

TEATRO DO MUNDO |

DIREITO E REPRESENTAÇÃO

LAW AND PERFORMANCE



Ficha Técnica

Título: Direto e representação | Law and Performance

Coleção : Teatro do Mundo

Volume: 10

ISBN: 978-989-95312-7-7

Depósito Legal: 401279/15

Edição organizada por: Cristina Marinho, Nuno Pinto Ribeiro e Tiago

Daniel Lamolinarie de Campos Cruz

Comissão científica: Armando Nascimento (ESCTL), Cristina Marinho

(UP), Jorge Croce Rivera (Uévora), Nuno Pinto Ribeiro (UP)

Capa Foto: ©Rogov Bundenko - 2014 | Kristina Shapran (Russian ballerina)

Projeto gráfico: Cristina Marinho e Tiago Daniel Lamolinarie de Campos

cruz

1ª edição

Tiragem: 150

© Centro de Estudos Teatrais da Universidade do Porto

Vedada, nos termos da lei, a reprodução total ou parcial deste livro, por
quaisquer meios, sem a aprovação da Editora.

<http://www.cetup.p>

Law and Film on Lacan's Couchⁱ

Maria Aristodemeu
Birkbeek College
London University

1. The Past

One of the claims of the Law & Literature movement in its halcyon days, enthusiastically made by some commentators, including myself, was that works of literature could help us reach places Law couldn't reach; in particular, in my view, Literature could open Law's door to hitherto precluded voices and desires, not least those of womenⁱⁱ. The sobering news of this paper is that such strengths or achievements even, are sadly nowhere near enough to satisfy the legal, and much less, the human subject. The reason is simple and can be summed as the limit of both law and of literature: while legal and literary texts address what in Lacan's terms fall under the symbolic and imaginary registers, what continues to resist and elude both law and literature is the domain of the Real: that which is both inescapable and unrepresentable. For any hope of approximating the truth of the Real, this paper suggests, we need to engage with the unconscious, which, for better or worse, neither law, nor literature, can escape, let alone legislate. To address that dimension this paper interrogates our usual methods for unveiling the truth in legal and literary representations, exposes their limits, and concludes with the

contribution psychoanalysis can make to approximating the truth of the Real.

The paper uses as illustration a mock-documentary depiction of a real life court case which revolves around the accusation and trial for deception of a poor unemployed cinema fan for impersonating a famous film director and misleading a rather embarrassed and annoyed middle-class family who initially believed him. The resulting film, Kiarostami's "Close-Up", combines characters who play themselves with characters who simply play, court proceedings and questioning by the judge with questioning by the director, contemporaneous filming of the court proceedings with reconstructions of events leading to the defendant's arrest. The film thus problematizes the nature of truth, of truth-searching, and of truth-telling, as imagined, if not dictated by the different discourses and their representatives: from the defendant and his victims, to the director and his project, and from the ambitious journalist looking for a sensational media story, to the court judge seeking to reach some kind of "right" answer. The lingering question is whether the truth can ever be fully unveiled, let alone represented, by any of the competing discourses.

The paper suggests that despite legal injunctions, we can never know the "truth, the whole truth and nothing but the truth" because, as Lacan suggests, "only the unconscious does not bullshit". Instead, the subject's truth is closely linked to the subject's idiosyncratic way of enjoying herself, and can be found, if at all, in a hiding place. Although, the paper will argue, that hiding place is out of reach of all three

discourses, the hope is that the artistic process, in contrast to the legal process, and in close alliance with the psychoanalytic process, can point the way towards excavating the truth, albeit slowly and in pieces, through the medium of fiction, in other words, through lies.

2. The Scene

Tehran 1990. A young man is reading a book on the bus. The lady next to him shows interest in the book and asks him where he got it. In a bookshop, he says, and offers it to her. When he says he is the author of the book and maker of the film, none other than the film director Mohsen Makhmalbaf, her interest widens to admiration and we can see she is rather star-struck. She keeps chatting to him and suggests that her sons, who are big fans of his, would like to meet him. They exchange numbers and the rest belongs to journalistic, legal, cinematic, as well, as now, academic history – in that order. Except of course that order is not ready-made, waiting for us to consume, but has to be made: in each case by the writer. It belongs also more poignantly to the characters' personal history and it is to for the purpose of recording those case histories that I turn to psychoanalysis.

The media appears on the scene to tell its version of the story at the same time as the law. Indeed they seem to precede and facilitate the law's involvement, as the journalist is much more interested in the case than the police are. The film starts with Mr Farazmand unable to contain himself with excitement as he rides in a taxi with two policemen on their way to arrest the defendant. Throughout the film, the journalist appears

more in charge of the circumstances leading to and including the defendant's arrest and conviction than the young, shy, and taciturn policemen sitting with their guns at the back of the taxi. It is no coincidence, therefore, that the taxi driver mistakes Mr Farazmand for a policeman.

