The Lacanian Review

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René Raggenbass, The Moment :

THE MOMENT OF THE ACT AS UNPREDICTABLE: IN CRIMINOLOGY... AND ELSEWHERE

René Raggenbass

KEYWORDS: Criminology, Jouissance, The voice, The act

Nothing Is More Human than the Act

othing is more human than crime." The human is defined here as the conflict between the law and jouissance. Let us paraphrase J.-A. Miller and maintain that, because it is rooted in language, nothing is more human than the act. An act which one abominates, since in the moment of its realization, one disappears as a subject. That may be the reason why we insist on dealing with that horror in a passion for thought which is but ignorance. Here is the frame within which we will examine the logic of the moment of the act in its link with criminology. This logic articulates two heterogeneous, disharmonic, and irreconcilable dimensions, the symbolic (the calculable) and the real (the incalculable).

The Moment Is Ahistorical and Therefore Incalculable

There is "an antinomy between thought and action." However, criminology and psychiatric assessments, which rest on "the ideal of rational behaviour," try to calculate and make predictable the moment of the criminal act. That ideal subsumes action into thought, more particularly into statistics. It does away with the contingency of the moment since "once the adequate calculation has been made, the act would logically ensue as the conclusion" of a story, of a demonstration.

René Raggenbass is a psychoanalyst practicing in Martigny, Switzerland. He is a member of the ASREEP-NLS and the WAP.

- Jacques-Alain Miller, "Société de surveillance et ses criminels," Mental, no. 21 (September 2008): 7–14.
- Jacques-Alain Miller, "Jacques Lacan: remarques sur son concept de passage à l'acte," Mental no. 17 (April 2006): 17, 28.
- 3. *Ibid*, iii.

That, however, is invalid which demonstrates on the that of the passage to the aurgency, and that the mome symbolization, outside history of triggering is structurally and the consequences of the not identical.

To make thought and presupposes in them a ration between the two sides of the and the universal, which are each individual as unique to act/offence, the biography are behaviourist items involving on crime. If that reduction it says nothing about the individual as unique to act/offence, the biography are behaviourist items involving on crime.

If the effect of significant on the other hand, no mean sance which the subject gran of the subject can therefore Jacques-Alain Miller sets it a [...] is that there is no calculated, but not libid.

We will illustrate the untwo examples, which had into moment of a passage to a contract the act ending an analysis. It that the passage to the act into suppose that those two acts said, one must first extract the

Building a Case: Appro

Criminology attempts to

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OF THE **A**CT AS REDICTABLE: IN AND **E**LSEWHERE

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That, however, is invalidated by any clinical examination of the act, which demonstrates on the contrary that the moment of the act, as well as that of the passage to the act, is fundamentally set in the temporality of urgency, and that the moment when the act is triggered is outside primary symbolization, outside history, and is therefore incalculable. If the moment of triggering is structurally similar in both cases, we will show that the aim and the consequences of the act, with regard to the passage to the act, are not identical.

To make thought and act congruent with each other, criminology presupposes in them a rational and continuous story. It does not distinguish between the two sides of "One": the "One" of "all alike," of standardization and the universal, which it will quantify, and the "One" of "all different," each individual as unique, unquantifiable. It will proceed by reducing the act/offence, the biography, and the words of the criminal to diagnostic and/or behaviourist items involving risk, and then putting forward a metalanguage on crime. If that reduction throws a light on the phenomenology of the act, it says nothing about the jouissance, which is unique, at work in the act.

If the effect of signification is susceptible to being predicted, we have, on the other hand, no means whatsoever of quantifying the value of jouissance which the subject grants to the effect of signification. The jouissance of the subject can therefore not be deduced from the signifying chain. Jacques-Alain Miller sets it as a principle: "The principle which I lay down [...] is that there is no calculating libido. The signified and the subject can be calculated, but not libido," because it is contingent and outside the law!

We will illustrate the unpredictability of the moment of the act with two examples, which had opposite consequences. The first example is the moment of a passage to a criminal act, and the second is the moment of the act ending an analysis. If we follow Jacques-Alain Miller, who claims that the passage to the act reveals the structure of the act,⁷ it is legitimate to suppose that those two acts have a common structural point. That being said, one must first extract their logical points.

