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Law as Psychic Ontology: Prohibition, Fantasy, and the Affective Life of Authority

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ABSTRACT

This paper argues that law operates not only as an institutional or political order, but also as a psychic formation embedded within affect, desire, and recognition. The endurance of legal authority cannot be explained solely through coercion, consent, or procedural legitimacy. It also depends on how legality becomes internalized within psychic life and woven into attachments to order, belonging, and social intelligibility. Drawing on psychoanalytic theory, affect studies, socio-legal scholarship, and traditions within psychoanalytic jurisprudence, the paper develops an interdisciplinary account of how legal authority becomes emotionally compelling and socially durable. It examines how subjectivity is shaped through prohibition, fantasy, and ambivalent forms of recognition, and how collective symbols, rituals, and legal imaginaries sustain attachments to legality even under conditions of inequality, exclusion, or disillusionment. The analysis further argues that affect should not be understood as opposed to legal reason, but as part of the background conditions shaping how legal authority is perceived, interpreted, and inhabited. At the same time, affective responsiveness remains subject to normative constraints necessary for consistency, accountability, and procedural fairness. The paper concludes by proposing a psychoanalytic jurisprudence of attunement, one that treats legality as relationally and affectively lived while remaining attentive to the ethical and institutional limits of legal authority. Rather than abandoning legal reasoning, such an approach reconsiders how authority is exercised, experienced, and sustained within social life.

Keywords: Psychoanalytic Jurisprudence; Legal Authority; Recognition; Affect; Subjectivity

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1. Law as Psychic Ontology: Prohibition, Fantasy, and the Affective Life of Authority

Law is most often approached as a visible order, a system of rules, institutions, and procedures that organizes collective life from the outside. In jurisprudence and political theory alike, its authority is commonly explained through reference to sovereignty, legitimacy, coercion, or consent[1, 2], often grounded in Weberian accounts of legitimacy and authority that continue to structure contemporary analyses[3]. Within this dominant frame, law appears as a formal apparatus that confronts subjects as an external force. It compels obedience through sanction or secures compliance through normative justification. Legal authority is therefore typically theorized as something that acts upon subjects at identifiable moments, through recognizable mechanisms, and within clearly delimited institutional spaces, a view that continues to inform contemporary accounts of legitimacy emphasizing perception, trust, and voluntary compliance[4]. What becomes less visible, however, is how law is carried into the ordinary rhythms of social life. This leaves a persistent question: how does law maintain its hold when it is neither immediately present nor actively enforced? How does legality continue to matter in the quieter intervals of social life, where no official is present, no rule is cited, and no sanction is imminent?

Addressing these questions shifts attention beyond doctrine and enforcement. It directs focus to the conditions under which legal authority comes to be lived as binding even in the absence of direct coercion. Subjects often anticipate legal judgment before it occurs, a phenomenon often explained in terms of internalized legitimacy and normative alignment[4]. They restrain themselves without explicit instruction and orient their conduct toward imagined expectations they may never encounter in articulated form, reflecting forms of governance that operate through indirect guidance and self-regulation rather than overt coercion[5]. They hesitate, adjust speech, manage visibility, and calibrate desire in response to norms that are felt rather than formally known. Law operates through rules that are known. But it also works through assumptions that are felt and expectations that are carried forward. In many cases, these precede conscious deliberation. Its authority may be most effective where it recedes from explicit awareness and becomes part of the background conditions under which action and possibility are perceived.

Socio-legal scholarship has long demonstrated that legality is not exhausted by moments of institutional encounter. Research on legal consciousness shows how law is absorbed into everyday life as a practical sensibility. It shapes anticipation, posture, and self-understanding well before formal legal language is invoked[6–9]. This line of inquiry is often distinguished from broader accounts of legal culture, which refer to the institutional and normative environments within which such lived engagements take shape, marking a difference between law as experienced and law as structured[10]. Authority is encountered not only through decisions and sanctions. It also appears in atmospheres of assessment and evaluation, and through tacit cues that signal exposure, protection, or belonging[11–13], as well as in spatial and performative environments where legality is enacted and sensed[14]. In this work, law appears less as a command structure and more as an ambient presence. I take this shift as a starting point but also argue that these accounts stop short of explaining how such diffuse operations come to function as an internally structuring presence within psychic life.

If law binds even in its absence and compels even when unspoken, its force cannot be located only in institutional design or conscious endorsement. It must also be understood as operating within psychic life, including through unconscious processes that shape how legality is internalized and reproduced beyond formal structures. It shapes relations to limit, recognition, and refusal, and orients desire toward normative order. The question then shifts. It is no longer only how law governs conduct, but how it becomes emotionally persuasive, how it comes to be anticipated, feared, or even sought as an object of attachment. Psychoanalytic perspectives offer conceptual resources for addressing this dimension. They show how relations to command, prohibition, and authority emerge within early relational scenes, long before law appears as a formal system. At the same time, this paper does not treat psychoanalytic jurisprudence as unexplored terrain. Rather, it builds on and departs from an established interdisciplinary tradition that has examined the unconscious, symbolic, and affective dimensions of legality through psychoanalytic thought[15–18]. While these scholars differ substantially in method and theoretical orien-

tation, they share a concern with how legal authority exceeds formal doctrine and becomes embedded within symbolic and psychic life. The present analysis extends this tradition by bringing psychoanalytic accounts of unconscious attachment into closer conversation with socio-legal scholarship on legal consciousness and everyday legality.

