

*Animism of the Unconscious, Animism of Property in Modern Right*

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Instead of searching the connection of the socius and the sexual unconscious in the mode of how subjects of desires are involved in forms of power and in relation to rights, could we focus our attention on various regimes of things? In the register of the social, things are objects of exchange, of production, of transmission, as the anthropologists Marilyn Strathern and Maurice Godelier demonstrate. Our relations to things, especially to inanimate things aren't as rational as we generally suppose: things and objects condense the unknown in social relations. How does this unknown articulate with the unconscious objects of our desires?

I will try to grasp this animistic layer of socio-political existence by way of three formulations: the philosophy of abstract right in Hegel, the animism of the unconscious in Freud, and the comparison, made by Marilyn Strathern, between the role of masks-statues in New Ireland and patent rights and intellectual property in modern societies. The question is: how do political struggles in democracy put into play animistic components of social relations?

### 1. Identifying the will with a thing, with things

Property in Hegel puts in relation wills and things. It is a social relation which, curiously, is founded metaphysically upon the inanimate. Things mediate social relations, and in particular the violence of these relations. This is clear in Hegel beginning with the *Phenomenology of Spirit* (1807) in all the figures of consciousness and this holds true in the *Elements of the Philosophy of Right* (1821). To be a property owner is to affirm that a thing is mine: heterogeneous to a will of which it is deprived, the thing is nonetheless what the will is identified with in a paradoxical act. The initiative of the will, qualified as "spiritual", is realized by negating itself and this liberty finds, due to this, materiality and limits. It is a matter of an *Entäusserung* of the will, a term which is often translated as alienation<sup>1</sup> and sometimes by two terms: exteriorization/expression.<sup>2</sup> The will gives itself reality and negates itself by identifying itself with a thing. It is this affirmed identity with a thing metaphysically different than the self that "sounds" [fait penser] like animism. Not because the thing would be endowed with a soul (precisely not), but because the will inhabits it in some way. I would like to risk at the outset a suggestive and unexpected convergence with anthropologists: without rushing into things, let us nonetheless note that Marilyn Strathern, in particular, compares the rites of transmission linked to

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<sup>1</sup> For example by Jean-Pierre Lefebvre in his translation of the *Phenomenology of Spirit*. Paris, Aubier, 1991, pg. 330.

<sup>2</sup> This is the choice made by Jean-François Kervégan in his translation of *Elements of the Philosophy of Right*. Paris, PUF (Quadrige), 2003, pg. 79 and 231; The term alienation does not limit the relation of the will to a thing, for example in the contract (*Vertrag*) the thing passes into other hands, that is to say, the thing becomes another will.

ritual masks in New Ireland, the “Malanggan”, to patent rights in “Euro-Americans,” a combination of technology and intellectual property rights.<sup>3</sup>

Hegel distinguishes ownership (Besitz), that is to say the fact of being established somewhere or using something from property properly speaking and from taking possession. Property (Eigentum) is the juridical act that establishes an exclusive relation between will and thing. The polysemy of the term is ceaselessly invoked by Hegel: eigen (characteristic), Eigentum (property), Eigentümlichkeit, specific quality. The taking possession (Besitznahme) is the fact of making something one’s own, by making use of a thing of which we are juridically the owner: the development of land, commerce, tools, the continuous use of something. This adapts materially the one to the other, the will and the thing: to inhabit a house, to know how to make use of a complex instrument or tool, etc.

