? It is not just a consideration on which you in fact act, but one on which you are supposed to act; it is not just a motive, but rather a normative claim, exerting authority over other people and yourself at other times. To say that you have a reason is to say something *relational*, something which implies the existence of another, at least another self. It announces that you have a claim on that other, or acknowledges her claim on you. For normative claims are not the claims of a metaphysical world of values upon us: they are claims we make on ourselves and each other.

CHRISTINE M. KORSGAARD, *The Reasons We Can Share: An Attack on the Distinction between Agent-Relative and Agent-Neutral Values*, in *CREATING THE KINGDOM OF ENDS* 275, 301 (1996).

rything stays the same. After equal rights, the oppressors remain oppressors and the oppressed remain oppressed. The only thing lost is consciousness of oppression.

DREAM

*Thought, after all, is nothing but a substitute for an hallucinatory wish, and to say that the dream is a wish-fulfillment is self evident, for nothing but a wish is capable of putting our psychical apparatus to work.*¹²⁸

—Sigmund Freud

*During a dream and even long after we have woken up, words occurring in the dream can strike us as having the greatest significance. Can't we be subject to the same illusion when awake?*¹²⁹

—Ludwig Wittgenstein

There is only primary process thinking. Philosophy is the other side of dream-work. Desire, in dreams, shows itself only after the distortions of the dream work. Desire, in waking life, shows itself only after the distortions of philosophy. The term “distortion” is misleading for it implies an original undistorted form. There is only desire.

SYMPTOM

*To trace the underside of a discipline—to ask what it cost—is to recuperate the specific motive fears that underlie the form of life, the weaknesses that border any science conceived as truth, the excluded lives, the solitary figures, the ashes of those who were burnt in the name of law.*¹³⁰

—Peter Goodrich

The status quo reveals the compulsion to repeat the very inequalities that equal rights are seemingly designed to eliminate. The compulsive repetition of the same problems—the same hierarchies, the same inequalities—is the way the system reveals itself. The symptom *presents* as a problem that does not go away, as a problem that resists every solution, as a problem that will not go away. One might, following Peter Goodrich, look to the history of failure.¹³¹

128. FREUD, INTERPRETATION, *supra* note 14, at 370.

129. WITTGENSTEIN, CULTURE, *supra* note 77, at 65e.

130. GOODRICH, LANGUAGES, *supra* note 8, at 17.

131. *See generally id.*

SIN

*Everything in nature, in the inanimate as well as the animate world, happens according to rules, although we do not always know these rules. Water falls according to the laws of gravity and the locomotion of animals also takes place according to rules. The fish in the water, the bird in the air move according to rules. All nature actually is nothing but a nexus of appearances according to rules; and there is nothing without rules. When we believe we have come across an absence of rules, we can only say that the rules are unknown to us.*¹³²

—Immanuel Kant

*It is for you to place the beneficial yoke of reason round the necks of unknown beings who inhabit other planets—still living, it may be, in the primitive state known as freedom. If they will not understand that we are bringing them a mathematically infallible happiness, we shall be obliged to force them to be happy.*¹³³

—Yevgeny Zamyatin

How does one follow a rule or apply a formula? Rules are endlessly interpretable. A rule cannot determine the circumstances of its own application. Nevertheless, rules are followed:

The exercise of our own powers also takes place according to certain rules which we first follow without being conscious of them, until we gradually come to cognize them through experiments and long use of our powers, and finally make them so familiar to us that it costs us great effort to think them in abstraction.¹³⁴

$2+2=4$, and it seems mathematically and logically impossible for the rules regarding the uses of “+” and “=” to be other than we imagine them to be. The apparent mathematical impossibility of other uses is experienced as a matter of logical certainty. This seems paradoxical: if rules are endlessly interpretable then it cannot be possible to follow them with any certainty. There is always a way to reconcile any behavior at all with the rule.¹³⁵ If anything at all can be characterized as following the rule, then the rule is meaningless and following the rule is

132. IMMANUEL KANT, *LOGIC* 13 (Robert S. Hartman & Wolfgang Schwarz trans., Dover 1988) (1800).

133. YEVGENY ZAMYATIN, *WE* 3 (Clarence Brown trans., Penguin 1993) (1924).

134. KANT, *LOGIC*, *supra* note 132, at 13.

135. Wittgenstein commented:

“But am I not compelled, then, to go the way I do in a chain of inferences?”—Compelled? After all I can presumably go as I choose!—“But if you want to remain in accord with the rules you *must* go this way.”—Not at all, I call *this* ‘accord’.—“Then you have changed the meaning of the word ‘accord’, or the meaning of the rule.”—No;—who says what ‘change’ and ‘remaining the same’ mean here?

impossible. And yet rules are followed and so there must be a way of following a rule that does not depend on interpretation.

