**Lacan’s Sade: The Politics of Happiness**

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**Abstract:**

This article assesses the contemporary relevance of Sade’s work and thought by returning to Jacques Lacan’s interpretation of it. It is argued that if the Sadean emphasis on sexual freedom has been co-opted by neoliberal capitalism, this is in part thanks to avant-garde intellectuals of the 20th century who approached Sade through a simplistically libidinal reading of Freud. By contrast, the article argues that Lacan’s more sophisticated reading of Freud enables him in turn to situate Sade amidst 18th-century philosophical and political debates regarding, not sexual pleasure or revolutionary desire, but happiness. Lacan shows that Sade was already challenging the modern, and today market-based, notion of a ‘right to happiness’ with the ‘maxim for *jouissance*’ he asserted in *La Philosophie dans le boudoir*. This more troubling Sade, it is claimed, opens up the possibility of a perverse *ethic* distinct from the ‘polymorphous perversity’ characteristic of contemporary consumer culture and its related conceptions of happiness.

**Keywords:** Sade, Bataille, Lacan, Kant, psychoanalysis, philosophies of desire, happiness.

As long ago as 1957, Georges Bataille wrote: ‘To admire Sade is to diminish the force of his ideas’.[[1]](#endnote-1) Today, Sade has been included in the *Bibliothèque de la Pléiade* for over twenty years, and Sade Studies is a well-established academic field. So how can we recover the previously scandalous Sadean challenge? How should we read *Les Cent Vingt Journées de Sodome* now that it must take its place alongside *Fifty Shades of Grey*? More generally, what is the fate of perverse transgression in a consumer culture dominated by supposedly limitless enjoyment?

I want to argue that Jacques Lacan can help us to recover a Sadean provocation suitable to the ‘polymorphously perverse’ present. Lacan engaged with Sade primarily in his seventh seminar[[2]](#endnote-2) and in his 1964 écrit, ‘Kant avec Sade’.[[3]](#endnote-3) What Lacan isolates in Sade’s oeuvre is less a defense of libidinal pleasure, and more an ethical challenge to the ‘right to happiness’ at the core of political and economic liberalism. Better than his contemporaries, Lacan recognized that Sade was a product of what Darrin McMahon has called ‘the century of happiness’,[[4]](#endnote-4) when Christian ideas of bliss gave way decisively to Enlightenment notions of more earthly forms of fulfilment. The Marquis engaged closely with the radical demand for freedom and happiness articulated in the late 18th century in the course of the American and French Revolutions. We must rediscover this Sade today, when happiness has been reduced to a bland entitlement to ‘customer satisfaction’ and suspiciously neoliberal notions of ‘flourishing’.[[5]](#endnote-5) Perhaps using Lacan to distil a less admirable Sade can help to subtract him from the dubious narrative that claims liberal capitalism has perfected the universal recipe for human happiness by liberating sexuality from repression, enabling its direct expression in a marketplace of unending pleasures - a putatively permanent ‘happy hour’.

*Rendering Sade Neighbourly*

First, it is necessary to briefly outline the construction of the admired Sade who is celebrated in the name of a progressive avant-gardism in the realms of sexual morality, artistic expression, and social critique.

Three different figures of the Marquis have been presented in order to put him on this problematic pedestal. First, Sade the literary genius deserving of inclusion in the *Pléiade* since 1990; secondly, Sade the philosophical innovator who pushed as far as they could go the mechanistic conceptual system of La Mettrie’s *L’Homme machine* (1748) and the materialist atheism of D’Holbach’s *Le Système de la nature* (1770); and thirdly, the hero of transgression celebrated by the Surrealists and their successors. It is this third figure of Sade as a champion of desire with which I am primarily concerned. By assuming the defense of this Sade as a *cause-célèbre*, I would argue that several 20th-century avant-garde thinkers inadvertently contributed to a nullification of his most challenging aspects. Liberating him from moral, cultural and indeed state repression as part of a then-radical challenge to dominant mores, they placed Sade in the hands of liberalism just as it was developing techniques for producing, circulating and capturing libidinal enjoyment.

Reacting against a pathologising psychiatric framing of Sade at the turn of the century, the Surrealists were the first to champion the ‘divine Marquis’ as an advocate of an anarchistic desire that could be pitted against stultifying bourgeois sensibilities. This was Sade less as psychiatric exemplar of medical perversion, and more as pioneering provocateur. Whether in André Breton’s *Surrealist Manifesto* or in the paintings, poems, films and photographs of Max Ernst, Guillaume Apollinaire, Luis Buñuel or Man Ray, Sade’s inspiration is attested to throughout the movement’s creative and intellectual output.[[6]](#endnote-6) Rival readings of Sade would be the terrain of Breton’s vicious critique of Georges Bataille by the time of the *Second Manifesto of Surrealism* (1929), as if the movement stood or fell on the matter of fidelity to the ‘right’ Sade. Yet behind these disagreements, Apollinaire’s famous assertion that Sade was ‘the freest spirit that ever lived’ captured the unifying theme of radical sexual freedom.

