

Creating Legal Subjectivity Through Language and the Uses of the Legal Emblem: Children of Law and the Parenthood of the State

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Abstract This paper constitutes a critical exploration of the functional features underpinning the unconscious of institutional attachment—namely an attachment which is understood in terms of the subject-infant’s *love* for his institutional *parent*-power holder, and the indefinite need for a subject to remain within its infantile condition under the parenthood of the State. We venture beyond the Paternal metaphor and move towards the neglected metaphor of the Mother, so focal in the individual process of identification, assumption of language and the permanent attachment to the space of prohibition and Law. A new position in Language is defined. To understand how the psychic space of the *infant* is artfully subjugated in the making of the Western culture and domination of the Western system of legal interpretation, an enquiry into the legal emblematic history of representations is necessary to map the process through which the subject learns its legal self and relationship with otherness through what Pierre Legendre coined as the *Occidental Mirror* and the triangular logic of reflexivity. A final enquiry interrogates the way the legal institution places itself in the position of the specular image that *captivates* the subject-infant within a procreated legal order, a law-giving and law abiding life starting from the laws of the familial structure reinforced by the role of the *parents* and by analogy, by the State assuming that role in the institutional life of the ad infinitum *infant*.

Keywords Legal emblem · Language · Law · Infancy · Image · Reference · Functionalism

‘Thus, we find in the earthly city a double significance: in one respect it displays its own presence and in other it serves by its presence to signify the Heavenly City. But the citizens of the earthly city are produced by a nature which is vitiated by sin, while the citizens of the Heavenly City are brought forth by grace, which sets nature free from sin. That is why the former are called ‘vessels of wrath’, the latter ‘vessels of mercy’.—St. Augustine of Hippo, City of God [39, p. 599]

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1 Introduction

An extract from St' Augustine's *City of God* initiates a prologue, an ambitious yet substantial statement marking the context and the boundaries in which the all too ambitious title of this paper shall be elaborated. The sequence in which those signifiers have been placed within the heading, reveal a chain or a structural logic through which a final signification is to be produced allowing a meaning for the reader devoid of obscurity and miscomprehension as to the author's intended use of the 'Children of Law'.

This meaning should not be associated with fixed notions or specific areas of legal practice, rather it should denote a condition of the individual subject which allows it to *become* a part of the legal order, attach itself to institutional life and assume legal subjectivity.

Such condition is one of an indefinite *childhood*, of *infancy* which underlies the institutional fabrication of the person and the precondition of attachment to Law through the procreation of a legal soul.

The space or *topology* of such procreation is the institution per se whose fundamental role is to 'create subjects' or can be literally understood 'as a nursery that becomes a parent to children' [10, p. 18], [25, p. 190].

In this respect, Peter Goodrich translating an excerpt from Pierre Legendre suggests that the institution is 'a mother that nourishes not those who want but those who follow her rule; and that such an allegiance already supposes an apprenticeship, the entry into the imaginary space of the institution whose subjects are *infants*' [10, p. 18].

By the same token, although the significance of '*infancy*' in the process of identification and institutional reproduction is indispensable, prior to the entry into and function of this imaginary space, the *topology* of the institution ought to be mapped out in the lines to follow in order to present sufficiently the topological elements of the pre-ordained structure to which the infant is exposed to through its actual 'birth', and subsequently through its symbolic 'rebirth'.

The metaphoric use of the '*vessels of wrath*' and '*vessels of mercy*' by St Augustine indicate a human condition and a necessity—that in order to enter the social which is 'marked in advance by law' [10, p. 13] we must be born twice—once to nature and then to law. In other words, we must abandon our natural state of 'vessels of wrath' and be born a second time as the 'vessels of mercy' [39, p. 599].¹

For the purposes of this elaboration, the question to be answered is not casted in theological terms. Instead it is desirable to understand the discourse of the 'vessels' in conjunction with the role of the institutional parent and the institution of *parenthood* which calls for the subject to convert and identify its *space* and *belonging* by choosing a different kinship.

¹ The reference to vessels of wrath does not represent an originary condition of the humanity as lying on a sinful act. Sin denotes a birth in the course of nature. In contrast, the vessels of mercy are those 'children' born out of the result of a promise symbolising the citizens of a free city. The re-birth as second birth in law and rationality involves the exposition of a fundamental statement in relation to the condition of the subject—namely, that it is 'a child of the flesh' (through the established laws of nature), yet it can become the 'child of the promise' (the one bestowed with grace and 'freedom') as long as it attests to the pre-arranged order.

A conversion to a different kinship presupposes a belief, or even faith in the ancestral and paternal authority. Hence, one of the preoccupations of this working paper shall be the ways that the infantilised subject is taught to believe and choose an alternative paternity—and how simultaneously subjectivity is captured within the legal space through the infantile process of identification.

The latter is examined through the Lacanian element of ‘*fascination*’ and alienation ‘revealed by the *stade du miroir*’ and the dialectics of narcissism [17, p. 164]. This venture towards the unconscious of institutional attachment—namely an attachment which is understood in terms of the subject-infant’s *love* for his institutional *parent*-power holder, and the indefinite need for a subject to remain within its infantile condition, highlight the significance of a return to the casuistic tradition and principles of the *Utrumque Ius* [28].² Such realisation cannot but suggest that the nexus of infancy and Law should not be considered without an interrogation of western rationality and a necessary return to medieval legal concepts.

It is through the 16th century emblematic representations and traditions captured in the writings of Amos de Comenius, Andreas Alciatus and other prominent legal emblematisers that we can understand the establishment and evolution, not only of the relationship between *infancy* and law, but most importantly the *paideusis* of the institutional *infant* towards the sustainment of its attachment to the institution and the *Order* by means of narcissistic identification.

The indefinite character of infancy is presented through the analysis of the inextricable rapport between *infancy* and *stade du miroir* with the *indefinite* being correlative to the notion of *symbolic* infancy and the emblematic representation reinforcing this relationship as a *medium* after the second birth of the subject.

The theological paradigm used in this context does not immediately confine infancy within the emergence of the Christian phenomenon or strive to prove that the infant is the by-product of the Latin-Christian tradition only. This assumption would render infancy as definite—beginning and ending with a mere transformation to a ‘vessel of mercy’ through the vicissitudes of faith. Nevertheless, the Christian tradition and medieval canon law are those that systematise the production of the *infant* and make possible its indefinite form.

Becoming a *vessel of mercy* as per Augustine’s metaphor, is not only a Christian theme repeatedly discovered within the texts of Church Fathers—it is that systematised transformative process which generates the faith and love of the subject towards any institution which leaves the *infant* as a *vessel at the mercy of*—(the institution-parent, the State, etc.).

Conclusively, the current discussion was initiated under a starting assumption that the Western Christian tradition and the systematic use of emblems in the *paideusis* of the infant, become the pre-cursor of a technology which infantilises the subject yet it needs the subject to be already an infant (meaning unable to speak yet able to *perceive* and *reflect upon*).

² The term is understood through the work of Pierre Legendre in ‘Le droit romain, modele et langage: De la Signification de l’Utrumque ius’ in Pierre Legendre’s work *Écrits juridiques du Moyen Age occidental*. The question of ‘infancy’ is addressed through an exploration of the function of ‘re-birth’ and kinship taking as a starting point the casuistic tradition and patristic literature.

2 Understanding Paternity and Establishing Maternity: *Le 'non' du père, Les nom(s) du père et le règne de la mère*

This section, is concerned with the function of paternity and the Freudian paternal metaphor in relation to the 'name(s)-of', the *father* and the institution of *parenthood*.

It will be examined how the social image or figure of authority constitutes the 'erotic relation to the social' and creates institutional roles and eventually, the *homosocial* individual.

The analysis on paternity is not confined in the use of the Freudian Oedipal metaphor—rather, in this context; the gravity is to be placed on the element of absence, the invisible origin, kinship (filiation) and reference through repetition, remembering and the encounter with the 'impasse'.

This is not a question of how subjects enter prohibition and law. Instead it is a question of what it means, in terms of identification, institutional attachment and filiation, that God created man '*kat'eikona kai kath'omoiosin*' (in his own image). What it means for the subject to understand itself through the logic of similitude or resemblance to the invisible yet visually represented?