Training accounts for our ability to follow rules. We are trainable. Those of us who have been trained in mathematics go in the same direction when we encounter $2+2=?$ We go toward "4." One follows a rule by going in the same direction:

It sounds as if your learning how to use it were different from your knowing its meaning. But the point is that we all make the SAME use of it. To know its meaning is to use it in the same way as other people do. "In the right way" means nothing.¹³⁶

Logical certainty is the result of training. Training is sometimes negative (no!) and sometimes positive (good!). We are trainable because we have the capacity for pleasure. Because anything at all can become a pleasure, people can be trained in all manner of things and develop all manner of capacities that those who train find useful.

$2+2=?$ Consider the training regimen in Orwell's *1984*. Winston Smith learns to love Big Brother when he learns that $2+2=5$. Winston Smith's love for the State and his introjection of its rules are connected, which is to say that the way is cathected: "Following a rule is analogous to obeying an order. We are trained to do so; we react to an order in a particular way. But if one person reacts in one way and another in another to the order and the training? Which one is right?"¹³⁷ In *1984*, the subjects of the state go toward "5" when they encounter $2+2=?$ To follow a rule is to go the way the others go.¹³⁸ "Mathematics forms a network of norms."¹³⁹ As has been shown, the network of norms itself seems to have a structure akin to mathematical logic:

[I]t is by no means impossible to find a "mathematics of politics." Man's social life is not a mere mass of incoherent and haphazard facts. It is based upon judgements which are of the same objective validity and are capable of the same firm demonstration as any mathematical proposition. For they are not dependent upon accidental empirical observations; they have the character of universal and eter-

However many rules you give me—I give a rule which justifies my employment of your rules.

WITTGENSTEIN, RFM, *supra* note 72, at 33e-34e (Part I, § 113).

136. WITTGENSTEIN'S LECTURES, *supra* note 59, at 183.

137. WITTGENSTEIN, PHILOSOPHICAL, *supra* note 66, at 82e (§ 206).

138. Maria Grahn-Farley argues that "logic is only what we have learned to connect." Maria Grahn-Farley, Lecture on Jurisprudence, Golden Gate University School of Law (July 6, 2002) (on file with author).

139. WITTGENSTEIN, RFM, *supra* note 72, at 194e (Part V, § 46). For an extended discussion of this theme in Wittgenstein's thought, see PHILIP R. SHIELDS, LOGIC AND SIN IN THE WRITINGS OF LUDWIG WITTGENSTEIN (1992).

nal truths.¹⁴⁰

Pleasure is the connection between logical certainty and training. Successful training means that a certain pleasure is cultivated, a certain desire has been implanted, and a certain behavior may therefore be expected or demanded. Logical certainty implies our total inability to imagine another way to go: we follow the cathect to infinity. We are trained to follow a rule or apply a formula in a certain way. We follow the rule or formula to infinity.

Kant's various formulations of the categorical imperative are like this. Anything—any maxim—can be made to accord with the categorical imperative. Interpretation, and therefore the possibility of discord, is endless. Our training causes accord and stimulates us to feel logical certainty regarding the conformity or non-conformity of our maxims to our duty. We feel that we are acting as if we are creatures of pure reason when we act in accordance with the categorical imperative, and do so out of respect for our duty. We believe that we are renouncing pleasure for duty when we feel that we are following the categorical imperative instead of our own inclinations. These feelings—rationality and restraint—are related. Both are products of training.

Logic is the form taken by repressed (denied) pleasure. A pleasure is repressed because it is one we have forbidden ourselves, hence the question: "Are you thinking of logic or your sins?"¹⁴¹ And the answer: "Both!"¹⁴² Repressed desire, sin, takes the form of logic: "[The artist Félicien] Rops has placed Sin in the very place of the Savior on the cross. He seems to have known that, when what has been repressed returns, it emerges from the repressing force itself."¹⁴³ Sin is always social. There is no private sin. All sin, moreover, is political. There is only one sin, just as there is only one categorical imperative. Hierarchy—masters/slaves—is the only sin.