However, Sade Studies was catalysed in the aftermath of WWII, when it was not so much the revolutionary promise of freedom as it was the ‘sadism’ of European fascism that prompted a sober return to the darkest scenes in his oeuvre. The Frankfurt School pioneered the renewed use of the psychiatric category ‘sadism’ but now in critical social theory: Adorno, for example, attempted to understand the ‘authoritarian personality’ through its conceptual lens,[[7]](#endnote-7) and a reading of *Juliette* was central to Adorno and Horkheimer’s influential *Dialectic of Enlightenment.*[[8]](#endnote-8)Nonetheless, in French intellectual life, the seminal text which elevated Sade’s importance was undoubtedly Pierre Klossowski’s *Sade, mon prochain* of 1947 (a second edition, with many important revisions,[[9]](#endnote-9) appeared in 1967). Klossowski explored Sade’s rhetorical and conceptual system, the paradoxes of his evolving atheism, and his complex and often ironic relation to the French Revolution.[[10]](#endnote-10) By treating him as a thinker and writer worthy of philosophical scrutiny, Klossowski set the tone for subsequent engagements between the late 1940s and late 1960s. These were undertaken by figures such as Maurice Blanchot (*Lautréament et Sade*, 1949), Simone de Beauvoir (‘Faut-il brûler Sade?’, 1951), Jean Paulhan (*Le Marquis de Sade et sa complice*, also 1951), Georges Bataille (*L’Erotisme*,1957), Lacan himself (his 1959-60 seminar and 1964 écrit), Michel Foucault (*Histoire de la folie*,1961), and those connected to the *Tel Quel* group such as Philippe Sollers, Roland Barthes and Julia Kristeva. Many of these commentators circled around the relations between transgression, desire and the limit, yet simultaneously outlined a spectrum of positions ranging from a Freudian/Nietzschean affirmation of erotic transcendence (represented primarily by Bataille) to a more textualist interpretation of Sade as the writer *par excellence* of the power of literary negation (Blanchot).

Of all of these, it is arguably Georges Bataille’s Sade that has been the most enduringly influential within Sade Studies, yet it is in many ways the most incompatible with Lacan’s. If Bataille claimed that Sade was ‘sovereign’, and thus a ‘man subject to no restraints of any kind at all’ (EDS*,* 67), Lacan goes in exactly the opposite direction by anatomising the constraints imposed by the requirements of the Marquis’s perverse structure as well as his historical context. Non-psychoanalytic literary critics have also pointed out that Bataille’s reading of Sade is a violent interpretation serving particular philosophical ends. Jane Gallop, for example, notes that ‘the distortions he must work in order to render Sade simple and pure are blatant’.[[11]](#endnote-11) Geoffrey Roche has identified the specific areas of divergence which constitute these distortions.[[12]](#endnote-12) If Patrick Ffrench convincingly argues against assimilating Bataille’s thought too rapidly into Freudian categories he more often criticized than utilised,[[13]](#endnote-13) this bucks the broader trend to place Bataille’s Sade within the context of the French ‘return to Freud’ of the 1960s, when both seemed prophets of radical desire. But if Freud was an unavoidable reference point for most of these reflections on Sade, a crucial question, certainly one that Lacan would pose, would be ‘which Freud?’

*Which Psychoanalysis?*

Clearly, Freudianism played a major part in the defense of desire against bourgeois social repression characteristic of much 20th-century critical thought. Nor was this a simple distortion of Freud: challenging staid sexual mores was indeed part of his Vienna Circle almost from its inception.[[14]](#endnote-14) However, this aspect of early psychoanalysis quickly proliferated in unruly ways: the ‘apostates’ Wilhelm Reich and Erich Fromm, who both stressed the revolutionary potential of sexuality as such, typify this deviation. The mixture of Marxism and Freudianism that received its most sophisticated theoretical elaboration with the Frankfurt School critical theorists then paved the way for the various ‘philosophies of desire’ that sprang up in France in conjunction with the renewed interest in Sade. Along with the emergence of ‘youth culture’, the publication of the Kinsey Report and the invention of the pill, these philosophies also nourished the ‘Sexual Revolution’ in Europe and America in the 1960s. Paradoxically given their Frankfurt School origins, they even became an eroticized alternative to Marxism in the wake of May 1968. Herbert Marcuse’s *Eros and Civilization* is only the best known way-station on this journey of supposed sexual liberation. In many ways, Deleuze and Guattari’s *Anti-Oedipus* (which draws on Reich)follows the same trajectory by breaking with orthodox psychoanalysis in the name of the very polymorphous perversity Freud himself discovered: desire could be directly revolutionary according to Deleuze and Guattari, who based a schizoanalytic politics on its deterritorializing power.[[15]](#endnote-15) Jean-François Lyotard would propose his hermaphroditic vision of Freudo-Marxism in *Économie libidinale* in 1974, and thinkers associated with the *écriture feminine* movement, such as Luce Irigaray and Hélène Cixous, mounted very sophisticated internal critiques of psychoanalysis in the search for a poetics of feminine desire unconstrained by phallogocentrism. In post-war French thought then, the psychoanalytic championing of desire and the defense of Sade’s life and works seemed linked by a common project of what we might call anarcho-individualist libidinal freedom.

