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HUMAN RIGHTS, DESIRE, AND THE LACANIAN SUBJECT: BETWEEN SELF AND OTHER

Abstract. This paper seeks to re-examine the subject of law through the lens of Lacanian psychoanalysis, arguing for a more nuanced and critically engaged understanding of subjectivity. In Jacques Lacan's psychoanalytic theory, the *Other* refers to both specific individuals and, more significantly, the Symbolic Order of language, law, and culture that shapes our subjectivity and desire. By situating the subject (the *Self*) in relation to the Other – of which Law and Human Rights can be seen as paradigmatic expressions – an attempt is made to explore this dynamic relationship within legal theory. The aim is to expose the legal subject not as a transparent bearer of rights, but as a complex, desiring subject entangled in unconscious structures.

Building on this reframing, the paper argues for moving beyond an imaginary, universalising conception of morality – one often embedded in Human Rights discourse – and toward an ethics of desire. According to the Lacan's psychoanalysis, *morality* is not ethical; rather, it is a defence mechanism, a way for the subject to compensate for having renounced its desire. Ethics, on the other hand, requires confronting the finitude and non-totality of both the Self and the *Other*. To act ethically, the subject must dethrone the *Other* – recognising that the Other, as such, as an essence, does not exist.

If we understand Human Rights as a form of the *Other*, offering a supposed universal moral order, then we must ask: "Shall the ethical subject require the 'dethronement' of Human Rights?" And if so, "should Human Rights discourse be re- or de-constructed through the lens of desire and psychoanalytic ethics?"

Keywords: human rights, desire and the Lacanian subject

PRAWA CZŁOWIEKA, PRAGNIENIE I PODMIOT LACANOWSKI: POMIĘDZY „JA” A „INNYM”

Streszczenie. Niniejszy artykuł podejmuje próbę nowego namysłu nad podmiotem prawa w świetle psychoanalizy lacanowskiej, argumentując na rzecz bardziej zniuansowanego i krytycznie zaangażowanego ujęcia podmiotowości. W teorii psychoanalitycznej Jacques'a Lacana, pojęcie „In-

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nego” odnosi się zarówno do konkretnych osób, jak i, co istotniejsze, do symbolicznego porządku języka, prawa i kultury, który konstituuje naszą podmiotowość i pragnienie. Umiejscawiając podmiot („Ja”) w relacji do „Innego”, którego paradygmatycznymi ekspresjami mogą być Prawo oraz prawa człowieka – artykuł podejmuje próbę zbadania tej dynamicznej relacji w obrębie teorii prawa. Celem jest ukazanie podmiotu prawa nie jako przejrzystego nosiciela praw, lecz jako byt złożony, jako pragnący podmiot uwikłany w struktury nieświadome.

Na tej podstawie tekst postuluje odejście od wyobraźniowej, uniwersalizującej koncepcji moralności często wpisanej w dyskurs praw człowieka – na rzecz etyki pragnienia. Z perspektywy psychoanalitycznej moralność nie jest etyczna w sensie lacanowskim; stanowi raczej mechanizm obronny, sposób kompensowania przez podmiot wyrzeczenia się własnego pragnienia. Etyka natomiast wymaga konfrontacji ze skończonością i niecałościowością zarówno podmiotu, jak i Innego. Aby działać etycznie, podmiot musi „zdetronizować” Innego – uznając, że Inny jako taki, jako esencja, nie istnieje.

Jeśli zatem rozumiemy prawa człowieka jako formę Innego, oferującą domniemany uniwersalny porządek moralny, musimy postawić pytanie: „Czy podmiot etyczny wymaga ‘zdetronizowania’ praw człowieka?” A jeśli tak, to jawi się kolejne pytanie: „Czy dyskurs praw człowieka powinien zostać prze- lub zdekonstruowany przez pryzmat pragnienia i psychoanalitycznej etyki?”

Słowa kluczowe: prawa człowieka, pragnienie, podmiot lacanowski

“...the law-observer’s assembly decided to kill silence once and for all and erect on that very point the statue of her eyes’ calmness for the young woman was holding her recovered sight inside her hands like a miraculous snake.”¹

“Όλα είναι δρόμος”²



Francesco del Cossa, *Saint Lucy*, c. 1473/1474

¹ An extract from *Completion of Freighter Steamboat* by Andreas Embeirikos (Greece 1901–1975).

