

PHANTASMATIC IDENTIFICATION
AND THE ASSUMPTION OF SEX¹

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How does it happen that the human subject makes himself (sic) into an object of possible knowledge, through what forms of rationality, through what historical necessities, and at what price? My question is this: How much does it cost the subject to be able to tell the truth about itself?

— Michel Foucault, »How Much Does it
Cost to Tell the Truth?«

When one asks whether or not sexual identities are constructed, a more or less tacit set of questions is implicitly raised: is sexuality so highly constrained from the start that it ought to be conceived as fixed; if sexuality is so constrained from the start, does it not constitute a kind of essentialism at the level of identity? At stake is a way to describe this deeper and perhaps irrecoverable sense of *constitutedness and constraint* in the face of which the notions of »choice« or »free play« appear not only foreign, but unthinkable and sometimes even cruel. The constructed character of sexuality has been invoked to counter the claim that sexuality has a natural and normative shape and movement, that is, one which approximates the normative phantasm of a compulsory heterosexuality. The effort to denaturalize sexuality and gender have taken as their main enemy those normative frameworks of compulsory heterosexuality that operate through the naturalization and reification of heterosexist norms. But is there a risk in the affirmation of *denaturalization* as a strategy? On the one hand, it seems to me that the turn to phylogenetic essentialism among some gay theorists marks a desire to take account of a domain of constitutive constraints, a domain that the discourse on denaturalization has appeared in part to overlook.

It may be useful to shift the terms of the debate from constructivism versus essentialism to the more complex question of how »deep-seated« or constitutive constraints can be posed in terms of symbolic limits in their intractability and contestability. What has been understood as the performativity of gender – far from the exercise of an unconstrained voluntarism – will prove to be impossible apart from notions of political constraints registered psychically. It may well be useful to separate the notion of constraints or limits from the metaphysical endeavor to ground that con-

straint in a biological or psychological essentialism. This latter effort seeks to constitute a certain »proof« of constraint over and against a constructivism which is illogically identified with voluntarism and free play. Those essentialist positions which seek recourse to a sexual nature or to a precultural structuring of sexuality in order to secure a metaphysical site or cause for this sense of constraint become highly contestable even on their own terms. Such efforts to underscore the fixed and constrained character of sexuality, however, need to be read carefully, especially by those who have insisted on the constructed status of sexuality. For sexuality cannot be summarily made or unmade, and it would be a mistake to associate »constructivism« with »the freedom of a subject to form her/his sexuality as s/he pleases«. A construction is, after, all not the same as an artifice. On the contrary, constructivism needs to take account of the domain of constraints without which a certain living and desiring being cannot make its way. And every such being is constrained by domains not only of what is difficult to imagine, but what remains radically unthinkable: in the domain of sexuality these constraints include the radical unthinkability of desiring otherwise, the radical unendurability of desiring otherwise, the absence of certain desires, the repetitive compulsion of others, the abiding repudiation of some sexual possibilities, panic, obsessional pull, and the nexus of sexuality and pain.

There is a tendency to think that sexuality is either constructed or determined; to think that if it is constructed, it is in some sense free, and if it is determined, it is in some sense fixed. These oppositions do not describe the complexity of what is at stake in any effort to take account of the conditions under which sex and sexuality are assumed. The »performative« dimension of construction is precisely the forced reiteration of norms. In this sense, then, it is not only that there are constraints to performativity; rather, constraint calls to be rethought as the very condition of performativity. Performativity is neither free play nor theatrical self-presentation; nor can it be simply equated with performance. Moreover, constraint is not necessarily that which sets a limit to performativity; constraint is, rather, that which impels and sustains performativity.

Here, at the risk of repeating myself, I would suggest that performativity cannot be understood outside of a process of iterability, a regularized and constrained repetition of norms. And this repetition is not performed *by* a subject; this repetition is what enables a subject and constitutes the temporal condition for the subject. This iterability implies that »performance« is not a singular »act« or event, but a ritualized production, a ritual reiterated under and through constraint, under and through the force of prohibition and taboo, with the threat of ostracism and even death controlling and compelling the shape of the production, but not, I will insist, determining it fully in advance.

How are we to think through this notion of performativity as it relates to prohibitions that effectively generate sanctioned and unsanctioned sexual

practices and arrangements? In particular, how do we pursue the question of sexuality and the law, where the law is not only that which represses sexuality, but is a prohibition that *generates* sexuality or, at least, compels its directionality? Given that there is no sexuality outside of power, and that power in its productive mode is never fully free from regulation, how can regulation itself be construed as a productive or generative constraint? Specifically, how does the capacity of the law to produce and constrain at once play itself out in the securing for every body a sex, a sexed position within language, a sexed position which is in some sense presumed by any body which comes to speak as a subject, an »I«, one who is constituted through the act of taking its sexed place within a language that insistently forces the question of sex?

