



Feminine Law: Freud, Free Speech, and the Voice of Desire

Jill Gentile

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Feminine Law: Freud, Free Speech, and the Voice of Desire explores the conjunction between psychoanalysis and democracy, in particular their shared commitments to free speech. In the process, it demonstrates how lawful constraints enable an embodied space or “gap” for the potentially disruptive but also liberating and novel flow of desire and its symbols. This space, intuited by the First Amendment as it is by Freud’s free association, enables personal and collective sovereignty. By naming a “feminine law,” we mark the primacy a space between the conceivable and the inconceivable, between knowledge and mystery.

What do political free speech and psychoanalytic free association have in common, besides the word “free”? And what do Sigmund Freud and Justice Louis Brandeis share besides a world between two great wars? How is the female body a neglected key to understanding the conditions and contradictions of free discourse? Drs. Jill Gentile and Michael Macrone take up these questions, and more, in their wide-ranging, often passionate exploration of the hidden legacy of Freud and the Founding Fathers. These pioneers, through their imprecise instructions to fight repression, set in motion incessant processes by which we claim power and agency. These processes come into sharp focus in the analytic clinic. The authors show that psychoanalysis is not just a method of treatment, but also a practice of “transitional democracy,” in which doctor and patient together discover the very basis of equality, as they learn how to navigate its essential flux, both in relationships and in public action.

Feminine Law illustrates these ideas through detailed portraits of political and clinical struggle?in Constitutional battles and dynamic case studies. It tells stories of victory and setback, advance and retreat. And it tells the larger story of a dialectical process that is necessary to freedom itself. This story is peopled by characters such as Freud and the post-Freudians Lacan, Bion, and Winnicott; feminist theorists such as Benjamin, Gilligan, and Kristeva; the Constitution’s framers and jurists such as Holmes and Brandeis; and modern legal scholars and contemporary critical theorists. Its thesis is illuminated by ideas from a broad range of disciplines and literatures, ranging from Athenian politics and Euripidean tragedy to the modern semiotics of C. S. Peirce and Walker Percy. The tale ultimately reaches a simple but rich conclusion: that both the talking cure and political free speech reveal the power of a Feminine Law: a law of spaces and dimensions that preconditions our (necessarily imperfect) pursuit of desire, subjective freedom, and collective agency. Feminine law opens a democratic space for the potentially disruptive but also liberating and novel flow of desire and its symbols.

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