² The title of a Greek movie by Pantelis Voulgaris, translated into “It’s a Long Road,” 1998.

PART I

Father, when I was a child, and I would ask you: “Where are you?” You would reply: “(Everything) It’s a long road, son” wrote Alexis to his father before committing suicide in the opening scene of Voulgaris’ movie *It’s a Long Road*. The father goes back to revisit the place where his son died a year later. This storyline showcases the constant flux of human experience and existence through space and time, in our attempt to understand our Self. This paper is, first and foremost, dedicated to this never-ending quest of grasping our own humanity and selfhood. The focus and obsession with this specific viewpoint are what this paper seeks to contribute to the ongoing discussion around the subject matter at hand.

Contemporary legal thought has struggled to coherently address the question of the subject of law – that is, to meaningfully interrogate who it is that produces, interprets, and consumes law. Legal theory has largely operated under the assumption of a stable, autonomous, rational, and unified legal subject – one whose subjectivity is granted and regulated by a sovereign legal order. This presupposed subject is bestowed with access to a presupposed universal morality, a supreme Good, and is positioned as inherently competent and self-transparent.

Such an assumption fails to account for the fractured, fluctuating, and unconscious dimensions of subjectivity. The insights of psychoanalysis, particularly the work of Jacques Lacan, have been notably absent from mainstream legal discourse, despite being discussed in depth among critical legal thinkers and philosophers, such as Slavoj Žižek, Costas Douzinas and Maria Aristodemou. Lacan’s notion of the subject – as a divided, desiring becoming constituted through language and the unconscious – has yet to be meaningfully integrated into legal theory. The subject, in this view, is neither sovereign nor self-contained, but is fundamentally shaped by the *Other* – the symbolic and social field into which it is inserted, and through which it is constituted.

The genesis of the problem of *the subject of law* lies in the widely accepted assumption that the law’s subject is unproblematic (Caudill 1997, 66) – a rational, self-contained individual whose subjectivity is *conferred* upon them by the legal system of the state (Vesting 2024, 170). From legal formalists and rule-of-law theorists to critical legal scholars and legal pragmatists, this notion of the subject remains largely intact. As Schlag (1991) observes, virtually all theoretical orientations rely on a conventional, liberal³ conception of subjectivity: “In his most educated moments, the liberal subject understands that he is socially and rhetorically constructed, but nonetheless retains his autonomy to decide just how constructed or autonomous he really is” (Schlag 1991, 1625–1626).

³ Liberal in the sense of focusing on the individual and its autonomy.

This presupposition – that the legal subject is a knowing, autonomous actor situated within a sovereign and self-contained legal system – has led to a largely uncritical stance toward the subject itself. Even in critical legal theory, reflection often halts at the threshold of “the space occupied by a presupposed competent individual subject” (Schlag 1991, 1739–1740). While legal systems, rules, and doctrines have undergone extensive scrutiny, the legal subject and its intricate relationship with the Law have largely escaped sustained critical attention. As a result, a conspicuous gap exists: a lack of a comprehensive account of the subject of law, its entanglement with the Symbolic Order, human rights, and what Lacan terms the *Other* – the unconscious, that both enables and constrains subjectivity. This absence arguably contributes to a partial or misconceived understanding of the law itself.

This paper examines the subject and its intimate relationship with the *Other*. The aim is to foreground the complexity and instability of the subject in legal thought, in the hope that doing so will enrich our broader understanding of law, law’s nature and structure, and to ultimately raise the question of human rights.

To this end, the paper turns to the foreign field of psychoanalysis – and specifically to Lacanian theory – to reveal that the nature of the law and its subject is in constant flux; far from a concrete construct, it is a perpetual path – “Όλα είναι δρόμος.” Traditional legal theory focuses on logic, rules, and reason. Psychoanalysis introduces ambivalence, fantasy, repression, and enjoyment (jouissance), exposing and exploring what might be hidden behind legal reasoning and obedience. Thus, psychoanalysis allows us to explore how law is not just an external system of rules, but something deeply entangled with self-formation, unconscious desire, authority, and guilt. Lacan is chosen not merely for his insights into subjectivity, but for his radical assertion that the subject is born of language, desire, law, and the symbolic structure of society – including human rights. For Lacan, the **Symbolic Order** (language, rules, norms, Law) structures subjectivity. This perspective allows us to see law not just as a system of rules, but as a language that structures identity, desire, and power relations. In this view, the subject of law is the subject itself.