Identification, Prohibition, and the Instability of »Positions«

The introduction of a psychoanalytic discourse on sexual difference, and the turn to the work of Jacques Lacan by feminists, has been in part an effort to reassert the kinds of symbolic constraints under which becoming »sexed« occurs. Over and against those who argued that sex is a simple question of anatomy, Lacan maintained that sex is a symbolic position that one assumes under the threat of punishment, that is, a position one is constrained to assume, where those constraints are operative in the very structure of language and, hence, in the constitutive relations of cultural life. Some feminists have turned to Lacan in an effort to temper a certain kind of utopianism that held that the radical reorganization of kinship relations could imply the radical reorganization of the psyche, sexuality and desire. The symbolic domain which compelled the assumption of a sexed position within language was held to be more fundamental than any specific organization of kinship. So that one might rearrange kinship relations outside of the family scene, but still discover one's sexuality to be constructed through more deep-seated constraining and constitutive symbolic demands. What are these demands? Are they prior to the social, to kinship, to politics? If they do operate as constraints, are they for that reason fixed?

I propose to consider the symbolic demand to assume a sexed position and what is implied by that demand. Although this will not consider the full domain of constraints on sex and sexuality (a limitless task), it does propose in a general way to take account of constraints as the limits of what can and cannot be constructed. In the oedipal scenario, the symbolic demand that institutes »sex« is accompanied by the threat of punishment. Castration is the figure for punishment, the fear of castration motivating the assumption of the masculine sex, the fear of not being castrated motivating the assumption of the feminine. Implicit in the figure of castration, which operates differentially to constitute the constraining force of gender-

ed punishment, are at least two inarticulate figures of abject homosexuality, the feminized fag and the phallicized dyke; the Lacanian scheme presumes that the terror over occupying either of these positions is what compels the assumption of a sexed position within language, a sexed position that is sexed by virtue of its heterosexual positioning, and that is assumed through a move that excludes and abjects gay and lesbian possibilities.

The point of this analysis is not simply to affirm the constraints under which sexed positions are assumed, but to ask how the fixity of such constraints is established, what sexual (im)possibilities have served as the constitutive constraints of sexed positionality, and what possibilities of reworking those constraints arise from within its own terms. If to assume a sexed position is to identify with a position marked out within the symbolic domain, and if to identify involves fantasizing the possibility of approximating that symbolic site, then the heterosexist constraint that compels the assumption of sex operates through the regulation of phantasmatic identification.² The oedipal scenario depends for its livelihood on the threatening power of its threat, on the resistance to identification with masculine feminization and feminine phallicization. But what happens if the law that deploys the spectral figures of abject homosexuality as a threat becomes itself an inadvertent site of eroticization? If the taboo becomes eroticized precisely for the transgressive sites that it produces, what happens to oedipus, to sexed positionality, to the fast distinction between an imaginary or fantasized identification and those social and linguistic positions of intelligible »sex« mandated by the symbolic law? Does the refusal to concur with the abjection of homosexuality necessitate a critical rethinking of the psychoanalytic economy of sex.

Three critical points must first be made about the category of sex and the notion of sexual difference in Lacan. First, the use of »sexual difference« to denote a relation simultaneously anatomical and linguistic implicates Lacan in a tautological bind. Second, another tautology appears when he claims that the subject emerges only as a consequence of sex and sexual difference, and yet insists that the subject must accomplish and assume its sexed position within language. Third, the Lacanian version of sex and sexual difference implicates his descriptions of anatomy and development in an unexamined framework of normative heterosexuality.

As for the claim that Lacan offers a tautological account of the category of »sex«, one might well reply that *of course* that is true; indeed, that tautology constitutes the very scene of a necessary redoubling in which »sex« is assumed. On the one hand, the category of sex is assumed; there are sexed positions that persist within a symbolic domain which preexist their appropriation by individuals and cannot be reduced to the various moments in which the symbolic subjects and subjectivates individual bodies according to sex. On the other hand, the category of sex is presumed already to have marked that individual body which is, as it were, delivered up to the symbolic law to receive its mark. Hence, »sex« is at once that

which marks the body prior to its mark, staging in advance which symbolic position will mark it, and it is this latter »mark« which appears to postdate the body, retroactively attributing a sexual position to a body. This mark and position constitute that symbolic condition through which the body becomes signifiable at all. But here there are at least two conceptual knots: first, the body is marked by sex, but the body is marked prior to that mark, for it is the first mark that prepares the body for the second one and, second, the body is only signifiable, only occurs as that which can be signified within language by being marked in this second sense. This means that any recourse to the body before the symbolic can take place only within the symbolic, which seems to imply that there is no body prior to its marking. If this last implication is accepted, we can never tell a story about how it is that a body comes to be marked by the category of sex for the body before the mark is constituted as signifiable only *through* the mark. Or, rather, any story we might tell about such a body making its way toward the marker of sex will be a fictional one, even if, perhaps, a necessary fiction.

For Lacan, sexual desire is initiated through the force of prohibition. Indeed, desire is marked off from *jouissance* precisely through the mark of the law. Desire travels along metonymic routes, through a logic of displacement, impelled and thwarted by the impossible fantasy of recovering a full pleasure before the advent of the law. This return to that site of phantasmatic abundance cannot take place without risking psychosis. But what is this psychosis? And how is it figured? Psychosis appears not only as the prospect of losing the status of a subject and, hence, of life within language, but as the terrorizing spectre of coming under an unbearable censor, a death sentence of sorts.