The inspiration, as well as productive irritant, for many of these writers was arguably the most radical psychoanalyst of them all, Jacques Lacan. And yet, it is rarely noted that Lacan’s innovative interpretation of Freud was ultimately incompatible not only with the one ratified by the psychoanalytic institutions, but also with the political philosophies of revolutionary desire that used Freudian ideas to attack various hierarchical institutions, psychoanalytic ones included. It was his rigorous fidelity to the actual texts of Freud, rather than to the widespread cultural reception of Freudian*ism*, that finally led to Lacan’s expulsion from the *International Psychoanalytic Association* in 1963, and to the forced formation of his own school (sardonically called the *École Freudienne de Paris* - implying that the others were not). Lacan had long been railing against an instinctual reading of Freud which became dominant amongst American ego-psychologists and British object-relations theorists in the 1940s and 1950s, a reading which reduced the unconscious to a reservoir of repressed biological impulses and dovetailed disastrously with aspects of behavioural psychology. Though aspiring to a contrasting politics, the ‘philosophies of desire’ also relied on an instinctual model of the unconscious where an idealized polymorphous perversity reigned, even in the exalted form of Deleuze and Guattari’s ontology of ‘desiring production’. For these reasons, Lacan was consistently critical of what he called the ‘other psychoanalysis’ for deviating from Freud in this instinctual but also metaphysical direction.

He was therefore able to recognize something most of his contemporaries did not: a sociocultural transformation that meant the Freudian link between sexual repression and the social prohibitions inherent to modern civilization was no longer operative in the same way. By the 1960s, Lacan could see that, like nostalgia, repression was not what it used to be. Social organization had moved away from a prohibitive model predicated on taboos towards a ‘permissive society’ dominated by an unrelenting injunction to enjoy. This injunction caused people to suffer in new ways as the supposed ‘democracy of desires’ clashed with worsening economic inequalities. Social control began to be exerted through *non-repressive enjoyment*, with the neurotic Ego of old being largely bypassed in favour of a direct stimulation of the Id via market mechanisms. We continue to live this legacy: the discontents of today’s civilization do not arise because we are too inhibited to enjoy, too neurotically repressed, but because we cannot enjoy *enough* according to the impossible standards set by consumer culture. We tend to suffer from a ‘too much’, rather than a ‘not enough’.

In *Seminar XVII* (1969-70), which contains his most consistent engagement with Marxism,Lacan was very clear that this phenomenon relates to the rise and rise of capitalism and its utilization of science.[[16]](#endnote-16) If science can invent new gadgets that plug us directly into enjoyment like a scene from a William Burroughs novel, capitalism is in the business of erasing any prohibition that would block this flow of commodifiable pleasure. In the aftermath of May ’68 when *Seminar XVII* took place, Lacan insisted that capital had moved well beyond crude exploitation understood through Hegel’s master-slave dialectic. Far from alienating the worker from his lost ‘species being’, as with the early Marxist humanism of the *Economic and Philosophical Manuscripts*, capital had begun to both produce and incorporate what Lacan called *plus de jouir*,or ‘surplus jouissance’ (SXVII, 19). This was not a surplus that existed prior to being repressed, as in Bataille’s metaphysics, but one that coincided with and was set into motion by its symbolic inscription *qua* contingent loss. One key consequence of capital’s recycling of surplus jouissance was that emancipatory political projects aiming to liberate desire had inadvertently begun to do capital’s work for it, albeit in the conjoined names of Marx and Freud (or Mao and Freud for many *soixante-huitards*).

Far from being the excess whose sovereign expenditure ruptures the hierarchical social relations required by the industrial mode of production, as it broadly was for Bataille, this *plus de jouir* was therefore the very motor of the capitalist flywheel for Lacan. Two years later in 1972, he would produce an algebraic formalization of the ‘discourse of capitalism’ that graphically conveyed something of this diabolical feedback effect, the only implied external limit to which was entropic exhaustion.[[17]](#endnote-17) Thus, what the French ‘philosophers of desire’ were advocating as a libidinal alternative to repressive capitalism was at that very moment being implemented in complex ways by capital itself. Though he comes across as a reactionary in his dealings with the radicalized students who interrupted his seventeenth seminar, Lacan’s unfashionable point now seems crucial: political liberation was becoming entangled with a libertarian individualism intrinsic to what we would now call neoliberalism.[[18]](#endnote-18)