PART II

The Lacanian subject

Jacques Lacan (1901–1981) writes and theorises in the light of Sigmund Freud’s great discovery of the unconscious or – in Floridi’s terms – the third revolution in the realm of self-understanding (Floridi 2014, 89–90). By introducing the unconscious, Freud fashioned a new image of what it means to be human (Sarup 1992, 1). In the aftermath of this discovery, Lacan presents a radically new theory of subjectivity.

The Lacanian subject is a fascinating creature which bears many definitions, explanations, and relations. It is neither the “individual” nor the conscious subject of Anglo-American philosophy, nor the abstract, transcendental subject of the German idealism: Descartes’ *ego cogitas*, Kant’s ‘I think’ and Hegel’s spirit. The Lacanian subject is not a fundamental or underlying entity but rather a subjugated or disintegrating instance, “an unstable epiphenomenon of the unconscious and its impulses” (Zima 2015, 3). In Lacan’s words, “The subject is never more than supposed’, meaning the subject is no more than an assumption on our part; it does not exist, it emerges.”

“Lacan’s subject is – but is not only – a network of relations among – at least – the speaking subject, the subject of identificatory (mis)recognitions, other people, and the Other – the latter term a notoriously ambiguous reference to the ‘place’ of unconscious discourse, the outside-within-us, culture, and (in dozens of senses) that to which the subject is in a dialectic relationship” (Caudill 1997, 8). Lacan does not only speak of a split, de-centered subject; his analysis goes far beyond this, Lacan appearing to shatter the subject and then attempts to keep up with each shard (Caudill 1997, 8).

The Self, far from being an inherent quality, is a meta-stale formation, something we acquire and realise through transindividual individuations, whereby the embodiment of Other(s), our capacity “to affect and be affected” (Spinoza), is synonymous with this very Self. The Self is an event in culture, not our natural or inevitable state (Mansfield 2000, 178); it is historically and evolutionarily conditioned (Vesting 2024, 35). Subjectivity will only emerge in a dialectical movement of selfhood and otherness, in which the Self is kept “from occupying the place of the foundation” (Vesting 2024, 35).

Lacan’s subject is decentered, fragmented, and relational. It is not an autonomous, rational Self but an emergent effect of unconscious processes, symbolic structures, and encounters with the Other. The Self is not natural but cultural, historically conditioned, and always constituted through its relation to what lies outside of it.

The 3 orders

Lacan sets out a triadic interaction between the Imaginary, the Symbolic, and the Real orders. These three orders are interrelated spheres of thought and experience that collectively represent the human world. As Bowie explains, “if [the three orders] are aligned, interconnected and disjoined with appropriate subtlety they will tell the whole story of mind in action” (Bowie 1991, 111).

1) The Imaginary

“Le moi (...) est une fonction imaginaire” states Lacan referring to the first instance of self-identification. The Imaginary or the ‘mirror stage’ is commonly

experienced at an age when the child has not fully mastered its own body, but it first manages to perceive itself as a unified and independent being. The child recognises itself in the mirror, in the eyes of the Other (in first instance this being the mother). The Other validates the existence of the child, certifies the existence of the *Moi*/the ego. This is the moment when human individuality is born and at this time, there only exists a dyadic world of the mother (the mirror) and the child.

Lacan describes the mirror stage as “a drama (...) which, for the subject caught in the snares of spatial identification, fashions the series of fantasies that runs from an image of a fragmented body to what we may call the orthopedic vision of its totality (...)” (Lacan 2006, 4). For Lacan, the Imaginary carries a negative connotation as it is a narcissistic identification of *Moi* with the Other, “the child identifies in an imaginary way with the object of his mother’s desire.” In this order there is a maintained distance between the subject and the image. It is this alienated relationship of the Self to its own image that Lacan refers to as the domain of the Imaginary (Sarup 1992, 66).

This Imaginary is irrefutably crucial in the development of subjectivity, as it offers the subject an image of wholeness, unity and totality to replace the fragmentation and dissociation that has dominated beforehand. Through the Imaginary’s wholeness, an ‘ideal-ego’ is merely being born, the *Moi*. But this first image is a misrecognition [*méconnaissance*], Lacan explains, as its apparent smoothness and totality is nothing but a myth, a mirage. It is nothing else but an image of the Self (Sussman 1990, 144). This image of the *Moi*, the *ideal-ego*, follows each individual being throughout their existence. The Imaginary is both a stage in human genesis, and a permanent state of the human psyche (Sarup 1992, 66).