The breaking of certain taboos brings on the spectre of psychosis, but to what extent can we understand »psychosis« as relative to the very prohibitions that guard against it? In other words, what precise cultural possibilities threaten the subject with a psychotic dissolution, marking the boundaries of livable being? To what extent is the fantasy of psychotic dissolution itself the effect of a certain prohibition against those sexual possibilities which abrogate the heterosexual contract? Under what conditions and under the sway of what regulatory schemes does homosexuality itself appear as the living prospect of death? To what extent do deviations from oedipalized identifications call into question the structural stasis of sexual binarisms and their relation to psychosis?

What happens when the primary prohibitions against incest produce displacements and substitutions which do not conform to the models outlined above? Indeed, a woman may find the phantasmatic remainder of her father in another woman or substitute her desire for her mother in a man, at which point a certain crossing of heterosexual and homosexual desires operates at once. If we grant the psychoanalytic presumption that primary prohibitions not only produce deflections of sexual desire but

consolidate a psychic sense of »sex« and sexual difference, then it appears to follow that the coherently heterosexualized deflections require that identifications be effected on the basis of similarly sexed bodies and that desire be deflected across the sexual divide to members of the opposite sex. But if a man can identify with his mother, and produce desire from that identification (a complicated process, no doubt, that I cannot justly delineate here), he has already confounded the psychic description of stable gender development. And if that same man desires another man, or a woman, is his desire homosexual, heterosexual, or even lesbian? And what is to restrict any given individual to a single identification? Identifications are multiple and contestatory, and it may be that we desire most strongly those individuals who reflect in a dense or saturated way the possibilities of multiple and simultaneous substitutions, where a substitution engages a fantasy of recovering a primary object of a love lost – and produced – through prohibition. Insofar as a number of such fantasies can come to constitute and saturate a site of desire, it follows that we are not in the position of *either* identifying with a given sex *or* desiring someone else of that sex; indeed, we are not more generally in a position of finding identification and desire to be mutually exclusive phenomenon.

Of course, I use the grammar of an »I« or a »We« as if these subjects precede and activate their various identifications, but this is a grammatical fiction – one I am willing to use even though it runs the risk of enforcing an interpretation counter to the one that I want to make. For there is no »I« prior to its assumption of sex, and no assumption that is not at once an impossible yet necessary identification. And yet, I use the grammar that denies this temporality – as I am doubtless used by it – only because I cannot find in myself a desire to replicate too closely Lacan's sometimes tortured prose (my own is difficult enough).

To identify is not to oppose desire; identification is a phantasmatic trajectory and resolution of desire, an assumption of place, a territorializing of an object which enables identity through the temporary resolution of desire, but which remains desire, if only in its repudiated form.

My reference to multiple identification does not mean to suggest that everyone is compelled by being or having such identificatory fluidity. Sexuality is as much motivated by the fantasy of retrieving prohibited objects as by the desire to remain protected from the threat of prohibition that such a retrieval might bring on. In Lacan's work, this threat is usually designated as the Name of the Father, that is, the father's law as it determines appropriate kinship relations which include appropriate and mutually exclusive lines of identification and desire. When the threat of punishment wielded by that prohibition is too great, it may be that we desire someone who will keep us from ever seeing the desire for which we are punishable, and in attaching ourselves to that person, it may be that we effectively punish ourselves in advance and, indeed, generate desire in and through and for that self-punishment.

Or it may be that certain identifications and affiliations are made, certain sympathetic connections amplified, precisely in order to institute a disidentification with a position that seems too saturated with injury or aggression, one that might, as a consequence, be occupied only through an imagined loss of viable identity altogether. Hence, the peculiar logic in the sympathetic gesture by which one objects to an injury done to another to deflect from an injury done to oneself that then becomes the vehicle of displacement by which one feels for oneself *through and as the other*. Prohibited from petitioning the injury in one's own name (for fear of being further steeped in that very abjection and/or launched infelicitously into rage), one makes the petition in the name of another, perhaps going as far as denouncing those who would make the claim for the one who cannot/will not make it for herself. If this »altruism« constitutes the displacement of narcissism or self-love, then the exterior site of identification inevitably becomes saturated with the resentment that accompanies the expropriation, the loss of narcissism. This accounts for the ambivalence at the heart of political forms of altruism.

Identifications, then, can ward off certain desires or act as vehicles for desire; in order to facilitate certain desires, it may be necessary to ward off others: identification is the site at which this ambivalent prohibition and production of desire occurs. If to assume a sex is in some sense an »identification«, then it seems that identification is a site at which prohibition and deflection are insistently negotiated. To identify with a sex is to stand in some relation to an imaginary threat, imaginary and forceful, forceful precisely because it is imaginary.

In »The Meaning of the Phallus«, after an aside on castration, Lacan remarks that man (*Mensch*) is confronted with an antinomy internal to the assumption of his sex. And then he offers a question, »Why must he take up its [sex's] attributes only by means of a threat, or even in the guise of a privation?« (Rose, 75)³. The symbolic marks the body by sex through threatening that body, through the deployment/production of an imaginary threat, a castration, a privation of some bodily part: this must be the masculine body that will lose the member it refuses to submit to the symbolic inscription; without symbolic inscription, that body will be negated. And so, to whom is this threat delivered? There must be a body trembling before the law, a body whose fear can be compelled by the law, a law that produces the trembling body prepared for its inscription, a law that marks the body *first* with fear only then to mark it again with the symbolic stamp of sex. To assume the law, to accede to the law is to produce an imaginary alignment with the sexual position marked out by the symbolic, but also always to fail to approximate that position, and to feel the distance between that imaginary identification and the symbolic as the threat of punishment, the failure to conform, the spectre of abjection.