First there is pleasure and then there is no pleasure and then there is. The instrument of desire's repression is the vehicle of its return. When we forsake our desires for our duty our forsaken desires return in the form of the very duty for which they were originally forsaken. When we act out of pure respect for the moral law, when we act out of respect for our duty, when we obey the categorical imperative, we renounce our desires to do otherwise. And our desires return to us in the very form of our renunciation: the moral law itself.

140. ERNST CASSIRER, *THE MYTH OF THE STATE* 165 (1946).

141. MONK, *supra* note 76, at 64.

142. *Id.*

143. FREUD, *WRITINGS*, *supra* note 111, at 30.

To follow a rule is to participate in an institution, to follow a convention, to have been trained. The status quo is the sum of our institutions. The status quo is the sum of our conventions. The status quo is the sum of our methods of training. Finally, the status quo may also be expressed as the sum of our hierarchies. We are trained to enjoy our institutions, our conventions, our rules: our hierarchies. The rules we follow are rules capable of being followed because we have been trained in their pleasures (“love of Big Brother”¹⁴⁴).

The endless interpretability of things is fixed by training. $2+2=4$ if that is how we have been trained. $2+2=5$ if that is how we have been trained. We unconsciously follow our training—habits of pleasure in certain rule interpretations—and call it logic or logical certainty. We also consciously follow our training, and call that following logic or logical certainty. Things seemed fixed.¹⁴⁵

Addiction is like this. The addict desires a “fix” of the thing to which the addict is addicted.¹⁴⁶ Addiction is a form of training in a specific form of pleasure. The addict’s needle points like a compass. The addict follows his desire. The needle points towards the rules, institutions, conventions, and practices that comprise the pleasure of addiction. The addict is oriented or fixed.¹⁴⁷ The addict goes the way that the other addicts go. The addict becomes himself through his desire. The addict’s desire shows itself in the addict’s reasons.

Social Contract thinking is like this. The endless interpretability of things is *fixed* by training, by pleasure. Any method, a legal method for example, is like this. We believe in the method and feel that it works to produce logical certainties in a particular field. It all seems fixed.

As with machines, what has been fixed does not necessarily stay fixed. We can break with the routines of reason. Winston Smith managed to write “DOWN WITH BIG BROTHER.” Fetish objects can remake each other and themselves. We can develop or cultivate pleasures not yet dreamt of in the jurisprudence of the current order of things. Anything is possible.

As creatures of pure reason, we are all alike. It is our duty as rational creatures to obey the categorical imperative, to consider ourselves to be universal legislators in a kingdom of ends. As like creatures

144. ORWELL, *supra* note 54, at 239.

145. For an interesting discussion of the cultural production of certainty, see THE CULTURE OF CAPITAL: PROPERTY, CITIES, AND KNOWLEDGE IN EARLY MODERN ENGLAND (Henry S. Turner ed., 2002).

146. See Farley, *Sadomasochism*, *supra* note 12, at 68.

147. Kant described orientation in geometric space as akin to orientation in logical space. IMMANUEL KANT, *What is Orientation in Thinking?*, in KANT POLITICAL WRITINGS (H.B. Nisbet trans., Hans Reiss ed., 1991). Training, I have argued, is what orients.

we are bound to treat one another as one, as one kind. It would be sinful not to. Hierarchy is sin. Sin is pleasurable. Hierarchy is a pleasure. As rational creatures we must not partake of the pleasure of sin. Duty, not pleasure, must be our guide insofar as we are good and free and rational. But the categorical imperative can be anything at all. Interpretation is endless. Our duty, then, forbids nothing. Reason allows any pleasure so long as that pleasure appears in the form of the categorical imperative. And there is no pleasure that cannot be made to appear in the form of the categorical imperative.

There is a pleasure in domination, in hierarchy. Behavior that provides the pleasure of domination takes the form of logic, following the categorical imperative. Sin is expressed nowhere as clearly as in the categorical imperative. The sin of hierarchy is expressed nowhere as clearly as in the form of laws requiring, but not delivering, equality. This is the (always-social) logic of sin and the sum and substance of the Social Contract.

Sin takes this form: logic is repressed desire. Hierarchy is the only sin. There is a pleasure in and a desire for hierarchy. The status quo is the sum of our hierarchies, the sum of our sins. We are trained in the status quo; its rules, institutions, and conventions.