2) The Symbolic

The Symbolic Order is the world of language, “the big Other, the complex network of rules and meanings which makes us see what we see the way we see it (and what we don’t see the way we don’t see it)” (Žižek 2014, 118), including the language of the unconscious (the discourse of the Other). The moment one acquires speech, they are inserted into a pre-existing Symbolic Order and submit their desire to the systemic pressures of that order (Sarup 1992, 105), to the Name-of-the-Father, in Lacanian terms, i.e. to the laws and restrictions that control both ones desire and the rules of communication: “It is in the *name of the father* that we must recognize the support of the symbolic function which, from the dawn of history, has identified his person with the figure of the law” (Lacan 2006, 67). Through recognition of the Name-of-the-Father, you are able to enter into a community of others.

“Dieu merci,” Lacan elucidates, “the subject lives in the symbolic world, that is in the world of the others who speak” (Lacan 1993, 267). The subject is the subject of speech and the subject of language (Sarup 1992, 53), a product of the Symbolic in an instance of discourse. When entering into the Symbolic Order, the child is crossing the frontier from the dyadic world into recognition of

the Name-of-the-Father and his Law; in other words, out of a body-based maternal relationship into one created by social exchange, culture and taboos (Sarup 1992, 48).

The Imaginary and the Symbolic are not successive stages, but intertwined ones. The Symbolic encroaches upon the Imaginary, organises it, and gives it direction (Sarup 1992, 105).

3) The Real

The Real is the impossible to symbolise, that which resists symbolisation absolutely (Fink 1996, 25). The Real “expects nothing, especially not from the subject, as it expects nothing from speech, but it is there, identical to its own existence, a noise in which one can hear everything, ready to submerge with its splinters what the reality principle has built under the name of external world.” (Lacan, *Ecrits*). In Kantian terms: it is the ‘thing in itself’.

As Žižek explains, for Lacan, the three dimensions of the Imaginary, the Real, and the Symbolic are intertwined, like the famous Escher drawing “Waterfall,” which shows a perpetually descending circuit of water (Žižek 2014, 85). The Imaginary and the Symbolic work in tension with the Real. The Real serves to reconfirm to human subjects that their Imaginary and Symbolic constructions exist in a world that exceeds them, that is beyond them and is unconceivable, unbanishable and infallible.

The Other

The Other, or the Big Other, of Lacan designates radical alterity, an otherness that transcends the illusory otherness of the imaginary because it cannot be assimilated through identification. The Other is inscribed in the Symbolic Order; it is exterior and determinative to the emergence of human subjectivity.

Initially the place of the Other is occupied by the mother for the child, and then when entering the Symbolic Order the father as the first representative of law and the place from which we obtain language – the outside from which we are named. Subsequently, the Other changes forms, but it is essentially the place of order and rules, the unconscious gods that we internalise. God might be dead, as per the famous proclamation of Nietzsche’s Zarathustra, but the place supposedly vacated by God’s death has been occupied by other gods: Law, State, Family, Community, Human Rights (Aristodemou 2014, 9). As Aristodemou explains, we may have killed God but we have kept the most important thing: God’s place (Aristodemou 2014, 37). Where once humanity placed God as the ultimate source and holder of truth, the universal moral compass, the father of all, now that “God is dead,” instead of humanity denouncing the need for God altogether, it has just replaced God with other gods.

Nietzsche’s proclamation of the “death of God” is a diagnosis of Western culture: the old metaphysical and religious foundations of meaning no longer

hold. The “death of God” is the collapse of transcendent sources of meaning and authority. Aristodemou argues that law, especially Western legal thought, often operates as if such a transcendent guarantor still exists – whether in the form of *Natural Law*, *Reason*, *Human Rights*, or *Justice with a capital J*. These serve as “shadows of God,” in Nietzschean terms, that mask the contingent, constructed, and human-made nature of law. For Aristodemou, Nietzsche’s announcement forces law to confront its own groundlessness: law has no divine or metaphysical guarantee. Its legitimacy, like morality, cannot be anchored outside the messy play of human desire, discourse, and power.

If God is dead, then the subject can no longer rely on transcendent meaning but must face the unruly, unconscious ground of desire. Lacan formulates this as the subject’s dependence on the Other – language, desire, and law that both constitute and destabilize it.

Nietzsche’s “madman” who announces God’s death echoes Lacan’s insistence that there is no final guarantee, no metalanguage, no last authority. Aristodemou seizes on this parallel to argue that law and its subject must live with absence, contradiction, and undecidability rather than covering them over with transcendental fictions.

According to Lacan, *God* became unconscious (Lacan 1979, 59). The Other lies beyond conscious control, hence “the unconscious is the discourse of the Other” (Lacan 2006, 16).

It is with this unconscious Other that we are in a continuous dialectic relationship, through which our subjectivity emerges. The subject of Lacan is, in other words, over-determined by the non-conscious language of the Other.

Law as the Other

The subject of Law does not merely relate to the Law but how it is formed, that is, how the subject is constructed by the Law as the Other. The Law is determining subjectivity as we internalize it and submit to it in order to become (the subject). The subject of the law is in an open and continuous discussion with the Law as Other, through which it achieves its existence. Law provides images and a language by which we understand our society and family’s structures, our relation to property, our sense of being wronged or harmed, our inflicting of wrong or harm, our (human) rights, (non-) enforcement of promises. Our beliefs, desires and fantasies regarding these and many other instances are not just mediated by law, they are formulated in accordance to it and its terms. The relationship between law and its subject is not an instance of social influence on an independent subject, nor that of a social institution within the control of collective subjects; it is the exterior within, the subject is the social, and the law is effective because it is internalized (Caudill 1997, 140). Žižek frames the Other

not only as a psychoanalytic category but also as the locus of ideological authority that structures subjects' desires and perceptions of law (Žižek 2014, 74–76).

As the French legal historian, Pierre Legendre argues, the law does more than regulate society – it symbolically stages the figure of the Father as a totemic principle. Institutions such as God, the Pope, the King, or the State give consistency to this image, representing the *Other* and spreading the effects of legal interdiction. Social order depends on a “Reference” (in Legendre’s terminology) – a void or absence – that must be legally transmitted through genealogy, emblems, and juridical discourse. This symbolic, non-juridical dimension of law constructs the founding images that guide subjects, and its authority is sustained through the paternal function (Douzinas 2000, 311).

The importance of this acknowledgment is beyond understanding the subject of law, it extends to comprehending Law itself. “The social function of law is not to be found in its direct effect on socio-economic activity, but rather in its effect on people’s minds” (Gabel 1980, 10). This in turn highlights the tentative, changeable and rather fragile character of Law: the Law as the Other, can also be killed just like any other god.

Lack and Desire

The moment we surpass the dyadic world of mother-child, we separate from the object (initially mother’s womb, later mother’s breast) that which offered a hypothetical unity, and we are enabled to emerge as subjects, at that moment a fundamental absence, a void is created. This rift leads to the advent of what Lacan refers to as the object *a*, the remainder produced when the hypothetical unity breaks down, “a certain something” in Socrates’ terms, or the “agalma” in Plato’s Symposium, a precious, shiny, gleaming something (Fink 1996, 59), the surplus, the excess we assume we once had and suppose we need again to “complete us” (Aristodemou 2014, 18).

What has been lost, however, is something we never had in the first place – a condition that makes the pain of losing it all that more desperate (Aristodemou 2014, 17). This lack instigates and permeates our cultural products, as well as our social, legal, and political practices (Aristodemou 2014, 7); it is a prerequisite of all human creations. This nothing, just like the potter’s empty vase, explains Lacan, “creates the void and thereby introduces the possibility of filling it. Emptiness and fullness are introduced into a world that by itself knows not of them” (Lacan 1992, 120–121).

The subject – lacking in being – is left with the hope of filling the gap, it is left with *desire*. Desire originates from the mOther’s desire, the child would wish to be the sole object of the mother’s affections and her desire, to be recognised by her. Thus, desire being essentially “desire of the Other’s desire.” The child would also attempt to grasp the mOther’s desire, it is the mother’s very desirousness that

the child finds desirable. Thus, the Other's desire begins to function as the cause of the child's desire (Fink 1996, 59). This exposes the Other's desire as object *a*, as object *a* is essentially the cause of desire, that which sets desire in motion.

Desire is a core idea in Lacan's work; it is an indestructible force, a component of drive, the longing for objects and others, and "it exists at every point in the psychic structure" (Caudill 1997, 58). Lacan follows Spinoza in arguing that "desire is the essence of [wo]man" (Lacan 1977, 275), always referring to unconscious desire.