As a psychoanalyst working with subjective suffering, Lacan grasped impressively early the growing intersections between the old liberal promise of the ‘pursuit of happiness’ and what, in the development of neoliberalism, Eva Illouz has identified as ‘emotional capitalism’.[[19]](#endnote-19) He was therefore able to foresee the emergence of a novel malady: deep unhappiness with one’s newly inexplicable incapacity to feel happy. In a context in which consumers are surrounded by a panoply of pleasures in the form of what Marxpresciently called ‘commodity fetishes’, what becomes perverse in the pathological sense is not sexual deviance per se, but *lack* *of enjoyment*. For this secular sin the contemporary subject is made to feel guilty, anxious and depressed. The very knowledge of massive inequalities in global wealth only exacerbates the guilt felt for misery amidst material plenty - a complaint Oliver James has aptly described as ‘affluenza’.[[20]](#endnote-20) If the World Health Organization now refers to a global epidemic of depression,[[21]](#endnote-21) Lacan had already perceived, through his critical engagement with Sade, that this would be linked with the spread of a superegoic happiness modeled on relentless, limitless enjoyment.

*Lacan’s Sade*

The portrait of the Marquis painted by Lacan in both *Seminar VII* and ‘Kant avec Sade’ is thus very different from Bataille’s hero of transgression. Where Bataille portrays Sade as a mystical practitioner of the metaphysics of excess, Lacan presents him as a radical thinker and writer certainly, but also as a man marked – like all of us – by castration, and in many ways trapped *more* than most in the logic of his fantasy. If Bataille co-opts Sade’s fantasy as if it were his own, Lacan exposes what seems to be at stake in it regarding perverse desire’s secret need for a limit. In the end, where Bataille uses Sade as a prop for his own imaginary, Lacan refuses to believe in the sovereignty the Marquis proclaims too loudly for it not to betray some defensiveness.

Instead, in *Seminar* *VII*, Lacan situates the Sadean appeal to Bataille’s ‘sovereignty’ at a hinge point in the history of moral thought in the late 18th Century: conceptually and chronologically, Lacan argues that for all his ‘radicalism’ Sade is caught between the *ancien régime* and what will become liberal modernity; between a transcendent Name-of-the-Father, and a weakened, dispersed series of father substitutes; between the privilege of sovereign power, and the democratic rightto pursue happiness-as-enjoyment. For Lacan, Sade was the writer of what was already becoming ‘contemporary life’, that is, a period marked by the decline of the Name-of-the-Father and a consequent turmoil in the field of ethics where happiness operates as a kind of master-signifier. It is no coincidence that Lacan ends *Seminar VII* meditating on happiness. He cites Saint-Just’s somewhat disingenuous assertion that ‘happiness is a new idea in Europe’ (SVII, 359) in order to indicate its centrality to the French Revolution. There is a direct link, Lacan strongly implies, between the regicide and the opening up of a democratic discourse around happiness as a universal right. However, Lacan also suggests that by his own day ‘happiness has become a political matter’ (359) in a way that Saint-Just could not have foreseen. The democratic right to happiness has been commodified and turned into an instrument of social control and economic productivity – a point which has even more relevance in our own time, when governments make extensive use of ‘Happiness’ and ‘Wellbeing Indexes’.[[22]](#endnote-22) For this reason, *Seminar VII* is devoted to disentangling psychoanalytic ethics from this dominant morality, ‘to show how far we are from the formulation of any discipline of happiness’ (359).

So that Sade can help rather than hinder this project of disentanglement, Lacan opens his later 1964 *écrit* by doing two things. Firstly, he refers to the widespread assumption that ‘Sade’s work anticipated Freud’s’ as a ‘stupidity repeated in works of literary criticism, the blame for which goes, as usual, to the specialists’ (KS*,* 645). This immediately loosens the grip of the ‘other psychoanalysis’ and those beholden to it in literary critical circles who celebrate Sade too quickly as a simple champion of sexual freedom. Secondly, Lacan characterises the link between Sade and Freud more precisely as a groundwork laid by the former that paves the way for the latter. A great deal of *Seminar VII* had already been devoted to showing that this is achieved by means of a subversion of traditional Aristotelian virtue ethics. If Freud did not have to spell out that his notion of the ‘pleasure principle’ was by no means the same as the *ataraxia* of the Stoics - a ‘bias uncontested for two thousand years’ (KS*,* 645) claims Lacan - it was because Sade had already severed the assumed link between pleasure and the good. If Freud then found the further courage to move ‘beyond the pleasure principle’ in order to posit the controversial notion of the death-instinct, it was also thanks to the Sadean conjunction of pleasure and *pain*. In Sade’s wake then, the human capacity for a certain *bonheur dans le mal*,or ‘delight in evil’, could no longer be dismissed as the interference of malevolent spirits. In Lacan’s own vocabulary, Sade made visible the phenomenon of *jouissance*,as a pleasure/pain distinct from mere biological satisfaction, yet powerfully insistent in the speaking subject.

What then is the relationship between this Sade of *jouissance* and, of all people, Immanuel Kant? Elliptically as ever, Lacan describes the former as ‘the first step of subversion’ in relation to traditional ethics, of which Kant then ‘represents the turning point’ (KS 645). This turning of a subversion suggests the astronomical notion of ‘revolution’ that Lacan would later invoke in *Seminar XVII*, which is to say, a turning in place that returns the universe of discourse to its starting point (SXVII,55). Or almost, for if Kant is a turning point for the Sadean subversion, it is in the sense that Freud speaks of the dream-work as a distortion that nonetheless transmits what is repressed in more palatable form. Lacan therefore inverts Kant’s defensive philosophical response to Sade’s provocation by suggesting that Sade’s *La* *Philosophie dans le boudoir* ‘completes’ or ‘yields the truth’ (KS, 646) of Kant’s *Critique of Practical Reason*.

The latter work also enacts a break with traditional moral philosophy, particularly the idea that it *feels* good to be morally good. Lacan argues that the German language helps Kant in this separation between pleasure and the good: *wohl*,or what today’s gurus of happiness would call ‘wellbeing’, is clearly marked by everyday German as distinct from *das Gute*, ‘the object of the moral law’ (646). Yet Kant is also very much in line with a Stoic tradition when he argues forcefully that *das Gute* must be completely divorced from *wohl*, either in the placid sense of a feeling of ‘wellbeing’, or in the more active sense ofdesire or personal interest. Both the self-satisfied assumption that one has done one’s duty, and the dumb pleasure of seeking what satisfies one’s appetites, reduce the subject to an irrational and therefore immoral object for Kant.To behave according to *das Gute*, one must suspend or bracket out *wohl* completely.As Lacan puts it, ‘the weight of the Good appears only by excluding everything the subject may suffer from due to his interest in an object, whether drive or feeling – what Kant designates, for that reason, as “pathological”’ (646).

The term ‘pathological’ seems to conform to a repressive hypothesis such that truly civilized morality can only be attained at the cost of overcoming selfish impulses, an ancient theme stretching from Plato to Hobbes, Locke to Rousseau. From Kant’s perspective, the pay-off is the possibility of a rational universalism which, in his writings on the state and cosmopolitanism, promises to undergird peaceful co-existence between citizens and even nations.[[23]](#endnote-23) Yet the famous categorical imperative formalized in the *Critique of Practical Reason* sets aside any prescriptive moral *content* whatsoever. Morality henceforth has nothing to do with any reassuring list of dos and don’ts in the Old Testament style. These are sacrificed for a stringent universal *formalism* that calls on the individual’s innate rationality rather than on their appetite for satisfaction. Though a post-Enlightenment take on the Christian maxim ‘do unto others …’, the categorical imperative refuses to dirty its hands with whatever that doing might involve, still less its attendant pleasures. Rational, transparent, interest-free reciprocity is a much higher good, argues Kant, than vulgar satisfaction. He gives the famous example of the paramour who would surely think twice before the prospect of his illicit lover’s bed, if he knew that the noose lay in wait for him at the exit door.[[24]](#endnote-24)

However, it is precisely on this point that Lacan makes the startling parallel with Sade. Sade breaks the traditional link between pleasure and the good too, but exposes a further dimension repressed by Kant - that of *jouissance*. Sade helps us to see that some people *only* act on their desire if they feel the threat of something akin to a noose. Such ‘perverse’ sexuality demonstrates the centrality of the symbolic in human desire generally: animals, by contrast, copulate without the need for elaborate S&M rituals or erotic role playing. But to pursue the implications of the resulting diversity of human desire in a specifically *democratic* age – and this is the real novelty of his reading – Lacan focuses on the ‘pamphlet within a pamphlet’ (KS*,* 648) found half way through Sade’s *La Philosophie dans le boudoir,* entitled ‘Yet Another Effort, Frenchman, If You Would Become Republicans’. It is typical of Sade to insert into an obscene tangle of orifices and improbable appendages some Enlightenment-style philosophical reflection on the rationality of libertinage. The specific literary form, however, of the pamphlet immediately invokes the central themes of the Revolution. Though there is much debate about Sade-the-aristocrat’s commitment to the revolutionary cause,[[25]](#endnote-25) Lacan was in little doubt that this pamphlet within a pamphlet reveals the deeper truth of Sade’s ‘deriding of the historical situation’(648). This centres not on Jacobin excesses but on the question of rational universalism and the promise of happiness for all. The French Revolution was at that very moment attempting to make good on this promise of universal happiness, but in ways that, post-Thermidor, would quickly slide from radical egalitarianism into something quite different: bourgeois equality, measured via property rights.[[26]](#endnote-26) Lacan points out that in describing the lover put off by the threat of the noose, Kant clearly had in mind ‘the ideal bourgeois’ (660).