Building a Case: Approaching the Jouissance of the Subject

Criminology attempts to extract the objective cause of the criminal act from a series of statistically established phenomenological and criminogenic

^{4.} Jacques Lacan, D'un Autre à l'autre: Seminar XVI (Paris: Seuil, 2006), 34.

^{5.} Jacques-Alain Miller, L'os d'une cure (Paris: Navarin, 2018), 45.

^{6.} *Ibid.*, 46.

^{7.} Cf. Jacques-Alain Miller, "Jacques Lacan: remarques sur son concept de passage à l'acte," op. cit., 17.



René Raggenbass, The Moment -

clues. That method does away with the subject as "barred," with his speech, his libido, the drive, jouissance, the psychic causality, which are incalculable, unquantifiable. We do not build a case within that frame of mind. We rather try to highlight the unique subjective dimension of the one who commits the act.

To begin with, let us specify that the act and the passage to the act, with regard to acting out, are characterized by their being not knotted to, not meant for, the Other. That does not mean that the passage to the act takes place outside the symbolic, since it is always caught in a signifying frame. Yet, it is not meant for the Other. It is outside the laws of speech and language. It is only addressed to the one committing the act, or more precisely to the jouissance intruding into his/her body, which precipitates him/her into a state of emergency. The act too is only addressed to the one that acts, but since it is not caught in an irruption of jouissance, the consequences are not identical. As regards acting out, it is an answer to a subjective emergency originating in a breach of the signifying fabric and a knotting to the scene of the Other.

That being said, it is not conceivable to examine a crime without considering the symbolic structures of society. That is the reason why Lacan claims that, for any passage to the act, we have to make reference to the symbolic context that precedes it. But let us repeat that the shaping of the act (what is made visible) is not the moment when the act is triggered (the moment of emergency, of haste).

To extract the logic underlying the passage to a criminal act, one certainly has to identify the symbolic chain preceding it, but that formal envelope of knowledge is not enough, since the drives prompting the act, the jouissance at work in it, remain beyond the reach of knowledge. Besides knowledge, one has to consider the symptom (jouissance) and the series of *objets a*, inside or outside the body, which Lacan calls "surplus jouissance." Is that construction sufficient to predict the moment of the passage to the act, or of the act?

In my opinion, the answer wise, anybody could predict ment on the basis of the symptom of a given sac mental dimensions of anxiet well as the unfathomable decomodality of the relation bear That coordinate is central in it be criminal (unanalyzed as

A Subject Overwhelm Separation Without th

This fifty-year-old man and condemned for strangling has four years outside prison want use, and because of a level at become concerned with han imprisoned again.

We are asked to "pre-dist the act, and to give a vertical to calculable, as in the film Most ical reading we can enlighten particular case, the crime alm of the invasive voice of his par precluded any relation to the act meant separating himself any attempt at entering into a subsequent use of the "op/est-

A few words on the significant instruction of the case, the case, "refuse," "wreck," "miserable a severe personality disorder: They describe him as particular.

As for the judgment, it real behaviour. Here, the act bear the eyes of justice, the offend

Jacques-Alain Miller & Jean-Claude Milner, Voulez-vous être évalué? (Grasset, 2004); Jean-Claude Milner, La politique des choses (Paris: Verdier, 2011); Jean-Claude Milner & Jaques-Alain Miller, Evaluation, entretiens sur une machine d'imposture, L'instant-de-voir (Paris: Agalma, 2004).

Jacques Lacan, "A Theoretical Introduction to the Functions of Psychoanalysis in Criminology," in *Écrits*, trans. B. Fink (London: Norton, 2008), 108, 103: "Neither crime nor criminals are objects that can be conceptualized apart from their sociological context."