The heterogeneity between will and thing that gives content and limits to the will is the criteria that Hegel uses to differentiate what can take the juridical form of property and what cannot. I cannot reduce my neighbor to the state of a beast of burden since his living being for my will does not have the same exteriority as the exteriority that links my will to such a thing. I can be stoic, by contrast, distancing myself from my body, that is to say, declaring and rendering effective the fact that my body and the chains that imprison it are not me as will. Life is a totality, whereas the thing is what gives limits and effective reality to my will. Thus, I cannot dissociate another from their life by transforming it into a thing of which I would be the owner. This metaphysical criterion leads Hegel to falsely oppose himself to what has been called for a long time in private law the distinction between property without usufruct (“nude property”) and usufruct: a property that would be completely distinct from the taking possession would not be property. Hegel thus critiques certain judicial documents of Roman Law.<sup>4</sup> If we were to admit that a juridical person can be an property owner while all usage of the thing would be the prerogative of another, we would be dealing with a “madness of personality.”<sup>5</sup> For the same reason it justifies that anybody can have “goods without masters” at their disposal. Certainly, property as title and as usage are relatively distinct but they cannot be completely dissociated since it is the thing and its usage that give the will its reality.

The examples are quite interesting: public monuments become masterless if the State does not do anything about them, that is to say, if it does not materialize itself by the social and political use it makes of them. Inversely, there are things that exist whose reality is too rich and too spiritual

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<sup>3</sup> Marilyn Strathern “The Patent and the Malanggan.” *Theory, Culture and Society*, vol. 18, no. 1, 2001, pg. 1-26. Translated as “Le brevet et le Malanggan,” *Tracés, Traduite et introduire*, Calveiro/Smail/Strathern ENS Éditions, Lyon 2014, pg. 175-202.

<sup>4</sup> On this point see Yann Thomas, *Les Opérations du droit*, Paris, EHESS, Gallimard, Seuil.

<sup>5</sup> The term Hegel uses is very strong: *Verrücktheit*, *Grundlinien der Philosophie des Rechtes*, PH. Reclam, Stuttgart 1970, & 62 S. 148. Very often French translators erase the reference of philosophers to madness; Keryégan says: the will would be void.

to be able to take the form of this paradoxical link between will and thing: such is the case with the works of writers or artists; their family would like to reduce them to private property, but it becomes masterless for a reason opposite to the one that intervenes in the case of public monuments: their content becomes universal and thus no longer has the limited character of a thing. The exteriority and the limitation of the thing is also the reason for which Hegel excludes as a-juridical slavery, servitude, the alienation of religion, intelligence, from the ethical sense in the service of another will. Indeed the act by which I take possession of my personality does not concern an exterior and limited thing. Personality cannot be the object of the will of another. In fact, this subtle gap between property and usage allows one to judge the limits of right itself, illustrated in particular in the right of intellectual property: a work is by itself too homogenous to the will that produced it for it to be private property, or rather that the property form succeed in framing this act of spirit that is the socialization of works. This does not mean that intellectual property right does not exist, it means that it always fails partially, which is manifested regularly in conflicts concerning the heritage of works. By contrast, right indeed succeeds in regulating the reproduction of inventions and works by technologies that make of produced things so many copies of the original works: the printer allows a work to circulate in a way completely independent of the creative will and this materiality wholly justifies that the circulation of works fall under the jurisdiction of property law. But the author remains the owner as it is clear in updated re-editions. There exists, Hegel says, a whole range of nuances between art and handicraft: for true works of art, reproduction is itself another artistic production, so much the will invested is indissociable from the materials in the invention of a style. At the other extreme, works of artisans allow for the productive will to be reproduced by the materials in a way that is not absolutely singular.

After Walter Benjamin and in the age of the internet, this Hegelian view is indeed on the tip of everybody's tongue. We all sign off on rights for the diffusion of our works online. And bio-ethics lives off these problems: are the cells of human organs not objects of property? Can we rent out our stomach? Is the question posed in the same way for the person whose body possess the organs and for another person who would like to become the owner of them? Whence the interest and the difficulties specific to property: there is something in organic or social "things" that make of them more than simply things enclosed in the juridical form. The specificity (*Eigentümlichkeit*) of certain things go beyond what property (*Eigentum*) can do. This activity immanent to right as the active putting in form of social relations fails since the starting matrix, (the face to face between will and things), encounters its limits. This is what the expression "abstract right" means. In social acts a thing is thus not always simply an individual's [particulière], it is sometimes "everybody and anybody's thing"<sup>6</sup> and as such universal. Before