Paternity and attachment to the figure of the father plays out as 'an event'—namely the entry to law—nevertheless, the continuity of the referential function is sustained through the persistence of the Ovidian myth of Narcissus as elaborated by the French philosopher Pierre Legendre.

The significance of absence is not only limited within the boundaries of the story of Oedipus, the murdered father and the Oedipal structure of the speaking subject [10, p. 141]³ coagulating the efficiency of Reference. Instead, its importance should be conceived within the metaphorical context of the infant's play—what Freud originally conceptualised as the dialectics of the alternating game *fort-da* and later elaborated by Lacan to designate the child's game to cope with the repeated disappearance and return of the mother. Essentially, through this childish game of the '*here or there*' triggered by the mother's presence, it is aimed to replace what 'essentially is not there, qua represented' [21, p. 106].

Through the 'name of the father' and any act in the '*name of*' an ultimate yet absent truth, obeying is commanded by the rule and the invisible authority. Yet, this act becomes only a momentum, a temporal and spatial *event* in the institutional life of the subject, an eruption, a 'rebirth'.

Relying on the above mentioned proposal, the place of the absence is not inhabited by an invisible authority any longer, it is not the dead father and his claim over the law abiding soul of his children. In contradistinction, it is what by the use of myth and metaphor we would designate as the Ovidian 'saffron'—the narcissus, a *thing*—which through a reference to its memorial, the invocation of the lost, via a process of ritualised remembrance, becomes temporarily present. It *appears*.

³ The assumption of the Oedipal function as a 're-birth' in speech is necessary according to Goodrich for the subject to be placed in 'its genealogically constituted position in the order of kinship' [10, p. 141].

Such remembrance does not only glorify the *thing*—but also the (hi)story it has to tell us about the invoked subject's past and future [1].⁴ The lost object and its powerful absence-presence are glorified through *latreia*, an expression of love and nostalgia declared by the subject towards the object coexisting with an undeclared fear about the tragic fate of the object that rendered it absent.

What was the tragic fate of Narcissus that led to his own death? His fundamental denial of the impossibility of the subject to become one with its own image, the imaginary quest for reunion of the subject with its self, was what constituted Narcissus's impasse with his image and life itself.

The attempt to 'grasp' his reflection on the water bears the stamp of another denial as well—that of the necessity of 'distance' and alienation which makes 'life' and desire for the other as another possible. The drama of Narcissus metaphorises the fundamental principle of identification and precondition of human existence and as such, the idea of humanity.

It dictates that the acceptance of 'the distance or interval of a void which notifies the subject of its alienation from itself, (...) makes the articulation of the subject, image and institutional logic possible' [10, p. 242]. The acceptance of the split though, engulfed in the lesson about the truth of Narcissus's death through the presence of the *thing* and the representation of his absence,⁵ becomes the prerequisite of the subject's entrance into language and law, the symbolic order and the prohibition of the Father.

The creation of a social bond, the survival of the human species and institutionalisation of life through the maintenance of desire, is grounded on what Lacan designated as 'bi-partition', 'a splitting of the being to which the being accommodates itself in the natural world' [17, p. 106].

The stage of infancy accommodates this first split of the subject and function of identification.

This should not be understood as a linear developmental phase throughout the real condition of infancy.⁶ Instead it represents a structure characterised by a

⁴ The glorified history of the subject through remembrance of the past and the future is identified within St Augustine and St Paul's texts through the metaphor of the 'vessels of wrath' and the 'vessels of promise'. This story reminds the subject its past condition, who it was. Yet, it also invites the subject to remember its future. The future as a 'promise', as a child of mercy and Reason, entails an always already existing expectation which the subject 'remembers' in its present—that the 'city of God' [as against the earthly city inhabited by wrath and procreation] is on pilgrimage in this world yet 'salvation is accomplished only through a citizenship' in an eternal and divine republic 628–631. This choice of citizenship calls for a different genealogical recognition and the existence of other *parens* who can serve as a Mirror for the infant. In *Letter 138-Augustine to Marcellinus (411/412 AD)*, Augustine emphasized that although the Roman State was successful without the Christian element; its salvation lied on the prerequisite of the *beyond*—another citizenship accomplished through 'regeneration'.

⁵ The analysis on the representation of absence refers to the function of absence as a binary correlation with presence and not only on terms of what is readily offered to the perception of the subject.

⁶ As against real infancy, we introduce here the concept of *symbolic infancy* used hereinafter, which represents the unremitting persistence of infancy throughout the symbolic existence of the subject.

permanence bearing ‘an essential libidinal relationship with the body-image’ [44, pp. 11–17].⁷

The proposition here is that the subject develops under the false belief that it leaves its infantile condition behind through the illusion of an evolving measurable time and its assumption of language. The gradual distancing of the subject from real infancy is estimated in months and years—yet, years are just ‘signs’ carrying a signifying intention of such temporal and evolving time-spatial distance between the subject and its infancy.

In the context of *childhood* and adulthood, the presence of *infancy* is always present and in this instance, the sign veils or even attenuates what is omnipresent. But it is not only the conventional or cultural use of the sign which veils the condition of infancy.

In a sense, the adoption of language itself seemingly negates the real condition of the infant—namely its inability to speak which adds to the erroneous belief of the abandonment of infancy.

The child-like condition of the subject is never really abandoned. As soon as the subject is identified with its own yet separate body image and itself as other (specular image), it also understands that there is a nourishing or primordial Other assuming the role of the symbolic Mother [20, p. 67].⁸

The mother is the relation that inaugurates the subject’s entrance into language through the phenomenon of mimicry. This relation never fades away. Even when the subject enters the paternal function of reference and prohibition within which it ‘takes over the function of the father through the normalisation of the Oedipus complex’ and attaches itself to the figure of Law, it cannot be released by its infantile condition and the associated mirror stage which has been ‘the source of all later identifications’ [17, p. 160].⁹ It is the presence and approval sustained by the maternal function which will guarantee the certainty and veracity of the illusionary wholeness of the mirror image. Hence, it is that primordial Other (Mother) that ultimately holds the truth for the subject [36, p. 56].¹⁰

The power of the alienating image during infancy is the most fundamental precondition for the establishment of any institutional logic. It is the link between the psychic structure of the *subject-infant* and the institution as a *subject-parent* which allows for the effective love, identification with an order and the existence of and within a Referential tradition.

⁷ In Lacan, the mirror stage is defined in a twofold way—as a historical development of the infant’s mental state and the moment that the infant’s own image captivates it absolutely. Although a preoccupation with the formation of the ego and the subject’s alienation is minimal in this context, what is deemed important for further analysis is the symbolic dimension of the mirror stage as a device of captivation.

⁸ This matches our conceptualisation of the *stade du miroir* as a ‘space’ (in its literal translation is a ‘stage’, a ‘stadium’ within which the *infant* is captured) as against a measurable developmental stage.

⁹ Lacan’s ‘*stade du miroir*’ is considered as a constitutive and inextricable element of infancy, whether real or symbolic. For the originary mirror stage to exist there must be infancy and vice versa. Similarly, for the mirror stage to persist throughout the subject’s, symbolic infancy must exist [17, p. 160].

¹⁰ It is this primary relation which allows the entrance into a linguistic structure and the function through which ‘the meaning of each linguistic unit can only be established by reference to another’ [36, p. 56].

Such an interpretation of the phenomenon of law and the necessity of its images is based on the hypothesis that ‘Institutions have a primary relation to the mechanism of human desire and to its genealogical recognition’ [10, p. 117].

The image occupies a crucial position in the formation of love and desire for the others’ desire but ultimately it constitutes the foundation of the narcissistic theory at both an individual and societal level, which allows the subject-infant to fall in love with the concrete representation of the binary Image which appears as encompassing both a visible and invisible Referent.

If the Law is a function reserved for the Father in accordance with the oedipal logic which introduces the subject within a state of lack by entering a state of speech as against a state of absolute unification with the motherly desire, then the attachment to Law is a function reserved for the ‘mother’.

Perhaps, what is elucidated here is the search for the function of the attachment in relation to the referential function—in an epigrammatic manner, the underlying function of the function itself.