Sade’s veiled diatribe against bourgeois democratic happiness is ‘found in the maxim that proposes a rule for jouissance’ (648). This rule is odd, says Lacan, ‘in that it defers to Kant’s mode in being laid down as a universal rule’ (648):

“I have the right to enjoy your body,” anyone can say to me, “and I will exercise this right without any limit to the capriciousness of the exactions I may wish to satiate with your body” (648)

Point by point, this maxim satisfies Kant’s formal requirements for a universal moral law even as it forces it up against the enigma of *jouissance*. Firstly, it includes the ‘radical rejection of the pathological’ (649) insofar as anyone can say it to ‘me’, so that I must surrender all personal desires or interests I happen to entertain. Secondly, it is also as empty as Kant’s categorical imperative in that there is no content to the ‘exactions’ referred to: enjoyment is a fundamentally logical category which sets out relations between at least two entities, yet proscribes nothing whatsoever about its actualization. But crucially, because jouissance is for Lacan ‘real’ and thus unsymbolizable, the Sadean maxim does *not* lend itself to universalization in the Kantian sense. It cannot be institutionalised: ‘No *de facto* legality can decide if this maxim can assume the rank of a universal rule, since this rank may also possibly oppose it to all *de facto* legalities’ (649). The cost of situating the moral law beyond the realm of the pathological involves situating it also beyond existing ‘de facto’ laws, which codify mere duty without attaining the purity of moral reason itself.

In a critique that gets to the heart of the liberal social contract supposedly endowing citizens with the right to pursue happiness, Lacan then attacks the very idea of reciprocity. For him, this would always be an imaginary category. Axioms such as ‘do unto others as you would have them do unto you’ rest on an imagined reciprocity which is a sublated version of that inscribed within an ‘eye for an eye’, the former attempting to resolve the cycle of revenge implied by the latter by means of what Kant calls ‘a principle of universal legislation’ (CP*,* 45). From a Kantian perspective, universalizing the logic of an eye for an eye would lead to a condition of widespread blindness which no individual would welcome: it must therefore be irrational and immoral. Yet according to Lacan, subjects do not relate to other subjects eye-to-eye in any case. They relate to others (and indeed to ‘themselves’) always *via* the Symbolic Other. This is already implied by the apparent need for God to impose this idealised moral reciprocity from ‘on high’. Yet for those like Sade who enjoy blasphemy, it is quite possible to want decidedly ‘uncivilized’ things from others as a roundabout way of addressing this Other.

The two subjects discernible in Sade’s ‘Republican’ maxim then, the ‘I’ and the ‘me’, are not equals coming together in a mutually empowering contract at all. Instead, we have what Lacan calls the ‘subject of the statement’ on the one hand, and the ‘subject of enunciation’ on the other (KS*,* 650). The subject of the statement is the one who seems to be interpolated as the contractually bound signatory to this maxim (‘anyone can say to *me’*), while the ‘subject of enunciation’ is the voice that asserts a right without limits (‘*I* have the right to enjoy your body’). Again, the subject of enunciation is not an other on the same dialogic plane, a neighbour we should love, but rather an Other, a pure disembodied voice of contentless authority. Lacan admires the honesty of Sade’s maxim in situating law’s power in this locus of ‘the Other’s mouth’ (650), opposing it to Kant’s psychologizing reduction of law to the ‘inner voice’ of individual conscience. Where the German philosopher locates this voice in the internal rational faculties of a still broadly Cartesian subject, the French psychoanalyst locates it in the Other of language as unconscious. And where Bataille’s arrested Hegelianism indulges the fantasy of an obliteration of the Other and thus a subject of infinite erotic enjoyment, Lacan shows just how central the Other, and thus the Law, is in even perverse fantasy.

Because Sade’s ‘rule for jouissance’ excludes the contractual reciprocity dreamed of by liberal democracy, its universalism is not of the symmetrical, inclusive kind. It follows that the idealization of the inclusion of the voice of the individual is an imaginary screen behind which something fundamentally asymmetrical lurks. Though he does not pursue it, Lacan puts his finger here on an aporia in the Kantian edifice: the empty but demanding universalism of Kant’s moral philosophy does not quite fit with the institutionalised universalism of his political philosophy. As we see today, would-be cosmopolitan institutions implementing rational inter-state relations base themselves on a notion of the ‘human’ which, in the guise of ‘human rights’, gets filled in by predicates that not only fail to include all, but even support ‘humanitarian’ interventions into some contexts but not others (Iraq for example, but not Syria).

Nonetheless, Lacan is also clear that, as a discursive mechanism for distributing relations between the subject and the Other, the Sadean maxim proposes a different kind of universalism that incorporates a combinatory logic of ‘my turn next time’. In place of imaginary reciprocity, there is a structural dysymmetry which is egalitarian to the extent that no particular person has a divine right to occupy any one of the positions, which remain ontologically empty. As a generalizable if not quite a universalisable ‘right’, enjoyment can be exercised - executed even - in Sade’s Republic of *jouissance* by anyone, but only ‘in turn’. The Sadean world is certainly replete with rules to regulate turn-taking. Far from indulging wild abandon then, the pervert is constrained by a binding pact which paradoxically aims to create the ferocious authority capable of enforcing it. The ‘democracy’ involved here is not unrelated to the role-reversal often involved in so-called ‘sado-masochistic’ practices. Though Lacan despairs of the confusion sewn by the notion that the sadist and the masochist are horizontally reversible,[[27]](#endnote-27) building this structural dysmmetry into that ‘coupling’ makes the necessity of ‘turn taking’ much clearer.