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<sup>6</sup> This is Hegel's expression when he describes the contradiction between a simple thing in the sense of the one who created it (*Ding*) and the social reality of the thing (*Sache*), apprehended by others and otherwise. This is what Hegel names "the animal reign of the spirit or the thing itself.") And in the following chapter, he takes it up by speaking of spirit being render foreign to itself in the real.

being the heyday of the world of culture, it appears in exchange. Things “have to alienate themselves,” exchange themselves in order to give form to their value that is this element, materialize immanently in the failures of the putting into form of many social acts by property. Property thus moves towards the contract, which in German is Vertrag: the thing “changes hands” in some way because it is inhabited by an inadequation between the juridical mark and the taking possession. And, if I may say, “we’re back at it again” [rebelote], that is to say, Hegel recommences his reasoning: what can be exchanged and what escapes the power of a contract? A work contract cannot bear on the totality of the living forces of workers since what is exchanged would then be invaluable, this would be the very life of the worker and this latter would no longer have, with respect to the labor being sold, this relation an indispensable exteriority in the entire register of property and of exchanges. Marx clearly will radicalize this analysis, as much by way of the distinction between labor power and labor in the contract as in his critique of property in general and of the commodity in the capitalist regime, this social thing in which the real fact that it is the product of labor is erased by a captivating and dazzling phantasmagoria. We also know the famous text in which Hegel affirms, against Kant, that marriage is not a contract since the community of relations that make up its reality is too rich, too concrete to be “taken up” in some way in the contractual form. There are too many elements in the relations between husband and wife for the property-form to contain these relations. By contrast, the family as a juridical person is a property owner...

Or again: there is no social contract that can be said to found the political body: the act by which the collective body that is the State makes up the very substance of individuals is too real to be put into form by a contract that would make of the political body an association of individuals etc.

What is important in these various examples is that Hegel’s reasoning is the same for public monuments, the property of works, labor, marriage: property rights, by their very insufficiency, locate more concrete and complex forms of social production.

The debate over things in property right is useful because of its relative impotency. It is an adventure that fails. Violations of right are the manifestation of this failure. Right, necessarily tarnished by the fact of its abstraction, only ever truly becomes itself by the invention of penalties that measure the gravity of crimes and misdemeanors and, by this measure, make juridical activity accede to a less abstract universality than property alone. It is thus not the value of things exchanged in the contract, nor the value infractions estimated by the right to punish that make right an abstraction. It is the identification of a will with a thing and the recognition that social beings seek to promote by mutually recognizing each other as persons, that is to say, as property owners. Others will then say that property is an institution that separates, that it is an exclusion that is presented as a relation, the contrary of a social relation.

It is on the basis of this impossible point of its power that property right situates the density of social relations.

## II. The Animism of the Unconscious according to Freud

Must we qualify abstract right as animistic?