A potential criticism of such functionalist approach might not be unavoidable. An apparent reliance on the function itself might hint to a teleological understanding of the paternal function as a foreclosed system in its own right, within which paternity becomes an eternally self-reproduced and self-referential, almost autopoietic normativity which does not allow differentiated or even oppositional forms of subjectivity to emerge while rendering anything non-paternal as dysfunctional. The idea is to extract the presumably dysfunctional element of the dominant functional through the novel conceptualisation of the maternal function.

The element of transmission, pertaining to the reproduction and legality of institutions, needs the function of paternity to maintain and transmit authority. As Goodrich suggests, ‘there is a paternity of institutions because Law needs a legitimate author’ [10, p. 118] and this guarantees that the ‘mythological order of the West’ is maintained through a ‘living writing’ acting as a ‘sign of a place’, which ‘can be occupied by any signifier capable of guaranteeing the Law’ [10, p. 118].

Assuming that the signifier occupies the space of Reference which not only guarantees the Law but also the existence of the mythologemes of Occidental legality and superiority, then it is considered that there is something less apparent guaranteeing the embrace of authority and affectivity towards the institutional life and its social representations.

The embrace of the legal, the surrender to the mythical promising salvation from the vicissitudes of the uncertain and the effects of irrationality and innate ‘wrath’, need the function of the primordial Other who reinforces the first encounter with the image as a stimulus for mimicry and acceptance within an pro-created order.

3 Exposing the Role of the Maternal Function in the Creation of the Legal Subject

Through a peculiar divergence at this instant, it might not be extraneous to understand the relation to the Mother and the condition of infancy through the logic

of *phainesthai*. Here, *phainesthai*, as a passive form for *phainein*, means both the act of appearing and *to seem* and such logic instructs that in order for something showing itself to be experienced, interrogated and reflected upon by the perceiving subject, it must be first perceived and *be seen* by consciousness or the conscious subject [11, p. 100].¹¹

Following this clarification, the working hypothesis is that even if the entrance in language and law is the result of the paternal intervention instituting the referential function, the original adoption of language might be a *phenomenon*, meaning something showing itself to the infant, of the same kind as the relation to the Mother' [30, p. 109].

Conceding the influence of Merleau-Ponty's thought, the infantile stage, defined through the ascendancy of the maternal relation as a relation of identification in which the infant 'projects on his mother what he himself experiences' while assimilating the attitudes and approval of his mother, then language itself during the *stade du miroir* becomes itself a phenomenon of identification which perseveres the remaining life of the subject-infant.

Merleau-Ponty suggested that 'to learn to speak is to learn to play a series of roles or (...) assume a series of linguistic gestures' [30, p. 109] or even that 'speech is comparable to a gesture' [31, p. 89].¹² Such assumption of gestures is what in a sense allows for the gesture to *become* and *be* a 'communication of a communicability' [2, p. 58.9]¹³ which shows the 'being-in-language of human beings as pure mediality' with the word being ultimately exposed in 'its own being a means, without any transcendence' [2, p. 58.9].

The concept of the specular image [30, p. 125]¹⁴ as a fundamental operation incorporates all the above observations in what Lacan has designated as the 'symbolic matrix'. Gesturality, narcissism, alienation,¹⁵ the initial dialectic of identification, are all the constitutive elements of the infantile condition. A condition which is never liquidated and in its heart lies the essence of the specular image as a 'double of one's self'.

¹¹ The logic of *fainesthai* bears mostly a Husserlian influence and is distinguished from the definition of *phainesthai* encountered in the works of other thinkers after Husserl. *Fainesthai* corresponds to reflective intentional experiences where 'perception and perceived constitute an unmediated unity' and it is this reflective function that we place gravity on.

¹² Merleau-Ponty explains that what the speech is charged with to express 'will be in the same relation to it as the goal is to the gesture which intends it'.

¹³ The abrupt association of infancy and Agamben's gesture is emphasised in the current context because the constitutive moment of assumption of the latter is identified during the infancy stage, yet it persists throughout what we devised as symbolic infancy entangled with an adult's life. Such association allows for the efficient operation of the spectacle, theatricality and the superiority of the 'form'.

¹⁴ A distinction should be appended here. The experience of the mirror image of the child referring to the physical encounter with its reflection is referred to by Merleau-Ponty as '*L'image du miroir*'. Nevertheless, the mirror image conceived as a 'stage' in the development of the infant, is referred to by Merleau-Ponty as '*L'image speculaire*'.

¹⁵ Alienation is denoted as—(a) alienation of one's self through the image-reflection offered by the mirror and (b) alienation from the others, who visually perceive the same external image the mirror offers to oneself allowing the initiation of primary sociality.

As Merleau-Ponty professed, the belief held by the self that the image is not mere reflection of a corporeal entity, never disappears. It comprises the incessantly reformable emotional makeup of an adult. The most important contribution though, is found in the statement that the specular image is not to be understood only in terms of cognition and/or ‘intelligence proper’ rather in terms of ‘presence’ which signifies the unstable nature of the image-reflection and its dependence on the relations with ‘others’ [30, p. 144].

The gravity placed on the element of ‘presence’ during the stage of infancy from Merleau-Ponty to Freud and Lacan is attributable to the importance of the prerequisite of the subject’s *becoming* a speaking-being and inherit its pro-created topology of signifiers and *names*.

Interweaving the above analysis with the development of the institutional logic and legal tradition, it is contended that a change of ‘faith’ or *re-birth* within a new kinship and hence, a new topology of prescribed limitations and conceptions of transgression [10, p. 129],¹⁶ presupposes a recurrence or more accurately, a resurfacing of the always-already existing infantile condition in which the ‘child’ is in the state of receipt of the Other’s (Mother’s) desire through the acknowledgement of its presence in the *mirror* bound with the Mother’s role to validate it.

Likewise, acceptance by the Other(s) within a new hierarchy entails both the subject’s differentiation during its infancy by accepting the absence of the ‘Mother’ in conjunction with her replacement with a representation, and the subject’s attempt towards assimilation into an order that can point to an imagery of common origin and thus, the illusion of a common destiny.

The paternal function guarantees the continuity of the split self of the subject away from the absolute unison with the Mother, yet it further establishes the authoritative image of a shared genealogy and a hierarchically fashioned kinship advancing another kind of unison—namely that with the Signifier (which can be Science, God, an ethnic group, a class)—which can occupy the place for the function of the *Ego Ideal* [9, p. 110].¹⁷

The position of the Father unites the subject’s desire and the Law’ [18, p. 321] by intervening in the relationship of the Mother and child representing the imaginary order of nature, as against the symbolic order designating Reason and a structure, which ‘differs substantially from the natural order of things’ [19, p. 320].

Genealogical recognition becomes possible and so does the function of Reference and the ability to speak of or in ‘*the-Name-of*’. The paternity of law founds the notion of precedence and the authority of the precedent. It designates the place of the origin of truth which the juridical subject will evoke through reference and ritual, and simultaneously it specifies the subject’s place within the procreated genealogical order. It founds the rules of transmission and succession but most

¹⁶ Transgression is conceptualised here in accordance with Peter Goodrich’s analysis in relation to the social transmission of Law and its intrinsic relationship with the notion of interdiction.

¹⁷ The Freudian Ego Ideal is the product of the secondary identification following the primary formation of the Ideal Ego and results to what Lacan defines as the libidinal normalisation of the subject. The Ego Ideal supports the identification with a Signifier which serves as an ‘heir to the original narcissism’. Its origin can be found in the ‘influence of the parents’ [9, p. 110].

importantly it constitutes the functional precondition for the fabrication of the Western institution and its power of transmission.

The foundational presupposition of Roman law rests on the Father who becomes the institutional formulation of Reason. ‘It is the idea of God itself, as that in which we believe’ [27, p. 265].¹⁸ And as such, Legendre’s institutional logic finds its equal in the family logic and the legitimatising role of the *paterfamilias* within the realm of the household [27, p. 112].¹⁹

If the Father designates the place of origin and truth, then the question would be who holds that truth for the subject? Who mediates between father and subject to communicate the truth and the legitimate spaces the subject is allowed to occupy?