This structure accounts for the centrality of the various contracts scattered throughout Sade’s oeuvre: for example, *Cent Vingt Journées de Sodome* opens with a binding statute among the four libertines, *Histoire de Juliette* outlines a statute for the ‘Society of the Friends of Crime’, and *La Nouvelle Justine* includes a scene in which Jerôme is prevented from killing Justine too quickly by recourse to the laws written by the libertines themselves. These strictures ensure that the law protects not bourgeois property rights, but what Lacan describes as the ‘carnival-act-like rite, “Change of positions!”’ (KS*,* 658). That Sade was by no means ‘sovereign’ in Bataille’s sense is clear from the often monotonous repetitiveness of his writings which echo his incarceration, not within the Bastille or Charenton, but his own perverse fantasy.

*Resurrecting the Sadean Challenge*

Why is this such a challenge to the liberal model of consumer happiness which has become, in the late 20th and early 21st centuries, polymorphously perverse?

Firstly, as we have just seen, the kind of universalism implied by Sade’s ‘Republic of jouissance’ is radically beyond legislative codification - though not, as I have tried to show, beyond the Law. This has far-reaching consequences for our own era, which hopes to statistically model everything, including happiness, in order to bring it within the regime of evaluation that has arisen in the space left by the deposed Name-of-the-Father. This is very clear in the field of Happiness Studies which is characterised by a utilitarian obsession with the *measurability* of happiness, making it the perfect technology of biopolitical governmentality under neoliberal conditions.[[28]](#endnote-28) Happiness Studies, and the associated ‘wellbeing agenda’, are together attempting to make their version of happiness, which Lacan once called ‘a bourgeois dream’ (SVII*,* 359), a daily waking reality for as much of the world as possible.

Going against this tendency, Sade (a contemporary of Jeremy Bentham’s, but by no means sharing his vision of a ‘felicific calculus’) dramatizes the ungovernable *singularity* of a perverse *jouissance* which evades metrics, even as he insists on the unconditional ‘right’ to indulge it. The constitutional enshrinement of the ‘right’ to pursue happiness which emerged from the American Revolution attempted to legislate into reality what we now rightly call the ‘American dream’, though it has been widely exported by globalization. That dream is of a level playing field where opportunities to construct a good life, primarily out of exchangeable goods, are limited only by one’s willpower and zeal for positive thinking.[[29]](#endnote-29) Everyone has a right to everything, it is claimed, and the only thing that is impossible is impossibility itself. The Situationist aphorism ‘demand the impossible’, which once seemed to crystallize the libidinal hopes of the May Movement, has now been recuperated into a neoliberal injunction to ‘reach for the stars’, since everyone is entitled to them. Behind this fantasy of infinite choice and freedom, however, the social link that validates consumer happiness in fact renders neoliberal subjects ever more the objects of affective manipulation at the level of the drives themselves, with little or no ‘treatment’ by the symbolic. Why bother elaborating symbolic fantasies like Sade’s when you can just ‘jack in’ to the circuits of what Jodi Dean has called ‘communicative capital’?[[30]](#endnote-30) What I have called ‘non-repressive enjoyment’ therefore aims at a Pavlovian stimulus-response management of populations in ways not dissimilar to the drug ‘soma’ in George Orwell’s *1984*.

Evidently, the democracy of market-facilitated pleasures is *not* the same as Sade’s republic of *jouissance*, which, precisely in its ‘perversion’, holds on to an ethics of singularity and challenges the Law to somehow do justice to that ethics. Thanks to Lacan’s reading of him, a much less admirable Sade is still able to teach us about this ethics of singularity which is distinct from the generalised ‘polymorphous perversion’ of contemporary consumer culture.