By qualifying as animistic the relation to things in property, I am making a somewhat peculiar use of this term. Animism is defined traditionally as the attribution of a soul to plants, animals, and inanimate objects, as in totemism. Now, I said at the beginning that the equation established by Hegel between will and thing is paradoxical: the inanimate matter of the thing is posed as heterogenous to the spirit that comes to be the possessor and appropriates itself through it. The complexity of these moments of exteriorization and becoming-other to oneself in things even though it is the will that is supposed to render itself strange to itself by this alienation does not correspond to the immediacy of what gives itself as the soul of things and beings. On the other hand, it is useful to refer to the definition that Philippe Descola, following Eduardo Viveiro de Castro, gives to animism as a mode of identification, that is to say, as establishing relations. Animism establishes an identity of interiority between humans and non-humans and a non-identity in physicality, that is to say, in bodies. For Europeans, the reality of bodies goes without saying. The question that polarizes our thought is that of knowing to which bodies a soul is to be attributed and which bodies (those of savages, primitives, slaves, animals, etc. ...) are deprived of one. For non-moderns, as the anthropologists say, the question is not posed in these terms. Bodies are anything but evident in their reality, this is why encountering bodies is an ordeal that persists throughout life. The Achuar in the Amazon, for example, think these experiences by way of the theme of the declining predation of multiple manners of which us Europeans, have no idea. The question of the attribution of a soul to beings with which relations are bound up is not posed as a belief to which one must adhere, that one would be able to doubt... Nor is it a exactly matter of a classificatory system like "the savage mind" in Lévi-Strauss, which still presupposes the validity of the distinction between nature and culture. Animism is a structured thinking that puts existence into form by a general schema that is independent of "our" categories, for example, the scheme of predation. The contradictory opposition between will and thing in Hegel is no doubt completely foreign to "cannibal metaphysics." However, the common point between Hegel and animism redefined by Descola is that the latter is neither a belief nor a classificatory system, but a thinking, a metaphysics.

The term used by Viveiro de Castro and by Descola in order to characterize animism is, as I said above, that of a "mode of identification." Now it is precisely this term as distinct thus from the terms comprehension and sensation and perception, that we find in Freud when he establishes a proximity between the unconscious and animism. What is the import of this punctual encounter? When in 1915, Freud justifies the hypothesis of the unconscious, he begins by distinguishing the type of knowledge contained in the unconscious phenomena of all knowledge, in the philosophical and psychological sense of the term. Symptoms, dreams, parapraxes, and post-hypnotic suggestion are deployed at once in acts and in the discourse maintained by the subject,

but without this subject mastering these manifestations. It is this non-mastery, as opposed to Cartesian consciousness, that was defined as the guarantor of the truth of the ideas that Freud names unconscious. The unconscious is not a non-conscious self-knowledge, not a cognition, but rather an identification. Concerning the relation to another who seems less immediately close to ourselves, Freud begins by employing Cartesian terms, (or Husserlian terms if you'll permit me this anachronism). That another man also has consciousness is a deduction (Schluss) that we make by way of an analogy with the expressions and actions of another and us, in order to make the acts of others comprehensible, Freud says. But on this point, Freud corrects his own formulation. This intellectualist thesis (that makes knowledge the norm of all thinking) will not do:

(It would no doubt be psychologically more correct to put it this way: that without any special reflection (*ohne besondere Überlegung*) we attribute to everyone else our own constitution and therefore our consciousness as well. and that this identification is a *sine qua non* of our understanding.) This deduction (or this identification) was formerly extended by the ego to other human beings, to animals, to plants, inanimate objects and to the world at large, and proved serviceable so long as their similarity to the individual ego was overwhelmingly great; but it became indispensable (*unverlässlich*) in proportion as the difference between the ego and these 'others' widened.<sup>7</sup>

Thus, the animistic mechanism of identification is just as impossible to abandon as it is for it to no longer bear only on other human beings. However, when we other civilized attribute a consciousness to other men, we misrecognize its immediate character. We think that it is a deduction.

Since the two French translations of Freud contradict what I've just written, I propose my reading with a risk: who has the meaning muddled? It is in fact, in Freud's own text, a matter of a genealogy of Cartesian consciousness, and more precisely the passage on "hats and coats" in Descartes' second Metaphysical Meditation. Descartes asks himself how it is that I consider the hats and coats that I see passing by outside the window as belonging to humans rather than to plants that would move or to an artifact, or to animals decked out in hats and coats. And he responds that it is a matter of a judgement of my will on the basis of information from perception and my understanding, and not an immediate certitude. Freud sees in this affirmation that makes of the immediate relation to others the content of an intellectual act the glossing over of a

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<sup>7</sup> "The Unconscious (1915)" in *The Freud Reader* ed. Peter Gay, pg. 575 (translation modified).