It is said, of course, that women are always already punished, castrated, and that their relation to the phallic norm will be penis envy. And this

must have happened first, since men are said to look over and see this figure of castration and fear any identification there. Becoming like her, becoming her, that is the fear of castration and, hence, the fear of falling into penis envy as well. The symbolic position that marks a sex as masculine is one through which the masculine sex is said to »have« the phallus; it is one that compels through the threat of punishment, that is, the threat of feminization, an imaginary and, hence, inadequate identification. Hence, there is then *presupposed* in the imaginary masculine effort to identify with this position of having the phallus, a certain inevitable failure, a failure to have and a yearning to have, a penis envy which is not the *opposite* of the fear of castration, but *its very presupposition*. Castration could not be feared if the phallus were not already detachable, already elsewhere, already dispossessed; it is not simply the spectre that it will become lost that constitutes the obsessive preoccupation of castration anxiety. *It is the spectre of the recognition that it was always already lost, the vanquishing of the fantasy that it might ever have been possessed – the loss of nostalgia's referent.* If the phallus exceeds every effort to identify with it, then this failure to approximate the phallus constitutes the necessary relation of the imaginary to the phallus. In this sense, the phallus is always already lost, and the fear of castration is the fear that phantasmatic identification will collide with and dissolve against the symbolic, a fear of the recognition that there can be no final obedience to that symbolic power, and this must be a recognition that, in some already operative way, one already has made.

The symbolic marks a body as feminine through the mark of privation and castration, but can it compel that accession to castration through the threat of punishment? If castration is the very figure for the punishment with which the masculine subject is threatened, it seems that assuming the feminine position is not only compelled by the threat of punishment (her fate is apparently the alternative that follows the disjunctive »or«, but the French »voire« is less oppositional than emphatic, better translated as »even« or »indeed«). The feminine position is constituted as the figural enactment of that punishment, the very figuration of that threat and, hence, produced as a lack only in relation to the masculine subject. To assume the feminine position is to take up the figure of castration or, at least, to negotiate a relation to it, symbolizing at once the threat to the masculine position as well as the guarantee that the masculine »has« the phallus. Precisely because the guarantee can be relinquished for the threat of castration, the feminine position must be taken up in its reassuring mode. This »identification« is thus *repeatedly* produced, and in the demand that the identification be *reiterated* persists in the possibility, the threat, that it will *fail* to repeat.

But how, then, is the assumption of feminine castration compelled? What serves as a punishment for the one who refuses to accede to punishment? We might expect that this refusal or resistance would be figured as a

punishable phallicism. The failure to approximate the symbolic position of the feminine – a failure that would characterize any imaginary effort to identify with the symbolic – would, in the case of the feminine, be construed as a failure to submit to castration and to effect the necessary identification with the (castrated) mother and, through that identification, produce a displaced version of the (imaginary) father to desire. The failure to submit to castration appears capable of producing only its opposite, the spectral figure of the castrator with Holophernes' head in hand. This figure of excessive phallicism, typified by the phallic mother, is devouring and destructive, the negative fate of the phallus when attached to the feminine position. Significant in its misogyny, this construction suggests that »having the phallus« is much more destructive as a feminine operation than as a masculine one, a claim that symptomatizes the displacement of phallic destructiveness and implies that there is no other way for women to assume the phallus except in its most killing modalities.

The »threat« that compels the assumption of masculine and feminine attributes is, for the former, a descent into feminine castration and abjection and, for the latter, the monstrous ascent into phallicism. Are both of these figures of hell, figures which constitute the state of punishment threatened by the law, in part figures of homosexual abjection, a gendered afterlife?? The feminized »fag« and the phallicized »dyke«? And are these undelineated figures the structuring absences of symbolic demand? If a man refuses too radically the »having of the phallus«, he will be punished with homosexuality, and if a woman refuses too radically her position as castration, she will be punished with homosexuality. Here the sexed positions that are said to inhere in language are stabilized through a hierarchized and differentiated specular relation (he »has«; she »reflects his having« and has the power to offer or withdraw that guarantee and, therefore, she »is« the phallus, castrated, potentially threatening castration). This specular relation, however, is itself established through the exclusion and abjection of a domain of relations in which all the wrong identifications are pursued; men wishing to »be« the phallus for other men, women wishing to »have« the phallus for other women, women wishing to »be« the phallus for other women, men wishing both to have and to be the phallus for other men in a scene in which the phallus not only transfers between the modalities of being and having, but between partners within a volatile circuit of exchange, men wishing to »be« the phallus for a woman who »has« it, women wishing to »have it« for a man who »is« it.