There is a pleasure in domination, in hierarchy. There is a pleasure in master/slave, white/black, man/woman, owner/worker, and so on. There are no masters without slaves and no slaves without masters. Anything can be made a pleasure. Pleasures are sadistic and masochistic. The two pleasures are, of course, linked. There is the pleasure of mastery and there is the pleasure of slavery. The pleasure of mastery is sadistic and the pleasure of slavery is masochistic. Each pleasure is the necessary condition of the other. It is S/M all the way: master/slave, white/black, man/woman, owner/worker, and so on, with no foundation, all the way down the line.

The pleasure of domination is experienced nowhere as intensely as in our laws concerning equality. Domination is a many-splendored thing.¹⁴⁸ Those who are on the bottom often ask for rights. The request for rights hides the pleasure that slaves take in slavery. Sometimes those on the top give rights to those on the bottom. The grant of rights hides the pleasure that masters take in mastery. Rights are nothing but injuries.

Reason commands equality. There is a pleasure in hierarchy. The categorical imperative is the way hierarchy expresses itself. Equality is the hiding place of hierarchy. Those on top remain on top. Those on the

148. Among other things, it means never having to say that you are sorry and actually mean it.

bottom remain on the bottom. All of this occurs with or without rights. Those on the bottom are despised by those on the top. A group is despised when gaps, conflicts, and ambiguities are generally resolved against it. Those on the top are esteemed by those on the bottom. A group is esteemed when gaps, conflicts, and ambiguities are generally resolved in its favor. A rule cannot determine the circumstances of its own application. There are gaps, conflicts, and ambiguities in any system of rights. Interpretation is endless. When an equal rights rule is adopted, the gaps, conflicts, and ambiguities are resolved against the despised and in favor of the esteemed. All remains as it was, except for the new fact that the relationship between those on the top and those on the bottom seems to be the product of the superiority of those on the top and the inferiority of those on the bottom.¹⁴⁹

In calculating the duty of reason, we go in the direction of our training. Our training is the sum of our hierarchies. Our training is possible because we are creatures of pleasure. Our pleasures—when we refuse to consider their end, when we insist on following them out to infinity—are experienced as logic. We imagine that our training is possible

149. And all of this is endlessly repeated in the endless hierarchies of the world. The repetition reveals itself in the history that never happens. Historian Ena L. Farley writes of “the idea of equality” and the repetition of the colorline in New York during the period between 1865 and 1873:

The study covers the period of 1865 to 1873 because the evidence revealed that, although the former year ushered in with the passage of the Thirteenth Amendment great expectations for de jure and de facto equality for Blacks, the latter year represented the date by which the forces of segregation had triumphed. By 1873 the caste system had firmly established itself in New York State, and the conservative forces had recaptured the state from its short-lived adventure with the idea of Black equality.

ENA L. FARLEY, *THE UNDERSIDE OF RECONSTRUCTION NEW YORK: THE STRUGGLE OVER THE ISSUE OF BLACK EQUALITY*, at xi-xii (1993). Farley observes that, “New York became by 1873 a hatchery of the segregation idea—exhibiting what I have called ‘the underside of Reconstruction.’” *Id.* at xvii. The repetition reveals itself in references to the long run and to the dismal science. Economist Rawle Farley writes of the “marginal millions” whose lives are, in the long run, extinguished by the very use of the long run as a reference point in policy calculations:

Hungry, undereducated, unemployed, underhoused, inequitably taxed, inflation-burdened, and opportunity-constrained people can hardly be told that in the long run all will be well. Dead people in the long run cannot enjoy development, and for obvious reasons. Calculations, however necessary, of where any developing economy will be a hundred years from now do not alleviate the contemporary distress of the marginal millions.

