

## § I Destruction of the Juvenile Psychic Apparatus

### I. Regarding what children deserve

Henceforth in France, juveniles who commit certain crimes, and juvenile recidivists, will no longer be tried as minors: the same laws will apply to them as to their parents. This important change has been made because the legal definition of *the age of criminal responsibility*, which determines the law's treatment of minors (those "below voting age"), was seen as inducing a sense of impunity encouraging delinquent youths to repeat their criminal behavior:

The problematic result of this change in the law is that there is now no clearly defined age of *responsibility*. In fact, this change in the law is a *dilution* of responsibility, since "responsibility" is:

1. socially established by and founded on reaching the age of maturity,<sup>1</sup>
2. before all else, the adult responsibility of taking care of the young, very much including adolescents going through various "vulnerabilities," as François Dolto calls them:<sup>2</sup> it is *before all others* the adult responsibility to take care of them precisely because they are minors.

Questioning the minority status of delinquent children simultaneously means questioning the status of adults as well, finally relieving adults of the very responsibility that gives them their status *as* adults. It also relieves adult society of its responsibility, displacing that responsibility onto minors themselves. In attenuating the difference between minority and majority, this change in the law, simultaneously redefining *both* minority and majority, also obscures both that responsibility is a *learned* social competency and that society is responsible for transmitting it to children

and adolescents. They are called “minors” specifically because adult society is *required* to take care of their successful transition to adulthood—but first of all, and most especially, to their *education*: education is our name for transmitting the social competency that produces responsibility, that is, that leads to “maturity.”

The recent change in French law obfuscates this transmission of responsibility’s vital and obligatory nature, through which minors become adults, occludes its meaning in the minds of both adults and minors (both younger children and adolescents), and is a powerful indication of the weakness of a society that has become *structurally* incapable of educating its children, in being incapable of distinguishing minority from majority.

This distinction is not merely erased by the new French law: undermining the difference between minors and adults is at the very heart of contemporary consumer culture, which systematically defines consumers—minors and adults alike—as being fundamentally, structurally irresponsible.

It could be objected here that such concerns, or at least the philosophy behind them, are too “formal,” too theoretical: that in terms of results (from the perspective of the security that our society, suffering from ever-increasing juvenile delinquency, justifiably wants), one must be a realist. But compounding the repression of delinquency’s legal definition is not at all “realistic”; Jacques Hintzy has shown that “countries that, like the United States, over the greatest length of time most heavily penalized minority offenders are finding very negative outcomes from these measures.” In fact, denial of minority status to minors, and thus of responsibility to adults, only expands the divisions between what remains of adult (i.e., responsible) society, children, and minor adolescents, a denial that increasingly locks the young—and their parents—into a self-perpetuating irresponsibility that all evidence shows only translates into further delinquency, even criminality.

Authoritarianism, a particularly telling symptom of the change in the law defining minority status, is as symbolic as it is juridical, and in fact is always an indicator of the law’s weakening, precisely insofar as law emanates from the symbolic order—the order to which Antigone calls out in a language that is both ancient (Greek) and tragic (“divine law”): as in *Antigone*, all decisions made through impotent authoritarianism, in all genres, always result, sooner or later, in the *worsening* of the situation they are intended to “treat.”

Mildew, or a cockroach or lice infestation, can be “treated,” but law can never be protected by a “treatment”: it requires careful nurturance. This is the case because what guarantees respect for law is not its repressive apparatus, which is always improvisatory, but the *feeling* it can create when it has been culturally internalized. And this nurturance, this *care*, which alone can create this sense both of intimacy *and* of familiarity (as *philia*<sup>3</sup>), is grounded in a *shared* responsibility—at least in a society of laws.

The real issue is knowing what minors—children and adolescents—*deserve*. In June 2007, while the new law was being debated, a French advertising campaign provided a partial but perfectly clear (and exceptionally symptomatic) answer to this: children deserve “*better than that*.”<sup>4</sup> “That” in the ad campaign refers to their parents and grandparents: children “deserve” Channel Y,<sup>5</sup> the television channel specifically aimed at this vital segment of the television audience (i.e., those with “available brains”: minors<sup>6</sup>).

This special “segment” is defined by dividing the various age groups into “slices,” which are then targeted as such (as in “target audiences”), and these “slices” or “segments,” because their ages are not specified, become instrumental within the channel’s audience-identification system: they become *prescriptive*, through a generational inversion that is only the most obvious sign of the destruction of education, to which consumer society’s televisual marketing techniques must inevitably lead. Through this generational inversion, the segment designated “minors” becomes prescriptive of the consumption habits of the segment that is ostensibly adult—but is in fact infantilized: adults become decreasingly responsible for their children’s behavior, and for their own. Structurally speaking, adults thus become minors, the result being that adulthood as such, judicial as well as democratic, appears to have vanished.