And here it is important to note that it is not only that the phallus circulates out of line, but that it also can be an absent, indifferent, or otherwise diminished structuring principle of sexual exchange. Further, I do not mean to suggest that there are only two figures of abjection, the inverted versions of the heterosexualized masculinity and femininity; on the contrary, these figures of abjection, which are inarticulate yet organizing figures within the Lacanian symbolic, foreclose precisely the kind of complex crossings

of identification and desire which might exceed and contest the binary frame itself; indeed, it is this range of identificatory contestation that is foreclosed from the binary figuration of normalized heterosexuality and abjected homosexuality. The binarism of feminized male homosexuality, on the one hand, and masculinized female homosexuality, on the other, is itself produces as the restrictive and spectres that constitute the defining limits of symbolic exchange. Importantly, they are spectres produced *by* that symbolic as its threatening outside to safeguard its continuing hegemony.

Assuming the mark of castration, a mark which is after all a lack, a lack which designates absently the domain of the feminine, can precipitate a set of crises that cannot be predicted by the symbolic scheme that purports to circumscribe them. If identification with the symbolic position of castration is bound to fail, if it can only figure repeatedly and vainly a phantasmatic approximation of that position and never fully bind itself to that demand, then there is always some critical distance between what the law compels and the identification that the feminine body offers up as the token of her loyalty to the law. The body marked as feminine occupies or inhabits its mark at a critical distance, with radical unease or with a phantasmatic and tenuous pleasure or with some mixture of anxiety and desire. If she is marked as castrated, she must nevertheless *assume* that mark, where »assumption« contains both the wish for an identification as well as its impossibility. For if she must assume, accomplish, accede to her castration, there is at the start some *failure* of socialization here, some excessive occurrence of that body outside and beyond its mark, in relation to that mark.⁴ There is some body to which/to whom the threat or punishment encoded and enacted by the mark is addressed, in whom some fear of punishment is insistently compelled, who is not yet or not ever a figure of strict compliance. Indeed, there is a body which has failed to perform its castration in accord with the symbolic law, some locus of resistance, some way in which the desire to have the phallus has not been renounced and continues to persist.

If this analysis invites the charge of penis envy, it also forces a reconsideration of the unstable status of identification in any envious act: there is in the very structure of envy the possibility of an imaginary identification, a crossing over into a »having« of the phallus that is both acknowledged and blocked. And if there is a law that must compel a feminine identification with a position of castration, it appears that this law »knows« that identification could function differently, that a feminine effort to identify with »having« the phallus could resist its demand, and that this possibility must be renounced. Although the feminine position is figured as already castrated and, hence, subject to penis envy, it seems that penis envy marks not only the masculine relation to the symbolic, but marks every relation to the having of the Phallus, that vain striving to approximate and possess what no one ever can have, but anyone sometimes can have

in the transient domain of the imaginary.

But where or how does identification occur? When can we say with confidence that an identification has happened? Significantly, it never can be said to have taken place; identification does not belong to the world of events. Identification is constantly figured as a desired event or accomplishment, but one which finally is never achieved; identification is the phantasmatic staging of the event.⁵ In this sense, identifications belong to the imaginary; they are phantasmatic efforts of alignment, loyalty, ambiguous and cross-corporeal cohabitation; they unsettle the »I«; they are the sedimentation of the »we« in the constitution of any »I«; the structuring presence of alterity in the very formulation of the »I«. Identifications are never fully and finally made; they are incessantly reconstituted and, as such, subject to the volatile logic of iterability. They are that which is constantly marshalled, consolidated, retrenched, contested and, on occasion, compelled to give way. That *resistance* is here linked with the possibility of *failure* will be shown in its political inadequacy, for the formulation suggests that the law, the injunction, that produces this failure cannot itself be reworked or recalled by virtue of the kind of resistances that it generates. What is the status of this law as a site of power?

Understood as a phantasmatic effort subject to the logic of iterability, an identification always takes place in relation to a law or, more specifically, a prohibition that works through delivering a threat of punishment. The law, understood here as the demand and threat issued by and through the symbolic, compels the shape and direction of sexuality through the instillation of fear. If identification seeks to produce an ego, which Freud insists is »first and foremost a bodily ego«, in compliance with a symbolic position, then the *failure* of identificatory phantasms constitutes the site of resistance to the law. But the failure and/or refusal to reiterate the law do not in themselves change the structure of the demand that the law makes. The law continues to make its demand, but the failure to comply with the law produces an instability in the ego at the level of the imaginary. Disobedience to the law becomes the promise of the imaginary and, in particular, of the incommensurability of the imaginary with the symbolic. But the law, the symbolic, is left intact, even as its authority to compel strict compliance with the »positions« it lays out is called into question.

This version of resistance has constituted the promise of psychoanalysis to contest strictly opposed and hierarchical sexual positions for some feminist readers of Lacan. But does this view of resistance fail to consider the status of the symbolic as immutable law?⁶ And would the mutation of that law call into question not only the compulsory heterosexuality attributed to the symbolic, but also the stability and discreteness of the distinction between symbolic and imaginary registers within the Lacanian scheme? It seems crucial to question whether resistance to an immutable law is *sufficient* as a political contestation of compulsory heterosexuality, where this resistance is safely restricted to the imaginary and thereby

restrained from entering into the structure of the symbolic itself. To what extent is the symbolic unwittingly elevated to an incontestable position precisely through domesticating resistance within the imaginary? If the symbolic is structured by the Law of the Father, then the feminist resistance to the symbolic unwittingly *protects* the father's law by relegating feminine resistance to the less enduring and less efficacious domain of the imaginary. Through this move, then, feminine resistance is both valorized in its specificity and reassuringly disempowered. By accepting the radical divide between symbolic and imaginary, the terms of feminist resistance reconstitute sexually differentiated and hierarchized »separate spheres«. Although resistance constitutes a temporary escape from the constituting power of the law, it cannot enter into the dynamic by which the symbolic reiterates its power and thereby alter the structural sexism and homophobia of its sexual demands.⁷

The symbolic is understood as the normative dimension of the constitution of the sexed subject within language. It consists in a series of demands, taboos, sanctions, injunctions, prohibitions, impossible idealizations, and threats – performative speech acts, as it were, that wield the power to produce the field of culturally viable sexual subjects: performative acts, in other words, with the power to produce or materialize subjectivating effects. But what cultural configuration of power organizes these normative and productive operations of subject-constitution?