1. George Bataille, *Erotism: Death and Sensuality*, translated by Mary Dalwood (San Francisco: City Lights Books, 1986), 179. (Hereafter EDS.) [↑](#endnote-ref-1)
2. Jacques Lacan, *Seminar VII: The Ethics of Psychoanalysis*, translated by Denis Porter (London: W. W. W. Norton, 1997).(Hereafter SVII.) [↑](#endnote-ref-2)
3. Jacques Lacan, ‘Kant with Sade’, *Écrits: The First Complete Edition in English*, translated by Bruce Fink (London: W. W. Norton & Company, 2006), 645-668. (Hereafter KS.) [↑](#endnote-ref-3)
4. Darrin McMahon, *Happiness: A History* (New York: Grove Press, 2006), 216. [↑](#endnote-ref-4)
5. Martin Seligman, *Flourish: A New Understanding of Happiness and Well-being – and How to Achieve Them* (London: Nicholas Brealey Publishing, 2011). [↑](#endnote-ref-5)
6. See Candice Black, *Sade, Sex and Death: The Divine Marquis and the Surrealists* (Chicago, Solar Books, 2011). [↑](#endnote-ref-6)
7. Theodor Adorno et. al, *The Authoritarian Personality* (New York: Norton, 1964). [↑](#endnote-ref-7)
8. Theodor Adorno and Max Horkheimer, *Dialectic of Enlightenment*, translated by John Cumming (London: Verso, 1997). [↑](#endnote-ref-8)
9. Ian James, *Pierre Klossowski: The Persistence of a Name* (Oxford: Legenda, 2000). [↑](#endnote-ref-9)
10. Sade was a supposed instigator of the Revolution from his cell in the Bastille; he worked directly for the Revolution as secretary of the *Section des Piques*, but he was also imprisoned again by the revolutionaries, though this time for the improbable crime of ‘moderatism’. [↑](#endnote-ref-10)
11. Jane Gallop, *Intersections: A Reading of Sade with Bataille, Blanchot and Klossowski* (London: University of Nebraska, 1981), 12. [↑](#endnote-ref-11)
12. Geoffrey Roche, ‘Black Sun: Bataille on Sade’, *Janus Head: Journal of Interdisciplinary Studies in Literature, Continental Philosophy and the Arts*, 1 (2006), 157-180. [↑](#endnote-ref-12)
13. See Chapter One of Patrick Ffrench, *After Bataille: Sacrifice, Exposure, Community* (London: Legenda, 2007). [↑](#endnote-ref-13)
14. George Makari, *Revolution in Mind: The Creation of Psychoanalysis* (London: Gerald Duckworth & Co. Ltd., 2008). [↑](#endnote-ref-14)
15. Gilles Deleuze and Félix Guattari, *Anti-Oedipus: Capitalism and Schizophrenia*, translated by Robert Hurley, Mark Seem and Helen Lane (London: Athlone Press, 2000). [↑](#endnote-ref-15)
16. Jacques Lacan, *Seminar XVII: The Other Side of Psychoanalysis*, translated by Russell Grigg (London: W. W. Norton & Company, 2007). (Hereafter SXVII.) [↑](#endnote-ref-16)
17. Frédéric Declercq, ‘Lacan on the Capitalist Discourse: Its Consequences for Libidinal Enjoyment and Social Bonds’, *Psychoanalysis, Culture and Society*, 11 (2006), 74-83. [↑](#endnote-ref-17)
18. A similar recuperation of the radical elements of 1960s counter-culture soon took place in Silicon Valley and amongthe ‘new libertarians’ gathering around the proto-cybernetic ideas of Ayn Rand. See Luc Boltanski, and Eve Chiapello, *The New Spirit of Capitalism* (London: Verso, 2005). [↑](#endnote-ref-18)
19. Eva Illouze, *Saving the Modern Soul: Therapy, Emotions and the Culture of Self-Help* (Berkeley: University of California Press, 2008). [↑](#endnote-ref-19)
20. Oliver James, *Affluenza* (Reading: Vermillion, 2007). [↑](#endnote-ref-20)
21. See http://www.who.int/mediacentre/factsheets/fs369/en/, consulted 10th January 2015 [↑](#endnote-ref-21)
22. See http://www.ons.gov.uk/ons/guide-method/user-guidance/well-being/index.html consulted 10th January 2015 [↑](#endnote-ref-22)
23. See Immanuel Kant, *Perpetual Peace and Other Essays on Politics, History and Morals*, translated by Ted Humphrey(Cambridge: Hackett, 1983). [↑](#endnote-ref-23)
24. Immanuel Kant, *Critique of Practical Reason*, translated by Werner S. Pluhar (London: Hackett Publishing Co, 2002), 44. (Hereafter CP.) [↑](#endnote-ref-24)
25. See ‘Sade and the Revolution’ in Pierre Klossowski, *Sade My Neighbour*, translated by Alphonso Lingis (London: Quartet Books, 1992), 47-66. [↑](#endnote-ref-25)
26. This is the interpretation of the post-Thermidor period offered by Alain Badiou in his *Metapolitics*, translated by Jason Barker (London: Verso, 2005). [↑](#endnote-ref-26)
27. See Colin Wright, ‘Sadomasochism and the Body of the Law: Lacan’s Re-conceptualization of Perversion as Père-version,’ *Theory & Event*, 16: 4 (2013). [↑](#endnote-ref-27)
28. See Colin Wright, ‘Against Flourishing: Wellbeing as Biopolitics, and the Psychoanalytic Alternative’, *Journal of Health, Culture & Society*, 5:1 (2013), 20-35. [↑](#endnote-ref-28)
29. See Martin Seligman, *Authentic Happiness: Using the New Positive Psychology to Realise Your Potential for Lasting Fulfilment* (London: Nicholas Brealey Publishing, 2003). [↑](#endnote-ref-29)
30. Jodi Dean, *Democracy and Other Neoliberal Fantasies: Communicative Capitalism and Left Politics* (London: Duke University Press, 2009). [↑](#endnote-ref-30)