As the subject assumes responsibility of the Other's desire and as this desire is not its own, it is essentially and eternally unfulfilled. Desire (unconscious desire) is forever displaced and disguised as something else (as the Purloined Letter); it leaves traces of itself behind but always eludes us (Caudill 1997, 58). Thus, desire incites the subject to a never-ending search, but it also defends it by ensuring that the search does not end (Aristodemou 2014, 32).

Desire and law

"Desire is a defense, a defense against going beyond a limit in *jouissance*" (Lacan 2006, 699). A limit is necessary both to create desire but also to prevent its full realisation, which would mean the end of subjectivity, if not the death of the subject. Law's prohibitions play a paramount role in creating and maintaining this space of desire (Aristodemou 2014, 32).

"Desire is the reverse of the Law," states Lacan (2006, 787). Law imposes limits on desire and simultaneously creates desire by introducing prohibition. Desire is essentially the desire to transgress to unlimited and unbearable enjoyment, but for there to be the possibility of transgression, it is first necessary to be prohibited (Lacan 1992, 83).

Lacan proceeds to explain that "It is not the Law that bars the subject's access to *jouissance*- it simply makes a barred subject out of an almost natural barrier... The true function of a Father is fundamentally to unite (and not to oppose) a desire to the Law" (Lacan 2006, 696–698). Lacan seeks to establish a (positive) bond between law and desire. Law's function – he claims – is not to prevent access to desire but to act as a limit, not to freedom, but to limitless and thus unbearable enjoyment (Aristodemou 2014, 56). In prohibiting his son's escapades, the father simultaneously tolerates and even solicits them. The Father, as the agent of prohibition/law, sustains desire/pleasures: there is no direct access to enjoyment/*jouissance* since it arises only in the interstices and blind spots of the Father's supervisory gaze (Žižek 2014, 88). We (unconsciously) adopt limits, the Law, to avoid confronting the impossibility of desire, and yet to maintain desire as a drive of our very existence.

The relationship between desire and law is paradoxical. While law imposes restrictions, it also creates the conditions for desire to emerge. Prohibition does not extinguish desire; it sustains it by marking certain objects as forbidden and

thus desirable. Lacan's notion of *jouissance* – a form of excessive enjoyment that transcends pleasure – illustrates this dynamic. Law regulates *jouissance*, not by eliminating it but by structuring its expression, thereby reinforcing the subject's engagement with desire. Law is not an external force imposing order but an internal structure that shapes and is shaped by unconscious desires.

The subject's relationship with law is mediated through fantasy. Law provides a framework within which fantasies are played out, offering a structure that both constrains and enables the expression of unconscious desires. This relationship is not one of simple opposition but of co-constitution. Law and desire are intertwined, each shaping and being shaped by the other. The subject of psychoanalysis is introduced to the "indissoluble link between desire and law and the subject's simultaneous encounter of law and desire. This negotiation marks the beginning, for the subject, of all forms of moral, legal, religious and social authority, and her precarious navigation between the demands of the pleasure and reality principles" (Aristodemou 2014, 57).

PART 3

The subject of the law, as we have now understood it to be a complex subject of the unconscious reflecting its existence in the Other, is in dire need of abandoning the universal morality that it has been chained with. A morality so estranged and unfamiliar to the subject of law, which is ultimately unable to exert (successfully) normative power on the subject. This chapter calls and explores the ethics of desire as an alternative.

The 'unethical' morality

Psychoanalysis distinguishes morality from ethics. Morality entails a notion of the Good, as a sovereign and supremacy. Morality or the Good encompasses or refers to a system of moral rules that have developed over the course of time and aim at indicating which behavior is acceptable and which is not, what is right and wrong, what is bad and good. In many, if not most, societies, morality has its roots [...], and derives from, [...] religion. Like law, morality is something each subject is being introduced into in the Symbolic Order [...], it pre-exists [...] pre-exists the subject's subjectivity, and it is proposed to be of universal nature.

