ABSTRACT. This essay outlines the theory of law in the work of Slavoj Zizek. Zizek proceeds from the premise that law is internally, constitutively divided. Law is split between the external social law and the obscene superego supplement. Superego is the necessary, unavoidable underside of the social laws that hold together the community. Nevertheless, law can serve potentially liberatory ends. It can work as a repository for aspirations for something better. Thus, the article argues that for Zizek what is beyond law inheres in law as a kind of faith. The advantage of Zizek’s approach to law thus rests in the way it addresses the crime of law while holding onto the hope animating law.

KEY WORDS: desire, hope, psychoanalysis, superego, violence, Zizek

A few years ago, I interviewed Slavoj Zizek for the Abercrombie and Fitch catalogue. The catalogue is well known in the United States for selling clothes by featuring barely clad teenage bodies in highly charged homo-erotic photographs by Bruce Weber. It also runs interviews with academics, writers, musicians, and more or less alternative celebrities – if such a statement makes sense. Be that as it may, when I told Zizek that I would show him the interview in advance, he cheerily replied, “Oh that’s not necessary. Whatever I say, you can make me say the opposite!”

Zizek is not a legal theorist. Nor is he an analytically formal or traditional philosopher. What Ernesto Laclau says of The Sublime Object of Ideology also applies to Zizek’s work more generally: rather than “a systematic structure in which an argument is developed according to a predetermined plan”, Zizek provides “a series of theoretical interventions which shed mutual light on each other, not in terms of the progression of the argument, but in terms of what we could call the reiteration of the latter in different discursive contexts”.¹ The strength of a given conceptualisation manifests itself through repeated applications and expressions.


What makes a Zizekian argument compelling is its ability to enliven, open up, or refresh what might have become a stale or too easily accepted mode of understanding. As we shall see, Zizek’s account of law is built upon the reiteration of the idea that law is fundamentally split between the public letter and its obscene superego supplement.

Zizek’s ideas here draw from Lacan’s discussion, “Kant avec Sade”. But they extend beyond it, generating what might well be understood as an outline for a general theory of law from Lacan’s more specific reading of the Kantian moral law in conjunction with the superego command to enjoy. Zizek proceeds from the premise that law is internally, constitutively divided. Law is irrational injunction, command and enunciated, potentially reasonable content. Rather than a power edifice marked by an excluded Other, rather than a set of norms and institutions that necessarily generate their own transgression, law is split between the external social law and the obscene superego supplement. Superego is the necessary, unavoidable underside of the social laws that hold together the community. In this essay, I focus on this idea of split law.

My endeavour here is primarily expository, to outline the theory of law that appears in Zizek’s work. But, this exposition is not disinterested. On the contrary, I recommend Zizek’s theory to those interested in a critical approach to law that does not abandon the law. As Paul A. Passavant has recently observed, among postmodernists there seems to be a recurring emphasis on moving beyond law because of law’s perceived rigidity and determinacy, as if law were a domain safe from the shifts, remainders, and instabilities that are necessarily part of any text. For such thinkers, law’s failures prevent law from serving social justice. For Zizek, however, law can serve potentially liberatory ends. It can work as a repository for aspirations for something better. Thus, I argue that for Zizek what is beyond law inheres in law as a kind of faith. Still, law will always and necessarily be imbricated in violence, transgression, and guilt. For, as we shall see, “Superego is the revenge that capitalizes upon our guilt – that is to say, the price we pay for the guilt we contract by betraying our desire in the

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2 Since the association between super-ego and an injunction to enjoy may seem counter-intuitive at first glance, one needs to keep in mind the radical separation between superego and the ethics of desire. For Lacan, superego is a vehicle for jouissance such that what appears as a renunciation of pleasure for the sake of duty may be a way to ‘get off’, to enjoy.