From a psychoanalytic standpoint, authority is first encountered not as an abstract norm but as a charged relational presence. It emerges through recurring experiences of interruption, reassurance, frustration, recognition, loss, and repair. These early encounters furnish affective templates that shape how later institutional forms of authority are interpreted and endured. When legal authority is eventually encountered, it does not arrive on neutral psychic terrain. It resonates with prior experiences of dependence, exposure, and constraint, activating familiar orientations toward power, vulnerability, and expectation.

What varies across contexts is not only access to rights. Histories of colonialism, racialization, and exclusion shape how legality is felt and internalized. They produce divergent experiences of law as recognition or threat, shelter or exposure. Critical legal and postcolonial scholarship has shown that law's promise of universality is lived unevenly. It may offer protection for some while operating as surveillance for others. Fanon's account of colonial psychic life is especially important here because it demonstrates how legal and political domination become sedimented within bodily experience, self-perception, and social recognition[19]. More recent work in Black studies and postcolonial theory has similarly emphasized that legality is not encountered uniformly, but through historically unequal distributions of vulnerability, exposure, and recognizability[20, 21]. These differences shape the emotional conditions under which authority is encountered and absorbed.

Taken together, these strands suggest that legality cannot be understood either as a neutral institutional structure or as a uniform psychological experience. Law enters subjects through affective and relational pathways that are historically organized, unevenly available, and often wounding. I therefore suggest shifting the analytic focus from how law acts upon subjects to how it comes to inhabit them. It settles into memory, expectation, and desire as a structuring feature of psychic life.

This paper makes three related contributions. First, it develops the concept of law as a psychic ontology, extending socio-legal accounts of legal consciousness into the domain of unconscious and affective life. Second, it synthesizes psychoanalytic theory with legal theory to show how authority is sustained through prohibition, fantasy, and recognition. Third, it proposes a jurisprudence of attunement as a way of rethinking how legal authority is exercised and experienced.

Methodologically, the analysis is conceptual and interpretive. It draws on psychoanalytic theory, affect studies, and socio-legal scholarship to develop a theoretical account of legal authority. Rather than advancing an empirical analysis, the paper proceeds through interdisciplinary synthesis and conceptual reconstruction. The psychoanalytic frameworks brought into dialogue here are not fully compatible traditions. Lacanian, Kleinian, and Winnicottian approaches differ significantly in how they conceptualize subject formation, desire, relationality, and the unconscious. They are therefore used selectively rather than as a unified psychoanalytic system. What connects them in the present analysis is a shared concern with how authority becomes internalized, affectively lived, and reproduced through psychic processes that exceed conscious rationality.

The argument developed here operates primarily within Western psychoanalytic and socio-legal traditions. While non-Western legal philosophies have long addressed related questions concerning affect, morality, and social order, a sustained comparative jurisprudential analysis lies beyond the scope of this paper.

The argument does not seek to replace rational accounts of law with affective ones. Rather, it asks how their relation can be better understood. Affect operates as a background condition shaping how legal authority is perceived and lived, while remaining subject to normative constraints necessary for legal consistency and fairness. Affective responsiveness may deepen legal judgment where it allows institutions to recognize historically produced forms of injury, vulnerability, or exclusion that formally neutral reasoning may obscure. At the same time, affective judgment becomes problematic where emotional identification overrides principles of generality, consistency, or procedural fairness. The issue, therefore, is not whether affect enters legal reasoning, but how legal interpretation recognizes, constrains, and negotiates its operation. This raises a further question that the paper takes as central: under what conditions does affective re-

sponsiveness enhance legal judgment, and when does it risk producing arbitrariness or bias? The analysis that follows does not resolve this tension fully, but seeks to clarify how affect and reason can be distinguished, related, and constrained within legal authority.

The analysis that follows develops this claim through a series of connected movements. It begins by examining how the legal subject is shaped through expectations of coherence, responsibility, and intelligibility embedded in juridical personhood. It then turns to prohibition and restraint, tracing how obedience is learned through guilt, anticipation, and renunciation well before any formal legal encounter takes place. From there, the analysis considers the role of fantasy and identification in making legal authority emotionally compelling and enduring. It concludes by examining the collective imaginaries that allow legality to appear natural, stable, and inevitable, even where its promises remain fragile or unevenly distributed. Across these dimensions, law appears not simply as an institutional system, but as a formation that circulates affect, organizes desire, and anchors shared social worlds. Approaching law in this way reorients jurisprudence toward the emotional and imaginative dimensions within which legal authority is lived, remembered, and sustained.