Following the newspaper report, another film director, Abbas Kiarostami, just as intrigued by the defendant playing himself as the lady on the bus was intrigued by the defendant playing Mohsen Makhmalbaf, visits him in prison and asks and obtains permission to film the subsequent court proceedings. The result is a semi- documentary, semi-fictionalized depiction of the accusation and trial for deception of Sazbian, a poor unemployed cinema fan, who impersonates the famous film director and misleads the rather embarrassed and annoyed middle-class Ahankhah family who initially believed him. As the narrative unfolds, we learn that the Ahankhah family had welcomed Sazbian to their home where he became a regular visitor. Soon he suggested to them that their house would be perfect for a new film he had in mind, and that their young sons would be the perfect lead actors. Initially at least, the Ahankhah family hung on Sazbian's every word; as Sazbian puts it, while, as Sazbian he could never get anyone to listen to him, as Mohsen Makhmalbaf, everyone did whatever he told them: "If I told them to cut a tree in their garden, or rearrange the furniture in their house, they would do it."

Kiarostami's film combines characters who play themselves with characters who simply play, court proceedings and questioning by the

judge with questioning by the director, contemporaneous filming of the court proceedings with reconstructions of events leading to and including the defendant's arrest. At first watching at least, the spectator is not certain which scene is constructed, and what reconstructed, what belongs to the director's imaginative retelling of the story and what takes place contemporaneously (if not spontaneously). The borders between fact and fiction, art and reality are therefore opened to investigation and, thereby to contestation. It is impossible to say, legislate, or judge which is the more real, the more true, representation of the case. Art and law dissolve into each other through the medium of the film which creates its own history, which in turn rewrites the legal case and the characters depicted in it. Not surprisingly, following the release of *Close-Up* the "real life" case, its journalistic as well as legal report, were eclipsed by its cinematic retelling, a development that further confused the interpenetration between fact, law, and film.

There is nothing new about competing discourses trying to relate the same case and fighting for the right to have the last word. *Close-up* self-consciously blurs the genres of film, law, and journalism and therefore transgresses the law that "Genres are not to be mixed. I will not mix genres. I repeat: genres are not to be mixed. I will not mix them." (Derrida 1992: 223). It also illustrates Derrida's point that the law which tries to institutionalize and preserve the purity of genres always fails because genres inevitably exceed their boundaries and are open to contamination by other genres. In the process it problematizes the nature of truth, of truth-searching, and of truth-telling, as imagined, if not

dictated, by the different discourses and their representatives: from the defendant and his victims, to the director and his project, and from the ambitious journalist looking for a sensational media story, to the court judge seeking to reach some kind of “right” answer. The lingering question is whether the truth can ever be fully unveiled, let alone represented, by any of the competing discourses.

It would be easy here to rehearse the postmodern debate about the end of the grand narratives of modernity and in particular the claims made by science on behalf of knowledge as truth, even as the only truth. Knowledge as truth in science takes one of three famous forms, the debate raging between (a) the correspondence theory, according to which something is true if it “corresponds” to the way things are, (b) the coherence theory, according to which something is true if it forms a harmonious part within a system and (c) the confirmation model, according to which something is true if it falls within the class of what we count as evidence for that class. All three forms, however, have more in common than they have apart: they all share the assumption that there is a reality out there that we can access, represent, and measure our statements as well as judgments against. Or as Thomas Aquinas put it “A judgment is said to be true when it conforms to the external reality”.ⁱⁱⁱ

Modernism further insisted on the possibility, as well as desirability, of “scientizing” this external reality, preferably through the accumulation of facts. Proceeding on the assumption that oral testimony is both valuable and reliable, the journalist, film maker and judge (in that order), set out to interview the defendant. They therefore follow the

tradition, or prejudice, that the presence of the speaking subject will confer origin, unity and authority to their utterances, whether the latter concern their past actions or future purposes. The judicial process in this story, as with every story the law attempts to tell, also aims to be the author, origin, and source of meaning, with the trial narrative trying to give an appearance of causality, order and closure. The fact that different characters gives different accounts and different interpretations of the same events, however, quickly disabuses us of the illusion that the speaker's presence will deliver the 'truth'.

From a law and literature perspective, one that I argued for passionately in the past, we can point out that modernism's fetishism of facts has led us to lose sight of law's kinship (if not origins) in the literary imagination. To extend Hayden White's protest, whether one is a historian, lawyer, journalist or film-maker, "our attempt to accord diverse sources with meaning cannot take place without selecting, hierarchizing, supplementing, suppressing and subordinating some facts to others. This process cannot be other than literary" (Hayden White 1978: 99). The film-maker's tools, like the lawyer's or journalist's, are the same as those of the writer: that is, the techniques of figurative language.

Kiarostami's film therefore, just like the trial narrative and the journalist's report, is a construction, not a reflection of the past, dictated not by the events themselves which are now irretrievably lost, but by his interpretation and retelling of those events. So rather than one right answer, the truth of Sazbian's case is again deferred: in Kiarostami's depiction of the events, while the accumulation of facts may aim at an

empirical explanation of the events, the Apollonian impulse towards rationality is continually subverted by asides that hint at a different truth inspired less by Apollo than by Dionysus, less by reason than by imagination and less by fact than by literature. Participants in this minor drama for example, continually appeal to metaphors to make sense of the story only to find that metaphors also defer rather than confer meaning. Despite the resulting accumulation of facts, characters, statements, images, and metaphors, simultaneous and retrospective, the “truth” remains elusive.