TN—MDM modifies the translation of the French *Oeuvres complètes* rendering of *unverlässlich* as "moins fiable", meaning less reliable, which is mirrored in the English "more untrustworthy", where as she suggests the German implies the contrary, "inviolable" or inevitable/unavoidable, since Freud says that identification with the other is all the more indispensable when it pertains to other humans.

misrecognition, by intellectualism, of what is really at stake here: the animistic identification of the other. This does not prevent the latter from existing, as Charcot would have said. The unconscious does not fall under knowledge (this is why it is not a “double consciousness”), but an immediate identification. And the only domain where we are still animists, no offense to Descartes, is in the relation to other humans. Except that we are so distant from animistic thought that we, “Moderns”, misrecognize its efficacy, precisely where it is exercised unflinchingly: the unconscious.

The text that I have retranslated opens and closes allusively with a genealogical critique of Descartes, or of our Cartesianism: only with great difficulty do we have access to our nonetheless active savagery. Freud’s definition of the unconscious is completed by a sweeping reference to Kant. We are cut off from ourselves in the same way that we are cut off from others. This is what psychoanalysis brings to the table: the unconscious is an affair of a denied or excluded animistic identification. “Savages” extended to animals, plants, and inanimate bodies the soul that we reserve for humans. Freud affirms that it is useful to extend to ourselves the same unknown soul that we attribute to other humans. This problematic of the extension and restriction of objects on which the thought of the soul bears runs throughout the text. What is even more surprising is that the out of reach character (of our consciousness and our knowledge) that characterizes the unconscious is related by Freud to what is out of reach in the external world (*Aussenwelt*). Here is where Kant comes into the picture: like the things in themselves, the processes of our soul are by themselves unconscious and their perception by consciousness leaves something out of reach. Freud does not cite exactly the thesis of Kant concerning space and time, which are not things in themselves and which thus limit our access to what would be thing in itself; this latter is precisely unattainable, the simple epistemological index of the spatiotemporal character of every consciousness of objects. Freud summarizes this Kantian doctrine by simply speaking of the “subjective conditioning of external perception.” There is always something unknowable in what we perceive, and this is what justifies the comparison with the unconscious. In turn Freud loses the distinction between knowing and identifying oneself by which he began his reflection on the unconscious. But he gains, without explaining it, a reference to the opposition between what is objective and what is not in knowledge. The separation between conscious and unconscious is a face to face as in the knowledge of objects (*Gegenstände*) by the subject in Kant; but nevertheless, in this face to face an unknowable is involved. The difference between these two unknowables is that the unconscious is less unknowable than the thing in itself, since psychoanalysis as a practice creates an access to the unknown object (*Objekt*), which renders the soul divided. Rather than speak of interiority, it would be best to say that it is the polarization by the unknown that divides the soul. We might have expected that, by criticizing the intellectualist knowledge in the name of this other act of thought that is the identification to oneself as to “another unknown”, Freud would also take distance from the question of the object. But this is not the case since what interests

him in Kant is the polarization of the knowledge of the object by which, in the latter case, it is precisely no longer a given but an unknown object. It is this scission between object and thing in itself inhabiting the object that he holds on to.

The status of the unconscious is thus approached by two references, completely different, but that Freud combines: “the psycho-analytic assumption of unconscious mental activity appears to us, on the one hand, as a further expansion of the primitive animism which caused us to see copies of our own consciousness all around us, and, on the other hand, as an extension of the corrections undertaken by Kant of our views on external perception.”<sup>8</sup>

What is to be done about this complex of affirmations and where do we stand with respect to the question of property and objects?

First remark: Freud plays just as much as Hegel does and just as much as the German language itself does with the ambiguity of the terms *eigen*, *Eigentum*, *Eigentümlichkeit*.