»Sex« is always produced as a reiteration of hegemonic norms. This productive reiteration can be read as a kind of performativity. Discursive performativity appears to produce that which it names, to enact its own referent, to name and to do, to name and to make. Paradoxically, however, this productive capacity of discourse is derivative, a form of cultural iterability or rearticulation, a practice of *resignification*, not creation *ex nihilo*. Generally speaking, a performative functions to produce that which it declares. As a discursive practice (performative »acts« must be *repeated* to become efficacious), performatives constitute a locus of *discursive production*. No »act« apart from a regularized and sanctioned practice can wield the power to produce that which it declares. Indeed, a performative act apart from a reiterated and, hence, sanctioned set of conventions can appear only as a vain effort to produce effects that it cannot possibly produce.

Consider the relevance of the deconstructive reading of juridical imperatives to the domain of the Lacanian symbolic. The authority/the judge (let us call him »he«) who effects the law through naming does not harbor that authority in his person. As one who efficaciously speaks in the name of the law, the judge does not originate the law or its authority; rather, he »cites« the law, consults and reinvokes the law, and, in that reinvocation, reconstitutes the law. The judge is thus installed in the midst of a signifying chain, receiving and reciting the law and, in the reciting, echoing forth the authority of the law. When the law functions as ordinance or

sanction, it operates as an imperative that brings into being that which it legally enjoins and protects. The performative speaking of the law, an »utterance« that is most often within legal discourse inscribed in a book of laws, works only by reworking a set of already operative conventions. And these conventions are grounded in no other legitimating authority than the echo-chain of their own reinvoation.

Paradoxically, what is *invoked* by the one who speaks or inscribes the law is *the fiction* of a speaker who wields the authority to make his words binding, the legal incarnation of the divine utterance. And yet, if the judge is citing the law, he is not himself the authority who invests the law with its power to bind; on the contrary, he seeks recourse to an authoritative legal convention that precedes him. His discourse becomes a site for the reconstitution and resignification of the law. And yet the already existing law that he cites, from where does that law draw its authority? Is there an original authority, a primary source, or is it, rather, *in* the very practice of citation, potentially infinite in its regression, that constitutes the ground of authority as perpetual *deferral*. In other words, it is precisely through the infinite deferral of authority to an irrecoverable past that authority itself is constituted. That deferral is the repeated act by which legitimation occurs. The pointing to a ground which is never recovered becomes authority's groundless ground.

Is »assuming« a sex like a speech act? Or is it, or is it like, a citational strategy or resignifying practice?

To the extent that the »I« is secured by its sexed position, this »I« and its »position« can be secured only by being *repeatedly* assumed, whereby »assumption« is not a singular act or event, but, rather, an iterable practice. If to »assume« a sexed position is to seek recourse to a legislative norm, as Lacan would claim, then »assumption« is a question of *repeating* that norm, citing or miming that norm. And a citation will be at once an interpretation of the norm and an occasion to expose the norm itself as a privileged interpretation.

This suggests that »sexed positions« are not localities but, rather, citational practices instituted within a juridical domain – a domain of constitutive constraints. The embodying of sex would be a kind of »citing« of the law, but neither sex nor the law can be said to preexist their various embodyings and citings. Where the law appears to predate its citation, that is where a given citation has become established as »the law«. Further, the failure to »cite« or instantiate it correctly or completely would be at once the mobilizing condition of such a citation and its punishable consequence. Since the law must be repeated to remain the law, the law perpetually reinstated the possibility of its own failure.

The excessive power of the symbolic is itself *produced* by the citational instance by which the law is embodied. It is not that the symbolic law, the norms that govern sexed positions (through threats of punishment) are in themselves larger and more powerful than any of the imaginary

efforts to identify with them. For how do we account for how the symbolic becomes invested with power? The imaginary practice of identification must itself be understood as a double-movement: in citing the symbolic, an identification (re)invokes and (re)invests the symbolic law, seeks recourse to it as a constituting authority that precedes its imaginary instancing. The priority and the authority of the symbolic is, however, constituted *through* that recursive turn, such that citation, here as above, effectively brings into being the very prior authority to which it then defers. The subordination of the citation to its (infinitely deferred) origin is thus a ruse, a dissimulation whereby the prior authority proves to be *derived from* the contemporary instance of its citation. There is then no prior position which legislates, initiates, or motivates the various efforts to embody or instantiate that position; rather, that position is the fiction produced in the course of its instancings. In this sense, then, the instance produces the fiction of the priority of sexed positions.