^{10.} Jacques-Alain Miller, Un effort de poésie, 2001-2002, L'orientation lacanienne (annual course within the framework of the Department of Psychoanalysis, The University of Paris VIII), lesson of 5 December 2001, unpublished; Jacques Lacan, D'un Autre à l'autre: Seminar XVI (Paris: Seuil, 2006), lesson of 21 May 1969, "Apories et réponses," 327–337; Jacques-Alain Miller, "Une lecture du séminaire d'un Autre à l'autre," La cause Freudienne, no. 66 (2007): 53–89.

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wise, anybody could predict the moment of a crime or the end of a treatment on the basis of the symbolic coordinates, the surplus jouissance and the symptom of a given subject. That would mean forgetting the fundamental dimensions of anxiety, of certainty, of urgency, of contingency, as well as the unfathomable decision of being. A key element seems to be the modality of the relation between the speaking being and his jouissance. That coordinate is central in considering the moment of the act, whether it be criminal (unanalyzed acting) or not (analyzed acting).

A Subject Overwhelmed with the "Sonority" of Voice: Separation Without the Ethics of a Use

This fifty-year-old man has been in detention for sixteen years. He was condemned for strangling his concubine. When we met him, he had spent four years outside prison walls, but because of a relapse in drug and alcohol use, and because of a love affair just started, the executive authority has become concerned with him. He is considered dangerous and so he is imprisoned again.

We are asked to "pre-dict" the risk of a repetition of a similar passage to the act, and to give a verdict on measures that will avoid it. Are those points calculable, as in the film *Minority Report*? Certainly not. But from our clinical reading we can enlighten the judicial authority by showing that, in this particular case, the crime aimed at silencing "the purely sonorous form" of the invasive voice of his partner. At the moment of the crime, that sound precluded any relation to the Other, to a woman, and the passage to the act meant separating himself from the real of that invasive voice, without any attempt at entering into a civilized relation with the other, or at another subsequent use of the "object-voice."

A few words on the signifying envelope framing that man. During the instruction of the case, the following epithets were used to name him: "refuse," "wreck," "miserable and false." The experts connect the crime to a severe personality disorder, to paranoid traits and heavy substance abuse. They describe him as particularly dangerous.

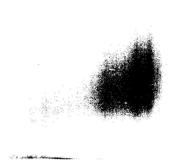
As for the judgment, it reaches a conclusion of rational and intentional behaviour. Here, the act bears witness to an "evident homicidal will." In the eyes of justice, the offender endured his victim's reproaches about the

ette et alleë (Grasset, 2004); Jean-Claude ette- llaude Milner & Jaques-Alain Miller, mate-ae-este (Paris: Agalma, 2004).

at a first of Psychoanalysis in Criminology," https://www.neither.crime.nor.criminals.are

The University of Paris VIII), lesson of Harrs a Fautre: Seminar XVI (Paris: Seuil, 17–337: Jacques-Alain Miller, "Une lecture 2006-2007): 53–89.

^{11.} Jacques-Alain Miller, *Le tout dernier Lacan*, 2006-2007, *L'orientation lacanienne* (annual course within the framework of the Department of Psychoanalysis, The University of Paris VIII), lesson of 29 November 2006, unpublished.



René Raggenbass, The Morrant

state he was in as soon as he returned home. He then replied by beating her and then he strangled her. The motive is jealousy. The proof is as follows: "his determination, and having kept enough clear-mindedness to make three phone calls, giving the same version each time to his interlocutors." At that time, he had reached a paroxysm of brutality. Two and a half months before, he had been taken in and questioned for savagely beating his friend, attempting to strangle her, and uttering death threats against her.

My reading and construction are different. What can emerge when the case is constructed by integrating the symptom (jouissance) and the series of objects inside and outside the body which Lacan calls "surplus jouissance"?