In Freud as in Hegel, the animate and inanimate are put on the same level. But Hegel insists on the metaphysical heterogeneity of the inanimate thing with respect to the initiative of spirit that invests it and with which it is identified. However, the proprietary will is not confounded with the object. Whereas Freud describes a kind of back and forth in which, as soon as the intellectualist pretension of consciousness is developed it is at the price of what falls under, even for consciousness, identification as lived and unconscious identity with the other, the stranger. This theme of exteriority, that is to say, the otherness of the unconscious with respect to consciousness nonetheless convokes the borders of the Kantian object, and from there the object in the sense of *Gegenstand*. When knowledge manages to apprehend the external by placing an object in front of the subject, there is a non-objectal border, a non-object. Kant often speaks of a negative beyond that we must not make positive, but that thought can situate as that which it cannot attain. The thing in itself is unknowable and in this way foreign, and this unknown does not take the status of an object. It is properly speaking external neither to the object nor to the subject, since if it was, it would be situated in space. It is the spatial phenomenon that is external. Kant, by his distinction between object and thing in itself, is hardly animistic, or in any case less so than Hegel. Here there is neither a view into the object nor into the Thing. But nonetheless what interests Freud in this relation between object and Thing in itself is the scission, the *Spaltung* that produces the relation to the unknowable. And the other with whom we identify ourselves, paradoxically, is indeed unknowable.

In Freud, exteriority intervenes in another domain than that of Kantian space: it still has a relation with the object, but as that which is excluded from itself: it is in the movement of misrecognition of consciousness that no longer has access to its own activity of identification that an exteriority appears and in so doing, appears as an offshoot of a radical exterior, “of the

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<sup>8</sup> “The Unconscious,” pg. 576-577



object.” Understanding only returns to what it excluded by transforming the excluded into an object. When in 1920, Freud names negation (*Verneinung*) the radical affinity of the intellectual act of judging and the exclusion from the self of something that subject attributes to another, the analyst, he develops this theme of a struggle constitutive of the subject. Is this so different than the cannibal metaphysics conceived by Viveiro de Castro? Can we bring together exclusion and predation?

### III. The Redistribution of Riches in New Ireland and “our” patents

The objects described by Marilyn Strathern under the name *Malanggans* condense mourning rituals, the transmission of goods and capacities to the one who has left life on earth and the invention of a new social relation between the group and this who pretend to give a pathway to death transformed into ancestry.

These statues or these masks which appear to us as composites serve first of all to give a body to the one who has just passed away. When a member of the group dies they must be given a body or skin so that they can become the ancestor of other bodies present who “will inherit” their capacities, goods, and talents. Such a mask, for example, possesses the general appearance of a head, but upon which are posed numerous small sculptures of snakes, birds, fish, the wings of a parrot. What is important here is that we neither know the background nor which bodies are fixed upon which background. This is the first point that Strathern treats since it subverts the distinction between depth and surface, and thus also the distinction between interior and exterior, both of which shape our conception of space. This disruptive visual character requires, according to Strathern, a conception of inhabitation that ignores our distinction between nature and mind as well as our pretension to master our technology and our knowledges. We indeed believe to stand over and against nature and we believe that our technology accentuates this position. Property right sanctions it by making believe, by the politics of patents, in the distinction between nature and technology. Nature, indeed, in Euro-American society is what is what cannot be patented. This is why the *Malanggans* are puzzling: we do not know what is enveloping what when we see them; it is a subtle invention that says that our ancestors indeed inhabit us as much as we succeed them when we prepare a body for them. Thus, this technique of the fabrication of *Malanggans* equally defies our conception of time: on the one hand, it might take many years before people that claim to have a right to carry on with what deceased person was or did, materialize that which links them to this death by inventing a statute.