It would be easy, in other words, and not at all insupportable, to suggest that there is no such thing as one truth here, that the case, and the truth, depend on the lenses we wear with which to see, as there is not one overarching, Platonic perspective which would enable us to see it all. However, this is not the argument I will make. In contrast to so-called postmodern hermeneutics of suspicion, and endless language games, I will venture the suggestion that there is such a thing as truth that we can try to reach, and that, as Edgar Allen Poe put it, it is not necessarily at the bottom of a well but quite often superficial: “there is such a thing as being too profound. Truth is not always in a well. In fact, as regards the most important knowledge, I do believe she is invariably superficial.”(Poe, 204) Superficial but not, as we will find out, simple.

3. Truth and Her Sisters

In common with Poe, Lacan suggests that truth is not in a well, but manifest and indeed on the surface. That surface is none other than the

surface of the signifier: speech. Not just any speech, however, but speech that implicates the subject's desire. Truth in psychoanalysis has nothing to do with correspondence to reality, or coherence within a system, or with facts, or with knowledge but with enjoyment. Since every subject has her own idiosyncratic, and invariably embarrassing (if not perverse) way of enjoying herself, that "truth" is not a universal truth but a particular truth, unique to each subject: The truth of the subject, as Lacan puts it, is not a superior law but 'a truth that we will look for in a hiding place in our subject. It is a particular truth'(1992: 24). And it will come as no surprise that for Lacan that place is not far from the place where the subject's enjoyment resides: truth, he says, is "the sister of that forbidden jouissance" (Lacan 2007: 61).

How do we access this truth? Since for Lacan truth is not an epistemological or ontological entity but a place, indeed a "hiding place", the only chance we have of accessing it is if we speak topologically. That is, we need to explore and inhabit more than one universe since, for psychoanalysis, all human beings inhabit, to a greater or lesser extent, and with various degrees of success, the distinct yet intertwined registers we refer to as real, symbolic and imaginary universes. Topologically speaking, truth lies at the intersection between the three registers and the task of analysis is to find out how they are knotted together in the case of each subject.

Do the combined forces of three discourses, that is, of law, film, and psychoanalysis enable us to get closer to the subject's truth? This paper will chart the attempts made by the different discourses to make

sense of Sazbian's tale, pointing out the problems and pitfalls they encounter along the way. We look first at the imaginary register, that is the tale as "reflected" by the participants in the drama, Sazbian in particular but also his alleged victims, the Ahankhah family. Psychoanalysis, as we'll see, is quick to cast doubt on the truth afforded by the participants' imaginary reflections: for Lacan what the subject sees, of herself or of others, does not guarantee knowledge, at least not knowledge of the "truth", because there is always one point from which we can never see, that is, the point from which we are looked at. This is the point Lacan famously refers to as the gaze or blind spot: as he explains, "I see only from one point but in my existence I am looked at from all sides." (Lacan 1977: 72). There is, in other words, always a "missing bit" in our field of vision, just as there is always a "missing" bit in our attempts at representation^{iv}.

The tale as told by the media and the law in our case, represents the intrusion of the symbolic dimension to the imaginary register Sazbian and his victims have been inhabiting. Do the law or the media succeed in understanding the complex web of Sazbian's and his victim's motivations? Psychoanalysis is not so sure: that is, if psychoanalysis is suspicious of the truth to be had from the image, it is no less suspicious of the truth to be had from language and representation. For psychoanalysis the symbolic register focuses on "reality", on what we can know and represent, at the expense of what Lacan called the Real, that which is contingent and unknowable (Lacan 2006: 296). The distinction here is between "reality", which dwells in the realm of the

symbolic, that is, in the register of language, and the Real, which exceeds our capacities for representation. The significance of this distinction is to point out the limits of our capacities of knowing: Lacan's intervention confuses our confidence in seeing and in knowing it all and alerts us to that which is beyond representation and beyond knowledge^v.

Does Kiarostami's film succeed where the media and the law fail? Significantly Kiarostami chooses to call his film "Close-Up", after the special lens he uses to hone in on Sazbian during the court hearing. Does this lens get closer to the subject's hiding place? My argument in this paper is that Kiarostami's cinematic lens, and indeed metaphor generally, does have a greater potential to approximate the truth than the participants' imaginary reflections, or the symbolic interventions of the law and the media. Cinematic lenses and metaphors, however, even great ones, also come to an end, even, as the film suggests, a dead end. At that point Kiarostami resorts to a trump card and draws the film to a winning, if not necessarily true, conclusion.

4. Imaginary: Journey of Misrecognitions

What is the unconscious truth that we remain in ignorance of? For Lacan it has a name and it is called the *object petit a*: the irreducible particularity of each subject, that is, their hidden essence. For psychoanalysis the knotting of the three registers is unique for each subject; the only thing that is universal is that the knotting is more or less a failure for each and every one of us. This is because the birth of our subjectivity involves losing an object that we are thereafter and forever

in search of. Lacan's formulation of the subject is that of an incomplete, lacking, pathetic organism that is always looking for its missing bit: that missing bit, that gap, is the subject itself^{vi}.