Without relegating the importance of the paternal metaphor and relying on Legendre’s elaboration that the legal structure mimics the psychic structure [10, p. 33], we revisit our title—Le ‘non’ du père, *Les nom(s) du père et le règne de la mère*. The Mother is the indispensable medium between the function of transmission and attachment to precedence through the perpetuating condition of the subject-infant. As the primordial Other, she holds the truth of the subject as to its place proper within the genealogical order.²⁰ Despite the ascendancy of the fraternal authority in Roman Law, we should not underestimate the role of the intermediate power between God and the world resting in the hands of Justice [15, p. 111]²¹ through which she, inhabiting that maternal space in language, becomes the one who ultimately holds the validity of the truth situated between God and man, immanence and transcendence. With the advent of the Roman Civil Law and the revival of Aristotle’s *δίκαιον ἐμψυχον* (living justice), the Prince became the *lex animata* otherwise the incarnation of Justice [15, p. 7] and justice, as the highest of all Virtues, acquired a living image among all other inanimate images. Nevertheless, the important factor here is not that Justice, as a maternal position in language, becomes animate, a mere manifestation between what jurists distinguished as Justice *in abstracto* (Universal, an Idea) and Justice *in concreto* (the Idea applied to human laws) [15, p. 137] or the immortal hypostasis of the King. Rather, it acquires a representation, it becomes a medium and it attaches itself to the referential function.

Secondly, representation and reference, develop into an object of interpretation and scientific exploration through its interpreters, namely the jurists, who ‘concentrated on investigating the nature of *Iustitia* and *Ius* (...) with the same inner urge with which theologians would interpret the nature of the triune God’ [15, p. 139].

Such interpretation became the *nuova scientia*—that medium designated as Jurisprudence. Referred to in the *Digest* by Ulpian, it became an art practised by the

¹⁸ Following the suggested translation by Goodrich.

¹⁹ Further elaboration on the concept of *paterfamilias*, see in Legendre.

²⁰ Therefore, the institution is the combination of both *parens* for the *infant* and within its familial embrace the subject must remain a child.

²¹ Kantorowicz elaborating on the metaphor of the personifications of the *Templum Iustitiae* places Justice in an intermediate position where she alone had ‘a share in both Natural Law above and Positive Law below’ though not equal to neither. ‘*Iustitia* herself was not Law. She was an Idea, a goddess which held the function of the mediator, an *Iustitia mediatrix*, mediating between divine and human laws’ [15, p. 111].

jurists-priests. Through the statement that *Ius est ars boni et aequi*, [41, Book I, Paragraph I]²² they also hinted to the most pre-eminent feature of such *ars*—namely that ‘art mimics nature’. As Kantorowicz suggested, jurists picked up what Renaissance artists realised later in art being conceived as an ‘Imitation of Nature’ [15, p. 139 and 3, p. 121].²³

The foundations of Roman Law and Latin Christianity, the precursors of Western industrialisation, spectacularisation and state rationality, were solidified through this exact knowledge of the jurists which found its expression in the legal emblem. The main proposition elucidated in the lines to follow in relation to the legal emblematic tradition, is that ‘Jurisprudence, as a science of interpretation and art, establishes an authority—an authority which in principle is rooted in the science of Display’ [26, p. 163].²⁴

4 Legal Emblem as Mirror—Legal Emblem as Paideusis

For the ‘vessel of wrath’ to become a ‘vessel of mercy’, the subject needs to be *kat'eikona kai kath'omoiosin* (κατ'εικόνα και καθ'ομοίωσιν) to its new Father and Creator. This acknowledgement serves to denote the fact that the process of re-birth into a different genealogical order entails something more than mere filiation and submission to the authority of the *paterfamilias*.

How could we interpret the *eikona* (image) and *omoiosin* (aliqueness) mentioned in the Holy Scriptures in relation to the attachment of the subject to the paternal referential function and the authority of the precedent?

Having already analysed the pre-condition of infancy in the previous chapter, *eikona* [38, p. 423]²⁵ and *omoiosin* prompt us back to the subject's narcissistic story and the function of the mirror stage in its identity formation.

²² In terms of Celsus' elegant translated definition that law is the *art of goodness and fairness*.

²³ Further see the statement that ‘art imitates nature’ (*ἡ τέχνη μιμείται τὴν φύσιν*) in Aristotle's ‘*Physics*'.

Most importantly, what we find more interesting is not only the ‘Imitation of Nature’. Rather the functional similarity between art and nature recognised in the amalgamation of matter (*βλήη*) and form (*εἶδος*), revived in Renaissance philosophy of art [5, p. 116]. The concept of ‘form’, as that which is capable to accommodate the universal forces of creation (nature) in something visible, will pre-occupy us thereafter.

²⁴ This is a translation of an extract by the author of this paper from Pierre Legendre, *Paroles poétiques échappées du texte: Leçons sur la communication industrielle* [26, p. 163].

²⁵ *Eikona* from the Greek *eikōn*, *εἰκων* (ambiguous whether it was transliterated from *eikon*) used in Eastern Christianity translated as “image” or “icon”, as referred to hereinafter, in its latin designation. In the Roman and Byzantine period *εἰκονίζω* (derivation from *εἰκων*) means to give form to any substance and more importantly to represent emblematically. A noteworthy observation is the etymology of the *eikon* or *icon* originating from the verb *eikēnai*—in its perfect infinitive tense- which retains its meaning in all the different contexts as ‘to resemble’, ‘to be like’ or ‘to look like’. The understanding here is twofold—first, the image as resembling something or someone sacred, a visual representation of an invisible Truth. Second, the image calls for its viewer, the subject-infant ‘to resemble’, ‘to be like’ that which is artfully represented. It awaits for the subject to *respond* to its offering or question, it communicates with it through the dialogic format of the *inscriptio*. Hence the religious image becomes both self-referential and referential for the subject. Retrieving an example from the 16th century emblematic history might illustrate this function more accurately [42, p. 181].

By extension, it encourages us to explore²⁶ the operating versatility of the *icon* which captures the subject in its imaginary space with the representation of the visible moral teaching yet establishes its authority through the belief in the invisible origin of power.

The *paideusis* of the subject, the transformation of a ‘vessel of wrath’ to a ‘vessel of mercy’ as a symbolic re-birth which is intrinsically associated with the ‘*entry into the imaginary space of the institution whose subjects are infants*’ entails the mastering of the subject’s perception and the function of the Primordial Other to hold the Truth of that perception for the subject-infant.

The efficiency of the emblem, as a pedagogic syllabus, relies on certain elements of the infant’s psychic structure encapsulated in Lacan’s proposition—namely, that the imaginary is distinct yet intertwined with the symbolic and that only in alliance they can lead the subject towards absolute identifications, idealisations and love. The emblem is conceptualised for the purposes of this paper as combining a similar structure—a representation, not only intertwining the symbolic and the imaginary, but most importantly mimicking the natural condition of the subject and re-ordering its learnt perception through the reinforcement of the stage of infancy and encounter with its reflection in the Mirror.²⁷

It is not random that in relation to the presentation of the representation, early Renaissance emblematisers such as Andreas Alciatus and Guillaume de la Perriere emphasised the pre-eminence of the *form* and the composition of the image rather than the provision of a ready-made signification to the viewer.

In this respect, the emblem becomes a carefully assembled set of signifiers and only with the visual encounter of the viewer the emblem can allude to a signified in the imaginary space of the subject.

The synthesis means nothing and does not acquire its instructive value unless it is offered to the subject as a reflection for speculation.

This encounter, the dialogue, takes the *form* of a game. Alciatus ‘presents his emblems as a teasing game or amusement for those whose maturity has taken them beyond games with dice or other playthings,²⁸ and connects them with coins, not

²⁶ The enquiry is based on the exploration of the visual allegorical and/or metaphorical representations within the emblematic tradition. The illustrations of Andreas Alciato (149-1550) in *Emblematum Liber* (Augsburg, February 1531) or Cesare Ripa’s *Iconologia* constitute only a snapshot of how all things related to the visible world acquire their meaning through a Reference to the invisible accompanied by short written mythological or biblical accounts (both pagan and Christian as those appear post-Ripa in the first German editions). Ripa’s *Iconologia* is distinguished on the fact that his quintessentially naturalistic descriptions are not confined in the boundaries of the visual. Instead as Moseley notes, Ripa produces ‘mental pictures’ not only of the objects themselves in conjunction with their symbolic qualities, but also of the spatial relationships among the objects. See [32, p. 5] and [35 at Introduction].

Essentially, the image captivates the subject through the generation of ‘feeling’ yet it retains a life of its own—it becomes a living image.

²⁷ The consequent proposition is that the emblem becomes both a Mirror and a Reference.

²⁸ The metaphor of the emblem as a ‘*game*’, seems to posit not only its pedagogic character but most importantly the element of ‘*play*’ which seems to resurface the natural and permanent condition of ‘*childhood*’ in the subject. In other words, to understand the moral truth or the legal principle or to make *sense* of it, you need to become a ‘*child*’.

only in their compressed expression but also, metaphorically, in their value' [32, p. 3].

Such dialectic form or 'teasing game' has been once again encountered in the 16th century emblematic history and here, one of the most prominent illustrations of the 'game' can be identified in Whitney's emblematic representations. The inscription '*On Occasion or Opportunity*' expounds the message of the emblem as a series of questions and answers which leaves the choice of moral response to the reader or viewer, but it simultaneously presents itself as a living entity in its own right which responds to the pre-formulated questions of the author.

A combination of signifiers, at this instance a naked woman—which denotes the deification or personification of Opportunity, portrayed standing on a 'whirling wheele' which steadily floats on an open sea while holding a razor in her distinctively raised left hand, creates a logically incoherent, yet, a rather efficient symbolic narrative.

A narrative which can adequately transform an abstract transcendental morale into immanence and earthly relevance. In this figure, Opportunity being afloat, 'warns the people' to embrace the occasion and take the current as it comes. Each gesture becomes the theme of a question and an answer from the deified natural power which 'speaks' to the subject-infant. This exact combination of signs, symbols, gestures and the stanzas accompanying the emblem, designate a medium whose structural elements can penetrate and correspond to the subject's psychic structure. This form is the fundamental facet which aids the absorption of the moral and didactic character of the emblem into the unconscious of the *infant*—yet, this form further teaches the subject how to order its perception and cognition. As already mentioned, each consecutive question draws the attention of the subject to a specific gesture and sign on the image.

This process, ultimately underpins the way the subject will engage itself with the imaginary space of the institution and the way the institution shall inhabit the subject's imaginary.



WHAT creature thou? *Occasion I doe shewe.*
 On whirling wheele declare why doste thou stande?
Because, I still am tossed too, and free.
 Why doste thou houlde a razor in thy hande?
That men maye knowe I cut an euery side,
And when I come, I armies can decide.

But wherefore hast thou winges vpon thy foete?
To shewe, how lighte I flie with little winde.
 What meanes longe lockes before? *that suche as meete,*
Maye houlde as fruite, when they occasion finde.
 Thy head behinde all balde, what telles it more?
That none shoulde houlde, that les mee slippe before.

Why doste thou stande within an open place?
That I maye warne all people not to staye,
But as the fruite, occasion to imbrace,
And when shee comes, to meete her by the waye.
Lysippus so did thinke it best to bee,
Who did deuise mine image, as you see.

Horus, libro 2. p. 11.
 et Bullianus.
 Tu quomodo dicit
 ubi fortuna hinc, hic,
 Quia semper in
 dicitur esse in manu.

Source Moseley [32, pp. 104 and 109]

In a similar vein, the painting of the *anima legis* or the mores of the Latin Christendom through an apparent gesticulation of prudently selected elements of nature, life, mythology and colours, are ordered in accordance with the Reason and the Spirit of Law.

The search of that ‘Spirit’ in the process of interpretation of legal text is what motivated Alciatus towards visual representation and the use of the emblem as a device of complementarity in the search of reasonable application of legal principles or the correspondence of *scriptum et voluntas* (letter and spirit)²⁹ or *scriptum et sententia*³⁰ (originating from the Greek *ρητόν και διάνοια*).

Nevertheless, the correlation principle between the letter, the visual and the spirit as enunciated by Alciatus extended itself from his original addressees (students of law, *grammatici* and *literatures*) [42, p. 707] to the lay person that lacked the necessary education to understand or memorise fundamental moral Ideas.

And to this end, the work of prominent emblematisers such as Johan Amos Comenius and his famous emblematic syllabus ‘*Orbis Sensualium Pictus*, is indispensable. Of particular interest towards the comprehension of the ‘Spirit’ of Law and the fulfilment of the natural sense of justice springing from that Spirit, is his noteworthy pictorial elaboration on *Justice* which essentially acquaints the subject with complex ideas through the metaphoric use of the contents of the image.

Here, the key qualities of Justice and underpinning maxims are coupled with the interpretation of specific gestures of the figure and its surrounding objects.

In the following image, Justice is pictured *sitting on a square stone* because she ought to be *immovable*—as such Justice emanates the maxims of stability and certainty. Furthermore, it seems that Justice, when administered as a process, also needs to be impartial as revealed metaphorically by the fact that she covers her *left ear in order* to reserve a hearing for the other party as well. Justice *punishes and restrains evil men* through the use of her sword and bridle.

Yet Justice also fosters and upholds the principle of balancing the attribution of fairness and truth as depicted through the appearance of a pair of actual scales.

The combination of gestures, objects and the attribution of natural (material) qualities to Justice’s behaviour, constitute the perfect mnemonic method for the subject to become a juridical subject and familiarise itself with transcendental truths from an early stage in life.

²⁹ On an analysis of this principle mentioned in Alciatus treatise *De Verborum Significatione* see [43, p. 706].

³⁰ Alciatus, being a professional jurist (or jurisconsult) and humanist, was particularly concerned with the ambiguity or even polysemousness of words and the inherent difficulty in extracting the ‘true’ meaning of the legal precedent or the ‘law giver’s intended meaning in the text of the law’. More specifically, *scriptum et voluntas* would arise where there was an *obscuritas* in the *scriptum*, which occurs within the context of a legal case (*factum*) to which the law is to be applied as originally conceptualised by the legislator. Hence, a conflict of ‘norms’ arises between the *scriptum* and the *voluntas* party as to the correct ‘meaning’. The importance of the *obscuritas* is found on its inextricable relation to ‘the natural sense of justice’ (*aequitas*) which the law-giver has to abide with [24, p. 92].



<p>Justice, 1. <i>is painted, sitting on a square stone, 2. for she ought to be immovable; with hood-winked eyes, 3. that she may not respect persons; stopping the left ear, 4.</i></p>	<p>Justitia, 1. <i>pingitur, sedens in lapide quadrato, 2. nam debet esse immobilis; obvelata oculis, 3. ad non respiciendum personas; claudens aurem sinistram, 4.</i></p>
<p><i>to be reserved for the other party; Holding in her right Hand a Sword, 5. and a Bridle, 6. to punish and restrain evil men; Besides, a pair of Balances, 7. in the right scale, 8. whereof Deserts, and in the left, 9.</i></p>	<p><i>reservandam alteri parti; Tenens dextrâ Gladium, 5. & Frænum, 6: ad puniendum & cõercendum malos; Præterea, Sateram, 7. cujus dextræ Lanci, 8. Merita, Sinistræ, 9.</i></p>

Source Johann Amos Comenius *Orbis Sensualium Pictus* (1658)—A World of Things obvious to the Senses, drawn in pictures [6 at CXIX]

Furthermore, it was already understood, that the relationship between language and truth had to be knotted through the use of a medium which would guarantee the attachment of the subject’s unconscious to the prescribed or procreated space inhabited by conscientiously assembled signifiers represented in the emblematic picture.

To clarify, the emblem itself is not deemed to be this medium. Rather its *form*, conceptualised by means of a metaphor, is the actual medium capable of re-forming or re-editing the unconscious³¹ of the subject.

³¹ Here we return to Freud’s famous statement that the unconscious is constituted in images.

Although it was widely acknowledged, especially among Medieval and Renaissance emblematisers, that the emblem born its roots in the highly respected status of the ancient hieroglyph,³² its importance as a function, through its reliance on metaphor, affecting the cognitive faculties of the subject was highlighted in another ‘art’, long before its artful visual illustration—namely the art of rhetoric.