The question suggested, then, by the above discussion of performativity is whether the symbolic is not precisely the kind of law to which the citational practice of sex refers, the kind of »prior« authority that is, in fact, produced as the effect of citation itself. And further, whether citation in this instance requires repudiation, takes place through a set of repudiations, invoking the heterosexual norm through the exclusion of contestatory possibilities.

If the figures of homosexualized abjection *must* be repudiated for sexed positions to be assumed, then the return of those figures as sites of erotic cathexis will refigure the domain of contested positionalities within the symbolic. Insofar as any *position* is secured through differentiation, none of these positions would exist in simple opposition to normative heterosexuality. On the contrary, they would refigure, redistribute, and resignify the constituents of that symbolic and, in this sense, constitute a subversive rearticulation of that symbolic.

Foucault's point in *The History of Sexuality, Volume I*, however, was even stronger: the juridical law, the regulative law, seeks to confine, limit, or prohibit some set of acts, practices, subjects, but in the process of articulating and elaborating that prohibition, the law provides *the discursive occasion* for a resistance, a resignification and potential self-subversion of that law. Generally, Foucault understands the process of signification that governs juridical laws to exceed their putative ends; hence, a prohibitive law, by underscoring a given practice in discourse, produces the occasion for a public contest that may inadvertently enable, refigure, and proliferate the very social phenomenon it seeks to restrict. In his words, »In general, I would say that the interdiction, the refusal, the prohibition, far from being essential forms of power, are only its limits: the frustrated or extreme forms of power. The relations of power are, above all, productive.«⁸ In the case of sexuality, which is no ordinary instance, the prohibitive law runs the risk of eroticizing the very practices that come under

the scrutiny of the law. The enumeration of prohibited practices not only brings such practices into a public, discursive domain, but it thereby produces them as potential erotic enterprises and so invests erotically in those practices, even if in a negative mode.⁹ Further, prohibitions can themselves become objects of eroticization, such coming under the censure of the law becomes what Freud called a necessary condition for love.¹⁰

In the above analysis of the symbolic, we considered that certain wayward identifications functioned within that economy as figures for the very punishments by which the assumption of sexed positions were compelled. The phallicized dyke and the feminized fag were two figures for this state of gender punishment, but there are clearly more: the lesbian femme who refuses men, the masculine gay man who challenges the presumptions of heterosexuality, and a variety of other figures whose characterizations by conventional notions of femininity and masculinity are confounded by their manifest complexity. In any case, the heterosexual presumption or the symbolic domain is that apparently inverted identifications will effectively and exclusively signal abjection *rather than* pleasure, or signal abjection without at once signalling the possibility of a pleasurable insurrection against the law or an erotic turning of the law against itself. The presumption is that the law will constitute sexed subjects along the heterosexual divide to the extent that its threat of punishment effectively instills fear, where the object of fear is figured by homosexualized abjection.

Importantly, the erotic redeployment of prohibitions and the production of new cultural forms for sexuality is not a transient affair within an imaginary domain that will inevitably evaporate under the prohibitive force of the symbolic. The resignification of gay and lesbian sexuality through and against abjection is itself an unanticipated reformulation and proliferation of the symbolic itself.

That this vision of a differently legitimated sexual future is construed by some as a merely vain imagining attests to the prevalence of a heterosexual psyche that wishes to restrict its homosexual fantasies to the domain of culturally impossible or transient dreams and fancies. Lacan provides that guarantee, preserving the heterosexism of culture through relegating homosexuality to the unrealizable life of passing fantasy. To embrace the unrealizability of homosexuality as a sign of weakness in that symbolic domain is, thus, to mistake the most insidious effect of the symbolic as the sign of its subversion. On the other hand, the entrance of homosexuality into the symbolic will alter very little if the symbolic itself is not radically altered in the course of that admission. Indeed, the legitimation of homosexuality will have to resist the force of normalization for a queer resignification of the symbolic to expand and alter the normativity of its terms.

NOTES

1. A portion of this essay was first presented at the American Philosophical Association, Central Division, April, 1991; sections of the first portion of the essay appeared in shorter version in *Feminism and Psychoanalysis: A Critical Dictionary*, ed. Elizabeth Wright. A longer version appeared in *Bodies that Matter: On the Discursive Limits of »Sex«* (New York: Routledge), 1993.
2. I use the term »phantasmatic« to recall the use of that term by Jean Laplanche and J.-B Pontalis in which the identificatory locations of the subject are labile, explained in endnote 8 below. I retain the term »fantasy« and »fantasize« for those active imaginings which presuppose a relative locatedness of the subject in relation to regulatory schemes.
3. Jacques Lacan, »The Meaning of the Phallus«, p. 75. Original: »Il y a là une antimonie interne à l'assomption par l'homme (*Mensch*) de son sexe; pourquoi doit-il n'en assumer les attributs qu'à travers une menace, voire sous l'aspect d'une privation?« *Ecrits, II*, p. 103-4.
4. See the important use of the notion of identificatory »failure« in Jacqueline Rose, *Sexuality and the Field of Vision*, pp. 90-91; Mary Ann Doane, »Commentary: Post-Utopian Difference«, p. 76.; Teresa de Lauretis, »Freud, Sexuality, Perversion«, p. 217.
5. See Laplanche and Pontalis, »Fantasy and the Origins of Sexuality«. Fantasy in this sense is to be understood not as an activity of an already formed subject, but of the staging and dispersion of the subject into a variety of identificatory positions. The scene of fantasy is derived from the impossibility of a return to primary satisfactions; hence, fantasy rehearses that desire and its impossibility, and remains structured by a prohibition upon the possibility of a return to origins. The essay offers itself as an account of the »origin« of fantasy, but it suffers under the same prohibition. Thus, the effort to describe *theoretically* the origins of fantasy is always also a *fantasy* of origin.