As Lacan claims in his *Seminar on Ethics*, the appropriate starting point for ethical reflection is ethics, not morality, which relates to the subject's desire, rather than the widespread understanding of ethics and morality as universal, exterior, and often divine or God-given. Any ethical theorising should not begin with an attempt to define the good, or the sovereign or the supreme good, but from the subject's desire. Lacan does not speak of the good as an appropriate ethical barrier

to our unethical desires – his emphasis is quite the contrary, insofar as human desire is far better than any “social” good. For Lacan, the good acts as a barrier to desire in four ways:

To begin with, the idea of “the good” – whether it is framed in terms of natural order, pleasure, happiness, or wealth – creates an obstacle for theory. This is because it directs ethical reflection away from the more fundamental task: giving an account of desire. Lacan does not, however, accept just any account of desire. He critiques both the view that desire is inherently bad and must be contained by law, and the opposing view that desire should be freed in the pursuit of pleasure. The first approach fails to recognize that desire and law are bound together – that law not only prohibits but also makes transgression possible, and that desire itself precedes and exceeds morality. The second approach, emphasizing liberation, fails historically: the more theory and critique of society develops, the more obligations are placed on the supposedly “liberated” subject. Freud’s notion of the pleasure principle had at least shown that satisfaction can be deceptive, functioning like a hallucination, and that it requires the reality principle to limit and guide it.

A second way in which “the good” hinders desire arises in the analytic situation. Against those who claim that psychoanalysis is a moralizing practice, Lacan insists that the analyst does not dispense virtue. Instead, the analyst opens pathways through which the subject might discover their own desire. While ethical judgment is inevitably present, the aim is not to help the subject fill their absence with illusions of happiness, whether borrowed from others, from their “own good,” or from society’s good. What psychoanalysis offers – if “cure” is the right term – is the confrontation with the disarray into which desire throws us, a confrontation with the very structure of the human condition.

If such an outlook seems pessimistic, Lacan acknowledges the critique, especially from leftist intellectuals. Borrowing images from Elizabethan drama, he describes right-wing intellectuals as “scoundrels” who appeal to the harsh realities of the human condition, though in groups they fall into collective foolishness. Leftist intellectuals, by contrast, are “innocent fools” in their optimism, yet when gathered together they deceive each other into thinking that progress comes without significant cost.

A third sense in which the good functions as a barrier to desire is closely linked to the first two: in both theoretical and analytic contexts, “the good” misleads thought. As Jacques-Alain Miller notes, this is why Lacan’s seminar on ethics illuminates so many of his key concepts: “the good” is not a stable foundation but a signifying construct, something shaped by the Symbolic Order rather than giving it shape. Just as psychic functions are revealed only through symbolic processes, so too is desire revealed – though never fully – through the subject’s relation to language. Moral law, then, is not foundational but an after-effect, a trace or oversimplification of desire.

Finally, Lacan describes the good as a barrier in a structural sense: it marks the law of the desiring subject. He writes that “the sphere of the good erects a strong wall across the path of our desire,” and suggests that ethics lies not behind that wall as a model of the good, but beyond it.

Morality, far from being ethical, is our compensation for giving up on our desire, on our capacity for freedom, on what is properly ethical (Aristodemou 2014, 119). “Morality is the darkest and most daring of conspiracies” (Aristodemou 2014, 119). An ethical subject, as opposed to a moral one, is one who acts in conformity with her desire. And only such a person may come to terms with her own singular relationship to Law (Aristodemou 2014, 118–119). The discovery of the unconscious brought into light the possibility of the good of desire as an ethical compass.

Human Rights in question

Further to a Lacanian subject of the unconscious and a dismantled morality, the question we now bear is where do Human Rights stand as the Other? What is their significance after the unconscious is taken seriously (Aristodemou) and when the ‘bad’ is good (Schlag)? Are Human Rights to be dethroned? Shall they fall from the polished pedestal upon which – at least the Western world – claims to have placed them?

It is here argued that yes, human rights shall be dethroned, as this is the only way in which human rights are to truly become the fundamental, innate rights of humans. And based on this, the law can develop to protect what cannot be undone, as it is to be a vital and intrinsic part of the subject of law itself.

Žižek’s analysis in “Against Human Rights” of humanitarian purity shows, in a profound way, how human rights have failed to be actual rights for humans, as they have effectively been reduced to an instrument used by the West to intervene in “third world” countries and the rich and privileged to wash their consciences. “The discourse of universal human rights thus presents a fantasy scenario in which society and the individual are perceived as whole, as non-split. In this fantasy, society is understood as something that can be rationally organised, as a community that can become non-conflictual if only it respects ‘human rights’” (Salecl 1994, 127). This paper advocates for the prompt and definitive unravelling of this fantasy, by replacing a universal morality with an ethics of desire.

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