2. Psychic Normativity and the Liberal Legal Subject

Modern law is built around a particular image of the subject, one that is simultaneously legal, political, and psychic. Within liberal legalism, this subject is imagined as rational, self-governing, and capable of assuming rights as well as responsibilities. Figures such as the "reasonable person" in common law, the "citizen" in constitutional discourse, and the "contracting party" in private law all reflect this normative ideal. Together, they give form to an understanding of legality grounded in assumptions about autonomy, coherence, and self-mastery. At the core of this figure is what may be called psychic normativity. It refers to the expectation that individuals possess enough coherence and self-command to submit to law, to consent to agreements, and to bear responsibility for their actions.

Political theorists have long argued that the legitimacy of law rests on this assumption about the subject. Within the social contract tradition—from Hobbes to Rousseau—legal obligation is understood as emerging from an act of rational consent, whether explicit or implicit. I take this tradition not simply as a descriptive account, but as a normative image of the subject that law presupposes. For Locke, law is legitimate insofar as it protects property and liberty. This rests on the premise that individuals can recognize, articulate, and pursue their own interests. Rousseau radicalizes this logic through the concept of the "general will." Legal authority is framed as something individuals internalize by restraining private desire in the name of collective rule. In this tradition, legitimacy depends on an inner movement of assent. One must experience oneself as aligned with the collective whose authority one accepts. Normativity is therefore not only political but also psychic. Law requires more than outward compliance; it depends on an internal identification with the authority that binds, a dynamic that also resonates with forms of governance that operate through self-regulation and indirect guidance rather than overt coercion. This internal dimension can be understood as a form of legal consciousness, in which law is lived and interpreted from within, rather than encountered solely as an external structure.

Yet psychoanalysis unsettles this assumption at its root. Rather than beginning from consent, it asks how obedience becomes possible in the first place. It also asks why command so often comes to be experienced as interior rather than external. Freud's account is foundational here. In *The Ego and the Id*, he describes the formation of the superego through the internalization of authority, tracing the moment when prohibition is no longer imposed from without but takes shape as an inner voice[22]. In *Civilization and Its Discontents*, he extends this analysis to social life[23]. Collective existence, he argues, depends upon the redirection and containment of instinctual drives. The psyche, in this account, is continually pulled between desire and the demand for restraint.

Social life, on this view, is sustained through a bodily sacrifice. Impulses are softened, desires are held back, and gestures are moderated so that relationship and belonging can remain possible. The very possibility of law rests on this intimate labor of restraint. The legal subject is therefore not a naturally rational or unified being, but a divided one. It must be continually produced and stabilized. It negotiates between the pull of desire and the need to remain with

others. The psychic cost of this negotiation is guilt, which Freud names "the most important problem in the development of civilization." At the same time, this division is not experienced uniformly. Histories of colonial domination and racialized governance shape the psychic conditions under which legality is encountered, often producing relations to authority marked not only by obligation and recognition, but also by surveillance, exposure, and injury[19, 21].

Freud thus reminds us that obedience is rarely the outcome of conscious reasoning alone. It is bound up with guilt that settles in the body, with the fear of losing connection, and with the hope that acceptance or recognition may follow compliance. From this perspective, legal obligation carries a deeply affective charge. People act as if bound by law even in the absence of visible enforcement because guilt and fear of loss speak from within. Legal authority may therefore come to operate internally through prohibition, repression, and unconscious desire, shaping the formation of the self even as it organizes social institutions.

Later psychoanalytic writers deepen this account by attending to the relational textures in which authority is first encountered and felt. These psychoanalytic traditions do not offer a unified account of subject formation or authority. Lacanian, object-relations, and relational approaches diverge in important ways concerning desire, dependency, symbolism, and recognition. They are brought together here not as a coherent psychoanalytic system, but because each illuminates different dimensions of how legality becomes affectively and psychically lived. Lacan situates law within the symbolic order, that is, the domain in which desire becomes intelligible and speakable. The "Name-of-the-Father" names the inaugural prohibition that orients desire and initiates the subject into language and culture. The incest taboo is exemplary in this regard. It converts immediate impulse into social relation, marking the point at which desire is reshaped through limit. Desire is not positioned outside law as its opposite. Instead, it learns its direction from law. Law teaches how to speak, how to want, and how to hold back. Psychoanalytic jurisprudence has long drawn on these dynamics to theorize legal subjectivity and symbolic authority. Legendre, for example, approaches law as a dogmatic structure that stabilizes symbolic order and genealogical legitimacy, while Schroeder and Salecl examine how legal identity and enjoyment are organized through lack, prohibition, and desire[16–18].