Rawle Farley, *Foreword* to KEMPE RONALD HOPE, SR., *DEVELOPMENT IN THE THIRD WORLD: FROM POLICY FAILURE TO POLICY REFORM*, at xi (1996). *See also* RAWLE FARLEY, *THE ECONOMICS OF LATIN AMERICA: DEVELOPMENT PROBLEMS IN PERSPECTIVE* 78-79 (1972). The repetition can be seen in the way *history* never happens. Novelist Christopher John Farley observes, “Things don’t progress: they just happen. Time won’t tell.” CHRISTOPHER JOHN FARLEY, *MY FAVORITE WAR* 60 (1996).

because we are creatures of reason.¹⁵⁰ Logic is that which we refuse to open to question.¹⁵¹

We imagine that it is duty or reason or logic that commands us:

The first man who, having enclosed a piece of land, thought of saying 'This is mine' and found people simple enough to believe him, was the true founder of civil society. How many crimes, wars, murders; how much misery and horror the human race would have been spared if someone had pulled up the stakes and filled in the ditch and cried out to his fellow men: 'Beware of listening to this impostor. You are lost if you forget that the fruits of the earth itself belong to no one!'¹⁵²

Command is only desire. Desire is the only command. Interpretation is endless. There must be something in following a rule that is not dependent on interpretation. Training accounts for our ability to follow rules. Pleasure accounts for our ability to be trained. We are fertile sites for the cultivation of desire ("You are lost if you forget that the fruits of the earth belong to no one!"). Logic is the form of repressed desire. "The dream is the (disguised) fulfillment of a (suppressed, repressed) wish."¹⁵³

Logic is the dream that interpretation has an end. Logic is the repressed desire to follow a pleasure to infinity, to certainty, to the end, to the kingdom of ends. Logic is the repressed wish for the endlessness

150. Wittgenstein observed: "Isn't it like this: so long as one thinks it can't be otherwise, one draws logical conclusions. This presumably means: so long as *such-and-such is not brought into question at all*. The steps which are not brought into question are logical inferences." WITTGENSTEIN, RFM, *supra* note 72, at 45e (Part I, § 155) (emphasis added).

151. Eugene Genovese describes hegemony in a way that contributes to this discussion of logic:

The idea of hegemony . . . implies class antagonisms; but it also implies, for a given historical epoch, the ability of a particular class to contain those antagonisms on a terrain in which its legitimacy is not dangerously questioned

. . . Only possession of public power can discipline a class as a whole, and through it, the other classes of society. The juridical system may become, then, not merely an expression of class interests, nor even merely an expression of the willingness of the rulers to mediate with the ruled; it may become an instrument by which the advanced section of the ruling class imposes its viewpoint upon the class as a whole and the wider society. The law must discipline the ruling class and guide and educate the masses. To accomplish these tasks it must manifest a degree of evenhandedness sufficient to compel social conformity; it must, that is, validate itself ethically in the eyes of several classes, not just the ruling class. . . .

The law acts hegemonically to assure people that their particular consciences can be subordinated—indeed, morally must be subordinated—to the collective judgment of society.

EUGENE D. GENOVESE, ROLL, JORDAN, ROLL: *THE WORLD THE SLAVES MADE* 25-27 (1976).

152. ROUSSEAU, *DISCOURSE*, *supra* note 6, at 109.

153. FREUD, *INTERPRETATION*, *supra* note 14, at 124.

of pleasure, for the endlessness of hierarchy, for the coherence of the incoherent. Philosophical work gives desire the form of the either/or and presents it as logic. Rousseau is instructive:

Do you want coherence in the state? Then bring the two extremes as close together as possible; have neither very rich men nor beggars, for these two estates, naturally inseparable, are equally fatal to the common good; from the one class come friends of tyranny, from the other, tyrants. It is always these two classes which make commerce of the public freedom: the one buys, the other sells.¹⁵⁴

Imagine a world without the need to create and then repress the contradiction of inequality. Such a world would be well beyond the dream of interpretation. Such a world would be well beyond the narrow horizon of the juridical.

Reason is the dream that interpretation has an end outside of training. Reason is the dream that interpretation's end is found not in our selves but in our stars. Reason is the relation S/M. Duty, the obstacle of desire, always reappears as the vehicle of desire. There is one desire: the desire for hierarchy. There is one pleasure: the pleasure of hierarchy. There is one sin: hierarchy.

There is one rule for the saved, one path to salvation: the categorical imperative. So it all seems. And the path out is the path back in.

And the enchantment of reason? The enchantment of reason is the secret of desire. The answers to our questions are flowing all around us like water in water. Our hierarchies are our desires, our desires are our reasons, and nothing is really ever secret. Duty and reason and logic are restatements of our training in hierarchy.

Law is hierarchy restated.

154. ROUSSEAU, SOCIAL CONTRACT, *supra* note 28, at 96 n.*.