The notion of »original fantasy« which Laplanche and Pontalis describe is not an *object* of desire, but the stage or setting for desire:

In fantasy the subject does not pursue the object or its sign: he appears caught up himself in the sequence of images. He forms no representation of the desired object, but is himself represented as participating in the scene although, in the earliest forms of fantasy, he cannot be assigned any fixed place in it (hence, the danger, in treatment of interpretations which claim to do so). As a result, the subject, although always present in the fantasy, may be so in a desubjectivized form, that is to say, in the very syntax of the sequence in question. On the other hand, to the extent that desire is not purely an upsurge of drives, but is articulated into the fantasy, the latter is a favoured spot for the most primitive defensive reactions, such as turning against oneself, or into an opposite, projection, negation: these defenses are even indissolubly linked with the primary function of fantasy, to be a setting for desire, in so far as desire itself originates as prohibition, and the conflict may be an original conflict, (26-27).

Earlier Laplanche and Pontalis argue that fantasy emerges on the condition that an original object is lost, and that this emergence of fantasy coincides with the emergence of auto-eroticism. Fantasy originates, then, as an effort both *to cover* and *to contain* the separation from an original object. As a consequence, fantasy is the dissimulation of that loss, the imaginary recovery and articulation of that lost object. Significantly, fantasy emerges as a *scene* in which the recovery installs and distributes the »subject« in the position of both desire and its object. In this way, fantasy seeks to override the distinction between a desiring subject and its object by staging an imaginary scene in which both positions are appropriated and inhabited by the subject. This activity of »appropriating« and »inhabiting«

biting«, what we might call the dissimulation of the subject in fantasy, effects a reconfiguration of the subject itself. The idea of a subject which opposes the object of its desire, which encounters that object in its alterity, is itself the effect of this phantasmatic scene. The subject only becomes individuated through loss. This loss is never fully encountered precisely because fantasy emerges to take up the position of the lost object, to expand the imaginary circuit of the subject to inhabit and incorporate that loss. The subject thus emerges in its individuation, as a consequence of separation, *as a scene*, in the mode of displacement. Precisely because that separation is a nonthematizable trauma, it initiates a subject in its separateness only through a fantasy which scatters that subject, simultaneously extending the domain of its autoeroticism. Insofar as fantasy orchestrates the subject's love affair *with itself*, recovering and negating the alterity of the lost object through installing it as a further instance of the subject, fantasy delimits an auto-erotic project of incorporation.

6. For a reading of Lacan which argues that prohibition or, more precisely, *the bar* is foundational, see Jean-Luc Nancy and Philippe Lacoue-Labarthe *The Title of the Letter: A Reading of Lacan*.
7. Kaja Silverman offers an innovative alternative to the heterosexist implications of universalizing The Law of the Father, thus suggesting that the symbolic is capable of a rearticulation that is not governed by the phallus. She argues in favor of a distinction between the symbolic law and the Law of the Father. Drawing on Gayle Rubin's »The Traffic in Women«, Silverman argues that the prohibition on incest ought not to be conflated with The Name of the Father: »Neither Lévi-Strauss, Freud, Lacan, nor Mitchell...adduces any structural imperative, analogous to the incest prohibition itself, which dictates that it be women rather than men – or both women and men – that circulate [as gifts of exchange], nor can such an imperative be found. We must consequently pry loose the incest prohibition from the Name-of-the-Father so as to insist, despite the paucity of historical evidence for doing so, that the Law of Kinship Structure is not necessarily phallic«. Kaja Silverman, *Male Subjectivity at the Margins*, p. 37. In seeking to ascertain a way to account for symbolic rearticulations that do not recapitulate compulsory heterosexuality (and the exchange of women) as the premise of cultural intelligibility, I am in clear sympathy with Silverman's project. And it may be that the rearticulation of the phallus in lesbian domains constitutes the 'inversion' of the *de*constitution of the phallus that she describes in gay male fantasy. I am not sure, however, that saying »no« to the phallus and, hence, to what symbolizes power (389) within what she calls, following Jacques Rancière, »the dominant fiction«, is not itself a reformulation of power, power as resistance. I do agree with Silverman, however, that there is no necessary reason for the phallus to continue to signify power, and would only add that that signifying linkage may well be undone in part through the kinds of rearticulations that proliferate and diffuse the signifying sites of the phallus.
8. Michel Foucault, »End of the Monarchy of Sex«, p. 147.
9. See my »The Force of Fantasy: Mapplethorpe, Feminism, and Discursive Excess« for an account of how the eroticization of the law makes it available to a reverse-discourse in the Foucaultian sense.
10. Sigmund Freud, »Observations of Transference-Love« (1915); »Contributions to the Psychology of Love« (1910), pp. 49-58.

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