Žižek[24] suggests that prohibition does more than restrict desire; it can intensify it, lending law a certain libidinal charge that draws the subject toward what is forbidden. This dynamic has also been explored in psychoanalytic accounts of the criminal act, where the relation between signifier and jouissance reveals how transgression itself may be structured through law's symbolic order[25]. The barred object acquires urgency and a strange kind of intimacy. To be told no is to feel the pulse of wanting. In this sense, law speaks not only in the language of restraint but also in the language of longing. Rose[26] shows how, in late modern forms of governance, this dynamic turns inward. The labor of restriction is reframed as self-direction, and the subject learns to narrate constraint as choice and obedience as self-realization. In this way, the line between external command and internal motivation becomes increasingly difficult to draw.

This dynamic begins in the earliest scenes of intimacy, where desire, dependence, and limit first take shape within the body. Before law appears in language, it is felt in the spaces between self and other. Here, longing meets response and boundaries become bearable. Klein[27] shows that our sense of limit and responsibility emerges within early attachments, as love and frustration, comfort and anger, are held within the same relational field. Dependency does not disappear with maturity. Instead, it becomes woven into how one learns to share space and sustain desire without overwhelming the other. Winnicott[28] adds that authority becomes tolerable only when there is an environment capable of holding it. In such an environment, the subject can pause, lean, and trust that limits do not threaten annihilation. The presence of care makes restraint livable.

Benjamin[29] further shows that the acceptance of authority is bound to a longing for recognition. What is sought is not compliance alone but recognition of oneself as a subject who remains intact. The difficulty lies in being affirmed without being absorbed, and in remaining in relation without erasure. Together, these accounts reveal that law enters the subject long before one encounters a courtroom or a statute. It is sensed in the modulation of a parent's voice, in the bodily tightening that accompanies disappointment, and in the relief that follows repair after conflict. Over time, these experiences become part of how authority is anticipated and negotiated, often before deliberate reflection takes place. Legal agency thus emerges not from rational choice alone, but

from unconscious negotiations of guilt, desire, and recognition that bind subjects to authority before law is consciously encountered.

Seen from this angle, Max Weber's account of legal-rational authority appears less purely institutional than it is often read [2]. Weber describes legal authority as grounded in belief in the legitimacy of rules, yet such belief is never merely cognitive. It carries a psychic resonance, a felt sense that law provides order, continuity, and a navigable framework within which life can unfold. Bourdieu [30] renders this dynamic more tangible by showing how symbolic power becomes sedimented within habitus and embodied disposition. Legal authority settles into bodily orientations, including posture, anticipation, tone, and judgment. It becomes part of the unspoken grammar of what feels reasonable, permissible, or inevitable. From this perspective, compliance does not arise simply from consent or coercion. It persists because legality has come to function as part of the background structure through which reality itself is interpreted.

The paradox sharpens here. Liberal legality imagines the legal subject as autonomous, self-directed, and rational, acting from a stable interior ground. Yet the endurance of law depends substantially on psychic life: on guilt and recognition, restraint and longing, and the need to remain intelligible within a shared social world. The legal subject is therefore not a fixed bearer of rights but a shifting formation, one sustained through ongoing psychic labor rather than secured once and for all. Law persists partly because it becomes woven into unconscious expectations about order, belonging, and the continuity of social life itself.

3. Fantasy, Atmosphere, and the Imaginary Life of Legal Authority

If law governs through prohibition and the shaping of affect, it also governs through fantasy. In psychoanalytic terms, fantasy is not illusion. It is the psychic scene where desire becomes livable. It gives form to longing, arranging lack into narratives that allow subjects to imagine recognition, belonging, and a place within a shared world. I argue that law endures not only by commanding or restraining, but by sustaining these scenes of intelligibility that help subjects orient themselves. It provides frameworks people use to understand who they are, what may be hoped for, and how they stand in relation to others and to authority itself.

Freud's early work makes this dynamic clear. In *Totem and Taboo*, the prohibition that founds communal life emerges through a shared fantasy of forbidden desire and collective guilt [31]. The incest taboo operates as a psychic hinge between restraint and belonging. To accept prohibition is to enter the community, while guilt binds the subject affectively to others. Fantasy is therefore not secondary to law. It is constitutive of it, dramatizing the terms of membership and renewing attachment to social order.

Lacan deepens this account by showing that law and desire arise together within the symbolic order. Desire does not precede prohibition. It takes shape through it, learning its direction and endurance from what cannot be fully possessed. I extend this insight by suggesting that law not only regulates desire but actively structures the conditions under which desire becomes intelligible and sustainable. Fantasy becomes the scene in which absence is made bearable. It allows subjects to remain oriented toward recognition even where fulfillment is structurally deferred. Law teaches subjects how to speak, what to desire, how to wait, and how to endure uncertainty around recognition and acknowledgment. In doing so, it shapes relation and expectation as much as conduct. Psychoanalytic jurisprudence has repeatedly returned to this relation between law, desire, and symbolic order. Goodrich, Manderson, and Salecl, among others, have shown that legality cannot be understood solely through doctrine or institutional analysis because law also operates through image, affect, fantasy, and symbolic identification [15, 18, 32].