The man does not "hystoricize" the course of his life. He says he prefers us to ask him questions: "I feel more at ease if I must answer questions." Consequently, I have access to the coordinates of his biography mostly through his criminal case file. From his childhood, I note constant sleep disorders (presence of a real that keeps him awake?), an idealized mother (a way of treating anxiety?), and a father disqualified by his voice felt as all too real (a drive object causing anxiety). As an adolescent, he fails in all his attempts at professional integration (integration into a social bond experienced as overly ordered?). He struggles to emancipate himself. He begins to use and abuse alcohol and drugs (objects procuring surplus jouissance?). For ten years, he is errant (avoiding the link to the Other?), leads a marginal life made of "petty trafficking" (points of satisfaction through transgression?) and repeated violence on his partner. There are testimonies of attempted strangulation six years before the crime. He maintains that he "simply wanted to shut her up by pinching the vocal cords after a technique well-known to all who practice martial arts." At the time of the crime, alcoholic impregnation is permanent (self-treatment of anxiety?). All that goes along with body phenomena: "He feels strange, alien to the outside world, he feels he has plenty of energy to spend. He has a strange vision with shades of colours moving before his eyes" (an intrusion of jouissance rather than a symptom?). During those ten years, he was taken to hospital three times for psychotic decompensation connected with drug withdrawal. At 31, he committed the murderous act. The strangulation is described as savage and brutal. As for us, we point out the certainty as well as the urgency of "hushing" which this statement made to the police seems to support: "If I acted as I did it was to prevent her from harming me verbally." We can maintain that in that moment, his world had collapsed, in other words that the symbolic had collapsed faced with the real¹² of his partner's voice.

What happens after the calm, sitting on the floor of having brought about a rethat he appreciates the sitted

Although we are not a situates this passage to the locus where things are knot object-voice. Can we man urgency of "the unspeakant, it is not possible to determ particular moment.

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The direction of this to are few. The treatment rests

^{12.} Jacques-Alain Miller, Le tout dernier Lacan, op. cit., 23.

^{13.} Jacques Lacan, D'un Autre de la ries et réponses," 327.

^{14.} Eric Laurent, "Les traitement : (February 2003): 7–20: "White is the passage to the act. The passage to the act. One can make who struck the Other." The read who struck the Other." The read who struck the Other."

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What happens after the act? He calls the police. The patrol finds him, calm, sitting on the floor of the hall, drinking a beer (the passage to the act having brought about a resolution?). The doctor who examines him finds that he appreciates the situation with complete indifference.

Although we are not in the context of a treatment, our construction situates this passage to the act in the articulation between knowledge (the locus where things are known), jouissance (cf. body phenomena), and the object-voice. Can we maintain that this passage to the act occurs in the urgency of "the unspeakable relation to jouissance"? We certainly can, but it is not possible to determine why the passage to the act is triggered at this particular moment.

The subject is invaded by an unnameable tension which causes the meaning of what he is going through to fly away. He tries to treat this intrusion, which goes along with anxious perplexity (he can say nothing about it) through a passage to the act which bypasses the social link, but names something of his real. Here, the moment of the act separates him from the real of the invasive voice, but without any other use of this object-voice being feasible, or thought of, in connection with the other. When we meet him, that point has never been broached.

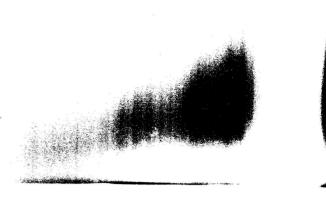
The End of a Psychoanalysis: Ethics of the Other Use of the Thing in the Link

This is the treatment of an obsessional who enjoys thinking and fantasizing that by being a diligent analysand, he will be exempted from paying his imaginary debt and will nevertheless be adopted by his psychoanalyst. The scopic drive object and its phallic and solipsistic out-of-body extensions (surplus jouissance) worked as an imaginary stopgap healing his division, and fostered the illusion of evading castration anxiety. Being diligent in his treatment in front of a father-master figure also enabled him to sustain a demand for love by offering him his pseudo-castration.

The direction of this treatment is not based on interpretations. They are few. The treatment rests fundamentally on the presence in actuality of

^{13.} Jacques Lacan, D'un Autre à l'autre: Seminar XVI (Paris: Seuil, 2006), lesson of 21 May 1969, "Aporise et réponses." 327

^{14.} Éric Laurent, "Les traitements psychanalytiques des psychoses," Les feuillets du Courtil, no. 21 (February 2003): 7–20: "What is annoying is that one of the fundamental modes of nomination is the passage to the act. The way in which the subject situates itself in the flight of sense is not only through leaky translation, though that too, but it is also through the short-circuit of the passage to the act. One can make a name for oneself through the passage to the act: 'I am the one who struck the Other.' The passage to the act is (thus) itself always possible, always present."



