THE REALM OF APPOINTMENTS

QUID IUS?

Giacomo B. Contri[1]

Introduction

The word "appointment" (taken in its most common meanings) will serve as our guide and destination, as has already taken place with the word "friendship", which led us to the construction of a fundamental Norm capable of bringing to life a Society[2]:
starting in a "small way" (due to our hard heads) we will follow the Freudian simile of the tip of the iceberg, from where we will set off in order to come to a conclusion in our discoveries.

We did not need to wait for this treatise in order to know that psychic health is the individual's inherence in the Realm of appointments (we have already written that 'psychic life – or that of thought: just like Freud, we have always refused to distinguish between the psychic and the intellectual – is a juridical life'), and that psychopathology represents all forms of the suppression of this inherence, like the most diverse forms of withdrawing from an appointment that is a profitable partnership.

Let me say, as I will repeat shortly, that for many years I have been highlighting the fact that the Freudian word "Psychoanalysis" designates only a specific case, historically unparalleled up until Freud, of the Realm of appointments, an enterprise with two partners:
I have already observed the confidence with which Freud used the word "love" precisely on this subject, with the presence of intense feeling (not separated from its representation) and without so many effusions, emotions, and even more so without falling in love.

Thought (one that is individual, "natural thought") is the starting point for what we now call the First law, the Realm of appointments, in other words it is thought itself that has a juridical life[3].
We will call the First law the Realm itself of appointments, as it already now exists in the very condition of the existence of the human world (nothing to do with "natural Law");
we will call the Second law that which customary linguistic usage terms 'the Law' in a limiting and incomplete way:
the Second one lives on partial withdrawals, on the revenue, from the first which provides a service … maintaining order (which can be dis-order).

---

[1] The original Italian paper titled *Il regime dell'appuntamento* by Giacomo B. Contri (2011) is here translated by Rosanna Pediconi. Revised by Luca Flabbi and Maria Gabriella Pediconi.

[2] I am happy to allude to the 'Società Amici del Pensiero' - *The Society Friends of Thinking* (SAP) -, which has fairly recently been established with its tripartite Norm (friendship, indifference and opposition).

[3] *Or* anti-juridical, inasmuch as being 'anti' is relative to that which is antithetical (the Criminal Code envisages every crime to be juridical). Pathological thought is anti-juridical with regards to the First law, as can be the most solemn and celebrated of thoughts, such as those of Plato. Many would be surprised at becoming aware of the field of application of the *category* 'anti-juridical', from Plato to Kant and not forgetting Kierkegaard.

Yet in the Second one we find ourselves facing Civilization's contradiction *almost* as described by Marx, except for the shift due to Freud.

It is a question of the conflict between forbidding most people access to the Realm of appointments, and allowing a few such access – and even these few at a limited rate, that is, even the privileged few are not privileged enough -.

The emergence from infantilism into civilization (infantilism is psychopathological, that is, of the current adult, not the child) takes place with the discovery of the individual's legislative activity, in other words, in what I have described and will describe once again here as the individual's healthy(holy) seat of Law, to which there is still the greatest (un-)civil opposition:
I recall the most Freudian of thoughts, which recognizes in the Ego the thinker of solutions, and perhaps also of pathological compromise[4] and of worse compromises too.

It is in the First law that we can leave aside the oldest (Platonic) prejudice, that of language as the name of things, in favour of the judgement of language as the name of actions (I will repeat that the first action is that of thought): on which depend truth, liberty and reality.
It is not a question of making some juristic realism, but of discovering that realism is juristic.

Now let's begin at a distance (by which I mean a qualitative distance), with the example that is already well-known, yet still recent, in which a jurist responded to the canonical question '*Quid ius*?'

1. An example of the law as a Realm of organizations (Paolo Grossi)

A deservedly famous jurist, Paolo Grossi, recently completed, at the height of his career, a work which I truly consider to be a Master-stroke: he has published a booklet[5] in which he has set out his most basic and fundamental idea of the Law for the general public.

The first of two chapters is entitled "What is the law?", which is one of the two distinct questions of religious Rite: *Quid ius?* and *Quid iuris?*

But whilst the second one goes into the professional merits of the Law, a competence in which, even though it is not inaccessible, there are few professional practitioners and each with their own specific distinctions, however when faced with the first question the professional is not endowed with an exclusive knowledge and is at no more of an advantage than a person of average culture and wisdom.

I realised this many years ago in my first introduction to the Law[6] reading a sentence by H. Kelsen which at the time left me speechless and opened my mind to many subsequent developments:

[4] The word 'unconscious' designates the thought itself, the thought which results from compromise when there is a refusal to acknowledge its source in the Ego, that is, when there is a refusal to acknowledge individual *auctoritas* even at its worst, with the imputability (above all as a reward) that is tied to it.
We remain far from recognising in dreams a *cogito* that not even Descartes… dreamt of.
[5] Paolo Grossi, *Prima lezione di diritto (A first lesson in law)*, Laterza, Roma-Bari, first edition 2003, tenth edition 2007.

«There are two types of interpretation that are clearly distinguishable from each other: the interpretation of the law by the body which has to apply it, and the interpretation of the law which takes place not by a juristic body, but *by a private person and, in particular, by the science of the law*» [my italics].[7]

Just after this quotation, I wrote:

«What is meant by this most bizarre introduction of the 'private person', and what is more, as a notion that includes the role of the science of the law […]? Here Kelsen speaks, writes and thinks [the Freudian synergic trio, editor's note]. Here Kelsen *knows*, knows as a 'private person, as he himself expresses it, he knows something about what the law is based on.»

In other words, when even the most professionally experienced jurist answers the question *Quid ius?*, he gives himself away, he reveals the mechanism of his own thinking, in which there is no distinction between "philosophical" and "personal". I know only too well that Philosophers try to defend themselves against this lack of distinction, and this question – that is, within whose competence do legal and philosophical matters lie, to which economic matters would also be added – is the principal one of civilization:
democracy's flaw is the assignment of these competences to professional organisations whilst excluding the individual.[8]

What I am saying is that the professional jurist is not at an advantage when answering the question "*Quid ius*?"
In its simplest form, that Masterly work gave the example, which is now very well-known, of the queue outside a public office, and here I quote:[9]

«Allow me to start with an example […]. An example that is absolutely paradoxical, but which, like every paradox, contains within it a firm nucleus of truth[10]. It involves a human encounter, a not very substantial human encounter even less so than a small tribal nucleus: a queue outside a public office. A gathering of humble human ants, without any substantial connection between them, brought together by chance in a very small space for a very short period of time. […] if amongst the confusion that spreads throughout the queue, *an enterprising subject* [my italics] makes his voice heard, makes some suggestions in order to *organize* the unruly queue, and all its members consider them to be good and *observe* them, then suddenly, in that very small unit of time, on those few metres of land in the Italian republic, we have the *miracle of the genesis of law*. The transitory conglomeration that is the queue has become, even if only in the short term, a juristic community, *juristic because of its law-making*.» [my italics]

---

[6] Giacomo B Contri, *La tolleranza del dolore, Stato, Diritto, Psicoanalisi (The tolerance of pain, the State, the Law and Psychoanalysis)*, 1st Ed. La Salamandra, Milano 1977, 2nd Ed. Shakespeare & Company 1983.
[7] Hans Kelsen, *La dottrina pura del diritto* (The pure theory of law), Einaudi, Torino 1975 3rd Ed., pp. 381-382. In *La tolleranza del dolore*, op. cit. p. 123. The same sentence in a revised form could have been by Freud.
[8] It is what J. Lacan called "the academic argument", which in this dispossessing function is pre-modern, medieval. It is a question of the same dispossession (of psychological competence) that is carried out by contemporary Psychology.
[9] Grossi, 2007, p. 14.
[10] Here in his notes the Author, not surprisingly, refers to the previous works of two "classic" writers, Santi Romano and W. Cesarini Sforza.
I then understood why S. Romano has had to exclude friendship alone from the possibility of being in the legal System (in doing so, he reduced it to a matter of affairs so private as to be excluded from private Law): in what follows, I will elevate it in the name (not exclusively) of the Realm of appointments itself.

I must point out the association, which I put forward to be the case, with a song that people still know by heart, *Figli di nessuno (Nobody's children)* (1941?). It is identical in its own way, like two peas in a pod, to the example I have referred to.

Firstly, I will quote one of its variations:

«*Nobody's children, / we live in the mountains, / despised by everyone / because we are in rags./ But if we were to find someone / who could take charge and lead us, / nobody's children /Even on an empty stomach we could shoot [or fight, or march]*.»

It was adopted as the Resistance's song against the hated Nazi-fascist enemy, but here we have a huge ambiguity about mass civilization – as far as it is en masse - which has not yet been resolved: this song, in fact, describes perfectly the mass gathering around the Head of Nazi-fascism.

I am not making a resounding accusation that is undeserved by the Author, but only pointing out the same ambiguity in the concept of Law as "an organization", a concept first put forward formally by Santi Romano and which has remained unchanged for many democratic years.[11]

In short, one could almost say that seeing an organized queue being formed, Paolo Grossi had a vision, that of a "miracle" and so "It is done!", "The queue has organized itself". It is the miracle of a generalized "juristic" Fordism, the mass of the ants' nest ("nobody's children") which is organizing itself: but all things considered, it is a matter of the same old thought. Plato's Utopia which has then been modernised by T. Moro, that is to say, the Ideal as serene totalitarianism.

The inherent mysticism in "It is done!"[12] should not escape our attention:
from the natural state of the poor ants to the cultural state of organizations!

2. A category of examples of the Law as a Realm of appointments

Having given this example of the Law *in statu nascendi*, an ephemeral foreshadowing of the Law as a Realm of organizations, I will also give myself leave to put forward an example, indeed a whole category of examples, of the Law *in statu iam essendi* as a Realm of appointments.

I will point out that the word "appointment" does not appear in the current legal lexicon as is also the case - and the comparison is not unintentional - with the word "friendship" (S. Romano).

[11] It is of no interest to know whether Santi Romano was a fascist. It is sufficient to catch him out in the misunderstanding indicated by this song: this is a very widespread error in democracy as well.

[12] I note the fairly close analogy with the "group of two" that is the couple who are falling in love, who begin in a "veil of ignorance" (John Rawls'expression) after which "It is done!": everyone knows that one also talks about "love at first sight" and "being head over heels in love". We know that it will not end well.
We are familiar with another example of "It is done!", one that occurs frequently and unconsciously at the moment when the marriage certificates are signed in a wedding ceremony. This wipes away the memory of as much or as little of the Realm of appointments that preceded it and transforms the preceding period into an introductory and pre-juridical antecedent, nullifying the thought that there was already the matter of a *ius* to be dealt with even afterwards as *semper condendum*. Firstly children, then children who have "finally" grown up. The infantilism of civilization, that which *then* establishes the Law as *frigid* as well as *dura lex*, is at one with the current idea of the "principle of reality" as the impact on an adult's hard life in comparison with the serene frivolity of childhood and the years of youth (Freud observed that the young child recognizes a "hard life" early on, independently of having been born into the proletariat and having brutish parents).

For my part, I will only introduce one example in response to the question *Quid ius?*, or rather an unlimited category of examples of what I call, strictly speaking, a juridical Realm that is independent and positive.
Without this category of examples our world, for better or for worse, would immediately cease to exist.

My definition of an "appointment" is of an agreement triggered unilaterally between two or more people who have come together (and who unilaterally accept this agreement) having as their aim not the predefined benefit of a contract, but the benefit or advantage introduced by the initiative of the other person, even though it has not yet come to fruition.
In this sense an appointment starts from and focuses on what is freely given (one initiative after the other) with a benefit for all partners.[13]

The phrase "freely given" is introduced here intentionally, rendering it exempt from the traditional error of wanting it to be synonymous with "oblational" or rather with neurotic and obsessive "love" (which in turn finds its predicatory justification in Kant's "pure" ethics of disinterestedness and impartiality, which it is also customary to attribute even to Good Lord).

"Freely given" is used here unambiguously as the quality of the act of initiative or enterprise (of which the first moment is thought), which does not respond to a causality nor to a regulation, but with the aim of triggering a process that results in bearing fruit:[14]
we then see enterprise as that which combines one or more partners in an appointment - this is the First law -, and that the word "love" finds meaning in a fruitful partnership like this.

Nothing of this sort, which is generative, is present in the Realm of organizations, the best example of which is found in the army, where "organization" most explicitly means command:
it is a well-known novel, *The good soldier Schwejk* by Jaroslav Hasek, that is credited with showing us that not even the most rigorous organization can outlive the most rigorous obedience, in other words, that the utmost anarchy is arrived at by means of the utmost organizational
–archy in the minds of individuals.

All appointments are business affairs, in the broadest sense in which the phrase can be used.
Crucial to the Realm of appointments is its continuity *after* any recognition by the Legal system, and so there are three periods:
1) the trigger for the appointment, 2) its assumption (rather than "recognition") by the Legal system as it is commonly understood, 3) the continuation of the appointment until the business that has begun "goes away":
the word "Law" (First and Second) covers the three periods including the first, which is therefore not a natural state, nor animality or instinctivity (there isn't a "rational animal", nor a "political animal", nor a "charming and benign animal").

I will now give a series of examples, the first two of which take into consideration their similarity and then how they differ.

[13] I would venture to suggest that we are talking about legal transactions a moment before the Legal System connects them to give them legal effect. As I will say later, it is those "carrying out the transactions" themselves who connect the legal effects that are considered unexceptionable by the Legal System, as commonly understood, and inadmissible by it.
[14] This year's Course follows on logically from the previous one *The tree is judged by its fruit*, the 2010-11 Course.

1. The institution of marriage (a contract) follows on from the fact that two people have started, as we say, "to be on speaking terms", in other words to have come together already in the initial appointment.
However, if once the marriage contract has been signed, they are no longer "on speaking terms" or even stop "putting their minds to it"[15] - in other words they just stick to the contract alone - then the contract itself is laid open to its conclusion (divorce and not just separation[16]).

2. Capitalist Enterprise also has three periods, the third of which continues on (if it works[17]) from the first, even if the history of the division of labour has not emphasized it or has done so with hostility.
In the first period, the entrepreneur offers appointments to potential partners who are differentiated as associates, suppliers, financial backers, employees: the latter's application for employment is already a realm of appointments, or is this an illusion of freedom?
In a second period the entrepreneur will fulfill the legal obligations, including the contract of employment.
But it is the third period which will decide the fate of the Enterprise for all its participants: firstly the entrepreneur might not be able to move onto the third period, in other words he might stop the entrepreneurial activity, and then the result will be failure.
It just remains to pay attention to the case of the worker[18], because the first period as an appointment is obscure: in which it is true that he "freely" offers his work-effort, but only to avoid dying of hunger (here unforgettably lies Marx).

In the first period, only the pretence is possible that for an ephemeral moment they have "put their minds to it"- to what? - to the entrepreneur's demands by assuming responsibility for them (a bricklayer will not put himself forward as a metal-worker); if totally unskilled, they will put their minds to their own training at every level according to the demands of the business.
Giving oneself an appointment in the case of the worker could only be found in the third period, and it has always been a burning[19] question in the history of the workers' movement.

---

[15] I have already mentioned that falling in love is like "being head over heels"

[16] We also know of countless marriages where the couples are "divorced at home" (perhaps motivated to do so "for the sake of the children").
As far as I know it has never been observed (apart from by the confessional community) that if the Catholic sacrament of marriage (which is not the marriage) had a meaning (that was not fideistic i.e. the religious icing on the civil cake), this ought to relate to the permanence of the Realm of appointments after the contract, that is to say that the state of affairs continues. See my *Ho sposato (I got married)*, in *Think!* Saturday 3rd – Sunday 4th September 2011.

[17] Do not take this verb lightly: what is designated by it differs from "functions". Let us apply this distinction to the family: the psychologically pathogenic family functions (as long as it does function) but it doesn't work. I have done nothing but talk about this verb ever since the first edition of *Natural thought*, with the introduction of the concept of the law of motion of the human body ("drive") as a juridical law.

[18] In addition to the worker, I will just mention a particular case history but a common one, that of qualified employees, for example, engineers who are initially employed on a fixed-term contract. It is noted that some of these employees hold themselves back from the third period, wanting to limit themselves to the exact terms of the contract. I have had some patients like this, of whom I have predicted with ease that their permanent positions would not be confirmed. In general, we are talking about people who consider too readily their colleagues to be "lackeys" or, *sit venia verbo*, "smart alecks". There is paranoia here, their thinking is "he wants something from me": the paranoiac is hostile to the realm of appointments because he isn't able/doesn't want to think that the other person wants nothing from him until it is he himself who has thought of something to offer this person: this is precisely what the Realm of appointments is.

[19] I take on board the correction suggested to me regarding this subject by Maria Delia Contri: «The 'burning question' is not strictly one that applies to the history of the workers' movement, but rather to the history of capitalism confined within the thinking in a *Herrendemocratie* and in the consequent concept of work as prostituting oneself, in the place of servile and enslaved work. For this reason I would be much more careful about expressions relating to the worker/entrepreneur relationship. It is precisely here that 'a new way of thinking' is required. As for the rest, what was

As a matter of fact the worker who "comes" to an appointment when a contract has already been signed, that is to say outside a strict adherence to the terms of the contract, or rather that he contributes to the business by way of an appointment through the initiative of his own thinking ("putting his mind to it"), in the tradition of the workers' movement he has been considered to be the "boss' servant" and isolated by his comrades. It is only the Union that should put its mind to that. I am not overlooking the problems connected with this - every entrepreneur would like his "workers' elite" even to the detriment of the rest of the working class -, and I am not in favour of corporatist thinking (an appointment never stands for a corporation not even between two people as in a marriage), but nowadays our times permit, and perhaps even demand, a new way of thinking.[20]

3. Then there are all those appointments that are commonly described as such using this word but delivered with an air of banality, that is to say as if without any juridical importance, such as "a dinner invitation" or "let's get together", with or without explicitly romantic ("love affairs") or sexual implications.
Their banality is suspect, if we just observe that they are often secondary and functional in the performance of a professional and even political partnership, and that it is far from rare that they have been the *foyer* to a revolution. The French *Encyclopédie* was produced as a result of the realm of appointments.

4. There are or can be appointments relating to the family, or more widely to relatives, at breakfast, lunch and dinner. This is dramatically revealed when one member dis-sociates himself from the family by becoming anorexic (which he starts by getting up from the table, that is withdrawing to the point of fainting).

5. There are potentially those appointments that are commonly called business ones, the most diverse, at every level and degree of importance (I have noted that we are not talking about the political secret society of the Carbonari).

6. And why not the Freemasons?

7. The Catholic church *should* be a Realm of appointments (or not?)

8. whereas regarding the Mafia I would have doubts, because I differentiate between sanction and vendetta (in the last three cases many will have recognised the reference to Santi Romano, who was accommodating with reference to the Mafia in the lack of distinction between sanction and vendetta).

9. There are Associations of people that are composed of appointments even before the opportunity or necessity of establishing themselves according to the norms of the Legal System.

Fordism based on? On an organization of work that allowed women and children to be employed, unqualified people who were therefore manageable but subsequently able to be consumers as a result of what they were earning. This brings up again the Freudian theory about a civilization that governs itself, that functions, by subduing individual thought. There is nothing readily available in civilization for the pleasure principle, writes Freud in *Civilization and its discontents*. With the risk of perfect entropy in which we apparently find ourselves, due to a capitalism that reveals its anarchic movement.»

[20] However strange that may seem, this was already Marx's thinking, as he did not want to give charity or "justice" to the poor working class at all, but wanted in the worker a new individual who as such put his mind to it (this would in any case be "justice"). Therefore Marx did not want workers to unionize because in this case it is the Union that puts its mind to that, even if it is "revolutionary". The history of the trade union movement should have been rewritten in light of this. Marx did not want workers to be either plaintive or protesting.

10. Political, intellectual and religious affairs exist by appointments that are supplementary to those that may arise due to the Statute book.

11. Lobby groups, not illegal in themselves, exist by way of appointments.

12. Also *parties* with their social gathering of guest, which have become so famous and influential in the United States just like lobby groups.

13. Political parties, trade unions and entrepreneurs' associations are revived and continue as appointments.

14. Even public demonstrations (by trade unions, political groups, "professional protestors"), are correctly put forward as appointments.

15. Last but *not least*, for many years now I have been highlighting the fact that the Freudian word "Psychoanalysis" designates a case, historically unparalleled up until Freud, of the Realm of appointments, as an enterprise with two partners (I have already observed the confidence with which Freud used the word "love" precisely on this subject, with the presence of affection and without so many effusions and even more so without falling in love).

Have I forgotten something? Should the order of this list be re-arranged? (I think so.) It only needed to be sufficiently substantial to document the assertion that the Law only exists in accordance with the Realm of appointments, that is to say with the First law.

3. The institutive agreement as a comprehensive juridical norm: imputation and sanction

I am moving on from this summary and provisional list of the categories of appointments that are already on the market.[21]
I am assuming that because there is a juridical norm, there must be imputability and sanctions[22].

I will now consider the appointment in its simplest form (not however with regard to subject matter nor to quantity), in which the agreement is expressed as "Dinner tomorrow evening".
The second co-protagonist, who has autonomously agreed to the first's initiative, will be able to *come to dinner* (in all possible meanings) or *withdraw* from it to the point of fainting (in all possible meanings, including that of going there without making any contribution of one's thoughts):
let us now consider only the example of physical withdrawal, that is to say, not going there.

The first time, the other person, i.e. the first co-protagonist, might not make such a big thing out of it and acts to renew the agreement.
The withdrawal might however be repeated, but the other person, patiently, renews the agreement again.
After the third time his patience will come to an end: we can arbitrarily stop the number of times at three, because in each case one's patience cannot be repeated by seventy times seven[23] i.e. forever.

[21] Do not turn up your nose at the expression "on the market": I am alluding to the continual systematic flaw in the distinction between public and private, the juristic person and the physical person, and also between macroeconomic and microeconomic.
[22] I do not need to settle here whether all norms of a legal System are Kelsenian norms as distinct from orders.

The co-protagonist, or rather he who had taken it upon himself to be so, has committed not only a detrimental act, but also an unlawful one because of the agreement.
The other person can only, if as out of an official duty, let the imputation[24] be followed by a sanction, but which one?:
but first let us hold back that the existence of an imputation and a sanction shows the agreement to be a comprehensive juridical norm.

Let us eliminate from sanctions the case of the vendetta, inasmuch as modern legal Regulations treat it as an offence in itself, that is, a potential object of the norm but not the norm itself.
However there is another case, not a theoretical one but a common and very practical one, and unexceptionable in the "eyes" of modern legal Regulations: which is excommunication.

Rather than smiling at this oddity, one should consider its gravity, which may be even greater than an official expulsion from an important Society.
The actual suspension in relations will turn out to be more widely well-known, the more it is unofficially announced (in which case it could take the form of defamation).

The judgement, which is a public one because it is observable even if it is not declared, will be one of unreliability, with the subsequent suspensions of other relations:
the actual gravity of this sanction will be much greater for the one who has withdrawn the more relevant for him is the social context (with its economic and emotional interests) of the notoriety (so much so that in certain cases he might prefer a custodial, physical or financial[25] sanction, or to eat humble pie).

We are observing a System being established that is regulative, autonomous and completely unexceptionable (even "God" wouldn't be able to find fault), and is also a System of judgement:
the person excommunicating is a Judge with a full complement of discretionary and independent powers (between the accused and the world).

The relevance to us of the word "excommunication" comes from History, which tells us that it is imposed by a holy See: and so we arrive at a new relevance about which I have written for some time, that of the individual *auctoritas*[26] of excommunication, which has led me to say that the individual is the healthy(holy) seat of Law, without the need for a secular arm nor for the use of violence, however legitimate.

---

[23] This is the evangelic number for forgiveness. I am saying that evangelic forgiveness does not apply to this case, I will let you work out why; it relates to the length of time.
At the risk of appearing momentarily obscure, I will set against this background, as a secondary sanction, the "return of what has been repressed".

[24] It will be the task of the Corso's course to develop what we have maintained for years, that in the Realm of appointments the first sanction is a favourable rather than an unfavourable one, a reward before a penalty (a distinction already made by H. Kelsen)

[25] All three of these may be shown to be the return of what has been repressed, see note 22.

[26] Modernity has preferred to dismiss the principle of authority rather than recognize the individual source of the authority.
I originally pointed out a similar preference on the part of Modernity: dismissing every orthodoxy rather than recognizing a personal orthodoxy.

This healthy(holy) seat unites legislative, executive and judicial powers[27].

I have thus described (without the need to theorize it nor to demonstrate it) the juridical Realm of appointments[28], since it already governs, if only partially, the workings[29] of our world, one only needs to look over the former list of examples of appointments once more.

In what sense "partially"?:
but I have already given a response, the Realm of appointments in our world moves towards … a realm that is smaller and smaller, until it risks perfect entropy.

This treatise (since that is what it has become) comes to a halt here temporarily, while it waits to be completed and probably revised.