Prohibition both wounds desire and sustains it. The limit is felt bodily, sometimes as hesitation, tension, or restraint before reflection fully takes shape. At the same time, prohibition preserves the possibility of recognition and social continuity. Law is therefore lived not only as restriction, but also as the condition under which relation remains possible. The subject may resist authority while still remaining emotionally attached to the world that authority helps organize.

Žižek intensifies this insight. He suggests that attachment to law persists not because subjects fully believe in its justice, but because fantasy organizes the emotional necessity of authority. Building on this account, I suggest that prohibition not only intensifies desire but stabilizes attachment to legal authority by giving desire a structured object. Disillusionment does not dissolve this attachment. Even

where cynicism takes hold, the fantasy of order often remains indispensable. What persists is not belief alone, but the need for a coherent world in which desire can continue to find orientation. Authority therefore endures less through conviction than through the desire for continuity and for a recognizable social world that survives disappointment.

The fantasmatic dimension of law is not confined to interior psychic life. It is sustained and renewed in shared spaces where authority is staged, sensed, and repeated. Ritual, performance, architecture, cadence, and narrative all contribute to the environments where legality becomes palpable. Law does not first appear as doctrine. It arrives through gesture, tone, spatial arrangement, and institutional form. Before it is interpreted, it is often felt. I therefore suggest that legal authority operates through embodied and spatial conditions as much as through formal norms. Courthouses, legal ceremonies, uniforms, bureaucratic procedures, and even administrative language help produce the sensory atmosphere in which legality acquires emotional weight and social familiarity.

Through repetition and monumentality, legality presents itself as durable and continuous. It appears older than any individual subject and resistant to disruption. This appearance of permanence does not necessarily reflect historical reality. Rather, it eases anxiety by offering continuity where social life may otherwise feel unstable or fragile. Law's authority is therefore not only enforced but inhabited. It becomes part of the atmosphere that shapes how people orient themselves within everyday life.

At the level of ordinary experience, attachment to law is sustained through the narratives people use to make sense of harm, fairness, responsibility, and repair. Ewick and Silbey show that individuals come to understand legality through stories embedded within everyday social life. Long before law becomes an object of conscious reasoning, it is woven into moral imagination and practical judgment. Recent research on digital legal consciousness further demonstrates how narrative formations circulate through mediated environments, shaping collective perceptions of justice, punishment, and legitimacy[33].

Robert Cover names this narrative world the *nomos*, a web of stories through which communities understand injury, obligation, responsibility, and repair. Law, in this sense, does more than regulate conduct. It furnishes interpretive worlds within which people recognize themselves as participants in shared forms of life. Recent work has further developed this insight by emphasizing the plural and dynamic character of legal worlds, showing how legality emerges through overlapping forms of knowledge, practice, and lived experience[34]. Cornell[35] similarly argues that imaginaries of justice sustain political aspiration even when institutions repeatedly fall short. Communities continue to invest in these imaginaries because they preserve the possibility that dignity, recognition, and repair may still be achieved. Law is therefore lived not only as regulation, but also as a narrative atmosphere that gathers fear, hope, suffering, and aspiration into socially recognizable forms.

The continuity of law rests not only in statutes or judgments, but in the emotional and imaginative life that allows these forms to appear necessary and enduring. Fantasy and imagination do not simply obscure law. They help make legal order inhabitable. They provide conditions under which authority can continue to function even where institutions are experienced as fragile, contradictory, or unequal.

This endurance becomes especially visible where fantasy and identification meet. Identification helps explain why attachment persists under conditions of injury or disappointment. Freud suggests that authority secures loyalty through libidinal identification with leaders, ideals, and symbols[36]. The dynamic is intimate. To identify is to seek recognition from what one admires, fears, or depends upon. Identification can produce solidarity, but it can also create dependency. Even where law has failed to protect, attachment to its promise may remain.

Brown[37] and Lacey[38] note that subjects often return to law after harm not only because law compels, but because it continues to hold out the possibility of recognition. Law offers a language of belonging even where belonging has not yet been realized. This return should not be understood as purely rational calculation. It is structured through desire, memory, and expectation as much as through doctrine or formal obligation.

This dynamic is illuminated differently by Hegel[39] and Honneth[40]. For Hegel, recognition forms the basis of subjectivity itself. The self comes into being through relation, through being seen, answered, and sustained within a shared social world. Without recognition, the self struggles to achieve coherence. Honneth extends this insight into

the social domain, arguing that recognition is maintained through practices of care, rights, and solidarity.