René Raggenbass, The Moment

the analyst in the position of *objet a*, materialized in small noises such as clearing one's throat or breathing, which the analysand cannot relate to any meaning but which he can hear, a situation which keeps open the gap between the imaginary and the symbolic while allowing the emergence of the real of the analysand.

After two first analyses, this analysand continued on with a third analysis that lasted for over ten years. Every week he went to the sessions. On that day he did not know that it would be the last one. He felt something had changed in his relation to the analyst. That the fantasy which upheld his benign diligence no longer worked. Yet he realized that he enjoyed still believing in it. But something else pressed him on, he felt in his body a surge which had nothing to do with the word, or with saying. Something in the register of evidence/certainty, urgency, which returned him not to meaning, but to his essential solitude and to his relation to his cause.

The big Other which he had built up, constructed during all those years, with which he played and enjoyed his part, had progressively dissolved; he was alone. As he entered for the second session, he heard himself say: "I am not lying down, I am putting an end to it." It seemed to him he noticed a slight surprise in the analyst before he left. The moment had not been elaborated, it was unpredictable. As such, the act is indifferent to its future, to what will come next, it is beyond sense. 15 Its being in itself has nothing to do with the effects and consequences of the previous case. What is at stake here is not separation from an invasive jouissance but bringing into play, in the link to the analyst, an object that the analysand has given up for the purpose of making an ethical use of it ("speaking well"), i.e. other than that of the idiotic "One alone." Here the act does not aim at expressing a thought, but at causing it. 16

How to calculate this act? That unique and contingent moment supported by certitude, by urgency and the satisfaction of an "I want" in a context where a void is the basis of communication, and where transference to the analyst has dissolved. How to predict that it is at that very moment that the analysand will act? It seems to us that, as in crime, that is not predictable. Yet the consequences and the use made of the act are different in so far as a parlêtre has made himself responsible for it.

Let us specify that the signifying hypotheses we are putting forward here do not correspond to what was going on at the moment of the act. What is presented here is a construction, a fiction built after the event of that moment in which the speak moment, he does not think. It alienation that he sustained we have ture on "the object being active missing in this quotation is shaste, but that sentence by Ledescribed above and the end is

For an Ethical and Ther

If "the act is always autor to from the Other," 18 the consequence have presented.

To what effect? If the criming. The question was, in a state of tive jouissance which he located cannot claim that by silencing and knows now how to make a

For the analysand too, the a act, is that he continues to kee: which is a nuisance to him. the formula: "I act and I think idiot's jouissance. This contra heterogeneous in their connec formula of an agitation. We are the cession of jouissance which was casting on his own though object-gaze and its phallic exte time to act and the time to the One and repeats, in the mame for him but is continued in a the event that the analysand h moment per se of his act. Act. object. That sinthome cannot accepted certainty—which su: rience of his radical difference

Jacques-Alain Miller, "Jacques Lacan: remarques sur son concept de passage à l'acte," Mental, no. 17 (April 2006): 25.

^{16.} Jacques Lacan, D'un Autre à l'autre: Seminar XVI (Paris: Seuil, 2006), 13.

Jacques Lacan, "La méprise de la lacques Lacan,"

Jacques-Alain Miller, "Jacques 1...2 no. 17 (April 2006): 23

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lesses we are putting forward here in the moment of the act. What in built after the event of that moment in which the speaking subject was acted by his real. At that moment, he does not think, but yields something of his jouissance, of the alienation that he sustained which enabled him to make his Other exist! That is how we read Lacan when he founds the act of a paradoxical structure on "the object being active in it and the subject subverted." What is missing in this quotation is some mention of certitude and urgency, of haste, but that sentence by Lacan shows that the moment of the crime described above and the end of an analysis are structurally identical.

For an Ethical and Therefore Discursive Destiny

If "the act is always *auto*, that is to say it is precisely what separates him from the Other," 18 the consequences are not identical in the two cases I have presented.