If we are so messed up, how do we possibly manage? The short answer is because we live in a world of delusions: we delude each other but more than anyone we delude ourselves. So we find our unity and completeness, not in our self, which is lacking, but by borrowing bits of other people. And not just any people, but usually those we emulate but also, sadly, those whom we courted and who rejected us: identity is the waste bin of all our abandoned or lost object choices. So, not surprisingly, identification is always ambivalent: it can imply idealisation of the other that the subject is identifying with, but also competition with and destruction of the other (Freud, XVIII: 105)^{vii}.

If the ego is essentially a misrecognition we are afflicted with from childhood, things do not get easier as we grow up. The ego seeks to construct the centre-less absence that is the self by propping it up on the one hand with ideal images of what it hopes to be, and falsely assumes it already is, and on the other hand with persons for whom it wants to be that ideal. This is the oscillation that Lacan elucidates as the distinction between ideal ego and ego ideal. The ideal ego, as Lacan elaborates, is the image we emulate, while the ego ideal is the point from which we emulate: so if the ideal ego is the person we strive to be, the ego ideal is the person for whom we want to be that ideal (Lacan 1977: 268)^{viii}. In short, rather than acknowledging the essential mis-recognition we encounter in the mirror or in another's gaze, we not only adopt and revel

in it, but also keep looking for others who will ratify and endorse that mis-recognition. Needless to say, the story we create and endlessly tell to ourselves (and to anyone who cares or is paid to listen) to account for our history is riddled with fictions and false connections that Lacan calls *meconnaissances*.

How does this apply to Sazbian? Sazbian's precious identity, like all of our identity, so dear and protected by us, is actually not inside him but outside; with the other (Lacan 1991: 44)^{ix}. In Sazbian's case it resides in fragments of characters he has encountered in cinema. Cinema provides him with images with which he can identify and teaches him what and how to desire. He watches the suffering depicted in films, identifies with the characters, and imagines their suffering to mirror and express his own; more, he longs for that suffering to be his own. Like Flaubert, he watches Makhmalbaf's films and proclaims, "Yes, that character, *c'est moi*": the cyclist who embarks on a marathon cycling race to make money to pay his sick wife's hospital bill is him; the boy who sleeps through the football match he has been desperate to watch is also him. After meeting Abbas Kiarostami the characters in Kiarostami's films are also him. When Kiarostami asks Sazbian about filming the trial, he readily agrees because, he says, "you are my audience". He also asks Kiarostami to pass a message to his hero and alter ego Makhmalbaf: "tell him the cyclist is part of me."

Throughout the film Sazbian's trail of mis-recognitions continues and grows. Further, he collapses his ideal ego (the glamorous sufferer whose toils and deprivations are worthy of cinematic depiction) with his

ego ideal (Mohsen Makhmalbaf, the person in whose eyes these sufferings are worthy of depiction). Ironically the son Ahankhah picks up Sazbian's sickness: "He is still playing a part", he tells the Court. "Before he was playing the part of Mohsen Makhmalbaf, now he plays the part of a sentimental man". There seems to be no end to the identifications Sazbian will appropriate in the vain hope that they will make up for the absence that is him. Sazbian, that is, like all of us, refuses to acknowledge the lack at the core of his subjectivity, but goes further than many of us in the measures he will take to fill that lack with replacement objects.

5. Symbolic: Law and Media

So the imaginary, plagued, as I have just described by a string of mis-recognitions, for the defendant as much as his victims, does not help us discover the truth about the subject. Does the symbolic register get closer? The first people to get hold of the story, in Tehran as anywhere else, are, of course the media. Mr Farazmand is thrilled with his scoop: "It's an Oriana Falacci story" he claims, one that sniffs out the painful reality of being a lacking human being. He wants to be the first to record and report Sazbian's arrest, in the hope of deciphering the defendant's illicit motives: "no one knows what his intentions were", he enthuses. However, we are quickly disabused of any hope that this rather shady character will sniff out the complexities, let alone the truth, of the case. In the course of the film we witness Mr Farazmand behaving like a bigger crook than Sazbian and his motives are even less laudable, as well as less interesting. First he hires a taxi without having enough money to pay for

it and borrows the fare from Mr Ahankhah. He then scours the street in search of a tape recorder from people he has never met, his parting words “You’ll get it back” inspiring anything but confidence in the listener or us the audience.

What about the lawyers? Do they get closer to the truth? The law is not too impressed with the case; in contrast to the journalist and to Kiarostami, the officers of the law find the case quite tedious and neither the prison officers nor the court officials can recall the details of Sazbian’s offence: “It’s just a small fraud case”, they say, “there is nothing about it worth filming”^x. More importantly, the law is not interested in finding out Sazbian’s motives and it is left to Kiarostami to ask Sazbian the probing questions in Court. From Sazbian’s point of view the law is so simple that he promptly admits his guilt to attempted fraud: “I confessed”, he explains, “because, though I am not a crook, what I did looks like fraud on the outside”. Conversely when one of the brothers implies that he was planning to burgle them, the law doesn’t give Sazbian a chance to protest: “You are not accused of that”, the judge tells him, interrupting his protests.