Law intervenes within this relational field by offering a structured scene of address in which acknowledgment may occur. Even when legal outcomes disappoint, the form of address matters. To be summoned, heard, questioned, or responded to can affirm one's existence within a shared moral framework. Butler[41] reminds us, however, that recognition is never a simple gift. The norms that confer acknowledgment also regulate which forms of life may appear as legitimate, intelligible, or worthy of protection.

This ambivalence becomes especially acute for communities historically denied legal personhood. The struggle for recognition becomes inseparable from the struggle to appear as fully human within legal and political orders. Rights arrive carrying both promise and injury, affirmation alongside regulation and constraint. Postcolonial and Black critical traditions have shown that legal recognition often operates unevenly, extending protection selectively while reproducing structures of exclusion and abandonment[26–28]. This ambivalence is therefore not incidental to legality. It reflects one of its constitutive tensions. Recognition is never complete, and it is precisely this incompleteness that sustains attachment.

Psychoanalytic accounts of fantasy help explain why these circuits remain compelling even when openly contested. Fantasy operates less as a proposition to be disproven than as a scene that sustains desire and orientation. Communities return to that scene because it offers continuity in moments of uncertainty or disorientation. This helps explain the recurring demand for more law after moments of legal failure or institutional betrayal.

Fantasy sustains attachment by giving shape to desire. It arranges absence into scenes that can be inhabited and keeps open the possibility that recognition might still arrive. The contradictions of law do not necessarily dissolve loyalty. They are often absorbed into the emotional grammar within which legality is lived and interpreted. Legal authority thus functions simultaneously as a source of orientation and as a potential site of misrecognition.

Legal attachment is ultimately a felt relation to the social world. Law moves through affect, gathering emotions such as fear, shame, anger, trust, relief, and reassurance into recognizable patterns of expectation and attachment. If affect names the texture of this relation, it does not follow that affect alone should guide legal judgment. Rather, affect helps explain the conditions under which legal authority becomes persuasive, durable, and socially meaningful. Legal order becomes credible where it is experienced as capable of holding together a shared moral horizon, even when certainty weakens or institutional trust falters.

Law appears as story, symbol, and scene. It lives in the cadence of legal language, in rituals of judgment, and in architectures that encourage silence, deference, or anticipation. Law emerges as neither fully oppressive nor fully emancipatory. It remains marked by ambivalence. It shapes desire while also constraining it. It sustains hope while repeatedly deferring fulfillment. Its force lies partly in its ability to inhabit psychic life while continuing to present itself as objective, external, and institutionally necessary.

4. Toward a Psychoanalytic Jurisprudence

The preceding sections have traced how law operates through prohibition, recognition, and fantasy. Taken together, these dimensions suggest that law cannot be understood only as a system of rules, institutions, or coercive mechanisms. Law also takes shape as a psychic formation. It influences how subjects feel, interpret, and inhabit their social worlds. To foreground this dimension is not to collapse law into psychology. Rather, it expands jurisprudence so that the affective and imaginative conditions sustaining legal authority become analytically visible.

I argue that a psychoanalytic jurisprudence begins from a simple but often overlooked recognition: the force of law is never exclusively rational or procedural. Legal authority is maintained through unconscious investments. These include attachments to figures of authority, longings for justice, and desires for recognition that exceed formal doctrine. Freud's account of repression[22], Lacan's theorization of the symbolic order, and contemporary work on affect and fantasy converge on this point. I draw on these traditions not to restate them, but to show how legal obedience depends partly on psychic structures that exceed rational justification. These structures bind subjects to authority beyond conscious endorsement, making legal attachment difficult to explain through procedural legitimacy alone. **This claim also sit-**

uates the present argument within a broader tradition of psychoanalytic jurisprudence that has examined law through questions of symbolism, desire, fantasy, aesthetics, and institutional authority[15, 16, 18, 32].

Law persists not only in what it enacts, but in how it is imagined, remembered, and desired. Its durability draws on cultural memory, symbolic form, and collective attachment as much as on statutes and procedures. This approach also resonates with broader developments in law and humanities scholarship, which emphasize the sensory, narrative, and affective dimensions of legal experience[42].

This approach also makes law's ambivalence more visible. Law protects and disciplines. It offers dignity while producing injury. It grants recognition yet constrains the forms in which one may appear and be acknowledged. To speak of law as a psychic ontology is therefore to foreground this tension. Law endures because it is lived simultaneously as constraint and promise, repression intertwined with recognition, and injury entangled with desire. It becomes internal to the subject, shaping how one imagines oneself, others, and the social world. Fantasy allows the promise of justice to persist even when experience repeatedly exposes inequality and exclusion. Prohibition organizes desire, often at the cost of guilt and ambivalence. I do not seek to resolve this tension. Rather, I treat it as constitutive of law's psychic force.

This ambivalence is not only conceptual. It is lived within the ordinary texture of legal life. Subjects do not encounter law as a single coherent force, but through dispersed and shifting environments that shape how authority is sensed and negotiated. This unevenness becomes especially visible in contexts of legal pluralism, where multiple normative orders coexist and compete for authority, often producing fragile and contested forms of legitimacy, as shown in studies of living law in non-Western settings[43].