To what effect? If the criminal's act is not analysed, it is indeed *auto*. The question was, in a state of urgency, to separate himself from a destructive jouissance which he located and reached in the body of his victim. We cannot claim that by silencing it he separated himself from the object-voice and knows now how to make an ethical and civilized use of it.

For the analysand too, the act is *auto*. But the subjective effect, after the act, is that he continues to keep as close as possible to that separate object which is a nuisance to him, but of which he now makes new use through the formula: "I act and I think in the other's presence," which excludes the idiot's jouissance. This contraction of thought and act, which remain heterogeneous in their connection with each other, does not provide the formula of an agitation. We consider it as the byproduct, the left-over from the cession of jouissance which the analysand found in the idiotic gaze he was casting on his own thought. Actions and thoughts supported by the object-gaze and its phallic extensions. The effect of that contraction of the time to act and the time to think is to maintain him, in a way which is One and repeats, in the moment of certainty of the act, which takes place for him but is continued in a precarious link to the other. It is only after the event that the analysand has been able to ascribe a signification to the moment per se of his act. Acting/thinking because there is a cession of an object. That sinthome connects him to a point of certainty—a fully accepted certainty—which supports him in the use he makes of the experience of his radical difference.

e na a naept de passage à l'acte," Mental,

Sell 2006), 13.

^{17.} Jacques Lacan, "La méprise du sujet supposé savoir," in Autres écrits (Paris: Seuil, 2001), 332.

Jacques-Alain Miller, "Jacques Lacan: remarques sur son concept de passage à l'acte," Mental, no. 17 (April 2006): 23



If, for structural reasons, in both cases to act is to "wrench its certainty from anxiety [...] to achieve a transference of anxiety," the effects are not similar. We cannot either argue that the act ending an analysis or the passage to the act are subjective achievements. No ideal in that. That is what Lacan reminds us of when he hammers out the fact that "it is a personalist myth to articulate the act in the field of subjective realisation by eluding the prominence of a." The stakes, so it seems to me, are present afterwards, as is made clear by the end of Lacan's quotation: "a opens up the field of the subject's realisation, and from then on keeps its privilege therein, so that the subject as such is only realised in the objects (surplus jouissance) that belong to the same series as a, similarly bound to that matrix." The real stake is in the ethics of the use made by the subject of the object he is separated from.

If the act, incalculably, hinges on the certainty of the urgent need to be separated from jouissance, what is then the finality of that separation? Getting over something, falling, traversing, transgressing? Certainly not, for that real can neither be traversed nor suppressed. The end is rather to be found in an ethics that we define as a use that can be made. How each one of us manages and ties knots in that disharmonic space between body and signifier. "I am as I enjoy." Thus the act is not only an urgent matter of separation, of surrendering the jouissance of the body, or of libidinal disinvestment. The analyzed act takes its place in a series which is a unique matter of identification and of use of the left-over. An ethics of the use made of that object, which belongs to the same series as *a*, which one never gets rid of, but which the analyzed subject stages again and again to create a social link.

Translated by Annie Ramel, Josiane Paccaud, and Véronique Voruz

PARA! THE NO

n his 1977 text "Teach Miller spoke of param to a 1976 patient press it as an "illness of the I'll divide my work and "illness of the non-barred precipitous manner, the to closely as possible. Second operate in our practice with non-barred Other." To do

Foreign Body

So how are we to read that's ill? That's not plaus it's not the Covid that's ill in the sentence.

I propose to write the illness of the Other." We rewe would in "speaking bethis Other does not exist it porated by the speaking being can't be the body": as Lacan puts it is symbolic that must be unby the fact that nothing that in which the being sthat gives it to him, to the

^{19.} Jacques Lacan, *Anxiety: The Seminar of Jacques Lacan, Book X,* ed. Jacques-Alain Miller, trans. A.R. Price (Cambridge: Polity, 2014), 77. At the end of an analysis, the anxiety that accompanies the urgency is only the signal of a drive impulse to which the analysand responds by an act which is always renewed insofar as this drive impulse is constant.

^{20.} Ibid., 367.

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