At the same time, law’s “simplicity” comes as a welcome relief to Sazbian amongst the confusing identifications he has been engaged in: accepting legal guilt and submitting to law’s punishment is easier for Sazbian than finding his way round his wily desires and lack of identity. As he finds out, assuming someone else’s identity is no easy matter: it’s hard enough being one person, let alone two. Law therefore functions as a defence to his impossible desire which explains his readiness to be

arrested and his welcoming of the legal punishment^{xi}. Law for Sazbian is a convenient smokescreen, making his impossible desire legally reprehensible: now he can claim that the reason he cannot be Mohsen Makhmalbaf is because the law will not allow it, rather than because he is not a talented film director.

From the family's point of view, the simplicity of the law also does not help: they bring the complaint to regain a bit of dignity after being hoodwinked by Sazbian's story. The law would be useful if Sazbian were shown to be a crook because then responsibility for their blunder would have shifted to the perpetrator. Unfortunately the law doesn't help them save face as it doesn't unambiguously declare Sazbian a crook. As one of the sons complains, "The report doesn't tell the whole story. It portrays us as simple people". So the law is simple. So simple, that it doesn't satisfy anyone. From the journalist, to the victims, or us the spectators whose desires Kiarostami has excited, including, more flamboyantly, the Italian film director Nanni Moretti in his opening tribute.

Why the lack of conviction in legal language even when it *convicts* and indeed punishes? What causes our unease and suspicion that something has been left out? For psychoanalysis the answer is simple: despite legal injunctions, we can never know the "truth, the whole truth and nothing but the truth" because only the unconscious doesn't deceive. So despite the fact that we insist, on oath and on more, "to tell the truth, the whole truth and nothing but the truth", for Lacan that is precisely what we will not say^{xii}. That is because symbolic language, whether in a newspaper or in a court of law, is all too often no more than "empty

speech”, which does not implicate the subject’s desire. Such speech, in contrast to “full speech”, is in the service not of truth, but of deception and not of understanding but of mis-communication. The castration wrought by language is so central, that our ability to lie is in fact what constitutes us as subjects. Indeed for Lacan the human being becomes a subject not when she starts to speak but when she starts to lie: beginning to lie means the subject has worked out how to manipulate language, in other words, she has entered the linguistic community. Since “the word is the murder of the thing”, the minute we use language we alienate not only ourselves but others from the truth of both their being and of ours. If we communicate with each other at all, then, it is not because we touch each other’s truth but because we successfully mis-understand each other (Lacan 1993: 184).

For psychoanalysis, the kernel of our being is not the bits we know and speak, but precisely the bits we do not know and therefore cannot speak (Lacan 1977: 270). Indeed for Lacan it is when we stop thinking, when we utter stupidities, that we may find out something about desire. The wager of psychoanalysis is that free association can bridge the gap between knowledge and truth but only half-so as free association, even dreams, domesticate the unconscious: that is why “the whole truth is what cannot be told.”(Lacan 1998: 92) Which brings us to the royal road to the truth: not dreams, or not only dreams, but speech: full speech.

6. The Royal Road to the Real: Speech

Close-up refers to the zoom lens Kiarostami uses to hone in on Sazbian during the court proceedings. What can a close-up camera record that the court itself cannot? And, more importantly, what is there that even a close-up camera cannot see? Can the camera penetrate the subject's hiding place? The subject of course already knows that truth, even if they don't know that they know it: we can be sure, however, that the subject will do everything possible to prevent us from finding it. What is the royal road to this place then? For psychoanalysis the answer is simple: the royal road to this place is speech. Truth, we can say, speaks. Indeed, as Lacan says, repeatedly, truth is only a meaningful concept in the context of language: "the dimension of truth emerges with the appearance of language." (2006: 436) And, "There is neither true nor false prior to speech." (1988: 228); truth is a property of the "said": "the dit-mension", the dimension or mention of what is said." (1998: 107)

So truth can be found on the surface of the signifier and is contained in the patient's speech; it appears not in facts, or thoughts, or feelings, but in words. Signifiers, we can say, have all the luck. At the same time, not just any speech but what Lacan calls "full" speech; speech whose utterances are ethically engaged, in other words speech that engages the subject's desire rather than the Other's desire. Why is speech in a court of law not likely to be "full speech"? Like law, "In the first resort, psychoanalysis is an art of interpretation" (Freud, XVIII, 239). Unlike law however, in analysis the only right answers lie with the analysand, not with the judge: the interpretation of the dream lies with

the dreamer, not with the analyst (Freud, XVIII, 240-41). Needless to say, proof is also irrelevant in analysis; not only because you can't prove you had a dream or what it was but because truth goes beyond proof. Truth transcends what can be known or proven because truth sets its own conditions beyond coherence, correspondence or confirmation: "probability is a weaker notion than truth" (Hallward, 155)^{xiii}. In contrast also to legal decisions, there is no *stare decisis* in analysis: truth is not ready-made for the analyst or analysand to uncover or recover from a mass of precedent, but is constructed during the treatment itself. Each interpretation, therefore, cannot be foreseen but is unique to each case.