In practice, subjects move within fluctuating fields of invitation and refusal, reassurance and threat. The same legal form may promise protection in one moment and expose vulnerability in another. A right may function as a shield in one encounter and as a demand for legibility in the next. These oscillations are not anomalies external to legality. They are part of the psychic economy through which legal authority operates.

Because law intervenes at moments of dependency, conflict, and uncertainty, it often becomes a site onto which unresolved longings for care, repair, and moral clarity are projected. The desire for justice is rarely abstract. It is bound up with the wish to be seen, taken seriously, and recognized within a shared language of injury and acknowledgment. Legal authority gathers force partly because it presents itself as the place where such recognition might occur. Even when law disappoints, attachment can persist because the absence of any authoritative frame risks a collapse of meaning that many subjects experience as difficult to bear.

From a psychoanalytic perspective, this persistence should not be reduced to false consciousness or ideological capture. It reflects the structure of desire itself. Subjects remain attached to law not because it reliably fulfills its promises, but because those promises remain incomplete. This persistence has also been observed in non-Western contexts, where legal consciousness develops through complex negotiations between compliance, resistance, and relational obligation, as shown in studies of China's one-child policy, where subjects both reproduce and subtly rework legal norms in everyday life[44]. The promise of justice, like the promise of recognition, remains partial and deferred. It is precisely this incompletion that sustains attachment. Law becomes a recurring site onto which hopes for coherence, repair, and moral order continue to be projected, even when experience repeatedly invites skepticism.

This perspective helps explain why legal authority persists even in the face of sustained critique. Public exposure of racial violence, structural injustice, or legal hypocrisy rarely produces a complete withdrawal of faith in law itself. More often, such moments generate renewed demands for law: more rights, more oversight, more reform, more recognition. As Žižek suggests, this persistence reflects attachment to the fantasy of order. To relinquish faith in law entirely would require confronting what that fantasy conceals, namely the absence of any final or guaranteed justice. Postcolonial and critical race scholarship similarly demonstrates that communities subjected to repeated legal exclusion often continue to seek recognition through legal frameworks, even while remaining acutely aware of their violence and limits[26–28]. The difficulty of relinquishing legal attachment helps explain why legal authority is continually renewed, even when its failures are openly named.

Seen from this angle, critique does not dissolve attachment so much as expose its instability and limits. One can

recognize law as partial, unequal, or injurious and still remain emotionally and politically bound to it. Legal authority operates not only at the level of explicit belief, but through affective and imaginative investments that shape orientation and expectation. Moments of exposure may therefore intensify rather than weaken attachment. Revelations of injustice often provoke renewed demands for law to respond more adequately. This reflects the enduring desire for an authoritative framework capable of naming suffering and restoring some sense of moral intelligibility.

A useful way to clarify these dynamics is through legal doctrines that already incorporate forms of affective responsiveness, such as affirmative action or remedial equity. These interventions recognize that formally neutral rules may reproduce substantive inequality when histories of exclusion and injury are ignored. From the perspective advanced here, such measures can be understood as instances where affective awareness of collective suffering informs legal reasoning. For example, affirmative action jurisprudence often rests on the recognition that legal equality cannot be meaningfully addressed without acknowledging the historical and emotional consequences of racial exclusion, humiliation, and structural disadvantage. Affect enters legal reasoning here not as private sentiment, but as institutional awareness of historically produced forms of harm. At the same time, these doctrines also reveal the limits of affective responsiveness. Where affective considerations produce perceptions of arbitrariness, favoritism, or inconsistency, they may destabilize legal legitimacy and generate competing claims of injury. A psychoanalytic jurisprudence must therefore navigate this tension carefully, recognizing historical harm while maintaining constraints necessary for consistency, generality, and accountability.

A psychoanalytic jurisprudence reframes critique in light of these dynamics. Rather than treating critique solely as the exposure of contradiction, it understands critique as engagement with the fantasies, fears, and longings that allow legal authority to take hold. Critical legal studies unsettled the opposition between positivist and natural law accounts by revealing the instability of legal meaning. A psychoanalytic approach extends this insight by showing that legal force is sustained not only through institutional power or normative claims, but also through unconscious attachment and emotional investment.

This also requires clarifying the relation between affect and reason within jurisprudence. I do not argue for the displacement of rational deliberation by affective responsiveness. Legal reasoning depends upon principles such as generality, consistency, and procedural fairness, which cannot be abandoned without undermining legitimacy. At the same time, affect is not external to these processes. It shapes how harm is perceived, how credibility is assessed, and how claims are interpreted. The challenge is therefore not whether affect should be present, but how its operation can be recognized, constrained, and integrated without collapsing legal judgment into arbitrariness or bias. The issue is not the elimination of affect from law, which is neither possible nor desirable, but the development of forms of legal reasoning capable of reflecting critically on their own emotional and normative conditions.

