**Chapter 1: Wit and Law**

1. **A Lawgiver**

a. The Road to Rome.

# The year is 1901. Freud had just overcame his“phobia of railways” (*Reisefieber*)and, for the first time in his life, took the train from Vienna to Rome.[[1]](#footnote-1) The personal drama of transgressing imaginary borders and breaking new grounds was induced by the legal impediments imposed on Freud, preventing his promotion to a Professor Extraordinarius (*ausserordentlicher Professor*). The promotion was delayed because of “denominational considerations” which refereed to Freud’s Jewish origins and which pushed him to feel, as had been expected from him many times before, “inferior and an alien because I was a Jew.”[[2]](#footnote-2)

# This throbbing episode was accompanied by a series of dreams relating to Catholic Rome, representing for Freud the “promised land”, but also, concurrently, the pure enemy and the source of all Jewish persecutions.[[3]](#footnote-3) His voyage from Vienna to Rome was to follow. “Learning the eternal laws of life in the Eternal City”, wrote Freud, somewhat waggishly, to his then, intimate friend, Wilhelm Fliess (1858-1928), “would be no bad combination.”[[4]](#footnote-4) It takes perhaps the perspicacious self-analysis of Freud to later add in the same witty spirit “If I close with ‘Next Easter in Rome’ I would feel like a pious (*frommgläubiger*) Jew”, ironically reflecting (in the playful exchanging of Jerusalem for Rome) on his personal complex.[[5]](#footnote-5)

# Freud’s vivid attitude towards the law in this context seems to stand out. First, it is Freud who brings together “eternal laws” and the denominational considerations, associating in such a way between religious symbolism and the legal drama at the background of his expedition. Laws and eternal laws are thus brought together in a way that explicitly expresses Freud’s critique of religion and society. Critique means in this case a scrutiny of the social circumstances that are for Freud informed by religious considerations. That is to say that in Freud’s analysis there exists a link between his personal experience in a particular social and political reality, and a long and ongoing Christian hostility towards Jews that is emblematically represented by, for him, two Catholic cities – Vienna and Rome. Second, not only the repeated references to the law, eternal or other, but also the ironies within which these references take shape, play a part in these partly painful partly playful, richly associative and critical reflections. Wit, no doubt, served Freud’s emotional needs under such difficult circumstances. It is a way of expressing, perhaps ventilating feelings of frustration and discontent. But the jesting also provided Freud with an analytic instrument worthy of contemplation. In witticism, catholic Rome supplants for example Vienna, and Jerusalem (another eternal city of religion) is, to some extent, humorously presented as interchangeable with both. But in such an amusing way Rome and Jerusalem are combined to reflect the “eternal”, godly laws, against the background of an unresolved legal status that related to his Jewish identity in a, for Freud, hostile (and Catholic) Vienna. Freud’s witty approach is then also a way for offering his social critique. It expresses his critique of social circumstances (i.e. the conditions in which he is regarded as “inferior” because he is a “Jew”) as much as the extent to which this critique relates to religious and theological imagination. This theological and critical spirit goes on to include some blurring of the boundaries between persecution and deliverance (symbolized by the biting exchange between Rome and Jerusalem) which relates to Freud’s actual legal impasse. In all these venues of reflecting on law, legality, religion and theology, Freud seems to play with interchangeability, induced perhaps by the transgressing of physical and imaginary borders that his excursion to Rome embodies.

# This last point is crucial. Freud, it seems, was not just going on a vacation. In his eyes he was on his way to meet an eternal, malicious, redemptive, detested Rome-Jerusalem, the locus of concurrent identification and repulsion and the emblem for his unresolved standing as “alien” and “inferior.”[[6]](#footnote-6) Freud disclosed these difficulties in particular in his critical reflection on a concept of the law which involved its ties with a long religious heritage. A reference to laws and to their association with religion and theology – even if by means of ironies and plays – stands out within this context. It points to the manner in which an engagement with laws (e.g. eternal, social, political) was a central characteristic of Freud’s voyage to Rome. Not for nothing Freud called his pilgrimage “the high-point of my life”, which could be read as an equally severe and an ironic self-observation.[[7]](#footnote-7)

If the road to Rome makes a case for Freud’s composite and witty reflections on laws religion and theology, Freud’s arrival to the “eternal city” points not less intensely to a same direction. In what seems to be only fitting the train of tense associations between social, legal, political and theological spheres, Freud’s arrival to Rome – after crossing his personal “Rubicon” as Didier Anzieu puts it – was dominated by the presence of Michelangelo's Moses in the San Pietro in Vincoli (Saint Peter in Chains) as an integral part of the [tomb of Pope Julius II](https://en.wikipedia.org/wiki/List_of_papal_tombs#16th_century).[[8]](#footnote-8) It is to this statue of the “law-giver of the Jews” that Freud returned, in all his later six visits to Rome.[[9]](#footnote-9) As he later asserted in his paper “The Moses of Michelangelo” that summarized his experience: “(for) no piece of statuary has ever made a stronger impression on me than this.”[[10]](#footnote-10)

To the extent that Freud’s last, controversial, publication *Moses and the Monotheism*, represented a final word on a long lasting personal interest, as many scholars argue, the first visit to Rome may stand for its nascence.[[11]](#footnote-11) But the main point to note here relates also to Freud’s continuous bringing together of critique, law and theology. Particularly, we are dealing here with Freud’s engagement with Michelangelo’s critical introduction of the Jewish law within a Christian framework. Such an alleged significance of the sculpture struck Freud, as a way of revelation, “suddenly through me” (*plötzlich, duch mich*), if only to hint on his intimacy with the matter. What struck Freud in this context was a combination of three integrated postures, which contributed to the “inscrutable” nature of the statue.[[12]](#footnote-12) All three postures relate to falsifications and an inversions of an original meaning made by a cunning artist who in such a rather shrewd way delivers his critical message.

The first of these deceptive postures, was that of the Hebrew “law-giver” positioned not only as part of the tomb of a pope, but rather as the “guardian of the tomb.”[[13]](#footnote-13) Such a positioning of the figure of Moses at the heart of a catholic sacred space, represented for Freud a double critique of the church. First, it presented the supremacy of the law over and against the pope. In such a way Moses’ “role in the general scheme” of Michelangelo is that of “a reproach against the dead pontiff”, and as reminder of the law as “rising superior to his own nature.”[[14]](#footnote-14) To some extent Freud communicates the German intellectual tradition in which Judaism was considered to be the religion of law. The figure of Moses encapsulates this critical issue well because it is Moses who unequivocally represents the law. It is in this critical sense that Moses’ “immediate counterpart” should have been “a figure of Paul.”[[15]](#footnote-15) If Paul symbolizes the Christian turn against the Jewish law, Moses, one could say, stands for Michelangelo’s own revolt against the church.

Second, such positioning of Moses represented a falsification of a Jewish lawgiver, because Moses is now engraved as a Christian icon. This is then Freud’s second critical note. It relates to Michelangelo’s own reproach of Judaism. For Freud Moses is falsely annexed by a cunning Artist to exclusively represent an inner Christian affair and as a result of Michelangelo’s impressions “of the individuality of Julius himself.”[[16]](#footnote-16) To put it differently, the imagined split between the figures of Paul and Moses is presented as a clever, for Freud witty, somewhat psychological play on the Pope’s persona. But it also points to what such persona theologically represents for Christianity. The location of Moses illustrated thus for Freud an array of clever inversions: a representation of a pious pope, which is, at the same time a reproach against him; a Jewish Moses who is central only in being a guardian of a Catholic tomb; the rebellious recalling of the supremacy of the law, that locates the law, nonetheless, as an exclusive part of a Christian theological message.

The third of such distorting postures of the statue was for Freud “a mixture of wrath, pain and contempt” that characterizes Michelangelo’s Moses.[[17]](#footnote-17) This mixture stood for “a new Moses of the artist’s conception,” a false Moses, who, ironically, does not shatter the Tablets, representing the divine laws, but rather contains his anger, in view of the mob celebrating the golden calf.[[18]](#footnote-18) We are dealing here, again, with a fabricated Moses who substitutes the lawgiver presented in the scriptures. What is being falsified is mainly Moses’ performance. Rather than shattering the divine law, he preserves and rescues it. The biblical story becomes distorted and a new Moses replaces the mythical figure.

The third posture is also the most valuable one for Freud’s argument regarding the Artist’s critique of the law. It relates to “the very unusual way in which the Tables are held.”[[19]](#footnote-19) The Tables, representing the law, are held according to Freud “upside down” (*umgekehrt*).[[20]](#footnote-20) The tables are overturned, stand “on their heads”, however, only because in this way they are “easier to carry.”[[21]](#footnote-21) The inverting of the law is made, according to Freud, just for the sake of easing the burden. Michelangelo’s representation of a false decision to preserve the Tables (i.e. the tamed wrath), is accompanied by an overturn of sorts of their content. The purpose of such an overturn lies only in its supporting Moses’ physical composure. This insight reflects back also on the location of Moses as a guardian of the pope’s tomb. The placing of the statue as such a guardian is supported, one could say, by the overturning of the law. Thus, the flipping of the Tables does not only reflect on the maintaining of the law but also on the positioning of the lawgiver within the wider theological scheme.

A threefold falsification (“*verfälschen”*) is captured in this image of a lawgiver with whom, to recall, Freud would have a lifelong identification.[[22]](#footnote-22) First, a law is preserved, but only inversely, a reversal that supports Moses composure, as a matter of convenience. Second, wrath is at hand, yet left tamed and frozen. Third, Moses maintains his position as an original Hebrew “holy man” and “lawgiver” but only as a Christian and for Freud fabricated one. Here, a fake Moses replaced an original one. The Artist’s display of faith, Freud concludes, “might almost be said to approach an act of blasphemy.”[[23]](#footnote-23) The inversions and falsifications that inform such a “blasphemy” are not described by Freud as opposite poles but as a playful spectrum of well devised inversions, transgressions, turns and overturns.

As in the case of Freud’s reflections on his expedition to Rome, Freud presents in his scrutiny of the statute of Moses, his enduring interest in a critical engagement with law and lawgiving which he associates with religion and theology. A critique of the law and its relation to theology seems to be central in both cases. Especially in his dealing with a fake Moses of the artist imagination Freud involves speculations on theology and politics, faith and political action, heresy and deliverance. But as in the case of his reading into the relations between the long history of religion and his personal predicaments in Vienna, his analysis of Moses brings also to the fore the importance of cunning inversions and subversions. Wider critical and theological considerations seem to be involved with these particular features. Indeed, not only Freud’s critique of Vienna but also his reading into Michelangelo’s critique of the Church involved playful transpositions, involving Rome and Jerusalem in one case, Christianity and Judaism, St. Paul and Moses in the other. In both cases Freud seems not just to critically reflect on eternal, social or political laws but also, and perhaps more importantly, on how such laws are transgressed, overturned, put “upside down”, circumvented, or subverted.

b. Stories of Grave Importance

This rather long overture has a point to make, namely that it is against this background of Freud’s early interest in what associates together critique, law and theology with witty transgressions and subversions, that one may read Freud’s “The Joke and its Relation to the Unconscious” (*Der Witz und seine Beziehung zum Unbewußten*).[[24]](#footnote-24) Published in 1905, four years after his first tour de Rome, Freud’s book presented an analysis of jokes (*Witze* which Freud presents as an equivalent to the English term “wit”) and of their social and psychological significance as part of his early body of works that included his 1900 opus magnum “The Interpretation of Dreams”, his 1901 “Psychopathology of Everyday Life”, and his “Three Essays on the Theory of Sexuality.”[[25]](#footnote-25) These early works, as Ernest Jones had pointed out, constitute Freud’s formative corpus that contained “permanent elements” to which Freud “adhered all his life.”[[26]](#footnote-26) Jokes, in this sense, were juxtaposed by Freud to sexuality and dreams, representing for him more than a minor “side issue.”[[27]](#footnote-27)

His interest in such a theme resulted to some extent from the rise of scholarly interest in humor, the comical and jokes that characterized the turn of the 19th century. Theodor Lipps' book *Komik und Humor* from 1898, Kuno Fischer's *Über den Witz* from 1889, and Bergson's *Le Rire* from 1900, are just three notable examples that Freud used as a point of departure for his own analysis of jokes.[[28]](#footnote-28) At the same time, however, it matured more deeply out of his personal experience. Freud himself made the point rather clear, even if in oblique. In a letter to Fließ, written not long before the expedition to Rome, Freud tied between three issues: the death of his father in 1896 (what he termed “the most important event, the most poignant loss, of a man's life”); the beginning of his famous self-analysis in 1897; and the initiating of a collection of Jewish jokes or what he called “Jewish stories of grave importance.”[[29]](#footnote-29) His awareness to the gravity of jokes was tightly connected to the death of the father and intersected with his first steps into what would later mature as the new science he formulated.

This last point seems to be important. Many of the weighty anecdotes that Freud collected in the book are made of Jewish cracks and witticisms about Schnorers (baggers), Schadchan (match makers) and other, for Freud comic, figures taken, mostly, from the Eastern European Jewish social scenery. These became a substantive part of the book, presenting it perhaps not only as a book on jokes but also as a book of jokes. The lavishness of such “stories of grave importance” invited scholars like Ernst Simon, Elliott Oring and Sander Gilman to note the extent to which Freud’s book discloses his relations with his Jewish identity.[[30]](#footnote-30) But the ties that Freud made between the collecting of Jewish jokes and the two main, formative, events of his personal and professional life, involve, arguably, not just reflections on identity. They seem to point more particularly to Freud’s deep engagement with questions of universal and eternal laws. On the one hand the law of the father and on the other the naissance of his psychoanalysis. The manner in which jokes mediate both aspects is also made clear by Freud. For him the “grave importance” of Jewish jokes lie in that “only the setting is Jewish, the core belongs to humanity in general.”[[31]](#footnote-31) Ernst Jones’ noting that the book on jokes contained “some of his [Freud’s] most delicate writing” may be apt mainly because the book seems to intertwine Freud’s dominant personal and professional quests from that time.[[32]](#footnote-32) Perhaps like a statue of Moses over a grave of a Pope, jokes have grave importance because they are conceived by Freud as guardians of a universal message. One may argue that it is this message, or “core”, that he sets out to examine.

This last point may explain for example why Freud’s autobiographical retrospect firmly suggested that his book on jokes was a particular “contributions to the psychology of religion,” attesting in such a way to the particular “permanent element” that this book offers (to use Ernst Jones’ terminology).[[33]](#footnote-33) Especially in this book, as we shall see, the developing of Freud’s thoughts on critique of law and on its relation to religion and theology is associated with the playful inversions and transgressions that ornamented for example his reflections on Rome as much as his thoughts on the “lawgiver” of the Jews. Still, some of his reflections on law and law-giving from these early years come across as plainly amusing, while other remain (for example in his correspondence) perhaps somewhat vague or underdeveloped. A further analysis of what appeared to be still only suggestive in his personal train of thoughts seemed to be for Freud in order. The importance of the book on jokes lies then in providing such a further analysis, “intimately interweaving” – to paraphrase Freud – critical considerations with religious sources, theology with its secularization, Judaism and modernity, to the extent of offering an insight (as we shall see) into Freud’s critique of theology.[[34]](#footnote-34)

**2. A Mechanism of Social Critique**

a. Subversion, Resistance, Critique and Law

What is a joke for Freud? The answer is rather simple: a joke is a mechanism of social critique. There are two main points that support such a claim. First, jokes for Freud represent a social device aiming to induce pleasure through and because of an “economy in psychical expenditure.”[[35]](#footnote-35) Such an “economy” denotes rather simply the saving of mental energies. Second, for Freud energies are saved because of two interrelated issues. The first issue is that jokes are subversive. The second is that jokes are brief.[[36]](#footnote-36) The brevity of jokes will be discussed below. Here, the subversive character of jokes is of particular significance because it relates to how wits react, somewhat craftily, to the imposed social norms, cultural requisites or rules of behavior. This is then the important point to note. Subversion in this context denotes a release of sorts from social structures, cultural and moral demands internalized by adhering individuals. To put it differently, the joke is made to resist these imposed burdens by subverting, and in this particular sense resisting, them.

An elaborative, for Freud rather representative, example for such a combination of subversion and resistance is a wit that Freud adopts from Heinrich Heine. In his *Reisebilder* Heine introduces a comic figure of Hirsch-Hyacinth of Hamburg. Hirsch-Hyacinth, so the grave story goes, had a personal meeting with the Baron Rothchild, one of the wealthiest Jews of that time. He then recalled his experience in such a way: “And, as true as God shall grant me all good things, Doctor, I sat beside Salomon Rothschild and he treated me quite as his equal – quite famillionairely.”[[37]](#footnote-37) Freud who, like Heine, seems to be amused by this particular Jewish joke, uses it as a central example for the technique of jokes that preoccupies him in the first section of the book that is dedicated to the analysis of jokes. For Freud the subversion embedded in the joke is made of an irregular condensation of two words together (familiar and millionaire). The irregular condensation of these two different words, however, enables a punitive criticism of a social structure in which familiarity may go only “so far as a millionaire can”, a criticism that, under regular social conditions, would not be perhaps so easily made.[[38]](#footnote-38) In such a subversive way the joke discloses mainly its resistance to social norms – in this case the relations between the privileged and the underprivileged – and it is this characteristics that makes it a matter of pleasure. Freud’s psychological emphasis on the mental “economy of expenditure”, discloses then a social argumentation, relating to a performance of resistance vis-à-vis an existing social order.

This example is also valuable for it shows how resisting social norms means also offering critique. “Familionaire” is, arguably, made for the sake of a sharp, albeit seditious, critique of society. It makes us aware, even if in brief, of a social structure from the point of view of the underprivileged, and cuttingly underline its difficulty. Critique means in this context a presentation of and a resistance to a social order, imposed on the individual. In this particular sense jokes are critical vis-à-vis the societal, because they are set not only to identify but also to resist its sway over human life. This capacity of jokes equates them with mechanism of social critique.

The concept of critique may be then applied to Freud’s examination of jokes in two main ways. First, and rather plainly, in his analysis of the origins, appliance and extent of Jokes, which Freud articulates psychoanalytically. To study jokes critically means in this sense to present the rationale, function and limits of a psychological phenomenon under investigation. In the strict Kantian sense critique means a form of analysis of a certain content or an object of study which includes charting its sources (*Quellen*) extent (*Umfang*) and boundaries (*Grenzen*).[[39]](#footnote-39) In taking the faculty of reason as its object of study, for example, critique aims at “removing all those errors” (*Abstellung aller Irrungen*) that were associated with this faculty.[[40]](#footnote-40) For Kant this approach to critique also means a form of a cleaning up or purifying (reiningen) of “a ground that was completely overgrown.”[[41]](#footnote-41) Freud seems to endorse this approach to critique to the latter. This does not necessarily means that Freud thinks as a philosopher, as Emmanuel Falque for example recently argued, but rather that his critique of jokes appears as a method of critical investigation, transposed to the field of psychology.[[42]](#footnote-42) It does not only represent a way of “removing” errors by means of charting the scope and limits of jokes but more profoundly includes, to some extent even promotes, also a “cleaning” of former mistakes and misconceptions that relate to their understanding.

This critical quest is reflected for example in the book’s tripartite structure. The first, “analytic”, part presents the rationale of jokes by pointing mainly to their underlining psychological logic. The second, “synthetic”, part displays the function of jokes (which is for Freud mainly social), from which Freud deduces the existence of different types of jokes. The third, “theoretical” part, aims at underscoring the limits of jokes by distinguishing between jokes and parallel psychological mechanisms (like dreams) on the one hand and social mechanisms like comic and humor on the other hand. The book structure displays then how a critical study of jokes for Freud is about presenting their sources (the first part), mapping their extent and content (the second part), and outlining their scope and limits (the third part).

Second, and more importantly, however, critique relates to the social function of jokes. Here, the concept of critique appears also as corresponding more closely to social critique because it relates to a breaking down and thus resisting of the social reality, even if by means of subversive suggestions. Heine’s wit makes a case for such resistance because it cleverly unveils social structures and, one may perhaps argue, power relations, by making a crack out of them. Because of its subversive character, the joke enables criticism that in any other way would not be possible. Such a subversive procedure is for Freud a common characteristic for all jokes and in this particular sense jokes are always critical.

Because the value of the joke for Freud lies in its social critique, his critical interest is directed not only to the analysis of the scope, content and limits jokes, but more profoundly to how jokes demonstrate resistance to social structures and imposed demands. In this second sense critique relates to wider social considerations. Critique, to put it differently, is about emancipating human beings from domineering social circumstances. Here, what seems to be important for Freud is the manner in which jokes release human beings from the social order in which they live, which they internalize, and to which they are otherwise in constant need to adhere.

For Freud, social critique indicates a critique of law. The point was accentuated for example by Michel de Certeau. Freud assumes according to de Certeau that there is an “a priori of a coherence to be found” in society and it is this deep seated supposition that constitutes Freud’s recourse to a notion of “*law.”*[[43]](#footnote-43) Freud accordingly understands the law in the most general sense. The law does not represent just a narrow set of legal rules, but much more broadly, a concept that corresponds to the pressing demands of a society in which human beings live. In his seminal “Nomos and Narrative” the legal philosopher Robert Cover makes an analogous case for such a broad understanding of law.[[44]](#footnote-44) Cover, who had to some extent built on Talmudic tradition, suggested that we should consider a worldly order, a “law” to which we constantly relate.[[45]](#footnote-45) The reference to a concept of the law needs to be understood according to Cover not in its more common narrow legalistic sense, but rather as a symbolic configuration of an overarching order (social, cultural, political or godly) with which we continuously engage. For Cover there is a *nomos – “*a normative universe” which we constantly shape and to which “the conventions of a social order” belong.[[46]](#footnote-46) Once understood in such a way “law becomes not merely a system of rules to be observed, but a world in which we live.”[[47]](#footnote-47)

The world in which we live means then a law in which we live. We endow such a world/law with a meaning “by using the irony of jurisdiction, the comedy of manners that is *malum prohibitum,* the surreal epistemology of due process.”[[48]](#footnote-48) These jests, however, are also not just technical devices used within a narrow legalistic context. They relate for Cover to issues ranging from violence and power, the difference between “creating” and “maintaining” law, to questions of redemption and of human and godly demands.[[49]](#footnote-49)

There seem to be a range of themes that could connect Cover meta-juristic enquiry with Freud’s meta-psychological analysis of jokes (including the alluding to humor and ironies, or the involving of religious symbolism). Nonetheless, Cover’s definition is mainly helpful in its pointing to what a broader understanding of the concept of a law that De-Certeau evoked may mean in Freud’s case. In Freud’s engagement with the statue of Moses, or with his personal predicaments in Vienna, for example, he repeatedly conjures a concept of the law and associates it with the rules that govern human life. The “learning eternal laws”, or the enthusiasm for the “lawgiver” of the Jews are examples not for a narrow understanding of law but rather to its broad association with a “normative universe” in which we live. Freud’s notion of subversion that he attributes to jokes goes along the same lines of argumentation. As a critique of the social order (including norms, ways of behavior, imposed cultural rules and so on) the joke turns against a certain “a-priori” coherence or logic that constitute this order. They are thus subversive inasmuch they undermine a certain pre-given social structure, imposed requirements, ethical imperatives, and normative demands, that the concept of law encompasses. To the extent that jokes represent social critique they stand for a critique of law.

Particularly in the case of the principles of behavior, rules of social conduct, and ethical imperatives, which are an upshot of a law in which we live, the joke represents subversion because it aims directly at disclosing inhibit thoughts and suppressed wishes. Thus, the joke according to Freud “must bring forward something that is concealed or hidden.”[[50]](#footnote-50) The joke discloses these hidden thoughts and concealed whishes while deceiving the censorship of reason and of its judgment, which is an outcome of an adhering to the requirements of sociability and that suppress our impulses and innermost drives. Freud thinks here of any thought or wish that was restrained, suppressed, or prohibit by our conscious censors and their restrictions. The censors themselves are, arguably, a product of imposed social and cultural pre-requisites, and are in such a way representatives of the lawful order of the social world which we inhabit. Subversion here means then not only the disclosing of something concealed or hidden, but the doing so while deceiving the rules and norms that the censorship we impose on ourselves, due to the social demands, is made of. In presenting itself as a joke the concealed or hidden thought “bribes our powers of criticism and confuses them” and in this way deceives our censorship.[[51]](#footnote-51)

We may recall for example Heine’s Hirsch-Hyacinth and his making a crack out of the condensing of familiar with millionaire. Such a condensation also represents a way of confusing our censures. It does so because the irregular way in which words are played with, and its breaking of the normal rules of language to which we are accustomed.[[52]](#footnote-52) Moreover, the social critique of the unpleasant experience involved in a “rich man’s condescension”, can be communicated because the joke cheats our normative ways of articulation (including a certain twisting of grammatical laws) and in this particular sense “confuses” us.[[53]](#footnote-53) Confusion here means a technic in which social critique is articulated but only inasmuch it hides behind an unregularly dense word play. In such a way the joke critically subverts the social norms of correctness.

Another, somewhat different example for the subversive character of jokes vis-à-vis the laws in which we live, lies for Freud in the following story, that is also part of his repertoire of Jewish jokes:

The doctor, who had been asked to look after the Baroness at her confinement, pronounced that the moment had not come, and suggested to the Baron that in the meantime they should have a game of cards in the next room. After a while a cry of pain from the Baroness struck the ears of the two men: "Ah mon Dieu, que je souffre!" Her husband sprang up, but the doctor signed to him to sit down: "It's nothing. Let's go on with the game." A little later there were again sounds from the pregnant woman: "Mein Gott, mein Gott, was für Schmerzen!" – "Aren't you going in, Professor?" asked the Baron. "No, no, it's not time yet." At last there came from next door an unmistakable cry ""Ai waih, waih geschrien"; The doctor threw down his cars and exclaimed: “*Now* it's time.”[[54]](#footnote-54)

It is rather questionable whether this joke with all its insinuations can be considered today funny or socially acceptable. We may have different sensitivities than Freud. Nonetheless, the aim of referring to this particular joke, is to point to Freud’s focus on the subversive, and thus critical, element embedded in the mechanism of jokes. This time, the mechanism that “cheats” and “bribes” our censures lies not in the structure of the joke or in a world play, but rather in its playful content. This content relates mainly to the three different cries of pain for the other room – mon Dieu, mein Got, Ai Waih. In the series of such cries, there seems to be a clever scrambling of universal claims with concealed Jewish themes. First, as Elliot Oring for example pointed out, these cries represent for Freud a universal claim regarding the human condition: the idea that a painful state of emergency enables our inner untamed, primal, essence to transgress all cultural façades.[[55]](#footnote-55) In such a moment there is no baroness nor a German, but simply a human body in pain. When the cultural laws, rules and norms are suspended – in this case because of the painful urgency – “primitive nature” surfaces.[[56]](#footnote-56) The social sensibilities are dismissed when and because hidden nature springs out. Differently put, the law is suspended in a state of emergency. To some extent we may be dealing here with a joke about the meaning of jokes: one that points in its content to the mechanism of bringing forward some concealed or hidden reality from the vantage point of the oppressive social order.

Yet, there is another layer to the pun. Is it not also possible that the three cries insinuate three different languages, French (mon Dieu), German (mein Got) and eventually Yiddish (Ai Waih)?[[57]](#footnote-57) The argument, which the English translator discounted, was made for example also by Christopher Hutton, and John Murray Cuddihy.[[58]](#footnote-58) In such a case, an “unmistakable cry” relates to a third language that hints on a more particular, surreptitious truth: namely that the French, well educated (*'gebildet'*), Baroness is an Ostjude – an eastern European Jew, whose suppressed mother tongue – her *mamme loshen* – is Yiddish. In no way, other than that of a joke, such an idea could be suggested by a speaker, or accepted by a willing listener. This subversive characteristic of the joke points then to a particular Jewish theme, or more precisely to what connects Jewish settings with a more general truth, exampling Freud’s view of Jewish jokes as guardians of a universal message.[[59]](#footnote-59) Here, however, the other way around might also be correct. Namely that a learning of the “eternal laws” of human nature communicate, somewhat resourcefully, a particular Jewish reality undercover.

This particular joke displays then another example of a critique of law, because it discloses a concealed reality that in any other social conditions, could not be exposed. It does so in two ways. First, in the content of the joke which is about the suspension of the rules of behaviors, and social conduct in a state of emergency. Second in its message, insinuating a true, surreptitious, identity underneath all the false layers of culture and sociability. In its movement through the layers of civility and into the primal sources of our social contracts, the joke presents us with an argument about hidden truths and how their expression breaks through our normative expectations. Here, irony and law, universality and particularity, human nature and Jewish identity are condensed together into one ingenious wit. There is a good reason for suspecting that this particular joke filled Freud (who could probably not help identifying himself with all the characters of the joke – the scientific doctor, the civilized respectable Baron, and the hidden Eastern European Jew) with amusement. Perhaps more poetically, in his own eyes he could identify himself with the newly born child of that joke that came out to the world in a somewhat absurd assembly of these three figures – science, culture, and Judaism.

When we tell a joke, which is accepted as such, we may then express materials that, in any other way, we could not have expressed to another person, and perhaps even not to ourselves. The critical element embedded in such an articulation relates to the way in which the joke identifies a certain lawful structure, and works against it in an act of defiance and liberation. What allows us such a maneuver is the fact that the Joke is subversive. It “bribes” our censors and deceives them. The censors under discussion are an upshot of social restraints or the world (that is the law in its most general sense) in which we live. By using jokes, we can overcome the codes of moral censorship, cultural norms or rules of behavior and in such a way to resist what is imposed on us.

The opposite should then also be true for Freud, namely that in a social or cultural context in which we cannot overcome the judgment of morality for example, or of the political laws of correctness, the critical mechanism of jokes remains out of our reach. If the law cannot be deceived, wits have no room to perform their play. Rudolf Herzog shows how the Nazi dictatorship represented a regime which was “deeply humorless”, and how, on the other hand, political jokes played out, albeit in hiding, forms of defiance.[[60]](#footnote-60) In such a way jokes presented a last resort of human freedom in an otherwise totalitarian reality. One may recall Arendt’s shrewd remark that one disarms Totalitarian regimes only by using the armament of humor and the weapons of ironies. Where there is irony, humor, and witticism, the underlying theory here goes, there is at least some form of liberty. An indication for critique, freedom and defiance, jokes dare to disclose hidden, untamed, thoughts while undermining the censorship imposed by the rules, norms and laws of society, culture and politics. Where laws cannot be subverted, jokes are excluded.

b. Brevity is the Body and the Soul of Wit

Jokes, however, are not only subversive. They are also brief. This is the second main point that Freud makes concerning the characteristic of jokes. He does so mainly in his passage from the first “analytic” to the second “synthetic” part of the book. “Brevity” argues Freud “is the body and the soul of wit, it is its very self.”[[61]](#footnote-61) Freud quotes in this passage Shakespeare's Hamlet. “Brevity is the soul of wit” says Polonius, somewhat insouciantly, in reflecting on the essence of being reasonable. In loosely exchanging wit for *Witz* Freud reiterates this passage because it relates for him to a central characteristic of the joke. The body and soul of being witty, is being concise and brief and this means for him a particular connection between reasonability and witticism.

Jokes are brief because they make a shorter way exactly where we should have taken a longer and much complicated route if we would to follow the rules of culture, or the codes of social engagement. Operating critically then includes also brevity. The critique of jokes can be long, and use many words. The story of the Baroness is one example because it is somewhat lengthy, involves rich information in several languages, repetition, and a scene that is, in a way built up slowly. Nevertheless, jokes, and even that particular joke, always convey their critical point in fewer words than is normally called for. When the doctor says “now it’s time” he means something like, “now that untamed nature (or else the true identity) is disclosed by cutting through all the cultural façades, and given what we know of human nature, I can be absolutely sure that labor is on its way.” The statement in itself, however, is hardly funny. It is dreary, and to some extent makes a reasonable elaboration that diffuses the whole wit of the matter. The point is that making some critical comment on the relations between culture and nature, or between society and identity would most likely be quite long and, if our intellectual capacities have anything to do with it, probably tedious. Joking about it is smart, direct, and piercingly goes right to the point.

Other puns that Freud finds amusing exemplify the same argument. For example Heine’s comment that in school he had to put up with “so much Latin, caning and Geography.” The addition of “caning” to the list of subject matters makes for Freud a possible long story about rough, education as much as Heine’s painful disdain of it concise and thus funny.[[62]](#footnote-62) And again Heine, this time on his death-bed: “when a friendly priest reminded him of God’s mercy and gave him hope that God would forgive him his sins, he is said to have replied: “Bien sur qu’il me pardonnera: c’est son métier” (of course he’ll forgive me: it’s his job.).[[63]](#footnote-63) The reference to god’s vocation makes for Freud the essence of the matter. If read fully it would mean a last, somewhat testimonial, critique of religion in which “what was supposed to be the created being revealed itself just before its annihilation as the creator.”[[64]](#footnote-64) The deep critical approach, however, is hardly funny if put in such an elaborative way. The pun which, in its brevity compiles such a point, is.

In the wide range of examples that Freud gives for wits, puns, ironies and wordplays, he aims to show how jokes display their brevity in two main ways: In their techniques, and in their tendencies. These two points deserve some attention even if in brief. Condensation, displacement, indirect representation (including representation by the opposite) and the use of allusion or absurdity, are central techniques of jokes that Freud presents in the first, “analytic”, part of the book. The “famillionair” joke makes an example for condensation by cleverly meshing two words together. The use of absurdity (god’s job) characterizes Heine’s deathbed wit. Displacement is achieved for example by a quick changing of the meaning of a sentence and thus playing with the overall message received: A horse dealer may recommend a horse by saying “If you take this horse and get on it at four in the morning you’ll be at Pressburg by half-past six.” The customer however replies “What should I be doing in Pressburg at half-past six in the morning”, displacing in such a way the dealer’s original meaning (crediting the horse with speed) by entering “into the data of the example that has been chosen.”[[65]](#footnote-65)

This range of technics is important because it displays, once more, jokes as a critical mechanism that is always abridged. Brevity is, in this case, the essence of jokes because it enables their critical operation. This means for Freud that although jokes are similar to dreams (a point that Freud emphasizes in the third, “theoretical”, part of the book) they also represent a widely different subject matter. On the one hand dream-work (*Traumarbeit*) and joke-work (*Witzarbeit*) are similar because they construct images (dreams) or wordplays (jokes) that condense, mesh, play with, relocate, displace or amalgamate notions, and that in this sense they are always epigrammatic. On the other hand, only Jokes do so in order to put across social critique.

“Tendentious” jokes are another, perhaps more complicated, point in case. A joke becomes “tendentious” according to Freud, when it serves one of the four ends: hostility (serving the purpose of aggressiveness or defense), obscenity (serving the purpose of exposure), cynicism or skepticism.[[66]](#footnote-66) In all these cases we express inhibit thoughts, aggressions, vulgarities, or hidden, to some extent brutal materials, in the form of jokes. When we do so, we are able to touch base with inner (e.g. hostile, obscene, violent) wishes that are usually left unspoken, or better, suppressed. Sexuality, violence, hostility, masochistic or sadistic pleasures and similar, for Freud natural and thus clandestine, drives, are common substances of such jokes.

Shamelessly mocking, for example, eastern European (and in particular Galician) Jews is the substance of a range of hostile jokes that Freud seems somewhat to enjoy, perhaps even against his best wishes. One example is this:

Two Jews met in a railway carriage at a station in Galicia. ‘Where are you going?’ Asked one. ‘To Cracow’, was the answer. ‘What a liar you are!’ Broke out the other. ‘If you say you’re going to Cracow, you want me to believe you’re going to Lemberg. But I know that in fact you’re going to Cracow. So why are you lying to me?’”[[67]](#footnote-67)

Another example of an exposing of vicious tendencies starts with an (again) Galician Jew who is traveling alone in a train:

A Galician Jew was travelling in a train. He had made himself really comfortable, and unbuttoned his coat and put his feet up on the seat. Just then a gentleman in modern dress entered the compartment. The Jew promptly pulled himself together and took up a proper pose. The stranger fingered through the pages of a notebook, made some calculation, reflected for a moment and then suddenly asked the Jew: ‘Excuse me, when is Yom Kippur?’. ‘Oho,’ said the Jew, and put his feet up on the seat again before answering.[[68]](#footnote-68)

These are no doubt brutal jokes on the expense of Jews originating in Galicia that according to Freud were “created by Jews and directed against Jewish characteristics.” Even so, they make a case for hostile jokes because they reiterate west European racial classification of East European Jewish sociability (or lack of it). Sexual obscenity, directed mainly by men against women, is of the same character because it involves stories or puns which aim at exposing deeply buried sexual drives. In this particular case, Freud’s analysis of jokes resonates well with some aspects of his theory of sexuality composed at the same time.[[69]](#footnote-69) The main buried desire in this context relates to the touching of sexual organs (even if in words and imagination). Obscenity in particular is a type of violence and hostility that is “difficult or impossible” to enjoy because of the acquired forces of “repression.” Obscene tendentious jokes, however, “*will evade restrictions and open sources of pleasure that have become inaccessible.”*[[70]](#footnote-70)

Because of these traits such tendentious jokes are always deeply suspicious and may even not be considered tolerable. But for Freud, jokes are not originators of hostile, brutal, obscene or violent impulses, which existence on our mental maps he simply presupposes. The main issue at hand for him relates to the critical mechanism of jokes that is designed to enable a releasing of these hidden impulses in an act of defiance against the law. Here, again, tendentious jokes are critical because they are brief. The vicious descriptions of Galician Jews share their critical messages (that is their resistance) in relatively very few exchanges of words. The short gag over “Yom Kippur” for instance points in such a compact way not only to the alleged questionable behavior of Eastern European Jews but also to the comfortability of Jews, that is preserved only to their being among their kin. The short monologue over Cracow meshes a range of critical associations – from racial, highly problematic, categorization of Jewish alleged trickiness to the critique of the Jewish tradition of ‘pilpul.’

These, to some extent malicious, displays would have remained silent if we would to observe the most minimal codes of behavior. The concise characteristic of these jokes enables, however, the subverting of our censures and the overcoming of these codes. Thus hostility, for example may be accessible, and perhaps may even go unnoticed if a “bribing” of the laws of sociability, or of any relevant ethical consideration will take place. If the cultural conditions, or acquired sensitivities are not suspended, the joke would pass only as a vulgar statement. Such is the case in obscene jokes. If our ethical censures for example are not bribed, any wordplay would be considered outright unacceptable. In such a way, jokes can be considered funny not because they enable the disclosure of the pre-existing hostility (which otherwise would have been left unspoken) but when they do so while repealing our censures.

It is in this last sense that in order to work the joke must suspend the law. The reason for this articulation lies in that for Freud the laws against which the “joke-work” is directed are experienced by the individual as oppressive. In all the cases observed above, the individual is required to suppress a wide range of wishes, needs and impulses that represent the surreptitious materials from which jokes are made. Suppression in such a case means for Freud an investment of mental energy. Energies are spent in order to maintain certain thoughts or wishes suppressed, to subdue impulses, or to avoid untamed desires. Adhering the law in which we live means an expenditure of mental energies. We invest mental energies according to our internalization of social demands. By working with these materials, however, jokes enable the eschewing of the social demands or else the “saving” of energies. Thus, in making the suppressed matter (e.g. thoughts, wishes, impulses, desires) available for us, albeit by means of subversion, the joke overrides the mental investment, presenting an “economy in psychical expenditure.” The meaning of such an “economy” is that the energy spent for the adhering to and the maintain of the imposed laws is avoided. Imposing the laws on ourselves demands an investment; overcoming it resembles in this case a discharge. We can consequently experience pleasure in jokes because its brevity and subversion enables economy. “All these techniques” Freud writes:

Are dominated by a tendency to compression, or rather to saving. It all seems to be a question of economy. In Hamlet's words: Thrift, Horatio, Thrift.[[71]](#footnote-71)

c. The Principle of Pleasure

Pleasure becomes for Freud an important upshot of the critical mechanism of Jokes. Freud examines the “principle of pleasure” mainly in the second, “synthetic”, part of the book. He makes two main points that seems to be important to note. First, he presents the manner in which jokes induce pleasure because they present us with shorter rather than longer routes on our mental maps. Second, he connects this condensation with the critique of law.

Pleasure arises because brevity and subversion save mental energies. Especially in relation to tendentious jokes Freud explicitly argues that “*Economy in expenditure on inhibition or suppression* appears to be the secret of the pleasurable effect of tendentious jokes.”[[72]](#footnote-72) Pleasure means in this case a form of relief. If energies are saved, the individual experiences liberation of sorts even if for a short duration of time. This mechanism may explain why Freud remains somewhat appreciative of jokes, even if and perhaps because these may express socially unacceptable materials. Jokes seem to constitute the liberating of energies that are already there and that need to be somehow reworked. More important, nonetheless, is the fact that in such a way Freud seems to connect a liberation from the burden of a constant mental investment and a notion of pleasure. The experiencing of pleasure is not directly connected to aggression or obscenity that may be a content or aim of jokes. Rather such expressions induce pleasure because of their short lived lifting of a heavy burden that we constantly carry on our mental shoulders. This is another way in which jokes differ from dreams. While dreams “serve predominantly for the avoidance of un-pleasure”, jokes, conversely, are made “for the attainment of pleasure.”[[73]](#footnote-73)

If the cunning and succinct characteristics of jokes enable the enjoyment of relief, they also point to jokes as a critical affair.[[74]](#footnote-74) To put it differently, the mechanism of condensation is connected with a critique of law. This is, then, the second point to note. Pleasure relates to such critique because it is available not to the person who tells the joke – the instigator of the joke. A joke is not pleasurable because of the instigator’s inner psychic experience. Pleasure is available, rather, and more importantly, to the person who hears the joke – the joke's addressee.

We do not aim jokes at ourselves. Rather we aim at stimulating pleasure in a third person (or third party), who is not the substance of the joke, or the originator of the joke, but its audience.[[75]](#footnote-75) This aspect of communication underlines the social role of the jokes. In particular, the subversive massage of the joke needs to be expressed in words and in a way that could be readily understood and unpacked by a willing listener if it is to be considered funny. In other words, jokes (and again unlike dreams) need to be communicative to someone else, and in so doing they are part of the social sphere, inducing a sort of a being together with fellow human beings. The joke's addressee may experience pleasure only when he or she understands the underlining critical message. If Heine’s social and cultural critique for example is not available to the listener, his joke would remain at the very least opaque. This is not about understanding as such. The addressee experiences pleasure only when he or she understands the particular critical attitude directed against the law in which we live. The critical message, if understood, overcomes, or else cheats this person’s suppressing censors. One may speak of an overcoming of the law that means an experience of a third party, to whom the subversive characteristic of the joke is relevant. Because of its being brief, the joke can induce such a mental reaction which include then the experiencing of relief by this third party.

Especially in relation to the third party, Freud articulates the principle of pleasure as an upshot of the relation between wit and law. For example the throbbing truth, at least for Freud, who was born in Moravia before immigrating to Vienna at the age of four, that beyond the thin cultural façades, would always lay perhaps an Ostjude.[[76]](#footnote-76) Or the points raised by the vicious wits in relation to an alleged Eastern Jewish mentality, or to the arrogance of the rich vis-à-vis the poor. These could be considered funny, if only in a rather excruciating way, when the subversive message is picked up by a willing listener whose imposed censors vis-à-vis rules, norms and cultural codes, were bypassed, bribed, or overcame. Pleasure is then, and only then, available to us. “Let us assume” argues Freud:

that there is an urge to insult a certain person; but this is strongly opposed by feelings of propriety or of aesthetic culture that the insult cannot take place. If, for instance, it were able to break through as a result of some change of emotional condition or mood, this breakthrough by the insulting purpose would be felt subsequently with unpleasure. Thus the insult does not take place. Let us now suppose, however, that the possibility is presented of deriving a good joke from the material of the words and thoughts used for the insult – the possibility, that is, of releasing pleasure from other sources which are not obstructed by the same suppression. This second development of pleasure could, nevertheless, not occur unless the insult were permitted; but as soon as the latter *is* permitted the new release of pleasure is also joined to it [….][[77]](#footnote-77).

The principle of pleasure here is made out of a cunning maneuver, connecting between an expression of a suppressed impulse, the cheating the censures of a willing listener, and the cutting back on the sum of energies he or she had had to spend in the suppression of these impulses. A critique of the law may be in such a way pleasurable.

As a result of this pleasure – again a pleasure induced by a shorter road taken and energies that were hence saved – a third person may laugh. Laughter is therefore a result of this particular principal of pleasure:

we should say that laughter arises if a quota of psychical energy which has earlier been used for the cathexis of particular psychical paths has become unusable, so that it can find free discharge.[[78]](#footnote-78)

A ‘free discharge” (*Abfuhr*) in the form of laughter is the apex of the principle of pleasure. Like Bergson, Freud attributes this expression of enjoyment to the overcoming of our social and ethical censures. For Bergson these censures are mainly responsible for our identification with the object of a scene or story to which we are exposed and which sanctions any pleasure.[[79]](#footnote-79) Once the censures are overcome, laughter is possible. In Freud’s theory however, laughter is consequently described in terms of a “short-circuit” [*Kurzschluß*[. It is thus for Freud “The pleasure in a joke arising from a 'short-circuit' like this” that takes the form of a vocal expression of amusement.[[80]](#footnote-80)

Laughter is a burst resulting from a short-circuit in an energetic system that had its wires crossed. But the point Freud makes seems to be more than just an alluding to electrical metaphors. The reference to short-circuit underlines the bringing together by Freud of the saving of mental energies and the taking of shorter routes were longer ones are the rule, norm or common law. It is always greater “the more alien” the circles of ideas that are brought together are.[[81]](#footnote-81) Freud then concludes:

Our insight into the mechanism of laughter leads us rather to say that, owing to the introduction of the proscribed idea by means of an auditory perception, the cathectic energy used for the inhibition has now suddenly become superfluous and has been lifted, and is therefore now ready to be discharged by laughter. [[82]](#footnote-82)

The critical role of jokes culminates then in a free discharge of energies by laughter. We may laugh in this sense against our best judgment, and perhaps even unwillingly when “energy used for the inhibition” become “superfluous.” This end result is connected with a concept of a “short-circuit” in which ideas are brought together in a way that shortens, so to speak, their “circles.”

One may argue that a discharge and short-circuit present in such a way additional forms of brevity. Especially in the social sphere, saving energies takes the guise of a concision that the burst of laughter stands for. Such a surge culminates a process in which a critical message was picked up by the audience. Here, energies are saved through a discharging effect that abbreviates normal, regulative, flows and cuts through their energetic current. The description in terms of energies, however, relates to the critical mechanism of jokes and to how such a mechanism affects us. Through its compact character and its critical content, a joke releases the audience’s burden in a way that results in laughter. If brevity is the soul of wit, free discharge and short-circuit constitute its social guise.

**3. Critique and Theology**

a. Shortcut

Brevity; making shorter ways than the norm; the saving of mental energies; thrift; abbreviation; a short circuit and the end result in the form of an immediate burst or discharge of energies. Could we not argue that these central characteristics of jokes, and of the social critique they unfold, sum up to a concept of a **shortcut**? Under this term we may encapsulate the range of different ways in which Freud’s analysis characterizes the joke as a critical mechanism that cuts through the normative means of expression, ways of conduct, laws of behavior, rules of social engagement, and so on. Jokes are critical because they make shorter routes where longer ones are the norm. They save energies where these are habitually spent. They induce pleasure (in the form of a “short circuit”), that remains otherwise out of reach. In such a way jokes are about charting shorter tracks on our mental maps and cutting through that which is ascribed to us by the cultural, social and political rules, norms or regulations of a law in which we live.

A shortcut then seems to capture Freud’s definition of jokes as a form of social critique. It applies in this sense not only to the mechanism of jokes but also to Freud’s pointing to the critique of laws (in the broader sense of the term) embedded in jokes. Resistance to or defiance of the social order is possible because jokes make a long story short, condense language, or compress critical messages. Brevity enables resistance and being thrift facilitates the defying of codes and norms. In such a way, however, shortcuts are also transgressive. Transgression here denotes the capacity to break the law, cross boundaries, violate rules, regulations, habits, and norms. Shortcuts are transgressive because the joke outwits, and in this sense violates, the social and (by means of internalization) psychic regulatory obstacles that hinder a free expression of hidden substance (e.g. wishes, aggressions, drives). In other words, the joke is made to transgress imagined borders of laws and in a playful defiance of these laws.

Such an argument seems to be carried by Freud onto some of his later works. His paper on “humor” presents a case in point. In this paper Freud would associate the transgressive potential of jokes with the work of the “Id” paving its way into our conscious ego.[[83]](#footnote-83) In drawing such parallels between “joke-work” and what could be termed “Id-work”, Freud seems to suggest that untamed impulses, drives and suppressed wishes of the id transgress our conscious censures that are a result of a law in which we live.

Particularly in this later development of his ideas, Freud suggests that the transgressive work of the id underlines also the main characteristic of jokes.[[84]](#footnote-84) For Freud we enjoy jokes exactly because of the transgressive potential embedded in their subversion and resistance. We laugh because of the moment of defiance, of boundary crossing, of violation, and of release of a mental excess. And vice-versa: the fact that jokes circumvent the censorship of reason, or the dictates of sociability, does not mean that they perform a reasonable, perhaps prudent, “going around” them in an imagined careful and longer route than the normal, and socially expected. On the contrary. It implies a more rebellious cutting through them, thus enabling the safe discharge of accumulated energies the same way, perhaps, a lightning rod enables high voltage static energies to be directly, and thus safely, discharged to the ground without damaging the struck structure.

Shortcuts have then a transgressive capacity. We may recall Freud’s early engagements with the law in anticipation of, during and in following his first visit to Rome, and how he addressed Michelangelo’s fake Moses (including his inverted tables), as an emblem for his critique of Christianity. The mechanism of critique that Freud ascribes to jokes, points to the developing of such overarching thoughts on laws which always intertwine, it seems, a personal drama with universal claims. Thus for example inversions are an integral part of the transgressive mechanism of jokes that enables a relief that would have been otherwise out of reach. Falsifications are, obviously, central to the subversive character of wits, encompassing all their playful turns and overturns. Taming pain, wrath, or aggression (albeit by means of disclosing its hidden sources) may be seen as another central function of the shortcutting joke because of its content. In a more ironic tone it is possible to say that jokes are a shining example for our ability to make a crack through or, perhaps, out of, imposed lawful limits.

The last section of this chapter presents the manner in which transgression denotes also a law that “turns upon itself”, which is – to follow Freud’s analysis of Michelangelo’s Moses – not about shattering the law but rather about making it “easier to carry.” Here, however, it is important first to note that seeing in jokes a shortcut and endowing them with transgressive capacities intently intertwine wit and law. Wit and law are put together because jokes transgress through their different mechanisms imagined boundaries of imposed social rules, norms in a world (or else a law) in which we live. The individual internalizes the imposed boundaries of society which the joke is made to trespass. The crossing of these boundaries is salient especially if one considers the experience of the joke’s addressee. The addressee is brought to laugh – sometimes against his or her best wishes – because the momentary experience of such a transgression of rules and norms that the shortcutting joke represents. In their social critique in particular, wits are made to enable the crossing of imposed limits such as the rules of conduct and laws of acceptable behavior. Aggression or obscenity, for example, are consequently available to the joke’s addressee, albeit in the short duration of a discharge, exactly where they are normally restricted, if not entirely outlawed.

Freud seems to be less interested in the existence of inner violent, obscene or aggressive drives, which he presupposes. Rather he is more interested in the question of the “safe” discharge of such, for him rather natural, inner drives. In such a way Freud seems to display a somewhat amiable inclination towards witty moments of standing “against the world.”[[85]](#footnote-85) The aim of Freud’s association between shortcuts and transgressions is then to point to a positive implication of transgression in the social arena. Transgressions are in this sense endorsed, rather than rejected by Freud. Where inner impulses and drives could be dismissed, or ventilated, reticent materials may become socially available without damaging however the social structure. Shortcuts as a form of transgression underline then a positive area of social critique which Freud seems to support.

A shortcut as a form of transgression is, however, not a Freudian innovation. It is a central religious theme, touching the very heart of the relations between individuals and imposed laws. The Jewish religious tradition may serve as a case in point mainly because of Freud’s own focus on the relations between Judaism, law and lawgiving. In the Jewish Rabbinic literature a shortcut through the temple – termed “*kapandaria”* – is prohibited because it communicates disregard and thus a stark violation, of the sacred space of the temple.[[86]](#footnote-86) The Mishna unequivocally states that:

“[…] A man should not enter the Temple mount with his staff or with his shoes on or with his wallet or with his feet dust-stained; nor should he make it a shortcut [Kapandaria], and spitting [on it is forbidden] a fortiori. [[87]](#footnote-87)

*Kapandaria* is here suggested as one of the forms of disgracing the sacred space of the temple. The temple, representing a godly domain, cannot be used for purposes of shortcuts because such a passage represents an abuse, and in this sense a transgression, of the sacred arena.

The Mishna develops the same preclusion to include the space of a synagogue. Even after its demolition (echoing perhaps also the destruction of the temple), a synagogue represents a sacred space over which one is not allowed to take a shortcut.[[88]](#footnote-88) Thus the Mishna says:

Rabbi Yehudah further stated: A synagogue that has been destroyed [must be treated with respect and] one may not eulogize in it, nor does one twist ropes or spread nets in it [or any other type of labor] and one may not spread produce to dry on its roof, nor may it be used as a shortcut, as it is written: “I will desolate your sanctuaries” (Leviticus 26:31), implying that they retain their sanctity even when they are desolate…[[89]](#footnote-89)

The point to note relates to the stark contradiction between the sacred character of the synagogue and the sacrilegious nature of a variety of prohibited actions, which include also shortcuts. In the case of shortcuts, the synagogue is endowed with the sort of holiness that was ascribed to the Temple.[[90]](#footnote-90) The reference to the bible makes the case rather clear, since it relates to the sanctification of “your sanctuaries” (in Hebrew, “Mikdashechem”, which literally means “your temples”) even when rendered vacant. A shortcut is prohibited because it violates the sacred character which is attributed to the synagogue.

The importance of this exclusion of a transgressive performances embedded in shortcuts is brought up again in a short entry relating to Rabbi Eleazar Ben Shammoa (a 2nd century Rabbi and one of Rabbi Akiva’s disciples). When asked by his pupils about the secret of his long living, he lists three reasons, one of which is: “Never have I made use of a Synagogue as a short cut.”[[91]](#footnote-91) So much as life, that is the longitude of living, is suggested to be depended on renouncing such shortcuts through the sacred space.

The Talmud expands on this exact point relating to the synagogue. In a relevant passage in *Berachot* the prohibition on shortcuts through the synagogue (“Ein Ossin Beit Ha’Knesset Kapandaria”) is more closely linked with human intentions. The Rabbinic discussants suggest that if one enters a synagogue “not intending to use it as a short cut” (Rabbi Nahman), or if “there was a path there originally” (Rabbi Abbahu), or “if one entered a synagogue [with an intention] to pray” (Rabbi Helbo), crossing through the synagogue is not prohibited.[[92]](#footnote-92) The intention of degrading the sacred law seems to be here of the essence. When such a resolve is missing, the movement from one side to the other becomes devoid of transgressive meaning and rendered possible. Shortcuts are thus intentional. They stand as a strong case of sacrilegious act against the godly law that indisputably applies to the sacredness of the temple and the synagogue.[[93]](#footnote-93)

The association of intentions with the Hebrew prohibition (“Ein Ossin Beit Ha’Knesset Kapandaria”) seems to be also central. Such an association may indicate a compound meaning, because in such a way a prohibition to physically make a shortcut through the synagogue is linked with an ethical proscription to make a shortcut out of a synagogue – two different possible readings of the Hebrew original statement. The short entry relating to Rabbi Eleazar Ben Shammoa may serve as an example. The making “use of a Synagogue as a short cut” (“Meolam lo Assiti Beit Haknesseth Kapandaria”) receives different versions across the Talmud and the Mishna in which it indicates both a physical movement and a moral judgment. In such a way mere physicality is linked together with, arguably, deeper ethical dimensions.

The connection between physicality and faith seems to be then underlined in the discussion. Physically, making a shortcut by walking from one side of the temple or the synagogue to the other, is proscribed. The Mishna and the Talmud indeed open the discussion with pointing to the geometric lineage between the gate of entering the Temple and the “holy of holies” which lies on the exact opposite side of the Temple. This geometrical note points to the walking from one side to the exact opposite side of the temple or, by extension the synagogue. One can enter and exit the sacred space in different locations that may save time and, perhaps, effort, only if not calculatingly, or deliberately (that is not as an aftermath of praying, or unintentionally). To put it differently, the sacred cannot serve for economy in physical expenditure.

Such an intentional economy is prohibited, however, because it conveys the corrupting and degrading of the sacred that both public spaces (the Temple and the Synagogue) stands for. There is arguably a much deeper point to note: the shortcut violates the godly order. Morally, shortcuts are prohibited because they point to more than just walking from one side to the other (i.e. a shortcut through the temple or the synagogue). They also point to the implications of this act vis-à-vis the sacred space (i.e making out of the temple or the synagogue a shortcut). This implication digresses from mere physicality. It suggests that the sacred cannot be used as a mean to an end. In such a case, *Kapandaria* does not only mean merely walking from one side to another through the sacred space. It also denotes wider and arguably more abstract notions relating to a transgressive attitude vis-à-vis the godly order, endowed with a profound meaning of profanation against the sacred.

Shortcuts receive here a transgressive guise. They are about a violation of the sacred because they represent an action against the lawful and eternal order of things. As an economy in physical expenditure, a shortcut is here addressed as a concept that carries a sense of demeaning, and by proxy, rebelling against God. Put differently, a shortcut is prohibited because it is a way of mortification.

Freud was probably ignorant of these rabbinic discussions. But he was not completely uninformed of the religious tradition and the theological imaginaries that these discussions represent.[[94]](#footnote-94) The point was made for example already by Karl Abraham (1877-1925), one of Freud’s disciples. Abraham suggested in a letter to his mentor that not only psychoanalysis in general showed Talmudic qualities, but that Freud’s book of jokes in particular was “wholly Talmudic.”[[95]](#footnote-95) One can only imagine Freud’s reaction to this observation. Nevertheless, the statement might not be entirely out of place. Freud encapsulates by the notion of shortcut the relations between the law in which we live and its forms of violation. From such a point of view, the book of jokes seems to further stretch a long religious tradition in which law and lawgiving is central and within which the trope of shortcuts as forms of transgressions surfaces.

This last point seems to be crucial. It resonates with what scholars like Eric Santner, Harold Bloom, saw as the deep “theological significance” of Freud’s psychological theory.[[96]](#footnote-96) This significance means that “the very religious tradition in which Freud was raised” endowed his thinking in general and his disciplinary vocabulary in particular with a basis.[[97]](#footnote-97) For Santner there is a “spiritual” component in Freud’s psychoanalysis that needs to be acknowledged and that calls for a “new awareness of the theological dimensions of Freudian thought.”[[98]](#footnote-98) The concept of theology relates in this case especially to Freud’s alignment with a Jewish tradition in which the “too much pressure” of the universal godly law induces the seeking of a “release or discharge.”[[99]](#footnote-99)

Other scholars – most notably Yossef Haim Yerushalmi – pointed to a similar theological sensitivity.[[100]](#footnote-100) This is not to say that Freud’s intriguing flair for religion was not expressed by an unfavorable, if not derisive, discerning of what the psychic mechanisms of the religious illusions (or “obsessional neurosis”) were made of. But especially in his book of jokes these unfavorable assessments of religion of an “unrepentant Jew”, are indeed contrasted by “the spiritual dimension of the new science he founded.”[[101]](#footnote-101) Especially in its associating between shortcuts, transgressions and violations of laws, Freud’s analysis of jokes seem to show an early, to some extent decisive, engagement exactly with the “theological significance” of his work. There is an internal law that Freud takes issue with and a long discursive tradition of laws and transgressions that provides his discussion with a basis. Here, in particular, Freud’s critique of law that is relevant to his analysis of Michelangelo’s Moses as much as to his examination of jokes relates not only to the religious tradition in which he was raised, and to which the Rabbinic discussions belong, but also to its social implications.

b. A Critique of Theology

It is then possible to argue that Freud’s critique of law presents us with his critique of theology? Under such a concept we may underline the manner in which the social implications of transgression that Freud presents still carries with it the theological significance of law and lawgiving, including also the religious denotation of mortification and of desecration. The relations between wit and law are in such a way reminiscent, of his reference to denomination and theology, and the tension between Judaism and Christianity in his analysis of Rome and Moses. Particularly through its transgressive potential, the critical mechanism of wits reformulates a certain rebellious logic that relate in the Jewish religious tradition to the violation of eternal laws, and which Freud reapplies to the, mainly social, law in which we live. To push this idea further, critique is suggested to be part of the “learning the eternal laws of life”, as Freud had rather artfully put it and in such a way it reflects what Santner described as the “eternal within the earthly.”[[102]](#footnote-102)

The manner in which such a critique of theology means also a secularization of a theology would be discussed shortly. The point to note here is that critique of theology denotes not only the manner in which Freud addresses theological issues critically by analyzing their psychological content or offering an examination of their origins. It also suggests that the critique that Freud attributes to jokes is deeply informed by a theological vocabulary and imagination. Freud’s modeling of the shortcut as transgression exemplifies these last points rather well. The connoting of shortcuts with transgression reverberates a religious tradition that engaged with this exact association. Like in the Rabbinic discussion, Freud underlines a shortcut as a performance of resistance, disavowal and renunciation of a law in which we live. And he does so, it seems, for the same end: describing an emblematic way of mortification. In bringing these issues to bear on the content, scope and aim of jokes, Freud makes their critique of the law depended of a theological discussion that relates to the godly law. This is not to refute that jokes for Freud are a social phenomenon that violates the social rather than godly imposed rules. Their mechanism of critique, nonetheless, echoes the religious association of shortcut, violation and transgression and their approach to the universal law in which we live is redolent of the Rabbinic engagement with the eternal law. Within this context, the relation between wit and law continues to convey a theological significance of boundary crossing, of offence, and of the violating of imperatives. In seeing in jokes a mechanism that cuts through the imposed norms, rules and imperatives, Freud makes a case exactly for understanding a shortcut as a rebellion against the order of things, demonstrating how theological argumentation serves as a basis for its social critique.

Yet, in Freud’s critique of theology the concept of a shortcut also goes through a notable transformation. There are two points to note. First, Freud endorses rather than rejects such an idea of insurgence. In Freud's approach the cutting through the rules and laws, enforced– one could say – from above, the joke represents a positive arena of freedom and of much needed resistance. The need to ventilate the “too much pressure” of emotional excess (e.g. wrath, sexual desires, aggressions) arguably justifies the existence of such a mechanism of resistance. As noted previously, Freud seems to be less concerned with the existence of such a “pressure” but with its safe discharge. More importantly, however, it is Freud’s endorsing of a standing “against the world” that seems to underline his affirmation of a release or a discharge of such kinds. In opposition to the Rabbinic view, Freud seems to support rather than reject, this type of transgressive shortcuts, and in such a way provides insight to the extent to which for him not an identification with the law, but rather its violation and suspension may bring people together.[[103]](#footnote-103)

Especially here, freedom seems to represent an important aspect of wits. The expression of resistance, violation and suspension, that is at stake relates to inner drives and wishes of the individual. In relation to these drives and wishes the shortcuts display a site of human self-expression, and independence vis-à-vis the imposed rules of social engagement. This site, then, is one of liberation and of freedom, experienced in particular by the addressee of the joke. For the duration of the burst of a laughter the addressee enjoys a release from the slings and arrows of outrages laws.

It seems here rather interesting to note how freedom points to a release from tutelage. In Kant’s critical endeavor such a release points to the “maturity” gained by reason in its resistance to the “guidance of an-other” (*Die Leitung eines anderen*). Especially in his *The Conflict of the Faculties*, such a freedom is associated with critique and is directed not only against the dictates of a divine “Other” but also, and perhaps more importantly against the social control of the state. In Freud’s approach, one may argue, Kant’s “sapere aude” resurfaces. It does so, however, in a way that to some extent blurs the boundaries between the two forms of control (godly and social). This means that critique denotes a liberation from the “too muchness” of social oppression that nonetheless builds on a theological representation of the godly “Other.” To the extent that the joke rebelliously works against the law it also intertwines its theological and social connotations. Here, unlike the religious outlawing of shortcuts because they work against the eternal rules of god, to which the individual is requested to adhere, Freud endorses them for the same reason.

At the same time, however, and contrary to its rebellious content, the discharge that the joke represents enables the continuation of the sway that norms, rules and codes of sociability have over our lives. This is the second, somewhat opposite, point to note. Critique of law means also its validation. In facilitating a discharge of mental energies the joke also liquidates the rebellious aggressions, suppressed wishes, or untamed impulses. In this second sense, it is meant to spare, perhaps even save, these same rules against which it operates. We may recall here the image of a law that is held “upside down” and that was introduced when discussing Freud’s analysis of Michelangelo’s Moses earlier in this chapter. One of the falsifications of Moses lies in “the very unusual way” in which the Tables, representing the law, “are held”: the fact that they stand “on their heads” and that it is this overturning of the law that makes it “easier to carry.”[[104]](#footnote-104) The inverting of the law by the law-giver is made, according to Freud, just for the sake of easing its burden, an overturning of the law that is made for sake of its presentence.

In the same vein, Freud’s concept of discharge means also the dropping of the energy that was acuminated. A hidden desire, once revealed, albeit by “bribing” the censors, is also aired. A concealed thought, once exposed, also disintegrates. The power that surreptitious truths have over our lives is moderated if these painful truths are unveiled. That is to say that in aerating the rebellious wish or drive, the shortcut also disarms it. In such a way it also enables the persistence of the rules and norms, against which it was set out to work.

We may see how in such a way critique of theology displays a double role of critique vis-à-vis its theological sources: it rebels against the law, and in so doing supports, coevally, the persistence of law. In the social context this means that critique permits the further carrying of the burden of norms, rules that surround and shape the individual. Arguably, then, the universal law that interested the rabbinic as much as Freud’s discussions is also preserved rather than fully dismissed. To put it in Mosaic terms: in their cunning turns and overturns, jokes, tame our wrath and make the law easier to carry. In Freud’s critique of theology, it is our disobedient turning against the imposed demands that verifies our supporting and obeying of the rule of law.[[105]](#footnote-105) Put differently, the turn against the law, affirms the law.

The double role of critique (the turn against the law that affirms the law) is rather decisive. It elaborates on the joke as a social mechanism that rejects the very object the persistence of which it enables by its action – that is the law. Transgression is made then against the law and at the same time, however, it is also an upshot of a lawful order. A transgressive turn against the law that enables its persistence, critique is made for the sake of defending the social order to which it belongs and within which it may find its entire trajectory.

The last point seems to be a notable, even if far-reaching, conclusion because it resonates well with a rather similar argument that was presented by Michel Foucault in his extensive paper “A preface to Transgression”, from 1963.[[106]](#footnote-106) Foucault composed the text as an eulogy to George Bataille, who had passed away the year before. Though containing a wide range of issues that stretch beyond the limits of this chapter’s discussion of wit and law, Foucault’s paper also focuses on a notion of transgression and its theological orientation that seems fruitful to the discussion of Freud’s understanding of law.

There are two points to note. First, theology is central also to Foucault’s account of transgression because he finds the origins of this offence in the Christian mystical tradition of “fallen bodies” and of “sin.”[[107]](#footnote-107) This mystical tradition of bodily sinful expressions relies for Foucault mainly on profane sexual acts. It is in this mystical tradition of sin that sexuality enjoyed its highest free, immediate and natural “felicity of expression.”[[108]](#footnote-108) The sinful, heretic, expression of pleasure (i.e. pleasure that is attained in such a burst or a free sexual discharge, so to speak) represents a turn against the godly order; a “felicity” of free expressions which is a way of mortification. But it also stands, concurrently, for a return to “the heart of a divine love” (*coeur d’une amour divine*).[[109]](#footnote-109) Here, a turn against god aims, rather explicitly, to return to the godly loving domain. In such a way the rejecting of god enables its own persistence. Sin, therefore, is an act of faith. This is to say that for Foucault the mystical tradition of “fallen bodies” and of profanation turns against, and in so doing returns to god, in a way that is reminiscent of redemption by sin.

Second, this theological convolution resembles for Foucault “a source returning upon itself” (*la* *source* *en* *retour*). To reject god in order to return to god means that sinful acts do not represent just a turn against the divine in any simple sense. Rather, they point to a somewhat circular move between the turn (against) and the return (to) their godly source. In this theological imaginary the core of the godly domain – the so called “heart of a divine love” – is the origin of this double movement (away from and back to god) and in such a way god also stands as the instigator, locus, and purpose of such a movement. In the heretic tradition god provides the source for the heretic impulse which therefore aims at a faithful returning to the core from which such an impulse originated. By means of sin, it is the original godly love that by turning against itself it returns back to its “core.”

This is, then, the theological origins of transgression for Foucault in which the godly love moves against and back to itself. It points in such a way to the meaning of transgression as a turn against god (enacted by the profane sexual acts) the is made for the sake of complying with god’s loving call to return. Transgression in this context means that the godly love “returns upon itself” by its own turning against itself.

For Foucault it is exactly such a heretic tension that got “denatured” in modernity.[[110]](#footnote-110) Unlike in the heretic tradition, modern sexuality stands for human desire alone, with no reference to an original godly domain. With no such movement of the divine love (from and back to itself), sexuality in the modern theories (such as Freud’s) “points to nothing beyond itself.”[[111]](#footnote-111) Thus, sexuality under its new modern conditions is not only limited to “the law” of a “universal taboo.”[[112]](#footnote-112) It also epitomizes our own limits that, with no godly excess, we cannot transgress.

Within such modern, godless, conditions, transgression changes its meaning. Thus: “Profanation in a world which no longer recognizes any positive meaning in the sacred – is this not more or less what we may call transgression?” [[113]](#footnote-113) The emphasis seems now to fall on the modern conditions to which “we” are subjugated. Within such a new framework we redefine transgression as an empty act of defiance, outlined by the absence, rather than the presence, of god.[[114]](#footnote-114)

The new, modern, arguably secular, circumstances that Foucault has in mind relate, rather simply, to the “death of god.” But Foucault’s understanding of such a “death” is anything but simple: it does not signify a disappearance of god but rather suggest a new mode for its continuing sway over our lives. In such a way for Foucault: “The death of God is not merely an‘event’ that gave shape to contemporary experience as we now know it: it continues tracing indefinitely its great skeletal outline.”[[115]](#footnote-115) Here, god’s death denotes only a repositioning of the godly continuing presence. In tracing the shape of our experience god remains a player in our world, albeit in its absence from it. In the “death” of god, one may speak perhaps of a continuing presence of an absent god and in any case “Not that this death should be understood as the end of his historical reign or as the finally delivered judgment of his nonexistence, but as the now constant space of our experience.”[[116]](#footnote-116)

What Foucault seems to outline is then the only possible meaning for transgression in modernity. He does so by suggesting transgression as a transformation of the original heretic impulse into a defiant social action devoid of the original godly object of defiance. The “source” that returns upon itself still outlines an action that involves the same issues of turn and of return. Under the modern conditions, however, its action cannot fall back on a “dead” source who is not available anymore. From such a point of view transgression in modernity may continue to echo an original heretic disobedience (including its play between a turn against and a return to god), albeit in a world devoid of a godly “heart”, or perhaps more poetically a world in which the godly loving core is a void. Taking such a transformation into consideration, a modern form of transgression, it could be said, can only appear for Foucault as a secularized form of heresy.

It seems rather enriching to read Freud’s reference to a law that enables its own maintenance by transgressing itself, against the backdrop of this line of argumentation. In particular, because such an approach also shows the extent to which Freud’s critique of theology marks also its secularization. Particularly the double role of the joke (the critical turn against the law that enables its continuation) is here of value. Such a double role means that the act of transgression that jokes display rejects an object, the persistence of which it enables by its action, that is a mechanism of turn and return that Foucault so elegantly outlined. Specifically, through the shortcutting character of wit, the law enables its own persistence by the turning against itself. In such a case the joke’s transgressive act could denote, in building on Foucault, a form of a “law returning upon itself” (or “*la loi en retour”*). The turn (against) and the return (to) the law are not only connected but also delimited within its sphere of legitimization.

We may recall again Freud’s engagement with the statue of Moses. A notion of a “law returning upon itself” seems to encapsulate rather well some of the main issues that Freud accentuated in his analysis of Michelangelo’s work. The inverted manner in which the tables – representing the divine law – are held indeed serve as a case in point. Such an inversion is captured by the physical manner in which the divine message is held “upside down”, if only to provide a “support” to Moses’ – and one is clearly tempted to say Freud’s – position. It also relates to the locating of the most emblematic figure of the Jewish law not only as a broadcaster of the Christian turn against it but also as the core element of a theological adversary and historical persecutor.[[117]](#footnote-117)

Freud’s attempt to reinstate Moses in its right place as a lawgiver of the Jews points to a similar composition of turns and returns. It does so because it takes some critical distance from the artist’s image of the Hebrew lawgiver: On the one hand accepting Michelangelo’s positioning of Moses within a Christian scheme, and on the other hand carping such a compartmentalization of the original law giving. In this way accepting Michelangelo’s theological critique against the pope involved also a critical turn against it. To some extent, then, we are dealing with a twofold engraving of a new lawgiver “of the artist’s conception.” The first is that of Michelangelo’s Moses. The second is that of Freud’s Michelangelo. Both conceptions seem to work within one interpretive configuration that Freud presents, to the extent of blurring the boundaries between them, eventually leaving the reader of his essay – perhaps like in a ‘purimspiel’ – with no fixed notion of ‘who is whom and which is which.’

Interestingly, Freud expresses such a compound attitude towards religious symbolism in numerous occasions throughout his life. The final dramatic scene, on Freud’s own deathbed, may represent one such final moment, exemplifying his play the law, its turns and returns with all their theological associations. When the pains of cancer became unbearable, Freud had asked his friend and physician, Max Schur to execute a well devised mercy death. The gloomy death of the intellectual giant took place on September 23, 1939, that year's Yom Kippur, the day of Jewish Atonement.[[118]](#footnote-118) Freud’s body was then cremated, and the ashes put in a Greek vase, as Freud had planned it, depicting Dionysus and a maenad (the craze and ecstatic women follower of the god). There is here, one could sense, an orchestrated turn against the Jewish law in the form of a *Selbstmord* (self-imposed death) on Yom Kuppur. But this turn is arranged as a gift of the gods that is a play with, or better a return to, the so called Jewish “tension of election.”[[119]](#footnote-119)

Such a tension is also apparent in the following anecdote: When a patient shared with Freud his dream that featured “a very compact but stupidly designed church”, Freud, who was certain that the dream related to the “church” of psychoanalysis, somewhat wittingly suggested that it is made in such a way because it was built by “a Jew.”[[120]](#footnote-120) Both patient and doctor agreed that the dream’s critique of psychoanalysis involves religious considerations. Freud’s perceptive comment, however, is not just about looming the possible anti-Semitic tendencies of his patient. It also discloses Freud’s own thoughts on the Jewish core of the science he founded, that is intertwined with the same religious symbolism that was central to his analysis of the statue of Moses and his treatment of jokes.

c. Transgression and Secularization

All this array of witty turns and overturns seems to augment to a pertinent idea of secularization. The untamed impulse that could be applied for example to Moses’ wrath, to Michelangelo’s critique of the pope, as much as to Freud’s reflections on the “church” of psychoanalysis or his orchestrated death, does no shatter the law, goes beyond or around it. Rather, it points to a law that merely returns upon itself. Freud’s critique of theology, displayed in his book of jokes, represents the most elegant development of such a mechanism. It underlines the way in which the turn against the law remains restricted to the overall structure of the law. A law is thus turned upon itself physically (as in the case of Moses’ tables, or the crossing of the sacred space), but for Freud also symbolically. If we return to the case of Michelangelo’s Moses we may see how the holding to the law relates also to its clever falsification and cunning reposition. To turn against a law, and in this sense to transgress it, means merely to suggest an exercise which originates in and limited by the lawful sphere of legitimation. In this haunting image of a critique of the law, transgression is about the crossing of an imagined godly limit which remains however delimited by what it crosses.

Especially in Freud’s discussion of jokes we encounter a law that returns upon itself as an underlining principle of the joke’s defiance against the law, whose origins are the law and whose, at the same time, entire “trajectory” is that law. A critique of the law denotes also that the joke derives out of the restrictions to which it remains also limited. The critical mechanism embedded in jokes represents in such a way a transgressive moment of rejection of the imposed norms, regulations or imperatives. It evokes, however, not their full dismissal. On the contrary. The sway of these laws over our lives is felicitated because of such a transgression. In their transgressive mechanism jokes are part of the social, cultural and political order, which ratifies itself by the act of its own defiance.

The last point underlines the relation between transgression and secularization. What was evocative in Foucault’s reading of transgression seems also relevant to Freud’s critique of theology as well. Simply put, the manner in which a critique of law is anchored in theological argumentation relates to the tension between individuals and society, with no reference to god. Secularization here means that Freud presents a shift from a reverence of “eternal” laws to a clear focus on the universal laws that govern a world devoid of god. Lawgiving in this sense is not about inscribing the divine word onto the tables (as in the case of the statue of Moses), but rather about articulating the “nomos of the earth” as Robert Cover would call it, that is the laws of sociability.

But Freud’s approach to secularization is also anything but simple. First, his

focus on the social world should be considered as a rearticulating of a religious logic, rather than its simple dismissal because it takes such a logic to bear on social argumentation. Santner’s suggestion that in Freud we see an enclosing of “the eternal within the earthly”, that was cited previously in this chapter, seems to be rather apt.[[121]](#footnote-121) Such a composition still holds to the “supremacy of the law” in the religious sense, but does so by reapplying it to the relations between the individual and society alone. In such a way secularization denotes not a dismissal of theological symbolism but its transformation.

Second, within this context, Freud’s secular approach endorses the type of transgression that was rejected in the Rabbinic discussion, with the aim, however, of verifying the sway of law. It seems that rather than transgressing the borders of the religious importance of preserving the law, Freud saves the religious argumentation by putting it on its head, so to speak: it inverts its meaning (from a full taboo against transgression to its endorsement) but preserves its end (a defense of the law in which we live). Here the main point to note is that a secular approach does not express a simple opposition to a religious point of view; nor is it about a reiteration of a religious obedience. Both interpretations fall short of fully describing Freud’s composition in which the rejection of the law marks its justification.

One of the implications of this type of secularization of religion is that Freud’s critique of theology is divergent to Foucault’s secularization of heresy. In Freud’s case, transgression relates to the law rather than to love, and to the position of the religious lawgiver rather than to any numinous unity with the divine. The transgressive affair strongly resists any retreat to mysticism because it remains restricted to the world and to the terms of being that are part of such a world. If Foucault falls back on mysticism, Freud presents a recourse to a Rabbinic notion of a law as a normative universe which surrounds us.

This difference between Freud and Foucault might also suggest how the disappearance of an original religious significance that Foucault ascribed to Freud’s modern theory of sexuality can be contested. In Freud there is not a “denaturing” of an original religious message, but a reworking of a religious imaginary that is divergent to the one evoked by Foucault. Foucault seems to be unaware of the possibility of a different theological source for modern secular thought than mysticism. The acute difference then lies not between a Freudian dismissal of a religious symbolism and a Foucauldian reconstruction of it (albeit in a world devoid of god), but between two dissimilar religious sources.

This last point seems to be crucial. Christoph Schmidt for example noted well how modern forms of secularization of mysticism include a turn away from the law – indeed a flight “beyond the law” – and towards unmediated relations with a divine loving sphere.[[122]](#footnote-122) For Schmidt this means in particular a transformation of the theological claim for a numinous unity of the human being with the divine, which includes the entering into the “enigma” of “the hidden depths of the self.”[[123]](#footnote-123) This might be true of Foucault. But in Freud’s case, not the mystical unmediated relations but rather the question of obedience to laws lies at the center of transgression. To put it differently, there is no division between “enigma” and law. If the most evocative transgressive, one may say antinomian, acts are still enclosed by the law there seems to be for Freud no area of human expression that lies beyond its normative organization. Here there is no refuting of a “hidden” self – as in the case of the joke about the Barroness, there is always a surreptitious inner truth to consider – but rather a taking of it to represent an unresolved tension of the law with its own terms of being, with no reference to an imagined external sphere beyond it.

In such a way not a mysterious unity with the divine but a more entangled sphere of a, discontent, lawfulness is being articulated, in keeping with the idea that the critique of and by the law is made for the sake of keeping, we may say saving and affirming it. Critique in such a way does not mean a “denaturing” of transgression, as Foucault would argue, but rather a secularization of it in a way that is still reminiscent of the eternal order of things. The joke-work denotes then a transformation of a particular religious tradition that brings the relations between individual and the eternal laws to bear on the affairs within the social, and in this sense worldly, order. Such a position may imply that for Freud the fact that “we cannot fall out of this world”,[[124]](#footnote-124) means that the enclosing of the human existence within this worldliness merely shows a transformation of an original religious symbolism into a pertinent secular one.

Can such an argumentation reflect also on Freud’s famous self-portrayal as a “godless Jew” (*gottloser* *Jude*)?[[125]](#footnote-125) In this colorful articulation Freud seemed to communicate a position of a secular modernist who completely rejects the Jewish religious tradition of obedience. But surely if Freud’s engagement with wit and law is taken into consideration, his continuous engagement with the relation between his secular outlook and Jewish terms of being may be articulated as interplay rather than a split. In the image of a “godless Jew” one indeed turns against the law of the father, if to put it in Freudian terms. This turn against the law, however, is compartmentalized within the terms of the law, in accordance with the idiom of a law that returns upon itself. In such a way it enables the persistence of the tradition of lawfulness it rejects. Its transgressive mechanism thus marks the opposite possible holding to what was dismissed – that is Judaism.

From the standpoint of subversion and resistance we may then endow such a self-reflection with a double meaning: a secular, godless as it were, turning away from religious Judaism and by so doing, an expression of the reverse endorsement of a Jewish core in defiance of the modern and secular, exemplifying perhaps what Freud's concept of a “short-circuit” could have meant for him. Not dichotomy but rather a continuation marks the relations between the two poles that Freud endorsed and frequently rejected in between his “birth and death etc.”[[126]](#footnote-126) To put it polemically, Freud concept of a law that turns upon itself does not express an “undefined sense of Jewishness” as Peter Gay would have it, but rather a definite sense of purposely undefined Judaism.[[127]](#footnote-127)

This last concept of an undefined Judaism may explain why Freud express his view of “the very essence” of Judaism by using a wide range of theologically oriented metaphors such as “miraculous”, “enigmatic”, “mysterious.”[[128]](#footnote-128) As argued above, it would be however wrong to claim that Freud wished to fall back on mysticism.[[129]](#footnote-129) On the contrary. Thinking in terms of enigma seems to encapsulate a mechanism of a law– “our God logos”[[130]](#footnote-130) – in and within itself and not of any numinous unity with an ideal essence or true being that lies beyond it. This mechanism, nonetheless, is now composed as a cunning, perhaps uncanny, enclosing of the itself, within itself, as a riddle.

Bibliography

Anzieu Didier, (1986). *Freud's Self-Analysis.* London: Hogarth Press.

Aschheim Steven E. (2012). *At the Edge of Liberalism: Junctions of European, German, and Jewish History*. New York: Palgrave Macmillan.

Aschheim, Steven. E. (2007). *Beyond the Border: The German Jewish Legacy Abroad*. Princeton: Princeton UP.

Assmann Jan, *Moses the Egyptian: The Memory of Egypt in Western Monotheism.* Boston: Harvard UP, 1997*.*

*Au waih geschrien!! Frischwaschene Witze von unsere Leit!* Bergmanns kleine Witzbücher, 5. Leipzig: A. Bergmann, 1908.

*Babylonian Talmud*

Bakan David. (1965). *Sigmund Freud and the Jewish Mystical Tradition*. New York: Schocken.

Bergson Henri. *Le Rire: Essai sur la Signification du Comique.* Paris: Quadrige, 1900.

Berke, Joseph H. *The Hidden Freud: His Hassidic Roots*. New York: Karnac Books, 2015.

Biemann Asher D. *Dreaming of Michelangelo: Jewish Variations of a Modern Theme.* Stanford: Stanford UP, 2012.

Binyamin Katzoff.(1994). *The Relationship Between Tosefta and Yerushalmi of Berachot****,*** A Doctoral Thesis, Bar Ilan University. [Hebrew].

Blanton Smiley, *Diary of my Analysis with Freud.* New York: Hawthorn Books, 1971.

Blumenberg Hans. (1986). *Lebenszeit und Weltzeit*. Frankfurt: Suhrkamp.

Bonaparte Maria, Freud Anna, Kris Ernst. (eds.). (1950*). Aus den Anfängen der Psychoanalyse*. London: Imago.

Borrow William. (2000). *The Crisis of Reason: European Thought 1848-1914*. New Haven: Yale UP.

Braun F. Helmuth. (2006). *Sigmund Freud "Ein Gottloser Jude: Entdecker des Unbewussten,* Teetz und Berlin: Hentrich & Hentrich.

Brill, Abraham Arden. (1911). “Freud's Theory of Wit”, *Journal of Abnormal Psychology* 6(4): 279-316.

Brome Vincent. (1984). *Freud and his Disciples.* London: Caliban Publications.

Christopher Hutton. “Freud and the Family Drama of Yiddish”, in: Paul Wexler (ed.), *Studies in Yiddish Linguistics.* Tübingen: Max Niemeyer, 1990, 9-22.

Clark Ronald W. (1980). *Freud: The Man and the Cause*, New York: Random House.

Cover Robert M. “Nomos and Narrative”, in Martha Minow, Michael Ryan and Austin Sarat (eds.), *Narrative, Violence, and the Law: The Essays of Robert Cover.* Ann-Arbor: University of Michigan Press, 1993.

Cover Robert M., “The Supreme Court 1982 Term. Forward: Nomos and Narrative.” *Harvard Law Review* 97.4 (1983-1984): 1-68.

de Certeau Michel, *The Writing of History,* New York: Columbia UP, 1988.

Diller Jerry Victor. (1991). *Freud's Jewish Identity: A Case Study in the Impact of Ethnicity*. London & Toronto: Associated University Presses.

Eric L. Santner, *On the Psychotheology of Everyday Life: Reflections on Freud and Rosenzweig*. Chicago: University of Chicago Press, 2001.

Fischer Kuno. *Über den Witz*. Heidelberg: Carl Winter’s Universitätsbuchhandlung, 1889.

Foucault Michel, “Préface a la Transgression”, *Critique,* 195-196(1963):751-769.

Foucault Michel, “Preface to Transgression”, in Donald F. Bouchar (ed.). *Language, Counter Memory, Practice: Selected Essays and Interviews by Michel Foucault,* Ithaca: Cornell UP, 1977, 29-52.

Freeman Erika, *Insights: Conversations with Theodor Reik*. Englewood Cliffs, N.J., Prentice-Hall, 1971

Freud Sigmund, *Der Mann Moses und die Monotheistische Religion: Drei Abhandlungen.* Amsterdam: Verlag Allert de Lange, 1939*.*

Freud Sigmund, *Psychopathology of Everyday Life*. New York: W.W. Norton and Co., 1960

Freud Sigmund, *The Interpretation of Dreams.* New York: Basic Books, 1955.

Freud Sigmund, *Three Essays on the Theory of Sexuality.* London: Imago, 1949.

Freud Sigmund. (1905). *Der Witz und seine Beziehung zum Unbewußten*, Leipzig/Wien: Franz Deuticke.

Freud Sigmund. (1927). „Die Zukunf einer Illusion“ in ders. *Gesammelte Werke* Frankfut a.M: Fischer, 1946 XIV, 325-80.

Freud Sigmund. (1948). *An Autobiographical Study,* Toronto: Oxford UP.

Freud Sigmund. (1960). *Jokes and Their Relation to the Unconscious.* New York & London: W. W. Norton and Co.

Freud Zigmund, “Der Moses des Michelangelo.” *Imago* 3.1 (1914): 15-36.

Freud Zigmund, “The Moses of Michelangelo.” (1914). In ders. *The* *Standard Edition of the Completer Psychological Works of Sigmund Freud.* vol. 13,.

Freud Zigmund, *Totem und Tabu: Einige Übereinstimmungen im Seelenleben der Wilden und der Neuroktiker,* Leipzig und Wien: Hugo Heller & CIE., 1913.

Freud Zigmund. (1907). „Zwangshandlungen und Religionsübungen“, *Zeitschrift für Religionspsychologie* 1.1: 127-139.

Freud Zigmund. (1914). “The Moses of Michelangelo.” In : Freud, Z. (1955) *The* *Standard Edition of the Completer Psychological Works of Sigmund Freud.* V. 13. edited by: James Strachey, Anna Freud, et. al. London: Hogarth Press, 209-238.

Freud Zigmund. *The Origins of Psycho-Analysis: Letters to Wilhelm Fliess, Drafts and Notes, 1887-1902,* edited by Marie Bonaparte, Anna Freud, Enst Kris*,* New York: Basic Books, 1954.

Freud, “Humor”, *International Journal of Psychoanalysis* 9:1 (1927): 161-166.

Gay Peter. (1978). *Freud, Jews and Other Germans: Masters and victims in Modernist Culture.* New York: Oxford UP.

Gay Peter. (1987). *A Godless Jew: Freud, Atheism and the Making of Psychoanalysis.* New Haven & London: Yale UP

Gilman Sander L. (1984), “Jewish jokes: Sigmund Freud and the hidden language of the Jews.” *Psychoanalysis & Contemporary Thought* 7(4): 591-614.

Gresser Moshe. (1994). *Dual Allegiance: Freud as a Modern Jew.* Albany: State University of New York Press.

Grollman Earl A. (1965). *Judaism in Sigmund Freud's World.* New York: Boch Publishing Company.

Harold Bloom, “Freud and Beyond”, Ruin the Sacred Truths: Poetry and Belief from the Bible to the Present, Cambridge: Harvard UP, 1987.

Heller Sharon. (2005). *Freud A to Z.* Oboken: John Wiley & Sons.

Herzog Rudolf. (2007). *Heil Hitler, Das Schwein ist Tot. Lachen unter Hitler – Komik und humor im Dritten Reich*. München: Heyne.

Hotam Yotam (2007). “Gnosis and Modernity – A Postwar German Intellectual Debate on Secularization, Religion and ‘Overcoming’ the Past”, *Totalitarian Movements and Political Religions*, 8.3-4: 581-598.

Hotam Yotam. (2013). *Modern Gnosis and Zionism: The Crisis of Culture, Life Philosophy and National Jewish Thought*. London: Routledge.

Jones Ernest. (1953). *The Life and Work of Sigmund Freud* (3 volumes). New York: Basic Books.

Kant Immanuel, *Critique of Pure Reason,* Cambridge: Cambridge UP, 1998.

Kant Immanuel, *Kritik der Reinen Vernunft,* Hamburg: Felix Meiner Verlag, 1998.

Kanzer Mark, & Glenn Jules. (Eds.) (1979). *Freud and his Self-Analysis.* New York: Jason Aronson.

Krüll Marianna, *Freud and his Father,* New York: W W Norton & Co Inc, 1986.

Last Stone Suzanne, “In Pursuit of the Counter-text: The Turn to the Jewish Legal Model in Contemporary American Legal Theory.” *Harvard Law Review* 106.4 (1993): 813-89.

Lazier Benjamin. (2008). *God Interrupted: Heresy and the European Imagination between the World Wars*. Princeton: Princeton UP.

Lipps Theodor, *Komik und Humor: Eine psychologisch-ästhetische Untersuchung.* Hamburg und Leipzig: Verlag von Leopold Voss, 1898.

Lukács Georg. (1911). *Die Seele und die Formen*: *Essays*. Berlin: E. Fleischel & co.

Major Rene and Talagrand Chantal. *Freud the Unconscious and World Affairs*, New York: Routledge, 2018.

Mehlman Jeffrey. (1975). “How to Read Freud on Jokes: The Critic as Schadchen”, *New Literary History* 6.2: 439-461.

Mendes-Flohr, P. (1991). *Divided Passions: Jewish Intellectuals and the Experience of Modernity.* Detroit: Wayne State University Press.

*Mishna, A New Integrated Translation and Commentary.* <https://www.emishnah.com/index1.html>

Mosse, G. L. (1985). *German Jews beyond Judaism*. Bloomington: Hebrew Union College Press.

Oring Elliott. (1984). “Jokes and Their Relation to Sigmund Freud”, *Western Folklore*, 43.1: 37-48.

Oring Elliott. (1984). *The Jokes of Sigmund Freud: A Study in Humor and Jewish Identity.* Philadelphia: University of Pennsylvania Press.

Parson William, [*Freud and Augustine in Dialogue: Psychoanalysis, Mysticism, and the Culture of Modern Spirituality*](https://haifa-primo.hosted.exlibrisgroup.com/primo-explore/fulldisplay?docid=972HAI_MAIN_ALMA2177078780002791&context=L&vid=HAU&lang=iw_IL&search_scope=books_and_more&adaptor=Local%20Search%20Engine&tab=default_tab&query=sub,contains,Freud,AND&facet=lang,include,eng&mode=advanced&pfilter=creationdate,exact,10-YEAR,AND&offset=0). Charlottesville: University of Virginia Press, 2013.

Puner Helen Walker, (1947). *Freud: His Life and his Mind.* Howell, Soskin Publishers.

Rabinbach Anson. (1997). *In the Shadow of Catastrophe: German Intellectuals between Apocalypse and Enlightenment.* Princeton NJ.: Princeton UP.

Rice Emanuel. (1990). *Freud and Moses: The Long Journey Home.* New York: SUNY Press.

Schmidt Christoph, “Gershom Scholem’s Political Theology” in: Christoph Schmidt & Eli Schonfeld (eds.) *God will not Stand Still: Jewish Modernity and Political Theology.* Jerusalem: Van Leer Publications 2009: 122-133. (Hebrew).

Schmidt Christoph, *Die Apokalypse des Subjekts. Asthetische Subjektivitat und politische Theologie bei Hugo Ball.*Bielefeld: Aisthesis, 2003.

Schmidt Christoph. (2000). *Der Häretische Imperative: Überlegungen zur theologischen Dialektik der Kulturwissenschaft in Deutschland.* Tübingen: Max Niemeyer.

Schmidt Christoph. (2002). “Kairos and culture: some Remarks on the Formation of the Cultural Sciences in Germany and the Emergence of a Jewish Political-Theology” in: Bernhard Greiner & Christoph Schmidt (eds.) *Arche Noah: Die Idee der ‘Kultur’ im deutsch-jüdischen Diskurs*, Freiburg: Rombach, 321-346.

Schur Max. (1972). *Freud: Living and Dying*, New York: International Universities Press.

Sharvit [Gilad and Feldman Karen S.](https://haifa-primo.hosted.exlibrisgroup.com/primo-explore/fulldisplay?docid=972HAI_MAIN_ALMA51211818630002791&context=L&vid=HAU&lang=iw_IL&search_scope=books_and_more&adaptor=Local%20Search%20Engine&tab=default_tab&query=any,contains,German%20Jewish,AND&mode=advanced&pfilter=creationdate,exact,10-YEAR,AND&offset=110) , (ed.), *Freud and Monotheism: Moses and the Violent Origins of Religion.* New York: Fordham UP, 2018

Sigmund Freud, *Civilization and its Discontents,* New York: W. W. Norton and Company, 1961.

Simon Ernst (1957). “Sigmund Freud, the Jew”, *Leo Baeck Institute Year Book* 2: 270-305.

Sperber Daniel (1984). *A Dictionary of Greek and Latin Legal Terms in Rabbinic Literature*, Ramat Gan: Bar-Ilan University Press. [Hebrew]

*Talmudic Encyclopedia,* vol. 3, Jerusalem: Talmudic Encyclopedia 1951.

*The Jerusalem Talmud*

Tzur Mahalel Anat, *Reading Freud’s Patients:* *Memoir, Narrative and the Analysand*. Routledge: New York, (forthcoming)

Tzur Mahalel Anat, *Reading Freud’s Patients:* *Memoir, Narrative and the Analysand*. Routledge: New York, 2020.

Vitz Paul C. *Sigmund Freud’s Christian Unconscious,* New York: Guilford Press, 1988.

Wexler Paul. *Sṭudies in Yidisher Shprakhforshung.* Tübingen: Niemeyer Max Verlag GmbH, 1990.

Whitebook Joel. *Freud: An Intellectual Biography*. Cambridge: Cambridge UP, 2017.

Wisse Ruth R., *No Joke: Making Jewish Humor*. Princeton: Princeton UP, 2013.

Wistrich Robert S. (1987) “The Jewish Identity of Sigmund Freud”, *Jewish Quarterly* 34.3: 47-55.

Yerushalmi Yosef Haim. (1991). *Freud's Moses: Judaism Terminable Interminable.* New Haven: Yale UP.

Zizek Salvoj, *Metastases of Enjoyment: Six Essays on Woman and Causality.* London: Verso, 1994.

1. On Freud’s phobia of railways see: Didier Anzieu, *Freud's Self-Analysis.* London: Hogarth Press, 1986, 171; Ernest Jones, *The Life and Work of Sigmund Freud,* vol. 1. New York: Basic Books, 1953, 305. [↑](#footnote-ref-1)
2. Moshe Gresser, *Dual Allegiance: Freud as a Modern Jew.* Albany: State University of New York Press, 1994, 13; Earl A. Grollman, *Judaism in Sigmund Freud's World.* New York: Boch Publishing Company, 1965, 91; Jones, *The Life,* vol. 1., 339; Sigmund Freud, *An Autobiographical Study.* Toronto: Oxford UP, 1948, 14. [↑](#footnote-ref-2)
3. For Rome as the “promised land” see: Max Schur, *Freud: Living and Dying*, New York: International Universities Press, 1972, 103; Helen Puner Walker, *Freud: His Life and his Mind,* Howell: Soskin Publishers, 1947, 24; Jones, *The Life,* vol. 2, 18; Ronald W. Clark, *Freud: The Man and the Cause*, New York: Random House, 1980, 201; Peter Gay, *A Godless Jew: Freud, Atheism and the Making of Psychoanalysis.* New Haven & London: Yale UP, 1987, 15. [↑](#footnote-ref-3)
4. Freud’s letter to Fließ from 27.8.1899. See: Zigmund Freud, *The Origins of Psycho-Analysis: Letters to Wilhelm Fliess, Drafts and Notes, 1887-1902,* edited by Marie Bonaparte, Anna Freud, Enst Kris*,* New York: Basic Books, 1954*,* 294. Cited also in: Rene Major and Chantal Talagrand, *Freud the Unconscious and World Affairs*, New York: Routledge, 2018, 120; Clark, *Freud*, 201. [↑](#footnote-ref-4)
5. Freud’s letter to Fließ from 16.4.1900. Freud, *The Origins,* 295.Cited also in: Gresser, *Dual Allegiance*, 121; Paul C. Vitz, *Sigmund Freud’s Christian Unconscious,* New York: Guilford Press, 1988, 73. [↑](#footnote-ref-5)
6. Gresser, *Dual Allegiance,* 112-116; Grollman, *Judaism,* 86; Helmuth F. Braun, *Sigmund Freud „Ein Gottloser Jude“: Entdecker des Unbewussten,* Berlin: Hentrich & Hentrich, 2006, 34-35; Anzieu, *Freud's Self-Analysis,* 182-183. [↑](#footnote-ref-6)
7. Freud, *The Origins*, 350. Cited also in Jones, *The Life,* vol. 2, 16. [↑](#footnote-ref-7)
8. Anzieu, *Freud's Self-Analysis*, 562; Jones, *The Life,* vol. 2, 20. [↑](#footnote-ref-8)
9. Zigmund Freud, “The Moses of Michelangelo.” (1914). In ders. *The* *Standard Edition of the Completer Psychological Works of Sigmund Freud.* vol. 13, 209-238. Edited by: James Strachey, Anna Freud, et. al. London: Hogarth Press, 1955, 213. Freud’s paper was first published anonymously as by ‘\*\*\*’ in *Imago* 3(1): 15-36. The author’s identity was revealed only ten years later. See also: Jones, *The Life,* vol. 2, 364-365; Braun, *Freud*, 35; Puner, *Freud*, 245. [↑](#footnote-ref-9)
10. Freud, “The Moses”, 213. [↑](#footnote-ref-10)
11. Zigmund Freud, *Der Mann Moses und die Monotheistische Religion: Drei Abhandlungen.* Amsterdam: Verlad Allert de Lange*,* 1938. For Freud's personal, to some extent compulsive, lifelong identification with the image of Moses, See for example: Braun, *Freud*; [Gilad Sharvit and Karen S. Feldman](https://haifa-primo.hosted.exlibrisgroup.com/primo-explore/fulldisplay?docid=972HAI_MAIN_ALMA51211818630002791&context=L&vid=HAU&lang=iw_IL&search_scope=books_and_more&adaptor=Local%20Search%20Engine&tab=default_tab&query=any,contains,German%20Jewish,AND&mode=advanced&pfilter=creationdate,exact,10-YEAR,AND&offset=110), (ed.), *Freud and Monotheism: Moses and the Violent Origins of Religion.* New York: Fordham UP, 2018; Yosef Haim Yerushalmi, *Freud's Moses: Judaism Terminable Interminable.* New Haven: Yale UP, 1991; Jan Assmann, *Moses the Egyptian: The Memory of Egypt in Western Monotheism.* Boston: Harvard UP, 1997; Emanuel Rice, *Freud and Moses: The Long Journey Home.* New York: SUNY Press, 1990; Vincent Brome, *Freud and his Disciples.* London: Caliban Publications, 1984; Jones, *The Life*; Gay, *A Godless.* [↑](#footnote-ref-11)
12. See also: Jones, *The Life,* vol. 2, 365. [↑](#footnote-ref-12)
13. Freud, “The Moses”, 230. [↑](#footnote-ref-13)
14. Ibid, 234. [↑](#footnote-ref-14)
15. Ibid, 220. [↑](#footnote-ref-15)
16. Ibid, 221. [↑](#footnote-ref-16)
17. Ibid, 214. [↑](#footnote-ref-17)
18. Ibid, 230; See also: Yerushalmi, *Freud's Moses*, 22. [↑](#footnote-ref-18)
19. Freud, “The Moses”, 219. [↑](#footnote-ref-19)
20. Ibid, 227; See also: Jones, *The Life,* vol. 2, 364. [↑](#footnote-ref-20)
21. Freud, “The Moses”, 227. [↑](#footnote-ref-21)
22. See also the point made in: Asher D. Biemann, *Dreaming of Michelangelo: Jewish Variations of a Modern Theme.* Stanford: Stanford UP, 2012, 60-61. [↑](#footnote-ref-22)
23. Ibid, 230. [↑](#footnote-ref-23)
24. Sigmund Freud, *Der Witz und seine Beziehung zum Unbewußten*, Leipzig/Wien: Franz Deuticke, 1905; Sigmund Freud, *Jokes and Their Relation to the Unconscious.* New York & London: W. W. Norton and Co, 1960. The First translation to English was published under Sigmund Freud, *The Wit and its Relation to the Unconscious.* New York: MacMillan Co., 1916. For the purpose of this chapter, I will use the terms “jokes” and “wits” interchangeably. [↑](#footnote-ref-24)
25. Sigmund Freud, *The Interpretation of Dreams.* New York: Basic Books, 1955; Ders., *Psychopathology of Everyday Life*. New York: W.W. Norton and Co., 1960; Ders. *Three Essays on the Theory of Sexuality.* London: Imago, 1949.His essays on sexuality were also published in 1905 and composed coevally with his study of jokes. The relatively minor scholarly interest in Freud’s study of jokes is apparent in relation to the extensive scholarly interest in his later works such as Zigmund Freud, *Totem und Tabu: Einige Übereinstimmungen im Seelenleben der Wilden und der Neuroktiker,* Leipzig und Wien: Hugo Heller & CIE., 1913; Sigmund Freud, „Die Zukunf einer Illusion“ Leipzig, Wien und Zürich: Internationaler Psychoanalytischer Verlag 1927; Sigmund Freud, *Das Unbehagen in der Kultur,* Wien: Internationaler Psychoanalytischer Verlag, 1930; Sigmund Freud, *Der Mann Moses.*  [↑](#footnote-ref-25)
26. Jones, *The Life,* vol. 1, 365. [↑](#footnote-ref-26)
27. On jokes as a “side issue” that was nonetheless vital for Freud see for example in: Freud, *An Autobiographical*, 120. [↑](#footnote-ref-27)
28. Theodor Lipps, *Komik und Humor: Eine psychologisch-ästhetische Untersuchung.* Hamburg und Leipzig: Verlag von Leopold Voss, 1898;Kuno Fischer's *Über den Witz*. Heidelberg: Carl Winter’s Universitätsbuchhandlung, 1889; Henri Bergson *Le Rire: Essai sur la Signification du Comique.* Paris: Quadrige,1900. See the references in: Frued, *Jokes*, 7-12. See also Jones, *The Life,* vol. 2, 371, emphasizing Theodor Lipps' influence. [↑](#footnote-ref-28)
29. See for example in: Schur, *Freud*, 73; Gay, A *Godless*, 85. [↑](#footnote-ref-29)
30. Ernst Simon, “Sigmund Freud, the Jew”, *Leo Baeck Institute Year Book* 2 (1957): 270-305; Elliott Oring, *The Jokes of Sigmund Freud: A Study in Humor and Jewish Identity.* Philadelphia: University of Pennsylvania Press; Oring Elliott, “Jokes and Their Relation to Sigmund Freud”, *Western Folklore*, 43.1 (1984): 37-48; Sander L. Gilman, “Jewish Jokes: Sigmund Freud and the Hidden Language of the Jews.” *Psychoanalysis & Contemporary Thought* 7.4 (1984): 591-614. See also the point made by: Robert S. Wistrich, “The Jewish Identity of Sigmund Freud”, *Jewish Quarterly* 34.3 (1987): 47-55; Victor Diller, *Freud's Jewish Identity: A Case Study in the Impact of Ethnicity*. London & Toronto: Associated University Presses, 1991, 109; Gresser, *Dual Allegiance,* 13. Ruth R. Wisse, *No Joke: Making Jewish Humor*. Princeton: Princeton UP, 2013, 29-58. [↑](#footnote-ref-30)
31. Freud, *Jokes,* 49. „Nur das Beiwerk Jüdisch ist, der Kern ist allgemein menschlich“, Freud, *Der Witz*, 39. [↑](#footnote-ref-31)
32. Jones *The Life,* vol. 2, 12. [↑](#footnote-ref-32)
33. Freud, *An Autobiographical*, 118-121. [↑](#footnote-ref-33)
34. Freud’s original reflection relates to the interweaving of his study of jokes and pscyho-analysis. See: Freud, *An Autobiographical*, 131; Oring, *“*Jokes*”*, 38. [↑](#footnote-ref-34)
35. Freud, *Jokes*, 119; See also Freud’s reiteration in: Freud, “Humor”, *International Journal of Psychoanalysis* 9:1 (1927): 161. [↑](#footnote-ref-35)
36. See also: Abraham Arden Brill, “Freud's Theory of Wit”, *Journal of Abnormal Psychology* 6.4 (1911): 279-316. [↑](#footnote-ref-36)
37. Freud, *Jokes,* 16. [↑](#footnote-ref-37)
38. Freud, *Jokes,* 17. [↑](#footnote-ref-38)
39. Immanuel Kant, *Critique of Pure Reason,* Cambridge: Cambridge UP, 1998, 101; Immanuel Kant, *Kritik der Reinen Vernunft,* Hamburg: Felix Meiner Verlag, 1998, 8. [↑](#footnote-ref-39)
40. Ibid. [↑](#footnote-ref-40)
41. Ibid, 105. [↑](#footnote-ref-41)
42. Emmanuel Falque, *Nothing to it: Reading Freud as a Philosopher.* Leuven: Leuven UP*,* 2020. [↑](#footnote-ref-42)
43. Michel de Certeau, *The Writing of History,* New York: Columbia UP, 1988, 302-303. Emphasis in the original. De Certeau refers specifically to “a law of history” that Freud presupposes and that in relation to which human actions, norms or rules are mere “traces.” [↑](#footnote-ref-43)
44. Robert M. Cover, “The Supreme Court 1982 Term. Forward: Nomos and Narrative.” *Harvard Law Review* 97.4 (1983-1984): 1-68. See also in: Robert M. Cover” Nomos and Narrative”, in Martha Minow, Michael Ryan and Austin Sarat (eds.), *Narrative, Violence, and the Law: The Essays of Robert Cover.* Ann-Arbor: University of Michigan Press, 1993. [↑](#footnote-ref-44)
45. Cover, “Nomos and Narrative”, 4. [↑](#footnote-ref-45)
46. Cover, “Nomos and Narrative”, 4. [↑](#footnote-ref-46)
47. Cover, “Nomos and Narrative”, 5. [↑](#footnote-ref-47)
48. Cover, “Nomos and Narrative”, 8-9. [↑](#footnote-ref-48)
49. Cover, “Nomos and Narrative”, 12-18. On Cover reliance on the Jewish Rabbinic tradition see for example: Suzanne Last Stone, “In Pursuit of the Counter-text: The Turn to the Jewish Legal Model in Contemporary American Legal Theory.” *Harvard Law Review* 106.4 (1993): 813-89. [↑](#footnote-ref-49)
50. Freud *Jokes*, 13. [↑](#footnote-ref-50)
51. Freud *Jokes*, 132. [↑](#footnote-ref-51)
52. Freud, *Jokes,* 17. [↑](#footnote-ref-52)
53. Freud, *Jokes,* 17. [↑](#footnote-ref-53)
54. Freud, *Jokes,* 81. The English translation of the third and last cry of the baroness (“aa-ee, aa-ee, aa-ee”) is here amended to more accurately reflect the cry as presented in the German original (“Ai waih, waih geschrien”). [↑](#footnote-ref-54)
55. Freud, *Jokes,* 81; Oring, *The Jokes*, 16. [↑](#footnote-ref-55)
56. Freud, *Jokes,* 81. [↑](#footnote-ref-56)
57. For the insinuation of Yiddish see for example the reference to this particular cry in a publication dedicate to Jewish Jokes: *Au waih geschrien!! Frischwaschene Witze von unsere Leit!* Bergmanns kleine Witzbücher, 5. Leipzig: A. Bergmann, 1908. [↑](#footnote-ref-57)
58. See in: John Murray Cuddihy, *The Ordeal of Civility: Freud, Marx, Levi-Strauss and the Jewish Struggle with Modernity,* NY: Dell Publishing, 1974, 24; Christopher Hutton, “Freud and the Family Drama of Yiddish”, in: Paul Wexler (ed.), *Studies in Yiddish Linguistics.* Tübingen: Max Niemeyer, 1990, 15. [↑](#footnote-ref-58)
59. Freud, *Jokes,* 49. See the German original: „Nur das Beiwerk Jüdisch ist, der Kern ist allgemein menschlich“, Sigmund Freud, *Der Witz und seine Beziehung zum Unbewußten*, Leipzig/Wien: Franz Deuticke, 1905, 39. Hutton points to the pun “Yid-id” that encapsulate, however ironically, such relations. See Hutton, “Freud”, 20. [↑](#footnote-ref-59)
60. Rudolf Herzog, *Heil Hitler, Das Schwein ist Tot. Lachen unter Hitler – Komik und humor im Dritten Reich*. München: Heyne, 2007. [↑](#footnote-ref-60)
61. Freud, *Jokes*, 4. See also Freud, *Der Witz,* 5 „*Kürze* ist der Körper und die Seele des Witzes, ja er selbst.“ [↑](#footnote-ref-61)
62. Freud, *Jokes,* 69. [↑](#footnote-ref-62)
63. Freud, *Jokes,* 114. [↑](#footnote-ref-63)
64. Freud, *Jokes,* 115. [↑](#footnote-ref-64)
65. Freud, *Jokes*, 54. [↑](#footnote-ref-65)
66. Freud, *Jokes*, 97, 115. [↑](#footnote-ref-66)
67. Freud, *Jokes,* 115. [↑](#footnote-ref-67)
68. Freud, *Jokes,* 80-81. [↑](#footnote-ref-68)
69. See also Freud’s own reference to his theory of sexuality in: Freud, *Jokes,* 98. [↑](#footnote-ref-69)
70. Freud, *Jokes,* 103. Emphasis in the original. [↑](#footnote-ref-70)
71. Freud, *Jokes,* 42. [↑](#footnote-ref-71)
72. Freud, *Jokes,* 119. Emphasis in the original [↑](#footnote-ref-72)
73. Freud, *Jokes*, 180. [↑](#footnote-ref-73)
74. See also: Brill, “Freud's Theory”, 309; Jeffrey Mehlman, “How to Read Freud on Jokes: The Critic as Schadchen”, *New Literary History* 6.2 (1975): 439-461. [↑](#footnote-ref-74)
75. Freud, *Jokes,* 98-100. [↑](#footnote-ref-75)
76. Many of Freud’s biographies point out that Freud’s mother spoke Galician Yiddish all her life, and that this was also how his parents communicated with each other. See for example: Marianna Krüll, *Freud and his Father,* New York: W W Norton & Co Inc, 1986, 116; Erika Freeman, *Insights: Conversations with Theodor Reik*. Englewood Cliffs, N.J., Prentice-Hall, 1971, 80; Hutton, “Freud”, 10-11. [↑](#footnote-ref-76)
77. Freud, *Jokes*, 136. [↑](#footnote-ref-77)
78. Freud, *Jokes,* 147, paraphrasing here Spencer's essay on “The Physiology of Laughter” from 1860. [↑](#footnote-ref-78)
79. Bergson, *Le Rire.*  [↑](#footnote-ref-79)
80. Freud, *Jokes,* 147. [↑](#footnote-ref-80)
81. Freud *Jokes,* 120. [↑](#footnote-ref-81)
82. Freud *Jokes,* 149. [↑](#footnote-ref-82)
83. See in: Freud, “*Humor”*, 161-166. [↑](#footnote-ref-83)
84. Ibid. [↑](#footnote-ref-84)
85. Santner, *Psychotheology,* 43. [↑](#footnote-ref-85)
86. “What is the meaning of kapandaria? Raba said: A short cut, as its name implies.” See in: Babylonian Talmud, *Berachoth,* 9. 62b*.* See also in The Jerusalem Talmud, *Berachot*, 9. 43 (page 12, column 4). For a detailed discussion see: Binyamin Katzoff, *The Relationship between Tosefta and Yerushalmi of Berachot****,*** A Doctoral Thesis, Bar Ilan University, 1994. 138 [Hebrew], which points to the Latin *compendĭārĭa* as the possible origins of Kappandaria. [↑](#footnote-ref-86)
87. Mishna, Berachoth, 9; Babylonian Talmud, *Berachot,* 9, 54a. [↑](#footnote-ref-87)
88. See for example also the entry “synagogue” in the *Talmudic Encyclopedia,* vol. 3, Jerusalem: Talmudic Encyclopedia 1951, 194-195. [↑](#footnote-ref-88)
89. *The Mishna*, “Megillah”, 3c. <https://www.emishnah.com/index1.html> [↑](#footnote-ref-89)
90. See the point made also in the *Talmudic Encyclopedia,* vol. 3, 194. [↑](#footnote-ref-90)
91. Talmud, *Sotah,* 39a (In Hebrew: “Meolam lo Assiti Beit Haknesseth Kappandaria.”).See also a slightly different version in the Babylonian Talmud, *Megilah,* 27b: “Never in my life have I made a short cut through a synagogue” (In Hebrew: “Meolam lo Assiti Kappandaria lebeit Knesseth” that can also be literally understood as referring to the road taken to the synagogue). [↑](#footnote-ref-91)
92. Talmud, *Berachoth,* 9. 62b. [↑](#footnote-ref-92)
93. Talmud, *Berachoth,* 9. 62b. [↑](#footnote-ref-93)
94. See for example Yerushalmi, *Freud’s Moses*; Rice, *Freud and Moses*. [↑](#footnote-ref-94)
95. See in: Gay, *A Godless*, 130. [↑](#footnote-ref-95)
96. Eric L. Santner, *On the Psychotheology of Everyday Life: Reflections on Freud and Rosenzweig*. Chicago: University of Chicago Press, 2001; Harold Bloom, “Freud and Beyond”, Ruin the Sacred Truths: Poetry and Belief from the Bible to the Present, Cambridge: Harvard UP, 1987. [↑](#footnote-ref-96)
97. Santner, *Psychotheology,* 8-9. [↑](#footnote-ref-97)
98. Santner, *Psychotheology,* 23. [↑](#footnote-ref-98)
99. Santner, *Psychotheology,* 9. [↑](#footnote-ref-99)
100. Yerushalmi, *Freud's Moses*.  [↑](#footnote-ref-100)
101. Santner, *Psychotheology,* 9. See also a similar point made by: Joel Whitebook, *Freud: An Intellectual Biography*. Cambridge: Cambridge UP, 2017, 377, who argues that religion belongs to the core of Freud’s psychological theory. [↑](#footnote-ref-101)
102. Santner, *Psychoanalysis,* 146. [↑](#footnote-ref-102)
103. For such an approach see for example: Salvoj Zizek, *Metastases of Enjoyment: Six Essays on Woman and Causality.* London: Verso, 1994, 55; See also the point made in Santner, *Psychotheology,* 96. [↑](#footnote-ref-103)
104. Freud, “The Moses”, 227. [↑](#footnote-ref-104)
105. Santner, *Psychotheology,* 106. [↑](#footnote-ref-105)
106. Michel Foucault, “Preface to Transgression”, in Donald F. Bouchar (ed.). *Language, Counter Memory, Practice: Selected Essays and Interviews by Michel Foucault,* Ithaca: Cornell UP, 1977, 29-52. See also: Michel Foucault, “Préface a la Transgression”, *Critique,* 195-196(1963):751-769. [↑](#footnote-ref-106)
107. Foucault, “Preface”, 29. [↑](#footnote-ref-107)
108. Ibid. [↑](#footnote-ref-108)
109. Ibid. [↑](#footnote-ref-109)
110. Ibid. [↑](#footnote-ref-110)
111. Ibid. [↑](#footnote-ref-111)
112. Ibid. [↑](#footnote-ref-112)
113. Ibid.*,* 30. [↑](#footnote-ref-113)
114. Ibid.*,* 31. [↑](#footnote-ref-114)
115. Ibid.*,* 31-32. [↑](#footnote-ref-115)
116. Ibid., 31-32. [↑](#footnote-ref-116)
117. See also Braun, *Freud,* 2006. [↑](#footnote-ref-117)
118. Schur, *Freud*, 529. See also: Oring, *The Jokes,* 123; Diller, *Freud*, 208. [↑](#footnote-ref-118)
119. For Freud’s self-displaying as a gift of the gods, see: Earl A. Grollman, *Judaism in Sigmund Freud's World.* New York: Boch Publishing Company Grollman 1965, xx. For the so called Jewish “tension of election” see Santner, *Psychotheology,* 8-9. [↑](#footnote-ref-119)
120. Freud's full answer was “It is really a Jew that has built the house and is showing you about.” Smiley Blanton, *Diary of my Analysis with Freud.* New York: Hawthorn Books, 1971, 45-46. Both patient and doctor agreed that the dream under discussion relates to the patient’s critique of psychoanalysis that involves religious tensions. See in particular the analysis of this conversation offered by Anat Tzur Mahalel’s groundbreaking study: *Reading Freud’s Patients:* *Memoir, Narrative and the Analysand*. Routledge: New York, 2020, 87-88. [↑](#footnote-ref-120)
121. Santner, *Psychoanalysis,* 146. [↑](#footnote-ref-121)
122. Christoph Schmidt, “Kairos and Culture: some Remarks on the Formation of the Cultural Sciences in Germany and the Emergence of a Jewish Political-Theology” in: Bernhard Greiner & Christoph Schmidt (eds.) *Arche Noah: Die Idee der ‘Kultur’ im deutsch-jüdischen Diskurs*, Freiburg: Rombach, 2002: 321-346. See also Christoph Schmidt, *Der Häretische Imperative: Überlegungen zur theologischen Dialektik der Kulturwissenschaft in Deutschland.* Tübingen: Max Niemeyer, 2000; ders. *Die Apokalypse des Subjekts. Asthetische Subjektivitat und politische Theologie bei Hugo Ball.*Bielefeld: Aisthesis, 2003. [↑](#footnote-ref-122)
123. Schmidt, “Kairos”, 324. [↑](#footnote-ref-123)
124. Sigmund Freud, *Civilization and its Discontents,* New York: W. W. Norton and Company, 1961, 12. [↑](#footnote-ref-124)
125. Braun, *Freud,* 8; Gay, *A Godless*, 5; Yerushalmi, *Freud’s Moses*, 8 [↑](#footnote-ref-125)
126. See Freud’s letter to Mrs. Fliess, July 4, 1901. Cited in Schur, *Freud*, 215. Freud makes here an allusion to Goethe’s Faust. [↑](#footnote-ref-126)
127. Gay, *A Godless*, 133. [↑](#footnote-ref-127)
128. See Gay, *A Godless*, 131-132. See for example also in his introduction to the Hebrew edition of Totem and Taboo, Jerusalem: Dvir, 1939, xv. [↑](#footnote-ref-128)
129. See for example the claim made by David Bakan, *Sigmund Freud and the Jewish Mystical Tradition*, New York: Schocken, 1965; William Parson, [*Freud and Augustine in Dialogue: Psychoanalysis, Mysticism, and the Culture of Modern Spirituality*](https://haifa-primo.hosted.exlibrisgroup.com/primo-explore/fulldisplay?docid=972HAI_MAIN_ALMA2177078780002791&context=L&vid=HAU&lang=iw_IL&search_scope=books_and_more&adaptor=Local%20Search%20Engine&tab=default_tab&query=sub,contains,Freud,AND&facet=lang,include,eng&mode=advanced&pfilter=creationdate,exact,10-YEAR,AND&offset=0). Charlottesville: University of Virginia Press, 2013; Joseph H. Berke, *The Hidden Freud: His Hassidic Roots*. New York: Karnac Books, 2015. [↑](#footnote-ref-129)
130. Zigmund Freud, „Die Zukunf einer Illusion“ in ders. *Gesammelte Werke* Frankfut a.M: Fischer, 1946 XIV,1927, 378. [↑](#footnote-ref-130)