If the subject is already in unconscious possession of the truth, what is the role of the analyst? The analyst is not there to judge, or to understand, or to explain, or to produce right answers, or to exert power, or even to sympathise or empathise with the patient. What the analyst must do, and it is not an easy task, is to install herself at the place which causes the analysand's desire. In other words, she has to take the place of the enigmatic object *a*. To that end, interpretation aims not to produce right answers but more associations: not to fix meaning (which would put the analyst in the position of the master) but, by being equivocal and allusive, to enable the patient's desire to emerge (Lacan 1977: 212)^{xiv}.

So analysis is not about judging or sentencing or punishing. It is about something much worse: ultimately it aims at the destitution of the subject. Sazbian, like all of us, is bound to his social position, a position that he wants, not to abolish, but to replace with that of someone else's. A true subject, on the other hand, is one free of relations of support,

obligation or justification (Badiou, 2001: 56). Has Sazbian risen to the status of such a true subject? Usually a trauma would lead to the transformation of the subject but as we have seen Sazbian's experience with the law was not traumatic enough; if anything he invited his own arrest and welcomed the prison sentence. The less shocking but nevertheless still traumatic experience of analysis is another route to de-subjectification. Is there a third way? In the next section I suggest that, failing analysis, a work of art can enable us to approximate, albeit of course not reach, the truth that cannot be seen, and the truth that cannot be spoken.

7. Art and the Real

As literature has never taken (too) seriously modern philosophy's restrictions on what counts as truth and knowledge, the hope is that art can approximate truth and help us lift the veil separating us from the Real. Why is that? What does art have in common with the Real? One suggestion is that, since the Real rebels against representation, the only way we weave it into reality is through fiction. Fiction sustains the structure of reality, and it does that through language: language, as Jeremy Bentham explored in his *Theory of Fictions*, performs the power of fiction by *pretending* that something exists and that pretension works^{xv}. Following Bentham, Lacan uses the term fiction to suggest, not a lie, but an imaginary construct which supports the symbolic order so that "every truth has the structure of fiction" (1992: 12). Without fiction,

in other words, we would not be able to approximate truth or represent reality, indeed without fiction we would have no language.

In addition to the inextricability between truth and fiction, the process of analysis has always, from its outset, taken advantage of the fact that truth often expresses itself in lies and that lies can reveal the truth about the subject's desire more eloquently than so-called honest statements. As Freud showed in *The Psychopathology of Everyday Life*, the subject's desire can be revealed by mistakes, slips, jokes or parapraxes. So deception and lies are not the opposite of truth but reveal the subject's desires: people impersonating someone they are not reveal the truth about their desire more eloquently than if they had repressed those desires. For psychoanalysis those subjects are not only "not guilty" but truly ethical because they haven't given up on their desire. Sazbian has not only, not given up on his desire, but played his role to its deadly end: even when he realizes his deceit has been uncovered, he returns to the Ahankhah house one last time knowing that he is about to be arrested^{xvi}.

Literary language, and metaphor in particular, take language's power to produce working fictions to a higher level; poets appreciate that the Big Other of the symbolic order who has castrated us with language, has also left enough gaps in that language for us to derive enjoyment and be able to speak fragments of the truth that eludes us. Lacan agrees that poetry can have a transformative effect on the subject by taking advantage of the fact that the relationship between signifier and signified is "always fluid, always ready to come undone" (Lacan

1993: 261). Metaphor uses and abuses that shaky relationship by transferring attributes from one object to another; that process can have the transformative effect of unchaining the signifier that is stuck to the subject. As Catherine Millott explains, since the essence of an object is the desire it conceals, metaphor, by transferring attributes from one object to another, can reveal the desire which is hidden in an object (1991, 133-34).

Kiarostami is not alone in according art in general and metaphor in particular the privilege of accessing the truth. Other characters in the drama share the view that art has access to a higher truth than discourses such as science. The Ahankhah sons, having studied respectively civil and mechanical engineering, harbour ambitions to engage in the arts: "I had a choice between art and bread", says one of the brothers, "and I chose art". This statement is not only literal (at the time the son is working in a bread factory) but obviously also metaphorical: it is the family's enamour of the arts that led them to welcome Sazbian in their home and show their willingness to sacrifice their "bread", their money, home and possessions, for the sake of art.

We can now see the affinity between art and analysis: as Plato discusses in the *Symposium*, what is distinctive about poetry is that it brings something new into being in the sense of *poesis*. Analysis similarly aims to enable the subject to cause herself anew, to become her own, rather than the Other's cause; it is only such a subject, Badiou insists, that is a true subject.^{xvii} The artistic process, therefore, in contrast to the legal process, and in close alliance with the psychoanalytic

process, suggests that truth can only be reached, slowly and in pieces, through the medium of metaphor, poetry and fiction: in other words, through lies.