Because the present argument operates primarily within Western psychoanalytic and socio-legal traditions, it does not attempt a full comparative jurisprudence. Nonetheless, the tension between affect and normativity addressed here resonates with other legal traditions, including Confucian approaches in which qing (feeling), li (propriety), and fa (law) are understood as interrelated rather than fully separable domains.

Recognizing this tension not only clarifies the limits of legal authority but also opens the question of how its affective and normative dimensions might be reworked. If law binds through prohibition, recognition, and fantasy, then meaningful transformation requires reworking these registers rather than imagining that they can simply be abandoned. Prohibition might be oriented toward limiting domination rather than regulating difference. Recognition could affirm plurality without demanding sameness as the condition of legitimacy. Fantasy might be redirected toward collective aspirations that do not depend upon exclusion or idealized coherence. Law will remain entangled with psychic life, but the forms of attachment it organizes are not historically fixed.

To understand law as a psychic phenomenon is to recognize that jurisprudence cannot be separated from the textures of desire, affect, and recognition that shape how subjects inhabit legal orders. It involves attending to how legality settles into memory and bodily anticipation, how judgment is sensed before it is articulated, and how the longing for acknowledgment persists even within procedural encounters.

A jurisprudence of attunement emerges from this shift. It does not reject procedure. Instead, it places relational presence closer to the center of legal legitimacy. Such an approach takes seriously the emotional labor involved in engaging legal institutions, especially for subjects who carry histories of marginalization, disbelief, or exclusion. It asks how legal language might reduce shame and foster intelligibility, how physical settings might support dignity rather than intimidation, and how legal actors might attend more carefully to the affective dimensions of their authority. Recent work on procedural justice in digital and spatial contexts further shows that legal environments are not neutral settings, but conditions that shape how fairness, accessibility, participation, and institutional legitimacy are experienced and interpreted [45].

Attunement also requires attention to the conditions of participation. It asks whether legal processes allow time for hesitation, whether silence is interpreted as resistance or difficulty, and whether emotional expression is treated as disruption or as meaningful social information. These questions help shape whether law is experienced as a site of recognition or as another scene of erasure.

For legal actors, attunement involves acknowledging that authority is always exercised relationally, even where doctrine emphasizes neutrality and abstraction. The tone of interaction, the pacing of exchange, and the capacity to respond carefully all matter. A question can invite disclosure or foreclose it. A pause can create space for repair or deepen shame. These micro-interactions accumulate over time, shaping the emotional memory of legality that subjects carry beyond any individual legal encounter.

To foreground attunement is not to sentimentalize law or replace judgment with empathy. It is to recognize that legal authority already operates through affect, whether acknowledged or not. Making that operation more visible creates the possibility of engaging it more responsibly and reflexively.

In this sense, the psychoanalytic jurisprudence advanced here is intentionally modest in its prescriptions and more ambitious in its mode of attention. It does not claim to resolve the tension between affect and reason, nor does it propose a comprehensive alternative to existing legal theory. Rather, it seeks to make visible dimensions of legal authority that are often disavowed within procedural or rationalist accounts. It begins from the recognition that people will continue to need law, and that law will continue to injure even as it protects. The task, then, is not to purify legality of ambivalence, but to work more carefully within it, reducing unnecessary forms of harm while making greater room for forms of recognition that do not demand unbearable psychic costs.

5. Conclusions

This paper has argued that legal authority cannot be understood solely through coercion, legitimacy, or procedural rationality. Law also operates as a psychic and affective formation embedded within desire, recognition, fantasy, and social attachment. Its endurance depends not only on institutional enforcement, but on the ways legality becomes internalized within everyday forms of subjectivity and social life.

By bringing psychoanalytic theory into conversation with socio-legal scholarship and affect studies, the analysis showed how prohibition, recognition, and fantasy help sustain attachment to legal authority even under conditions of inequality, exclusion, or disillusionment. Law persists not simply because subjects believe in it, but because it continues to organize hopes for order, intelligibility, acknowledgment, and repair.

The paper further argued that affect should not be treated as external to legal reasoning, but as part of the background conditions through which legality is perceived and inhabited. At the same time, affective responsiveness remains subject to normative constraints necessary for consistency, accountability, and procedural fairness. The question is therefore not whether affect enters law, but how its operation can be critically recognized and negotiated within legal judgment.

Finally, the paper proposed a psychoanalytic jurisprudence of attunement that foregrounds the relational and emotional dimensions of legality without abandoning doctrinal or procedural commitments. Such an approach invites greater attention to how legal authority is lived, remembered, and emotionally encountered within unequal social worlds. Rather than resolving the tensions between law and desire, recognition and domination, or affect and reason, the analysis has suggested that these tensions are constitutive of legality itself.

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