It was the relationship between the ‘word’ as a sign and its chosen place within the rhetorical *figura*³³ which could produce the metaphor as a rhetorical device capable enough to capture the imagination of the subject, please its senses and persuade it towards a certain mode of *mentalité* and action.³⁴

Although, so far, the emblematic representation has been treated, in generic terms, as a metaphor, it should not be reduced *a dicto simpliciter*.³⁵

The effectiveness of the emblem, encompassing the functions of figurative speech through the uses of metaphor, metonymy, synecdoche and irony in a variety of dual-binary combinations, identified in all its constituent elements, namely ‘the symbolic picture (*pictura*), the pithy motto (*inscriptio*) and a passage of prose or verse (*subscriptio*)’ [32, p. 2] is guaranteed on the grounds of its similitude to the linguistic phenomenon itself and in analogy, to the unconscious of the subject.

A rather succinct analysis of this function is found in Emile Benveniste’s writings on Freud in his *Remarks on the Function of Language in Freudian Theory*. To quote ‘the unconscious uses a veritable ‘rhetoric’ which, like style, has its ‘figures’, and

³² One of the first emblematisers to point out this correlation was Guillaume de la Perriere in *Theatre des Bons Engins* [34] who also suggested that what made the hieroglyph as symbol or the composition of visual signs embedded in the emblem so powerful, was the unfiltered acceptance by the viewer.

³³ The rhetorical *figura* is ‘an expression of life and express emotions through their deviation from the linguistic resting position’. Here we are concerned with the *figurae sententiae (dianoias)*—one of the rhetorical subdivisions of the figure—which is related to the conception of Ideas and its apparent use is seen in the *subscriptio* of the emblem. Focusing on the renaissance emblematic tradition, we are following Quintilian’s division of *elocution into* and the categorisation of the *figura* [24, pp. 271–272].

³⁴ This function finds its application in the actual use of the emblems not only as a pedagogic device but also as guidance determining the will and action of the subject. This is particularly noteworthy in the tradition of Jesuit emblematisers and their understanding of the emblem as a tool of self-discipline and meditative technique or mental prayer. This theme prevails in the work of Jesuit Louis Richeome, ‘*Tableaux sacres des figures mystiques du tres auguste sacrifice et sacrement de l’Euchariste*’ (Paris 1601) yet it seems that it pertains to the Jesuit educational tradition in general. John Manning, in his elaboration on the tradition of the Jesuits of the Provincia Flandro-Belgica, describes the emblematic task as a spiritual exercise involving the *Intellectus* [Understanding], *Voluntas* [Will] and *Memoria* [Memory]. This tripartite schema is perceived as the ‘Trinity in the human microcosm’ which can operate to renew the ‘defaced Image of God within man’. The basic premise of the use of metaphors in Jesuit emblems is that ‘*Nihil est in intellectu quod prius non fuerit in sensu*’ (nothing is in the Understanding which is not first in the senses’) [29, pp 323, 325 and 328, respectively].

³⁵ The insistence of the generalised metaphor can be traced back to the prevalence of the pedagogic tradition of the 16th century, mainly based on the Renaissance rhetoric as influenced by the work of Marcus Tullius Cicero and most importantly, the writings of Quintilian which also formed the foundation of the English renaissance rhetoric. The emblematic representation as metaphor is inextricably linked to Quintilian’s concept of *Metaphora (Translatio)*. ‘It adds to the copiousness of language by the interchange of the words and by borrowing and succeeds in the supremely difficult task of providing a name for everything.’ [37] Quintilian’s formulation reminds us that what we can’t name, we illustrate. And therefore, what we can’t see, because of its invisible quality, (i.e. Providence, God, etc.) we ‘transfer’ its ‘truth’ to an ‘object’ of universal recognition.

the old catalogue of the tropes, would supply an inventory appropriate to the two types of expression’—namely ‘symbolic and significative’.

To continue—‘the nature of the content makes all the varieties of metaphor appear, for symbols of the unconscious take both their meaning and their difficulty from metaphoric conversion’ [4, p. 75] and this conversion is also what we expect from the interaction between the emblem as a set or a montage of symbols and ‘the symbols of the unconscious’.

Long before the eleusis of the psychoanalytical discoveries of the structure of the unconscious, the value of the metaphor as a ‘form’ or as a painted rhetorical figure, capable of sensory stimulation where the invisible Idea could not be experienced by means of Reason or intelligibility, was already recognised by renaissance educators.

Saint Augustine, in *De Doctrina Christiana* (IV, V, 7) suggested that we should ‘read the Holy Scripture with the eyes of the heart fixed on our heart’ alluding to the prerequisite affectivity and experiential stimulation needed to understand, memorise and attest to the Scripture, the Text, as a child would attest to the guidance of its parents.

Centuries later, Amos de Comenius, put flesh on the bones of Augustine’s idea through the compilation of the *Orbis Sensualium Pictus* in which he elaborated on the most appropriate method of teaching the art of reading to children. Taking into consideration the ambiguities of language, de Comenius preserved that for the subject to learn to speak wisely, it must rightly understand ‘all things which are to be done and whereof it is to speak’. For Comenius ‘there is nothing in the understanding which was not before in the sense’ and hence, the exercise of senses becomes the foundation of the formulation of will and prudent action [6, p. 7]. The emblematic alphabet is not only valuable as to its pedagogic scope. Instead, it demonstrates that the child understands the Text through a process which entails certain parameters—namely:

- (a) the ‘Truth’ pre-exists the understanding of the subject and owing to the former’s invisible place of origin, it must be initially experienced by the subject through a sensory engagement with the ‘representation’ and the teacher [8, pp. 71–75]³⁶ acting as the Other who validates or holds that Truth for the subject-infant

³⁶ The role of the teacher is represented both as an institutional *parent* and the one fostering the child’s attachment to the institutional logic through the *mathesis* of orderly interpretation. The term *mathesis* (or *μάθησις* in its Greek root translated as ‘learning’) is understood here through its Foucauldian definition in relation to a ‘theory of sign analysing representation and the arrangement of identities and differences into ordered tables’. In the specific extract, Foucault elaborated on the totality of Classical *episteme* and its relation to the knowledge of order, and considering that the current paper is mainly concerned with the Renaissance period and the Interpreters, the utilisation of *mathesis*, might seem unrelated or even whimsical. Nevertheless, Foucault’s conceptualisation of *mathesis* ‘as the science of calculable order’ (or elsewhere defined as a science of judgement or ‘truth’), ‘*genesis* as the analysis of the constitution of orders’ and their in-between produced ‘region of signs’ make possible the correlation of a sign which bears a value with that which ‘our representation can present us with (perceptions, thoughts, desires). Hence, Foucault identifies the function of *general grammar* situated in this in-between region which as a ‘*science of signs*’ allows the subjects to ‘group together their individual perceptions and pattern the continuous flow of their thoughts’. In the 17th century, this in-between region, what Foucault denoted as ‘*table*’, is the ‘centre of knowledge’ and it is visible in the emerging theories of language and the way we strive to understand the science of order and ordering of the signs in emblematic representations.

- (b) The ‘Truth’ has to penetrate and inhabit the imaginary of the subject prior the subject’s assumption of the function of speech
- (c) Even when the subject has entered language, through the judicious emblematic composition, the subject-infant enters the logic of order. In a literal level, the child reads ‘the description of things, the words and phrases of the whole language’ in relation to the accompanying images which ‘are found set orderly in their own places’ [6, p. 9]. In a metaphorical level, through appropriate *mathesis* (μάθησις), reading and interpretation of the Text, the child identifies its *place* within the existing *order*, confirms its procreated status³⁷ and is rendered capable of addressing itself as an ‘I’ within the familial group of similar others.³⁸

5 The Relation Between the Legal Emblem and the ‘stade du miroir’

In accordance with the above mentioned propositions, the emblematic representation is something *beyond* a device of child *paideusis* and a means of transmission of the Western dogmatic function.

The *beyond* is the logic of the Mirror. The legal emblem is the mirror for the subject-infant through which it can see itself in the *order*, yet it is also the mirror through which the world is staged or represented.