8. The Subject of Truth

“Strange this sensational story should come from a dead end” says Mr Farazmand at the start of the film, appealing, again, to metaphor to try understand this strange story. Metaphors, however, just like the street where the family live, and just like free association, also come to an end. However far one goes with free associations, explains Freud in *The Interpretation of Dreams*, ultimately we will reach a dead end: what he called the navel of the dream, “the spot where it reaches down into the unknown” (IV: 525) . If interpretations have run out, if metaphors reach a dead end, if a close-up camera cannot penetrate the subject’s hiding place, then Kiarostami has a trump card and he uses it. As Sazbian leaves prison having served his sentence for fraud, Kiarostami arranges for him to come face to face with his ideal ego, the man he was impersonating.

The experience of the double is one of the experiences Freud discusses under the term ‘uncanny’; that part of ourselves that is so extremely intimate that we have hidden even from ourselves. Lacan’s term for this is the extimate, something so intimate and yet so well hidden that it is unfamiliar to us and thus blurs the boundaries between inside and outside. ‘What is involved’, Lacan says, ‘is that excluded interior which ... is excluded in the interior’ (1992: 101). What is most

extimate to the subject is the small object a, that which is most unique to the subject and is precisely what is lost in order for the subject to become a subject. What the experience of the double brings us face to face with is an encounter with what we don't normally see, that is, the object small a, because between the subject and her double only one of us possesses the little object a. The encounter with our double provokes anxiety because we are dealing with the truth of our being: we are forced to confront our own idiosyncratic mode of enjoying ourselves, something which is invariably both stupid and embarrassing.

As guides to this hiding place, Lacan warns, 'feelings are deceptive' (1992: 30). But the only affect that doesn't lie is anxiety. The anxiety caused by the uncanny, in Sazbian's case the encounter with his double, is one of the ways we can approach the object little a (consistency: use 'object little a' OR 'objet petit a' throughout (see below)). For Lacan such an encounter has the potential to be an ethical experience; for ethics in psychoanalysis is not, or not just, about one's relation to the other but about one's relation to herself (Lacan 1992: 22). The ethical advantage of the uncanny experience is to enable us to see the Other, the stranger, in ourselves and thus to confront what is most intimate to us and yet unknown to us.

As I discussed earlier, there is no camera that is sufficiently "close-up" to enable us to penetrate this hiding place. Encountering our double, however, is one way of achieving what is normally impossible, that is enable us to see ourselves from outside. The moment of encountering our double, is also, ideally, the moment of analysis and the

possibility of ethics. Like a subject at the end of analysis, the subject is forced to shed her imaginary identifications and is left with her own irreducible particularity, that is, the object petit a (consistency: see above). This knowledge however cannot be attained in isolation: we need the intervention of the third party of the analyst to distinguish between the self and its image. Kiarostami's camera in this case functions as the silent witness to the uncanny encounter that ideally should help Sazbian distinguish between his real and imaginary ego.

Of course finite beings that we are, we do everything we can to resist encountering ourselves, forever blaming the other for our failings and frustrations, forgetting the part we play in our own suffering. For Sazbian to go to the other side of the looking glass and encounter himself from the outside, would mean acknowledging the lack not only in himself but also the lack in the other, in this case in Mohsen Makhmalbaf and Abbas Kiarostami. It would mean acknowledging the fundamental uncertainty, unknowability and incompleteness of the other rather than continuing to treat Makhmalbaf as the sublime other that would fill his lack.

"I am tired of being myself" says the real Mohsen Makhmalbaf on meeting his double. Ideally this admission should alert Sazbian to the fact that as Lacan put it, "there is no other of the other", that is, there is no higher authority which can ratify or disqualify Sazbian's identifications, that there is "no-one" before whom he has to be "someone". Unfortunately Sazbian is not ready to let go of his ego ideal. His reaction to the encounter is to start crying, with the directors (in the

plural now), as well as us the spectators, functioning as his ego ideal: the point from which he wants to be looked at as loveable, worthy, filmable, and above all, as suffering.

ⁱ A version of this paper appeared in Marco Wan (ed), *The Legal Case: Interdisciplinary Perspectives* (Routledge, Oxford, 2012) and extracts in my *Law, Literature, Psychoanalysis*, (Routledge, 2014). I am grateful to Cristina Marinho for her warmest hospitality at the University of Porto in July 2014, her unfailing energy and enormous enthusiasm. Truly one of the rare academics who manages to be a work of performance art all by herself: Obrigada menina!

ⁱⁱ Maria Aristodemou, *Law and Literature: Journeys From Her To Eternity*, Oxford University Press, 2000.

ⁱⁱⁱ According to the correspondence theory, the truth or falsity of a representation is determined by whether it accurately describes "things". For example for Thomas Aquinas *Veritas est adaequatio rei et intellectus* ("Truth is the equation [or adequation] of things and intellect"). For a lucid introduction see Hallward, 2003, pp153-180.