On the other hand, this technique is also an institution that we will qualify as cultural: those aspiring to a succession are not alone. They appeal to a sculptor to whom they express the idea of what links them to the one who is not yet an ancestor. It is the artist that gives form to their idea. Finally the time of transmutation of capacities of the deceased contained in the fabricated object is paradoxical with respect to our modern customs since the *Malanggan* is not built to last, but to be destroyed, contrary to our technical objects. When the mask has united in it all of the

capacities of the dead and they are transferred to other members of the group, when this object has fulfilled its function, it is destroyed. Strathern notes humorously that the inhabitants of New Ireland quickly learned that one way to rid themselves of Malanggans was to sell them to Europeans and Americans who would put them on display in museums...The deceased also produce new relations of exchange due to this sale!

The New Irelanders do not ignore the distinction between interior and exterior, but they make a totally other use of it than we do in our technique and our rights; the technique of the Malanggans has the power to transmit and repartition in a new way the capacities of a dead one in social relations: “What is then so distinctive in the functioning of this power that must be placed in a body before being able to liberate it?” And since exteriority is not any less natural, the anthropologist poses the same question to moderns and non-moderns: “How do we separate ourselves from what we produce?” The New Irelanders materialize a provisional new body for a deceased person and abandon it as soon as it has served to redefine social capacities. We, on the contrary, regulate by way of intellectual property right, all the more complex in the age of contemporary technology, what goes to the inventor-owner and what goes to the users that buy licenses to make use of the capacity created by the owner and their objects. But we are under the belief that we oversee technologies whereas they inhabit us just as the ancestors inhabit those who invent the Malanggans. Our modern myth is that property has lost the meaning of what it is to inhabit the world: “The manner in which Euro-Americans attach things to themselves makes them at home in the world—whether contained by Technology or by Nature—from which they think of such things as coming. Ownership is a kind of second skin to these two containers, a world through which people are infinitely interconnected through the inclusions and exclusion of property relations, and in which possession is taken to be at once a natural drive and the just reward of creativity.”<sup>9</sup>

## Conclusion

The idea that the very bases of the political philosophies of democracy carry along illusions is not new. I have attempted here to assess the decentering that anthropology has as its goal. In what way might the institution of Malanggans in New Ireland challenge the distinction between public and private? What is indeed interesting, in this example, is that mourning rituals and the repartitioning of new social capacities do not isolate individuals as in democratic practices and ideologies. Whether we are liberal or socialist in economics, the debates around the private or public appropriation of the means of production let unprecedented possibilities for the putting into relation of things and social relations escape. In the same way, the distinction between animate and inanimate, decisive in philosophies of property, is challenged by this counter

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<sup>9</sup> Marilyn Strathern, “The Patent and the Malanggan.” *Theory, Culture & Society*, Vol. 18 (4), 2001, p. 12

example. Or again, we can get a better handle on how the structure of social time is modeled by practices and rituals: the delay, often long, that follows before the communal initiative of a person linked to the deceased and of a sculptor to whom the former recount their “idea” takes on a (provisional) form of a statute or a mask etc... That is to say that contrary to what happens in our societies, the relation of individuals wills to things is not isolated. “Things” are indissociable from relations.

In these relations something common is put to work, otherwise than by a State authority that aims to encapsulate the essence of the social whole or its principle contradiction. Is it not in this register that what makes up the consistency of a society is deployed? It is not only a matter of an “associative web” opposed to the unifying authority of the State, but of what traces the common in the practices and thoughts of a group.

This detour through anthropology also allows us to go beyond Freud or rather to modify his reasoning: we recall that in 1930, in *Civilization and its Discontents*, Freud rapidly criticizes communist ideals by affirming that inter human aggressivity is more fundamental than the aggressivity at work in private property. Eliminating private property will thus suffice neither to eliminate violence nor the desire to murder. But rather than to ask oneself in an evolutionist perspective, inadequate here, what is more originary, must we not ask ourselves instead which objects, rituals and institutions allow us to transform violence? Must we not ask ourselves, in the words of Étienne Balibar, how inconvertible violence circulates in our societies and if the institutions of private property are taken up in these unconscious dimensions of social life?