## 2. What “that” means

An “adult” human being is one recognized as *socially* adult and thus responsible. *Responsibility* is the adult’s defining trait; an adult who is irresponsible, *stricto sensu*, loses both adult rights and duties. Such an adult might need supervision, such as elderly persons entering “second childhood” or adults who have become significantly mentally unbalanced (and “interned”), or at least do not have all of their mental faculties: responsibility is a mental characteristic and thus also a characteristic of *human*

*intelligence* as both psychic and social. I will return to this *double* dimension of intelligence in terms of a wider political discourse in which François Fillon, prime minister in the Nicolas Sarkozy government, defined—as his first priority—what he called the “battle of intelligence.”

Responsibility is a psychic, as much as a social, quality of adulthood, and since Freud it has been clear that formation of this responsibility, this *becoming* adult, develops from infancy through a relationship of identification with parents who educate the child. This is what Freud calls primary identification, about which he claims that

1. it is practically indelible and that it is in operation throughout the first five years of life,

2. it is the condition of access to the superego through which the adult transmits to the child being educated the capacity to internalize, the familiar name of which is “the law”: in identifying with the adult, the child identifies with what the adult identified with while being educated, and this is repeated from generation to generation; this repeated identification is thus what both distinguishes and links the generations.

This process of identification is precisely what the contemporary culture industry subverts,<sup>7</sup> in diverting and capturing the attention of young minds in their time of “brain availability,” passive in the face of demands to consume but increasingly subject to attention problems generally accompanied by hyperactivity, to which I will return in Chapters 4 and 5.

Channel Y’s reprehensible advertising campaign brazenly exploits this situation: two different posters depict a father and grandfather, that is, adults, and representatives of adulthood, one with his child, the other with his grandchild—with the minors they are responsible for guiding to maturity; in their advertisements, this channel specifically designed for minors (“Channel Y” declares its “brain-available” target audience: Youth) ridicules the father and grandfather, denying them all responsibility.

In the background, mother and grandmother see nothing dangerous here; stereotypes (among them, repression) are used to short-circuit any parental authority. A blog responding to the campaign accurately portrays these paternal stereotypes as inverted and derided: the father and grandfather, trying to make the child laugh, are infantilized in an “inversion of values [that] is a typical strategy in advertising that confuses all normal references, dynamites traditional hierarchies, destroys culture and education.”<sup>8</sup> The *moral* of these two advertisements, printed in large letters on

each poster, is that “our children deserve better than that”—“that” clearly indicating the father and grandfather.

The “that” is much more, however, since Freud’s *The Ego and the Id* of 1923 (Freud’s “second topic”), in which Freud defines a psychic system that the *id* [*ça*, “that”] forms *with* the *ego* [*moi*], linking consciousness, the preconscious,<sup>9</sup> and the unconscious.<sup>10</sup> The *ça*, “that,” the *id*, is not entirely coincident with the unconscious, since if the unconscious consists of repressed representations—repressed by the *ego*—then the *ego* (ostensibly in opposition to the unconscious and thus oriented toward consciousness) is itself not fully conscious. The repressive forces residing in the *ego* are not conscious forces: the *ego* itself cannot be consciously aware of the forces working to repress what is coming from the unconscious, though these repressive forces are part of the *ego*. In other words, the *ego* no longer entirely coincides with the consciousness, and the *id* no longer coincides entirely with the unconscious. The *id*, of which the unconscious is a part, extends into the *ego* as the system of unconscious repression, and in this sense, it is the *id* that connects the unconscious and the superego.

An organic and functional link between *ego* and *id* exists not only because the *id* “contains” the *ego*’s forces of repression but also, Freud tells us, because the *id* *learns something of the world* through the *ego*’s intermediation. The *ego*, as the seat of consciousness and thus also of attention, is the repository of what Husserl calls “primary retentions”—what occurs in the conscious flow of time.<sup>11</sup> But these primary retentions, which are essentially perceptions, then become secondary retentions—“memories” in the traditional sense—that can themselves become either preconscious (latent) or actually repressed (unconscious).<sup>12</sup>

As repressed perceptions, these psychic phenomena, as representations, provide the material for the drives emanating from the unconscious (in conjunction with the *id*), in so doing setting the stage for the pleasure principle, which searches through the unconscious for immediate gratification of all drives; “immediate” here meaning without passing through the reality principle, the social mediation encompassing all media as, to some extent, the *medium* (and the feeling) of pleasure.

The pleasure principle, as it is satisfied (i.e., not deferred or deflected by the reality principle) is what produces *jouissance*.<sup>13</sup> But *jouissance* is what vanishes, “dies” [*s’êteint*] through the very fact of being achieved

[*atteint*]—which is why it is also called the “little death”: *jouissance* is defined by its transitoriness, which differentiates it from *desire* as well as from kinds of pleasure only achievable insofar as they differ from *jouissance*, such that when they are attained, they reappear as *différance*,<sup>14</sup> maintaining their objects as objects of desire. But that presupposes a supplementarity, as Derrida indicates. And as we will see, this supplementarity, which is also a *pharmakon*,<sup>15</sup> poison and remedy simultaneously, is the condition of *all* systems of care.