^{iv} I develop this theme in my "Democracy Or Your Life! Knowledge, Ignorance, and the Politics of Atheism in Saramago's *Blindness* and *Seeing*" *Law Culture and Humanities*, Vol.9 pp 169-187 (2013)

^v *Ibid.*

^{vi} See Lacan, 1992 at 52, and 118: 'It is in its nature that the object as such is lost. It will never be found again ... It is to be found at most as something missed'; and "The object is by nature a re-found object". I discuss this further in my "Does the Letter of the Law Always Arrive at Its Destination? A Study in Feminine Psychology" *Law & Literature*, Vol. 22, Issue 3, pp.394-417.

^{vii} "Identification, in fact, is ambivalent from the very first; it can turn into an expression of tenderness as easily as into a wish for someone's removal. It behaves like a derivative of the first, oral phase of the organization of the libido, in which the object that we long for and praise is assimilated by eating and is in that way annihilated as such."

^{viii} "The point of the ego ideal is that from which the subject will see himself, as one says, *as others see him*, - which will enable him to support himself in a dual situation that is satisfactory for him from the point of view of love".

^{ix} "The core of our being does not coincide with the ego... There's no doubt that the real *I* is not the ego".

^x The case concerns the fraud of 1900 tomans, about £10 which Sazbian borrowed from one of the sons in the family.

^{xi} Sazbian spends several weeks in prison, both awaiting his trial and subsequent to the trial.

^{xii} Quoted in Fink, Bruce, *Fundamentals of Psychoanalytic Technique: A Lacanian Approach for Practitioners* New York, Norton 2007, p.32.

^{xiii} Quoting Douglas Hofstadter.

^{xiv} "Interpretation is directed not so much at the meaning as towards reducing the non-meaning of the signifiers, so that we may rediscover the determinants of the subject's entire behaviour."

^{xv} "To language then, to language alone, it is that fictitious entities owe their existence - their impossible yet indispensable existence": quoted in C.K. Ogden *Bentham's Theory of Fictions*, New York: Kegan Paul, 1932), p. xxxii. See also in *Essays on Language*, Vol,VIII, at 325 "A fictitious entity is an object, the existence of which is feigned by the imagination, feigned for the purpose of discourse, and which, when so formed, is spoken of as a real one."

^{xvi} Lacan 1992, 189: "jouissance implies precisely the acceptance of death".

^{xvii} *Infinite Thought*, p.44-45: A truth is, first of all, something new. What transmits, what repeats, we shall call knowledge. A language that is related, not to things already presented, but to things which have not yet arrived...such a language can be found in the poem."

Bibliography

Alain Badiou, *Ethics: An Essay on The Understanding of Evil* (London: Verso, 2001)

Alain Badiou, *Infinite Thought* (London: Continuum, 2005)

Jeremy Bentham, *The Works of Jeremy Bentham*, ed John Bowring, XI volumes (Edinburgh: William Tait, 1843)

Jacques Derrida, 'The Law of Genre' in *Acts of Literature* ed. Derek Attridge, (New York and London: Routledge, 1992)

Freud, Sigmund, *The Standard Edition of the Complete Psychological Works of Sigmund Freud*, 24 volumes, trans. James Strachey (London: Vintage, 2001)

Hallward, Peter, 2003 *Badiou; A Subject to Truth* Minneapolis: University of Minnesota Press.

Lacan, Jacques, 1977 *Four Fundamental Concepts of Psychoanalysis*, trans. Alan Sheridan ed. Jacques-Alain Miller Harmondsworth: Penguin

Lacan, Jacques, 1988, *The Seminar, Book I, Freud's Papers on Technique, 1953-54*, ed. Jacques-Alain Miller, trans. John Forrester. New York: Norton.

Lacan, Jacques, 1991, *The Ego in Freud's Theory and in the Technique of Psychoanalysis Book II 1954-55* ed. Jacques-Alain Miller, trans. Sylvana Tomaselli New York: Norton

Lacan, Jacques, 1992, *The Ethics of Psychoanalysis, Book VII, 1959-60*, ed. Jacques-Alain Miller, trans. Dennis Porter. London: Routledge.

Lacan 1993, *The Psychoses Book III, 1955-56* ed. Jacques-Alain Miller, trans. Russell Grigg London: Routledge

Lacan 1998, *Encore, The Seminar of Jacques Lacan Book XX; On Feminine Sexuality, The Limits of Love and Knowledge*, ed. Jacques-Alain Miller, trans. Bruce Fink, New York: Norton

Lacan, Jacques, 2006 *Ecrits*, Norton: New York. Trans. Bruce Fink

Lacan 2007 *The Other Side of Psychoanalysis, Book XVII*, ed. Jacques-Alain Miller, trans. Russell Grigg, New York: Norton

Millott, Catherine, 'The Real Presence' *October* Vol.58, Autumn 1991, pp109-137

Edgar Allan Poe, *The Murders in the Rue Morgue* in *Selected Writings* (London: Penguin 1967)

Hayden White, *Tropics of Discourse: Essays in Cultural Criticism* (Baltimore: Johns Hopkins University Press, 1978)