Before stopping, I will just outline a chapter which ought to be developed fully, that of legal Permission.

I have found it quite comical that our Government has only now "discovered" legal Permission ("everything that has not been expressly prohibited, is allowed"), whilst I became aware of it more than thirty years ago thanks to Kelsen and I have been speaking about it ever since:
legal permission means giving oneself authority without any other source of authorization
but those opposing the Government are no better in this regard, and moreover I have found such omissions to be ubiquitous, even among discerning Fellow psychoanalysts, who have written of the absurdity of keeping psychoanalysis "extraterritorial" until it receives recognition from the Law of the State: "the discontents of civilization" have been reduced to this.

4. Provisional conclusion

My contribution exists in, and consists of, determining the action which occurs in legal Permission, not only as permitted factually, but as an existing juridical, legislative-positive law, namely what I call the First law:
without this important addition civilization's infantilism would continue, because such Permission would be reduced to phrases such as "Go ahead and play children!, as long as you don't make too much noise (but even this would be tolerated)" or "Enjoy it while you're still young!":
this is confirmation of the fact that bestiality is only a human characteristic, not an animal one, in other words that only the donkey is not "asinine".

---

[27] Whether one likes it or not, this healthy(holy) seat of power without the use of force has provided me with the exegesis of the word "meek", which is always misunderstood, from the biblical phrase: " And the meek shall inherit the earth"
This word has had the same depressing fate as the Franciscan word "poor", which has ended up defining those who are voluntarily poor, i.e. moderate masochists.
The same thing has happened to "the poor in spirit", an expression which originally designated Ockhamists without baroque beads.

[28] It should no longer be necessary to explain in more detail that this System is positive, that is to say established, and nothing to do with the long-standing or not so long-standing "natural law".

[29] I have already made the distinction between "works" and "functions" (see note 16): this distinction designates our world's only serious problem. Function and organization are synonymous.

The distinction of the Law as a Realm of authority or organizations *or* as a Realm of appointments which subordinates the Law as commonly understood, is not a question of science but of civilization, and also a matter of the politics of law.

Legal Permission is written all over any modern Constitutions, it is their *Geist*:
it is not a question of liberalism[30] *vs* statism, it is the psychic life itself of the individual who is at once a Citizen;
it is not a question here of "Human Rights".

Not least, in psychoanalytic work (as well as being "Psychoanalytic Work") one deals with exploring the outcomes of withdrawing from the Realm of appointments (the psychopathologies), through the opportunity offered to the individual by the psychoanalytic appointment of being freed from that outcome.

5. A fundamental Norm

There isn't a jurist for whom this expression, *Grundnorm* in German, does not recall H. Kelsen, for whom it can only be implied, not established:
well, this dates back to my *Il pensiero di natura (Natural thought)* which in its first edition already had the formulation of a fundamental Norm that is not implied but established (or positive) through the individual who takes on its sheer potential[31], which then makes it his healthy(holy) source:
"It is not a question of doing what is good, but of acting in order that this arises by means of someone else", this is what I then called an "appointment".

It is the fundamental Norm of the First law, whose abstractness and universal validity is not diminished by it not being followed:
the withdrawal from it finds its sanction in psychopathology.

With the First law established, there is no longer … a place for the traditional distinction between morality and law. nd neither for the autonomous figure of Ethics,[32] with its traditional distinction between absolute and relative:
renewed by the fact that the *ius* is *semper condendum* between partners who as such are always *relatives*.[33]

---

[30] A note on "liberalizations", an ambiguous word. It is not a question of liberalizing when we are talking about actions that can only begin unencumbered (an enterprise in the broadest sense of the word) and that can only continue unencumbered (an enterprise yet again).
Adopting the canonical distinction between invalidity and annulment, an enterprise is not annullable, it could only have already been invalid beforehand.
No different is the case that falling in love is the initial death of love ("falling head over heels").

[31] Constitutively and constitutionally already existing in the child: it is a "drive" that is distinct from his pathological destiny.
A "drive" linguistically updated as the juridical law of motion of the body or the thought of the body's motion – this is why "natural thought", not present in nature and not motivated by it -, was my starting point many years ago.

[32] J. Lacan, not having the Law to rely on, had to make do with Ethics.

[33] We Christians have overlooked the fact that Jesus is a *relative* of ours, that is to say that we can only have the relationship of a partner with him.