### 3. Sedimentation of the symbolic intergenerational environment as the condition of attention formation

The unconscious, with the id as its base, nonetheless contains inherited psychic representations not initially *lived* as conscious, primary retentions that were then repressed but that were transmitted through a *symbolic medium*, such as language, and through symbolic means in general: objects, icons, and the myriad memory supports of which the human world consists from its very inception, since symbolic materials are inherently part of that world and belong there; these are *tertiary* memories (“supplements”), social or cultural memories subsequently materialized—both socially materialized and materially socialized (even through ephemeral states of matter such as words, as vibrations in air).

Tertiary retentions are the sedimentations that accumulate across generations and that are central to the process of creating collective individuation, internalized through both consciousness and the unconscious during the development of the psychic apparatus. Freud theorizes the intergenerational transmission of *inherited* psychic traits in *Moses and Monotheism* (1939),<sup>16</sup> where he attempts to conceptualize what he calls “the dream language of myths” through which, according to Freud, humans inherit the Oedipus Complex. But I suggest that Freud fails.<sup>17</sup>

How can or should the significance of dream symbols be properly understood? Freud asks this question in *A General Introduction to Psychoanalysis* in 1916: “this understanding comes to us from many sources: fairy tales and myths, jokes and simple folktales; that is, from the study of *morés*, usages, proverbs, and songs of diverse peoples, as well as from the poetic language of their common tongue” (GIP, 151). Thus, Jean-Bertrand Pontalis can say that “when one analyzes what Freud did indeed discover . . . , one is led inexorably to connect the unconscious to a *trans-individual*

reality. . . . To Freud, the unconscious is in no case reducible to an invisible storehouse unique to each person.”<sup>18</sup> Freud asks how this “dream language of myths” (GIP, 151) might be transmitted and where it is preserved. This is a matter of a curious phylogenesis about which Freud later writes, in *Moses and Monotheism*, that even if biology

rejects the idea of acquired qualities being transmitted to descendants, . . . we cannot *au fond* imagine one without the other. . . . If we accept the continued existence of such memory traces in our archaic inheritance, then we have bridged the gap between individual and mass psychology and can treat peoples as we do the individual neurotic; . . . It is bold, but inevitable. (MM, 128)

If Freud here condemns himself to neo-Lamarckism, it is because he does not take tertiary retentions, the basis of epiphylogenesis, into account<sup>19</sup>—nor, in fact, technics in general. Yet they are of supreme importance since memory’s epiphylogenetic structure uniquely inculcates a process of psychic *and* collective individuation governed by what I have suggested should be formalized as a general organology,<sup>20</sup> in which the psychic apparatus is continuously reconfigured by technical and technological apparatuses and social structures.<sup>21</sup>

Only by thinking the evolution of the psychic apparatus organologically (i.e., as a cerebral organ interacting with other vital organs, forming a body), in relation to both evolving social structures (qua social organ-izations) and the technical and technological configurations constructing tertiary retention (qua artificial organs), can the psyche’s process of inherited internalization—which is called *education*—be properly assessed.

However, as the internalization of the heritage of previous generations, only possible because of memory’s organological (tertiary) nature, this transmission itself presupposes a close intergenerational relationship that can be achieved only *as education* through a relationship linking the child, as a minor with no access to the reality principle, with living ancestors. These *living* ancestors then serve as transmitters of experience accumulated across many generations, connecting the child with *dead* ancestors; this transmission process is the very formulation and formalizing of the reality principle in its many forms of knowledge (knowing how to live, knowing what to do, knowing how to think [*savoir-vivre, savoir-faire, savoir-théorique*]). Such transmissions are precisely the pleasure principle’s objects and media—the objects and media of sublimation.

In this sense, adults' primary responsibility is the transmission of the reality principle as a formalized and encoded accumulation of intergenerational experience. And as the internalization of these inherited symbolic representations, bequeathed by ancestors and transmitted by parents and other adults, this intergenerational relationship constitutes the formation of *attention*, constructed of *retentions*, which then create *protentions*, that is, the expectations without which *attention* is impossible; we will explore this further in the following chapter.