Exemplifying this statement, an illuminated emblem which stages both the child’s place within the ‘household’ and the world itself, is Comenius’s Emblem CXXIII ‘*The Society Betwixt Parents and Children*’. The inscription almost acquires the function of what Lacan had defined as a ‘founding speech’ (*parole fondante*) through which the subject-infant is *positioned* within the familial place.

Examining the metaphoric components of the Emblem, is not difficult to appreciate how a fraction of the world, namely the core of the family, is staged in front of the *infant* and provides the latter with universal guidance on appropriate conduct within the familial association or institution.

The Emblem not only becomes a mirror, as shall be analysed in the next lines, but also projects an ‘ideal’—an ideal with which the subject-infant should identify with and strive to evolve within the familial space as already prescribed.

Additionally, the ‘ideal’ illustrates the mode of ordering of such familial spaces.

Here, the emblematic components have numbers and each number is tantamount to a future stage in the *infant’s* life. ‘*The Infant is wrapped in Swaddling—clothes (...), afterwards it learneth to go by a Standing-stool*’. When the infant grows older, ‘*it is accustomed to Piety and Labour*’—a stage designated by the figure of a man

³⁷ The child identifies its position within the familiar order and by analogy, the designated institutional spaces. This identification creates the possibility of forming kinship relations and hence, social exchange and obedience. As Lacan argues ‘without kinship nominations, no power is capable of instituting the order of preferences and taboos that bind and weave the yarn of lineage through succeeding generations’ [22, p. 229].

³⁸ This assumption is grounded on the Lacanian concept that the efficiency of the image is attributed to the operation of the psychic structure within which the ‘I’ constitutes itself in words and images.

positioned at the far left of the emblem using an axe—which not only is factually one of the oldest tools used by the modern man but also a symbol of creativity and labour.

More crucially though, the substantial aspect of this Emblem is that the *infant* learns about its dependence on the figure of the Father and the law of the Father—an actuality which alludes to the instigation of the referential function for the subject and its inaugural contact with institutional rationality. The latter rationality cannot but replicate the original paternal function subsisting within the household.



Societas Parentalis.

Married Persons
(by the blessing of God)
have Issue,
and become Parents.

The Father, 1. begetteth,
and the Mother, 2. beareth
Sons, 3. and Daughters, 4.
(sometimes Twins.)

The Infant, 5.
is wrapped in
Swaddling-clothes, 6.
is laid in a Cradle, 7.
is suckled by the Mother
with her Breasts, 8.
and fed with Pap. 9.

Afterwards it learneth
to go by a Standing-stool, 10.

Conjuges,
(ex benedictione Dei)
suscipiunt Sobolem (Prolem)
& fiunt Parentes.

Pater, 1. generat,
& Mater, 2. parit
Filios, 3. & Filias, 4.
(aliquando Gemellos.)

Infans, 5.
involvitur Fasciis, 6.

reponitur in Cunas, 7.
lactatur a matre
Uberibus, 8.

& nutritur Pappis, 9.
Deinde discit
incedere Serpenteria, 10.

Ulayeth with Rattles, 11,
and beginneth to speak.
As it beginneth to grow
older, it is accustomed to
Piety, 12.
and Labour, 13.
and is chastised, 14.
if it be not dutiful.

Children owe to Parents
Reverence and Service.
The Father maintaineth
his Children
by taking pains. 15.

ludit Crepundiis, 11,
& incipit fari.

Crescente ætate,
adulescit

Pietati, 12.
& Labori, 13.
& castigatur, 14.
si non sit morigerus.

Liberi debent Parentibus
Cultum & Officium.

Pater sustentat
Liberos
laborando. 15.

Source Amos de Comenius, Emblem CXXIII 'The Society Betwixt Parents and Children'

On a second note, the encounter with the emblem reinforces the *stade du miroir* and the *infant's* encounter with the reflection acquires a twofold operation—identification with itself as other and an identification with the institutional logic represented as an 'illusionary' wholeness within the condensed reflection of the Nature and its laws.

The above proposal is in the need of further elaboration if we are to understand the logic of the mirror as employed by the emblematic representation.

It was expressed earlier that the Emblem is a metaphor in its rhetorical or linguistic sense. Nevertheless, now we should explore another strand of the Metaphor—that of the actual *metafora*—the ‘transport’.

Labouring on Pierre Legendre’s thought, the analysis of the emblem as a Mirror is initiated through the affirmation that the ‘situating of what is other than the self, at the most basic level of representation (...) constitutes a movement of delegation of the subject towards the image’ [10, p. 223].

This is the result of the division supported by the operation of misrecognition (*méconnaissance*) and self-knowledge (*me—connaissance*) which allows the subject to see its image as ‘another’ through the encounter with the reflection which also signifies the formation of the ego.

What Legendre identifies as the ‘material of narcissism’ [10, p. 222],³⁹ is ‘transported’ upon the subject’s recognition of itself or the moment of alienation to the image.

The instance of metaphorisation, the dividing effect of alienation through the specular image, is what renders communication possible. It ‘makes the articulation of subject and institution—the symbolic—thinkable’ (...) because ‘the metaphorisation of alienation is the foundation of the symbolic organisation’ [10, p. 224].⁴⁰

Hence, the image, the representation, can capture the subject in its imaginary space exactly in the same way the institution can capture the subject in its own imaginary.

The emblem, as an artistic expression of staging the Other, is understood here as a Mirror through which the Institution, the order of Nature and Man, is represented *for* and presented *to* the subject and through the operation of alienation, the *child*-subject is literary transported—a *metaphorisation* (a *μεταφορά*) of the other to the self and of the other as self’ [10, p. 224].

In addition, another operation is permitted as well—what we uttered earlier as the *kat’eikona kai kath’omoiosin* creation of the subject or what Legendre referred to as a relation of resemblance.

The educational value of the emblem resides in its potentiality to constitute a uniform identity for the subject—that of the *infant* whose parent is the Institution.

Metaphor articulated through the emblematic device and Metaphor as a structure of identification in which the subject substitutes oneself for another [19, p. 218] coincides and makes the institutional logic possible.

To comprehend further the function of the mirror buttressed by the emblem, a return to the linguistic understanding of metaphor is imperative.

6 The Emblem as a M(m)irror Function and its Efficiency Explained Through a Linguistic Approach

In 1956, when Jakobson [14] expounded the linguistic function of the metonymic and metaphoric poles in the possibility of the development of discourse, he defined

³⁹ Legendre dissects the material of narcissism in its three constitutive elements—the emergence of the image or the origin as outcome, a relation of resemblance and an irremediable loss or a separation from oneself.

⁴⁰ Lacan had already discussed how the visual order of the imaginary is already structured by symbolic laws [16, p. 91].

the metaphoric process as that through which ‘one topic may lead to another though their similarity’ [14, p. 254].⁴¹

Therefore, substitution through similarity is, in other words, a precondition of ‘interpretation of one linguistic sign through the other’ which constitutes ‘a metalinguistic operation’ fundamental ‘in children’s language learning’ [14, p. 248]. By analogy, the use of legal emblematic tradition becomes apposite to the *paideusis* of the *child* by appropriating such operation.

Lacan, adopting Jakobson’s formulation and adjusting it to his re-interpretation of Freud’s texts, contended that essentially, a metaphor is the substitution of one signifier for another and through such substitution a meaning or a signification can be produced by the subject.

In a more thorough examination, Lacan illuminated the function of the substitution in *Ecrits* by suggesting that the ‘creative spark of the metaphor does not spring from the presentation of two images’ placed on equal footing. Rather, the spark ‘*flashes between two signifiers, one which has taken the place of the other in the signifying chain, the occulted signifier remaining present through its (metonymic) connection with the rest of the chain*’ [18, p. 157].

When we earlier mentioned the change of *faith* or *rebirth* within a different kinship and the influence of the Emblem in the conversion and attachment process, it should be comprehended on terms of ‘transport’ and ‘substitution of one Signifier for another’.

The narcissistic structure then through its inherent function of metaphorisation ‘transports’ the subject-infant from ‘wrath’ to ‘mercy’, from natural obliviousness to knowledge and from the earthly city of procreation and sin to the City of God.

St Augustine used the appellation of the ‘vessel’—the subject is not only transported but it is the means of transport itself—a vehicle or even a container of some certain qualities. The mechanism of conversion presupposes an emptiness and a void—the subject must be, first of all, a vessel [33, p. 977],⁴² an empty representation which acquires its meaning and knowledge upon the function of reflexivity and its encounter with the representation of the others—and secondly, a vessel that can be ‘transported’ through the instance of the void—meaning the *transporting* effect of the alienation.⁴³

⁴¹ The other semantic line through which the discourse can take place is the metonymic way in which ‘one topic may lead to the other through their contiguity’. We place gravity on the metaphoric axis herein after.

⁴² In its original definition, *vessel* is conceptualised as an ‘article designed to serve as a *receptacle*’. Later on in biblical accounts the ‘vessel’ is metaphorised and becomes a living *receptacle* in the form of the human body or the person.

⁴³ Elucidating further the notion of ‘transport’ or *metafora* we turn to Jean Hyppolite and his use of the terms ‘*pass over*’ and ‘*I move from (...) to*’. Hyppolite suggested that according to Hegel language is an ‘exteriority’ which allows the subject to understand the ‘world of culture, the world of Spirit alien to itself’. Accordingly, language is conceived as that framework within and through which ‘*the-for-itself*’ specificity of self-consciousness enters existence in order to ‘*be for others*’.

Legendre’s concept of reflexivity is understood through Hyppolite as ‘self-knowledge’ and thus, only that knowledge of the self is possible to ‘pass over into another self’. To quote Hyppolite: ‘In saying ‘I’, I say what any other ‘I’ can say. I simultaneously express myself and alienate myself. I become objective. I *move from* self-consciousness to a universal self-consciousness’. Hence the ‘I’ is something that is ‘learned’ [12, p. 403].

Consequently, through the mirror and the identification with the specular image, alienation is not only posited as transportation but also as *transformation* through which the subject, the 'I', is also an identical counterpart (*semblable*).

The attainment of a conscious life and Reason, can only come in fruition through the existence of the subject's internal division, which can be realised through a transformation resulting from a dialectic between identity and opposition [40, p. 85], a part and a counterpart.

How kinship, mirror and narcissism come to be entwined in the production of the *infantile* identity of the *similar infants*? Correspondingly, how the State, as a *parent* reproduces *citizens-infants*?

Here Legendre, viewing identity as a construction of a 'relation between self and similar' through the placement of the subject 'under a reference to the absolute Other' combined with the necessary distance, the void, renders the structure of kinship as a space within which the human subject is instituted as '*a living incarnation of a relation to the similar*'.⁴⁴

The familial structure, present in the core of the family and by analogy in the *form* of the institution, becomes the first and foremost relation to similarity—yet, it still promotes the relation to differentiation.

The logical space between the familial and the institutional is occupied by the mediation of specularisation. Through our understanding of the metaphorisation of the specular image, the Emblem, as a condensed montage of signifiers, a reflection of the prevalent gestures of the existing Culture, features as a Mirror. The subject gets to know and realise its position within a three-dimensional world through its capture in a triangular logic. Through the subject's reflexivity, the subject acquires knowledge of the self and its otherness in relation to that Third [10, p. 257],⁴⁵ otherwise the absence represented to it.

The emblematic representation, as a living image that 'thinks' becomes simultaneously a reminder of the fact that what is ultimately represented through which the subject learns its 'I as other' is based on an absence or lack—yet a very powerful one.

Such power creates a *belief* in that invisibility of the power subsisting within the absence itself. The *belief* is a mode of thinking, a function 'of objective consciousness' whose object is 'outside consciousness of the self' [23, p. 226].

In the same way the representation engenders a *belief* in the represented absence, the *belief* becomes a 'representation'⁴⁶ itself of a 'suprasensible world' which is *other* than the world of self-consciousness [23, p. 227]. Consequently, *belief* is a

⁴⁴ Such reference to the absolute Other seems to be possible under the function of the principle of alterity subsisting within the construction of identity, with the latter being understood 'as a mediated relation between the self and itself', and the former 'posited as being itself identical with itself' [10, pp. 230–231].

⁴⁵ The logic of the Third has been conceptualised by Legendre as referring to the 'logic of exchange between the subject and the absolute, which takes place across the space or distance of interpretation'. Following Goodrich's definition, to 'communicate with the enigmatic figure of authority, the subject must address that figure' as something absent. For the author, the Third in Legendre's thought is 'the absolute Other, the Image, the Emblem, the Mirror or text' [10, p. 257].

⁴⁶ In Hegel the specific representation is designated as *Vorstellung* which denotes a subjective mental state, a 'conception or a mental picture instead of the nature of the represented object, produced by a reflexive activity (*sich vorstellen*—meaning to represent something to one self) [13, p. 257].

form of expression which sources its effectiveness from the *form* of the emblematic representation.

7 Concluding Remarks

In concluding the current elaboration, some milestones in the gradual development of the main argument are purposefully evoked in order to formulate a final deliberation.

This aperçus exposed the function of the psychic structure which constitutes the subject as a permanent *infant* and allows its *conversion* through the metaphor of *re-birth* in a procreated space within a hierarchically structured kinship.

We ventured beyond the Oedipal paternal metaphor towards a newly-formulated maternal metaphor, so focal in the individual process of identification, assumption of language and the entrance to the space of prohibition and Law.

To understand how the psychic space of the *infant* was artfully subjugated in the making of the Western culture and domination of the Western system of interpretation, an enquiry into the legal emblematic history of representations was necessary to illustrate how the subject learns itself and its otherness through the Occidental Mirror and the triangular logic of reflexivity.

Likewise, it was coined that the legal institution places itself in the place of the ‘specular image’ that *captivates* [7, p. 20]⁴⁷ the subject-infant within a procreated legal order, a law-giving and law abiding life starting from the laws of the familial structure reinforced by the role of the *parents* and by analogy, by the State assuming that role in the institutional life of the *ad infinitum infant*.

Nevertheless, particular gravity in relation to the condition of infancy was placed on the function of *reflexivity* and *conversion* which we strived to comprehend though the Augustinian metaphor of the ‘vessels’ and the influence of emblematic education towards the efficiency of such process. The latter might be uttered as constituting the subject as a bearer of a very specific status—namely that of the *genealogically convertible vessel*.

The operation of the M(m)irror reigned the majority of the arguments advanced in the current paper as a logic underpinning the Referential tradition, but most importantly, it allowed us to meaningfully reach the fountain of its powerful specular lure and its magic spell over the psyche of the subject-*infant*.

Legendre defined reflexivity as referring to ‘the causality of the subject to the level of an interrogation of the origin; to the level of discourse which founds (...) the divided subject’ with the mediation of the mirror making ‘the origin appear as a result’. Hence, in Legendre’s thought ‘the origin is pure representation’ [10, p. 249].

The importance of this conception can be barely stated here but two fundamental consequences should be mentioned in this context—first, it makes the metaphorical discourse [10, p. 249] possible and second it marks the subject’s entrance in language and culture through the distance instituted by the Mirror.

⁴⁷ Captivation is understood as *captation*—a neologism adopted by Lacan to denote the captivating effects of the specular image [7, p. 20].

Consequently, it allows the subject to *believe* and *attach* itself to the repetitive reference towards a represented absence. As such, it also justifies the intervention of other visual intermediaries who become the living embodiment of such absence—figures of authority, sacred persons, Emblems, Icons, etc., and even advertisements.

Most substantially though, it establishes the efficacy of the gesture and theatricality in all the aspects of a subject's life—ranging from its juridical to its political life.

If the Mirror, as culture or society, is associated with the self-reflective condition of *the infant* then the implications are far-reaching. The subject-infant is not re-born or converted only once throughout its institutional life—it is not only a move from a *vessel of wrath to a vessel of mercy*—in contradistinction, it is incessantly *re-edited*, as a structure of representation itself, in accordance with what the Mirror dogmatically represents to it.

Through the example of the Emblem, another point should be highlighted—that ultimately the one who can manipulate the forms of representation, the one who can re-edit the Mirror and place it in front of the subject for self-reflection is also the one whose Reference prevails.

Western culture accomplished its dominance by becoming the Master of the Gesture, by being able, as a Mirror, as an animate voice, to offer an answer to the subject's tormenting question when standing in front of it and demanding the *truth*—'Mirror, mirror on the wall...?'

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