#### 4. What the “that” makes laugh. Construction and destruction of the psychic apparatus

Conceived as such a combination of differing types of retentions—conscious, preconscious, unconscious—experienced consciously or inherited without having been directly lived, the ego and the id form the system constituting the psychic apparatus and in which

the ego is that part of the id which has been modified by the direct influence of the external world through the medium of the *Pcpt.-Cs.* [Preconscious-Conscious]. . . . [T]he ego seeks to bring the influence of the external world to bear upon the id and its tendencies, and endeavors to substitute the reality principle for the pleasure principle which reigns unrestrictedly in the id. (Ego, 15)

When a father, grandfather, or some other adult plays or “clowns around” with children to make them laugh, since children have often not learned the reality principle and are (were) thus minors before the law (juridically not yet responsible), these adults are actually playing with their own unconscious through “jokes and stunts”; that is, through the id’s connecting the unconscious and the ego. And at the same time they are “playing” with their own desire, which is not simply the pleasure principle but how it is inscribed in the Real as much as in the Symbolic, through ancestral intermediation. In their efforts to make children laugh, they act through the unconscious Freud shows us as being expressed in that laughter, thus following a trajectory that is not simply repressive authority nor reality principle but the comprehensive and collusive authority of *fantasy* (the fruit of the imagination, *phantasia*)—of which “the dream language of myth” is part.

Yet laughter is an essential element in the construction of the psychic apparatus, produced socially through rituals and festivals or privately as

in parent-child play, we call that [*ça*] “gentle persuasion [*l’autorité de tendresse*].” Channel Y’s advertising campaign attempts to liquidate that complex tenderness, that complicity originating in the unconscious, and since it implicates many generations in *its* desire, finally it is the id itself that must be controlled—short-circuited—and somehow censored. This requires replacing the transgenerational superego, by which one reaches the id (in 1955 Marcuse saw television becoming an “automatic superego”), with an *attentional control*—that in fact, unfortunately, creates only channel surfing and loss of all authority, of any generalized individuation on the psychic or social level, simultaneously provoking inappropriate and sometimes extremely violent reactions from the overcensored id—for example, through delinquent, even criminal acts in minors, acts society had thought it could contain through *mechanical* repression, stripped of all symbolic authority.

In other words, Channel Y (along with the exploiters of the “available” brains of other juveniles, adults, and many elderly or impaired—those who are thus *made irresponsible* and thus relegated to structural immaturity), in simultaneously diverting primary identification and capturing the attention of young minds, purely and simply destroys the psychic apparatus’s resistance to the pleasure principle, since if the psyche is properly formed, it is not reducible to consciousness or the ego but is, rather, inscribed in a *process* of psychic and collective individuation in which attention, both psychic and social, can be produced only as an intergenerational relationship.

“To capture the attention of young minds” in this sense means to capture the attention of the *systems* formed by those minds, as ego with id, such that consciousness is, according to Freud, responsible for teaching the *that*, the id, to compromise with the reality principle, but equally in which young minds “resonate” in their relation to the id, *respond* to it, thus responding to their ancestors, fathers, grandfathers, and *their* ancestors, if it is true that “responsibility” means responding to what one is given.

## 5. How Jesus became the son of God even before being born

The law is first of all the relationship between the generations, as Antigone says,<sup>22</sup> but it is also the sense of the genealogies resonating

throughout the Bible, evident in the Gospel of St. Matthew but beginning in Genesis through the descendants of Abel's murderer, Cain, who strays far from the face of Yhwh:

Then Cain went away from the presence of the LORD  
 And dwelt in the land of Nod, East of Eden.  
 Cain knew his wife, and she conceived and bore Enoch;  
 and he built a city, and called the name of the city after the name of his son,  
 Enoch.  
 To Enoch was born Irad; and Irad was the father of Me-hu'ja-el,  
 and Me-hu'ja-el the father of Me-thu'sha-el, and Me-thu'sha-el the father of  
 Lamech. (Gen. 4:16-18)

Then Adam returns and Eve gives birth to Adam's third son:

And Adam knew his wife again, and she bore a son and called his name Seth,  
 for she said, "God has appointed for me another child instead of Abel, for  
 Cain slew him."  
 To Seth also a son was born, and he called his name Enoch.  
 At that time men began to call upon the name of the LORD.  
 This is the book of the generations of Adam.  
 When God created man, he made him in the likeness of God.  
 Male and female he created them, and he blessed them and named them Man  
 when they were created.  
 When Adam had lived a hundred and thirty years, he became the father of a  
 son in his own likeness, after his image, and named him Seth.  
 The days of Adam after he became the father of Seth were eight hundred  
 years; and he had other sons and daughters. (Gen. 4:25, 5:1-4)

Then, in Genesis 6:1,

When men began to multiply on the face of the earth, and daughters were  
 born to them,  
 The sons of God saw that the daughters of men were fair; and they took to  
 wife such of them as they chose.

The multitudes issuing from Adam and Eve *desired*. Later in Genesis many other genealogies appear, of Shem, Abraham, Jacob, and so on, followed by others in Numbers. And then Matthew's Gospel, the "Book of the generations of Jesus Christ, the son of David, the son of Abraham," begins: