**Chapter 1: Wit and Law**

1. **A Lawgiver**

a. Deeply Significant Stories

In a letter dated June 12 1897, Freud shared with his then intimate friend, Wilhelm Fliess (1858-1928), a surprising confession. “Let me confess,” Freud writes, “that I have recently made a collection of deeply significant Jewish stories” (*tiefsinniger* *jüdischer* *Geschichten*).[[1]](#footnote-2) The “stories” were Jewish jokes, anecdotes and witticisms about *shnorers* (beggars), *shadchanim* (matchmakers) and other comic (in Freud’s eyes) figures, taken mostly from Eastern European Jewish society. Freud’s sensitivity to their importance was, for him, closely tied to the death of his father in 1896 (which he termed “the most important event, the most poignant loss, of a man’s life”) and the beginning of his famous self-analysis in 1897.[[2]](#footnote-3) In recognizing that “the ostensible wit of all unconscious processes is closely connected with the theory of jokes and humor” Freud associated jokes with his first steps into what would later mature as a new science.[[3]](#footnote-4) Jokes, then, were associated with formative events of Freud’s personal and professional life – the death of the father and the naissance of his psychoanalysis. His interest in them was certainly related to the rise of scholarly interest at the turn of the nineteenth century in humor, the comical, and witticisms, but it also developed out of the connections he made between his personal experience and the founding of psychoanalysis.[[4]](#footnote-5)

 His book, *Jokes and Their Relation to the Unconscious* (*Der Witz und seine Beziehung zum Unbewußten*) was born out of these connections.[[5]](#footnote-6) Published in 1905, eight years after starting the collection mentioned above, Freud’s book presented an analysis of jokes (or *Witze* which Freud presented as being an equivalent to the English term “wit”) and of their social and psychological significance. The large number of “deeply significant stories” that Freud included in this work prompted scholars like Ernst Simon, Elliott Oring and Sander Gilman to regard it as a “Jewish” document of minor significance to the understanding of Freud’s psychoanalytic theory or meta-psychological work.[[6]](#footnote-7) However, for Freud, the book was much more than just a minor “side issue.”[[7]](#footnote-8) It represented a significant contribution to his early body of work that included his magnum opus “The Interpretation of Dreams” (1900), his “Psychopathology of Everyday Life” (1901), and his “Three Essays on the Theory of Sexuality” (1905) – the latter written concurrently with his book on jokes.[[8]](#footnote-9) The study was thus juxtaposed by Freud to his work on sexuality and dreams, and belonged to his formative corpus that, as Ernest Jones pointed out, contains “permanent elements” to which he “adhered all his life.”[[9]](#footnote-10)

In this chapter, I suggest that the main enduring element in Freud’s study of jokes relates to his critical engagement with the notion of law and lawgiving ascribed by a religious tradition. Indeed, what integrates his personal experience and psychoanalytic investigation in this book is the notion of law. By presenting jokes as a mechanism of social critique, I argue, Freud expresses a critique of law that is informed by theology. In this chapter, I set out then to explore the relation between critique and theology and the manner in which it points to Freud’s critique of theology.

Before doing so, I would first like to provide a context for this perhaps unorthodox reading of Freud’s book. Especially in the years leading up to its composition, Freud expressed a deep interest in the notion of law and its association with religion and theology that related to him personally as well as professionally. His first expedition to Rome from 1901 exemplifies this point rather well and merits a more detailed description. In that year Freud overcame his“phobia of railways” (*Reisefieber*)and, for the first time in his life, took the train from Vienna to Rome, transgressing imaginary borders and breaking new ground.[[10]](#footnote-11) The need to make this journey was brought about by a personal drama: his promotion to the position of Professor Extraordinarius (*außerordentlicher Professor*) at the University of Vienna kept being delayed because of “denominational considerations,” which essentially referred to Freud’s Jewish origins. The legal constraints imposed on him left him feeling “inferior and an alien because I was a Jew.”[[11]](#footnote-12) They were then accompanied by a series of dreams related to Catholic Rome, which represented for Freud both the “promised land” and the ultimate enemy, source of all Jewish persecution, compelling him to leave Vienna by heading to Rome.[[12]](#footnote-13)

# The point to note is that for Freud, this no doubt painful private affair mainly underlined a problem that related to the notion of law: “Learning the eternal laws of life in the Eternal City,” wrote Freud, somewhat waggishly, to Fliess, “would be no bad combination.”[[13]](#footnote-14) It took 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 on his personal complex (in the playful substitution of Jerusalem with Rome in the well-known Jewish expression).[[14]](#footnote-15)

# Freud’s attitude towards the law in this context seems then to stand out vividly. First, he brings together “eternal laws” and denominational considerations, in this way associating religious symbolism with the legal drama that formed the backdrop to his expedition. Laws and eternal laws are thus correlated in a way that explicitly expresses Freud’s critique of religion and society – a scrutiny of the social circumstances that are for Freud informed by religious considerations. That is to say that in Freud’s analysis there is 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, for him, by two Catholic cities: Vienna and Rome. Second, both the repeated references to the law, eternal or otherwise, and the irony with which these references take shape assume a role in these partly painful, partly playful, richly associative and critical reflections. The use of witticism, no doubt, served Freud’s emotional needs under such difficult circumstances. It was, perhaps, a way of expressing, or ventilating, feelings of frustration and discontent. But the jesting also provided Freud with an analytical instrument itself worthy of analysis. In his witticisms, Catholic Rome supplants Vienna, while Jerusalem (another eternal city of religion) is, to some extent, humorously presented as interchangeable with both. In an amusing way, Freud combines Rome and Jerusalem to reflect “eternal,” divine law, against the background of his unresolved legal status related to his Jewish identity in a hostile (and Catholic) Vienna. Freud’s witty approach, then, is also the prism through which he offers 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”) to the same extent that this critique relates to religious and theological imagination. There is a blurring of the boundaries between persecution and deliverance (symbolized by the clever exchange between Rome and Jerusalem) which relates to Freud’s actual legal impasse. In all these areas of reflection (law, legality, religion and theology), Freud seems to play with interchangeability, induced perhaps by the transgression of physical and imaginary borders that his excursion to Rome required.

# This last point is crucial. Freud, it seems, was not just going on a vacation. In his eyes, he was on his way to confront with an eternal, malicious, redemptive, detested Rome-Jerusalem, a locus of concurrent identification and repulsion.[[15]](#footnote-16) The reference to laws and to their association with religion and theology – even if by means of irony and wordplay – is of key importance. It points to the manner in which a critical engagement with laws (e.g. eternal, social, political) was a central characteristic of Freud’s voyage to Rome. It was not for nothing that Freud called his pilgrimage “the high-point of my life,” which could be read as a serious and ironic self-observation.[[16]](#footnote-17)

If the road to Rome provided fertile ground for Freud’s composite and witty reflections on law, religion and theology, his arrival in the “eternal city” kept him going very much in the same direction. In what seems to be a fitting continuation of the chain of associations between social, legal, political and theological spheres, Freud was struck – after crossing his personal “Rubicon” as Didier Anzieu puts it – by the sight of Michelangelo's Moses in the church of San Pietro in Vincoli (Saint Peter in Chains), an imposing marble figure adorning the [tomb of Pope Julius II](https://en.wikipedia.org/wiki/List_of_papal_tombs#16th_century).[[17]](#footnote-18) Freud would return to this statue of the “law-giver of the Jews” six times, on each of his subsequent visits to Rome.[[18]](#footnote-19) He later asserted in an essay entitled “The Moses of Michelangelo”: “(for) no piece of statuary has ever made a stronger impression on me than this.”[[19]](#footnote-20)

To the extent that Freud’s last controversial publication, *Moses and Monotheism*, gave the final word on a long-lasting personal interest (as many scholars argue), his first visit to Rome stood for its naissance.[[20]](#footnote-21) However, the main point to note here relates to Freud’s insistence on bringing together critique, law and theology. What we are dealing with, in particular, is Freud’s response to a masterpiece of art through which Michelangelo essentially introduced Jewish law into the Christian framework with the aim of expressing his own critique of Christianity. This critical significance of the sculpture, Freud claimed, passed “suddenly through me” (*plötzlich, duch mich*), like a personal revelation. What struck him in this context was a combination of three integrated postures of Moses, which contributed to the “inscrutable” nature of his statue.[[21]](#footnote-22) All three physical positions relate to falsifications and inversions of original meaning, orchestrated by a cunning artist who delivered his critical message in a rather shrewd way.

The first of Michelangelo’s clever twists, Freud suggested, was the positioning of the Hebrew “law-giver” not only as a feature of the tomb of Pope Julius II, but rather as the “guardian of the tomb.”[[22]](#footnote-23) In Freud’s eyes, the placing of the figure of Moses at the heart of a sacred Catholic space represented a double critique of the church. First, it presented the supremacy of divine law over and against the pope: Moses’ “role in the general scheme” of Michelangelo is to direct “a reproach against the dead pontiff,” serving as a reminder that the eternal law is “superior to his own nature.”[[23]](#footnote-24) Freud, undoubtedly, communicates the German intellectual tradition in which Judaism was considered to be the religion of law. Indeed, the figure of Moses unequivocally represents the law. It is in this critical sense that the “law-giver” of the Jews “immediate counterpart” was to have been “a figure of Paul.”[[24]](#footnote-25) If Paul symbolized the Christian rejection of Jewish law, Moses, one could say, stood for Michelangelo’s own revolt against the church.

Second, there is the falsification of Moses’ status as a Jewish lawgiver, because Moses is now engraved as a Christian icon. This, then, is Freud’s second critical observation. It relates to Michelangelo’s own reproach of Judaism. For Freud, Moses is made to falsely represent something relating to “the individuality of Julius himself.”[[25]](#footnote-26) The imagined split between the figures of Paul and Moses is presented as a witty, somewhat psychological reflection on the pope’s persona. But it also points to what such a persona theologically represents for Christianity. The positioning of Moses thus illustrated for Freud an array of dexterous inversions: the representation of a pious pope, which was, at the same time, a reproach against him; a Jewish Moses who is central only in virtue of being a guardian of a Catholic tomb; and a reminder of the supremacy of law, which is nevertheless located as an exclusive part of a Christian theological message.

The third distortion operated in the statue, according to Freud’s account, can be observed in the way that Michelangelo’s Moses is characterized by “a mixture of wrath, pain and contempt.”[[26]](#footnote-27) This hints at “a new Moses of the artist’s conception,” a false Moses, who, ironically, does not shatter the tablets inscribed with divine law, but rather contains his anger, in view of the mob celebrating the false idol of the golden calf.[[27]](#footnote-28) Here, once again, we encounter a fabricated Moses who substitutes the lawgiver presented in the scriptures. What is being falsified is mainly Moses’ performance. Instead of breaking the tablets, he preserves and rescues divine law. The biblical story becomes distorted and a new Moses replaces the mythical figure.

This last interpretation is the most valuable for Freud’s argument regarding the artist’s critique of law. It relates to “the very unusual way in which the Tables are held.”[[28]](#footnote-29) The Tables, representing the law, are “upside down” (*umgekehrt*).[[29]](#footnote-30) Inverted, they stand “on their heads,” but this is only because they are “easier to carry” in this way.[[30]](#footnote-31) The inversion of the law serves to ease the burden it imposes. Michelangelo’s representation of the Tables as preserved (i.e. tamed wrath), is accompanied by a sort of overturning of their content. The purpose of this lies partly in the practical function of supporting Moses’ physical posture in marble. But the main issue for Freud relates to the symbolic value of this reversal, which not only evokes the overturning of the law but also questions the (re)positioning of the lawgiver within the wider theological scheme. All of this reflects back on the artist’s decision to place Moses at the entrance to the pope’s tomb as guardian.

There is here a point to note which relates to a threefold falsification (“*verfälschen”*) that is captured in a theological image of a lawgiver with whom Freud would identify throughout his life.[[31]](#footnote-32) First, the law is preserved, but only inversely, a reversal that also supports the structure of the statue and Moses’ physical stance, as a matter of practicality. Second, the prospect of wrath is sensed, but tamed and thwarted. Third, Moses maintains his position as an original Hebrew “holy man” and “lawgiver” but only as a Christian and, for Freud, a fabricated one. Here, a fake Moses replaces the original. The artist’s display of faith, Freud concludes, “might almost be said to approach an act of blasphemy.”[[32]](#footnote-33) The inversions and falsifications that inform such “blasphemy” are not described by Freud as opposite poles but as a playful spectrum of well devised inversions, transgressions, turns and overturns.

Echoing his witty wordplays and ironies that related to his expedition to Rome, Freud’s reflections on the statue of Moses demonstrate his interest in critical engagement with law and lawgiving ascribed by a religious tradition. A critique of the law and its relation to theology seems to be central in both cases. In his response to a fake Moses of artistic imagination, Freud brings together observations on theology and politics, faith and political action, heresy and deliverance. In Vienna, he examined the connections between the long history of religion and his personal predicaments; his analysis of Moses does this too, while at the same time bringing to the fore the importance of the use of cunning inversions and subversions. Wider critical and theological considerations are brought into play. Indeed, both Freud’s critique of Vienna and his interpretation of Michelangelo’s critique of the Church encompassed playful transpositions, involving Rome and Jerusalem on the one hand, and Christianity and Judaism, St. Paul and Moses on the other. In both cases, Freud seems to critically reflect on eternal, social and political laws, while at the same time (and perhaps more importantly) considering how such laws are transgressed, overturned, held “upside down,” circumvented, or subverted.

As mentioned above, the point of this rather long expose was to set the scene for Freud’s early interest in what associates critique, law and theology with witty transgressions and subversions – the very connections that I wish to trace in his book on jokes. Ernst Jones’ observation that this particular book contains “some of his [Freud’s] most delicate writing” is apt, mainly because the book seems to integrate Freud’s dominant personal and professional quests at that time.[[33]](#footnote-34) But Freud himself made the case rather clear, when suggesting that the vital importance of his collection of stories stems from the fact that “only the setting (*Beiwerk*) is Jewish, the core (*Kern*) belongs to humanity in general.”[[34]](#footnote-35) Such a thinking may explain why Freud’s autobiographical retrospective presented the book as a particular “contributions to the psychology of religion.”[[35]](#footnote-36) Perhaps like a statue of Moses over the tomb 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.

In particular, what invites our attention, then, is the development of Freud’s thinking on critique of law and on its relation to religion and theology 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 others remain somewhat vague or underdeveloped (for example in his correspondence). Freud recognized that deeper analysis was required. The importance of the book on jokes, then, lies in providing such an analysis, “intimately interweaving” – to paraphrase Freud – critical considerations with religious sources, theology with its secularization, and Judaism with modernity, to the extent of offering fresh insights into Freud’s critique of theology, as discussed next.[[36]](#footnote-37)

b. A Mechanism of Social Critique

What is then a joke for Freud and how does it relate to the notion of law? To answer we may start with the fact that for Freud a joke is a mechanism of social critique. Two main points support this claim. First, jokes for Freud represent a social device aiming to induce pleasure through and because of an “economy in psychical expenditure.”[[37]](#footnote-38) Such an “economy” denotes rather simply the saving of mental energy. Second, this energy is saved because of two interrelated factors: jokes are subversive and they are brief.[[38]](#footnote-39) The brevity of jokes will be discussed in the next section, but the subversive character of jokes is of particular significance here because it underlines jokes as a somewhat witty reaction to imposed social norms, cultural requisites or rules of behavior. Subversion in this context denotes a release of sorts from social structures, or from 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, rather representative, example of the dynamics of combined subversion and resistance is a witticism that Freud adopts from Heinrich Heine. In his *Reisebilder* Heine introduces the comic figure of Hirsch-Hyacinth of Hamburg, who, so the deeply important story goes, had a personal meeting with the Baron Rothschild, one of the wealthiest Jews of that time. He then recalled his experience as follows: “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.”[[39]](#footnote-40) Freud, like Heine, seems to be amused by this particular Jewish pun, and uses it as a central example of the technique of jokes that preoccupies him in the first section of his book dedicated to the analysis of jokes. The subversion embedded in the joke, he explains, results from an irregular condensing of two words into one (familiar and millionaire). The unusual melding of these two words, however, enables the 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, perhaps, be made so readily easily.[[40]](#footnote-41) In this subversive way the joke mainly discloses a resistance to social norms – in this case the relations between the privileged and the underprivileged – and it is this characteristic that makes it a matter of pleasure. Freud’s psychological emphasis on the mental “economy of expenditure” reveals a critique of society and that mainly means an argumentation that comments on the social sphere, through a performance of resistance to an existing social order.

The construction of the invented word, “famillionaire,” therefore, communicates a cutting criticism of society. It makes us aware, albeit in a condensed way, of a social structure from the point of view of the underprivileged, and sharply underlines its difficulties. In this context, criticism means simultaneously presenting and resisting a social order imposed on individuals. In this particular sense, jokes are critical because they set out to identify and resist what holds sway in society. In short, jokes are equated with the mechanism of social critique.

The concept of critique may be therefore applied to Freud’s examination of jokes in two main ways. First, in his analysis of the origins, application and extent of jokes, which he articulates psychoanalytically. To study jokes critically, in this sense, is to present the rationale, function and limits of a psychological phenomenon. In the strict Kantian sense, critique means a form of analysis of the content or object of study, which includes charting its sources (*Quellen*), extent (*Umfang*) and boundaries (*Grenzen*).[[41]](#footnote-42) In taking the faculty of reason as an object of study, for example, critique aims at “removing all those errors” (*Abstellung aller Irrungen*) associated with this faculty.[[42]](#footnote-43) For Kant this approach to critique provides a cleansing or purifying (*reiningen*) “ground that was completely overgrown.”[[43]](#footnote-44) Freud seems to endorse this approach to critique to the letter. This does not necessarily entail that Freud thinks as a philosopher, as Emmanuel Falque recently argued, but rather that his critique of jokes appears as a method of critical investigation, transposed to the field of psychology.[[44]](#footnote-45) It not only represents a way of “removing” errors by charting the scope and limits of jokes but also (and more profoundly) includes, to some extent even promotes, a “cleansing” of former mistakes and misconceptions that blur understanding.

This critical quest is reflected 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 explains the function of jokes (which for Freud is mainly social), from which Freud deduces the existence of different types of jokes. The third “theoretical” part underscores the limits of jokes by distinguishing between jokes and parallel psychological mechanisms (like dreams) on the one hand and social mechanisms like comedy and humor on the other hand. The book’s structure thus shows how a critical study of jokes for Freud is about presenting their sources (the first part), mapping out their function and content (the second part), and outlining their scope and limits (the third part).

However, critique more importantly relates to the social function of jokes. Here, the concept of critique appears to correspond more closely to social critique because it relates to a breaking down of (and thus resistance to) the social reality in question, even if by means of subversive suggestions. Heine’s wit makes a case for such resistance because it cleverly creates a humorous association that unveils social structures and, one may argue, power relations, by making a joke out of them. Because of its subversive character, the joke enables criticism that would not be acceptable in any other way. This subversive procedure is for Freud a common characteristic of all jokes, making them critical by nature.

Since the value of the joke in Freud’s thinking lies in its social critique, his critical interest is directed not only at the analysis of the scope, content and limits of jokes, but more profoundly at how jokes demonstrate resistance to social structures and imposed demands. In this second sense, critique relates to wider social considerations. It is about emancipating human beings from domineering social circumstances. Here, what seems to be important is the manner in which jokes release human beings from the social order in which they live, which they internalize, and to which they otherwise adhere constantly.

With this in mind, social critique indicates a critique of law. We return here then to the relation between wit and law. Indeed, according to Michel de Certeau, Freud assumes that there is an “a priori of a coherence to be found” in society and it is this deep-seated supposition that constitutes his recourse to the notion of “*law.*”[[45]](#footnote-46) The main point that de Certeau makes seems to be that Freud understands the law in the most general sense, not as a narrow set of legal rules, but much more broadly, as a concept that corresponds to the pressing demands of society. In his seminal essay “Nomos and Narrative” the legal philosopher Robert Cover makes an analogous case for this broad understanding of law.[[46]](#footnote-47) Cover, who to some extent built on Talmudic tradition, suggested that we should consider a worldly order, a “law” to which we constantly relate.[[47]](#footnote-48) Reference to the law needs to be understood, says Cover, not in its more common, narrow, legalistic sense, but rather as a symbolic configuration of an overarching order (social, cultural, political or religious) 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.[[48]](#footnote-49) Once understood in such a way, “law becomes not merely a system of rules to be observed, but a world in which we live.”[[49]](#footnote-50)

The world in which we live, therefore, means the law according to which we live. We endow such a world/law with meaning “by using the irony of jurisdiction, the comedy of manners that is *malum prohibitum,* the surreal epistemology of due process.”[[50]](#footnote-51) This jesting, however, is not just a technical device used within a narrow legalistic context. It relates, in Cover’s eyes, to issues ranging from violence and power, to the difference between “creating” and “maintaining” law, and questions of redemption and of human and religious demands.[[51]](#footnote-52)

There seems to be a range of themes that connects Cover’s meta-juristic enquiry with Freud’s meta-psychological analysis of jokes (including the allusion to humor and irony, or religious symbolism). Nonetheless, Cover’s definition is most helpful in the way it shows how De Certeau’s broader understanding of the concept of law fits in with Freud’s case. We have seen how in Freud’s engagement with the statue of Moses, or in his personal predicaments in Vienna, he repeatedly employs a concept of the law and associates it with the rules that govern human life. The “learning of eternal laws,” or enthusiasm for the “lawgiver” of the Jews are examples of a wider understanding of the law in association with the “normative universe” in which we live. The point to make is that the notion of subversion that Freud attributes to jokes runs along the same lines of argumentation. As a critique of social order (including norms, modes of behavior, imposed cultural rules and so on) the joke turns against the a priori coherence or logic on which this order is based. Jokes are subversive inasmuch as they undermine a pre-given social structure of imposed requirements, ethical imperatives, and normative demands, all of which are encompassed by the concept of law. To the same extent that jokes represent social critique, they stand for a critique of law.

Particularly in the case of principles of behavior, rules of social conduct, and ethical imperatives, which result from the law that governs us, the joke represents subversion because it aims directly at disclosing inhibited thoughts and suppressed wishes. Thus, the joke according to Freud “must bring forward something that is concealed or hidden.”[[52]](#footnote-53) While the joke unveils these hidden thoughts and concealed wishes, it deceives the censorship and judgment of reason, which is an outcome of adhering to the social requirements that suppress our impulses and innermost drives. Freud is referring here to any thought or wish that has been restrained, suppressed, or prohibited by our conscious censors. Arguably, these censors are themselves a product of imposed social and cultural prerequisites, and therefore represent the lawful order of the social world we inhabit. In presenting itself as a joke the hidden thought “bribes our powers of criticism and confuses them” and in this way cheats our censorship.[[53]](#footnote-54)

We may recall Heine’s character, Hirsch-Hyacinth, and his joke based on the invention of the word “famillioniare,” which combines two words to create a new meaning. Our censors are confused by the irregular use of words and by the manipulation of the normal rules of language to which we are accustomed.[[54]](#footnote-55) Moreover, the social critique of a “rich man’s condescension” can be communicated because the joke cheats our normative modes of expression (including a certain twisting of grammatical laws) and in this particular sense “confuses” us.[[55]](#footnote-56) Confusion here means a technique used to articulate social critique but only inasmuch as it hides behind word play. In such a way the joke critically subverts the social norms of correctness.

Another joke in Freud’s repertoire offers a somewhat different example of the subversive character of jokes vis-à-vis the laws by which we live. The story goes:

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 cards and exclaimed: “*Now* it's time.”[[56]](#footnote-57)

It is rather questionable whether this joke with its insinuations can be considered funny or socially acceptable today. 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 censors lies not in the structure of the joke or in a word play, but rather in its playful content. This content relates mainly to the three different cries of pain that can be heard coming from the other room – mon Dieu, mein Gott, Ai waih. First, as Elliot Oring pointed out, these exclamations 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.[[57]](#footnote-58) At such a moment there is neither baroness nor cultivated German woman, 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.[[58]](#footnote-59) Social sensibilities are dismissed when hidden nature springs out. In other words, 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 whose content points to the mechanism of bringing forward some concealed or hidden reality relating to the oppressive social order.

Yet, there is another layer to the joke. Is it not also possible that the three cries represent three different languages: French (mon Dieu), German (mein Gott) and finally Yiddish (Ai waih)?[[59]](#footnote-60) The argument, which the English translator discounted, was made by both Christopher Hutton and John Murray Cuddihy.[[60]](#footnote-61) The “unmistakable cry” in the joke relates to a third language, hinting at 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 other way, apart from via a joke, could such an idea be suggested or accepted. The 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, conveying Freud’s view of Jewish jokes as guardians of a universal message.[[61]](#footnote-62) Here, however, the opposite might also be correct. Namely that the learning of the “eternal laws” of human nature communicate, somewhat resourcefully, a particular underlying Jewish reality.

This specific joke, then, is another example of 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 rules of behavior and social conduct in a state of emergency. Second, in its message, insinuating a true, surreptitious identity beneath all the false layers of culture and social etiquette. By moving through the layers of civility and delving 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 into one ingenious example of wit. There is good reason for suspecting that this particular joke amused Freud (who probably identified with all the characters of the joke – the scientific doctor, the civilized respectable Baron, and the hidden Eastern European Jew). Perhaps more poetically, in his own eyes he could identify with the newly born child of the joke who came into the world amid a somewhat absurd assembly of three figures: science, culture, and Judaism.

When we tell a joke, which is accepted as such, we may then express meanings that cannot be expressed in any other manner to another person, and perhaps not even to ourselves. The critical element embedded in the telling of such a story 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 such a maneuver is the fact that the joke is subversive. By using jokes, we can overcome the codes of moral censorship, cultural norms or rules of behavior and thereby resist what is imposed on us.

The opposite should also be true for Freud, namely that in a social or cultural context in which we cannot overcome the judgment of morality or the political laws of correctness, the critical mechanism of jokes remains out of reach. If the law cannot be deceived, jokes have no space to perform. 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, as forms of defiance.[[62]](#footnote-63) In such a way, jokes presented the 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 irony. Where there is irony, humor, and witticism, the theory goes, there is at least some form of liberty. An indication of 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.

**2. The Body and the Soul of Wit**

a. Brevity

Jokes, however, are not only subversive. They are also brief. This is the second main point that Freud makes concerning the critical characteristics 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.”[[63]](#footnote-64) In this passage Freud is quoting 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 for him it relates to a central characteristic of jokes: the quality of being concise and brief and this implies a particular connection between reason and witticism.

Jokes are brief exactly where we should take a longer and much more complicated route if we wish to follow cultural rules or codes of social engagement. Operating critically, then, also includes brevity. Jokes, however, can be long and wordy. The story of the Baroness, for example, is somewhat lengthy, involves information in several languages, repetition, and a scene that is built up slowly. Nevertheless, jokes, and even that particular joke, always convey their critical point in fewer words than normally called for. When the doctor says “*Now* it’s time” he means something like, “Now that untamed nature (or 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.” This fuller statement, however, is hardly funny. The point is that making critical comments on the relationships between culture and nature, or between society and identity, is quite a long drawn out affair. Joking about it, however, is smart, direct, and pierces the heart of the matter.

Puns that Freud finds amusing exemplify the same argument. For example, Heine’s comment that at school he had to put up with “so much Latin, caning and Geography.” The addition of “caning” to the list of subjects condenses a potentially long story about the horrors of a harsh education into a concise and funny comment, while at the same time conveying disdain for the violence inflicted on the child.[[64]](#footnote-65) And again Heine, this time on his deathbed: “When a friendly priest reminded him of God’s mercy and gave him hope that God would forgive him for 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).[[65]](#footnote-66) The reference to God’s vocation is the essence of the matter. In between the lines, there is a final, somewhat testimonial critique of religion in which “what was supposed to be the created being revealed itself just before its annihilation as the creator.”[[66]](#footnote-67) The deeply critical approach, however, is hardly funny when put in these terms. In its brevity, the joke makes the same critical point and amuses the listener.

Through the wide range of examples that Freud gives to illustrate jokes, puns, irony and wordplay, 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. Condensation, displacement, indirect representation (including representation by using opposites) and the use of allusion or absurdity are central techniques of humor that Freud presents in the first “analytic” part of the book. The “famillionaire” joke offers an example of condensation by cleverly soldering two words together. The use of absurdity (God’s job) characterizes the witty comment of Heine on his deathbed. Meanwhile, the technique of displacement is achieved by operating a quick shift in the meaning of a sentence, thus playing with the overall message received. This is illustrated, for example, in the following joke: a horse dealer recommends 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?,” thus displacing the dealer’s original meaning (crediting the horse with speed) by entering “into the data of the example that has been chosen.”[[67]](#footnote-68)

This range of techniques is important because, once more, jokes are displayed as a critical mechanism that is always abridged. Brevity is, in this case, the essence of jokes because it enables their critical operation vis-à-vis the law. This means for Freud that although jokes are similar to dreams (a point that he 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 wordplay (jokes) that condense, mix, play with, relocate, displace or amalgamate various notions. In this sense, they are always epigrammatic. On the other hand, only jokes function in this way in order to put across social critique.

“Tendentious” jokes are another, perhaps more complicated, case in point. A joke becomes “tendentious,” according to Freud, when it serves one of four ends: hostility (for the purpose of aggressiveness or defense), obscenity (aimed at exposure), cynicism or skepticism.[[68]](#footnote-69) In all these cases we express inhibited thoughts, aggressions, vulgarities, or hidden and to some extent brutal content matter, in the form of jokes. When we do so, we are able to touch base with inner wishes (which may be hostile, obscene, or violent) that are usually left unspoken, or better, suppressed. Sexuality, violence, hostility, masochistic or sadistic pleasures and similar natural (for Freud) and clandestine drives commonly form the substance of such jokes.

Eastern European (and in particular Galician) Jews are the butt of a type of hostile joke that Freud seems to rather enjoy, perhaps even against his best wishes. One example is as follows:

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?[[69]](#footnote-70)

Another example to illustrate the exposure of vicious tendencies starts, once again, with a Galician Jew who is traveling alone by train:

A Galician Jew was traveling 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.[[70]](#footnote-71)

These are offensive jokes at the expense of Jews originating from Galicia that according to Freud were “created by Jews and directed against Jewish characteristics.” Even so, they reiterate Western European racial classification of East European Jewish sociability (or lack of it). Jokes involving sexual obscenity, mainly targeted at women, are of the same character because they involve 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.[[71]](#footnote-72) The main buried desire in this context relates to the touching of sexual organs (even if only 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.”*[[72]](#footnote-73)

Because of these traits, such tendentious jokes are always deeply suspicious and may not even be considered tolerable. But for Freud, jokes are not originators of hostile, brutal, obscene or violent impulses, which exist, he presupposes, on our mental maps. The main issue at hand in his view relates to the critical mechanism of jokes designed to release these hidden impulses in an act of defiance against the law. Here, again, tendentious jokes are critical because they are brief. The unflattering portrayal of Galician Jews shares a critical message (that is, resistance) in relatively few words. The short story involving “Yom Kippur,” for instance, points in a compact way not only to the alleged questionable behavior of Eastern European Jews but also to the comfortability of Jews, supposedly at ease only when among their kin. The brief monologue relating to Cracow addresses a range of critical associations – from a racial, highly problematic categorization of the Jews as being tricky by nature, to a critique of the Jewish tradition of ‘pilpul.’

 These somewhat malicious displays of passing judgment would remain silent if we observed codes of behavior. However, the concise nature of these jokes subverts our censure and overcomes the obstacles presented by these codes. Thus hostility becomes accessible, and perhaps may even go unnoticed, if there is a “bribing” of the laws of civility, or of any relevant ethical consideration. If cultural conditions or acquired sensitivities are not suspended, the joke would pass only for a vulgar statement. Such is the case with obscene jokes. If our inner ethical censors are not bribed, any wordplay would be considered wholly unacceptable. In such a way, jokes can be considered funny not because they enable the disclosure of pre-existing hostility (which would have been left unspoken otherwise) but because they do so while repealing our censorship.

It is in this last sense that in order to work, the joke must suspend the law. For Freud, the laws against which the “joke-work” is directed are perceived by the individual as being oppressive. In all the cases observed above, a person is required to suppress a wide range of wishes, needs and impulses that represent the surreptitious substance of jokes. Suppression in this context means an investment of mental energy. Energy is spent in order to keep certain thoughts or wishes suppressed, to subdue impulses, or to avoid untamed desires. Adhering to the law that governs our lives means an expenditure of mental energy. We invest mental energy according to our internalization of social demands. By working with these “materials” however, jokes help to eschew social demands or “save” energy. Thus, in making the suppressed matter (e.g. thoughts, wishes, impulses, desires) available to us, albeit by means of subversion, the joke overrides the mental investment, presenting an “economy in psychical expenditure”: the energy spent adhering to and maintaining the imposed laws is avoided. Imposing these restrictions on ourselves demands an investment; overcoming them in this case results in a discharge. We consequently experience pleasure in jokes because their 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.[[73]](#footnote-74)

b. The Principle of Pleasure

Pleasure is an important outcome of the critical mechanism of jokes. Eventually, the very aim of resisting the law is the attaining of pleasure. Freud examines this “principle of pleasure” mainly in the second, “synthetic” part of the book, following two principal lines of thought. First, he presents the manner in which jokes induce pleasure because they present us with shorter routes on our mental maps. Second, he connects this condensation with the critique of law.

 Pleasure arises because brevity and subversion save mental energy. Freud explicitly argues, especially in relation to tendentious jokes, that “*Economy in expenditure on inhibition or suppression* appears to be the secret of the pleasurable effect of tendentious jokes.”[[74]](#footnote-75) Pleasure, in this case, is a form of relief. If energy is saved, the individual experiences a liberation of sorts, even if only for a short duration of time. This mechanism may explain why Freud remains somewhat appreciative of jokes, even if and perhaps because they may express socially unacceptable notions. Jokes seem to constitute the liberating of energy that is already there and that needs to be somehow reworked. In such a way Freud seems to connect liberation from the burden of constant mental investment with a notion of pleasure. The experience of pleasure is not directly linked to the aggression or obscenity that may form the content or aim of jokes. Rather, jokes induce pleasure because they bring short-lived relief from the heavy burden 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.”[[75]](#footnote-76)

 If the cunning and succinct characteristics of jokes enable the enjoyment of relief, they also point to jokes as a critical affair.[[76]](#footnote-77) In other words, 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 in Freud’s theory 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 seek to stimulate pleasure in a third person (or third party), who is not the subject or originator of the joke, but its audience.[[77]](#footnote-78) This aspect of communication underlines for Freud the social role of jokes. In particular, the subversive message of the joke needs to be expressed in words and in a way that can be readily understood and unpacked by a willing listener if it is to be considered funny. In other words, jokes (again, unlike dreams) need to be communicative to someone else and are thus part of the social sphere, inducing a sort of ‘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, was 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 under which we live. The critique of law, if understood, overcomes or cheats this person’s suppressing censors.

With particular regard to the third party, Freud articulates the principle of pleasure as a result of the relation between wit and law. Experiencing a relief is made of a certain recognition of the critique of law that was communicated by a clever and inventive creation of language plays. For example, the points raised by the offensive jokes in relation to an alleged Eastern Jewish mentality, or to the arrogance of the rich vis-à-vis the poor. Or the painful truth, at least for Freud, who was born in Moravia before migrating to Vienna at the age of four, was that beyond the thin cultural façades would always lie, perhaps, an Ostjude.[[78]](#footnote-79) 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 are bypassed, bribed, or overcome. 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 [….].[[79]](#footnote-80)

The principle of pleasure here stems from a cunning maneuver, connecting the expression of a suppressed impulse with the cheating of the censure of a willing listener and a reduction in the sum of energy spent on the suppression of these impulses. In this way, critique of the law may be pleasurable. As a result of this pleasure – again, pleasure induced by taking a shorter route and saving energy – a third person may laugh. Laughter is, therefore, a result of this particular principle 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.[[80]](#footnote-81)

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 censure. For Bergson this censure is mainly responsible for our identification with the object of a scene or story to which we are exposed and which sanctions any pleasure.[[81]](#footnote-82) Once the disapproval is 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.[[82]](#footnote-83)

Laughter is an outburst resulting from a short circuit in an energy system that has its wires crossed. But the point Freud wants to make seems to be more than just an allusion to electrical metaphors. The reference to the concept of a short circuit underlines the way in which Freud brings together the saving of mental energy and the taking of shorter routes where usually longer ones are the rule, norm or common law. The pleasure arising from the joke is always greater “the more alien” the circles of ideas brought together are.[[83]](#footnote-84) 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. [[84]](#footnote-85)

The critical role of jokes culminates in a free discharge of energy through laughter. We may laugh in this sense against our better judgment, and perhaps even unwillingly when “energy used for the inhibition” becomes “superfluous.” This end result is connected with the 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 the discharge of “cathectic” energy and the short circuit are in themselves additional forms of brevity. In the social sphere, in particular, brevity assumes the guise of a burst (laughter). The process in which a critical message is picked up by the audience culminates in such a surge. Here, energy is saved through a discharging effect that abbreviates normal, regulative flows and cuts through their energy current. The description in terms of energy, 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; taking shorter paths than the norm; the saving of mental energy; thrift; abbreviation; a short circuit and the end result in the form of an immediate outburst or discharge of energy. Could we not argue that these central characteristics of jokes, and of the social critique they engender, amount to an overarching concept, that of a shortcut? This single term 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, modes of conduct, laws of behavior, rules of social engagement, and so on. Jokes are critical because they take shorter routes where longer ones are the norm. They save energy where this is 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 routes on our mental maps and cutting through all that is ascribed to us by the cultural, social and political rules, norms or regulations that govern our lives.

The notion of a shortcut 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 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 defies codes and norms. Shortcuts are in this sense transgressive. Transgression here denotes the capacity to break the law, cross boundaries, violate rules, regulations, habits, and norms. It points to the manner in which the joke outwits, and in this sense violates, the social and (by means of internalization) psychic regulatory obstacles that hinder free expression of hidden substance (e.g. wishes, aggressions, drives). In other words, the joke is made to transgress imagined borders set by laws, in playful defiance of these laws.

Freud appears to carry this argument on into some of his later works. His paper on “humor” presents a case in point. In this essay Freud associates the transgressive potential of jokes with the work of the “Id” as it makes its way into our conscious ego.[[85]](#footnote-86) By drawing such parallels between “joke-work” and what could be termed “Id-work,” Freud seems to suggest that the untamed impulses, drives and suppressed wishes of the id transgress our conscious censure that is a result of the law under which we live.

In this later development of ideas, Freud suggests that the transgressive work of the id also underlines the main characteristic of jokes.[[86]](#footnote-87) For Freud, we enjoy jokes precisely 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 mental excess. And vice versa: the fact that jokes circumvent the censorship of reason, or the dictates of acceptable social behavior, does not mean that they perform a reasonable nor prudent diversion following an imagined, careful and longer route than usual; nor does it entail that jokes are socially expected. On the contrary, it implies a more rebellious act of cutting through the censure, thus enabling the safe discharge of accumulated energy in the same way, perhaps, as a lightning rod enables high voltage static energy to be redirected and safely discharged to the ground without damaging the struck structure.

 A shortcut is then a form of transgression. We may recall Freud’s early engagement with the law in anticipation of, during and following his first visit to Rome, and how he interpreted Michelangelo’s false 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 development of overarching thoughts on transgressing laws which always tie together, it seems, personal drama with universal claims. Thus, inversions are an integral part of the transgressive mechanism of jokes that brings relief that would otherwise stay out of reach. Falsifications are, obviously, central to the subversive character of jokes, 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 of our ability to make a joke through or, perhaps, out of, imposed lawful limits.

Such an association between shortcut and transgression means bringing closely together wit and law, because in wit, critically resisting the law, denotes its violation. The crossing of lawful boundaries is especially important if one considers the experience of its addressee. The addressee is made to laugh – sometimes against his or her best wishes – because of the momentary experience of violating the laws in the shortcut of the joke. But Freud is not only making an analytic observation. Rather, because of his clear interest in the question of the “safe” discharge of inner, suppressed, drives (whose existence he presupposes) he seems to display a favorable attitude towards the use of jokes as a certain stance “against the world.”[[87]](#footnote-88) Thus, Freud’s association between shortcuts and such a defiant stance highlights the positive implications of transgression in the social arena. Transgressions in this sense are endorsed by Freud, rather than rejected. Where inner impulses and drives could be dismissed, or ventilated, reticent materials may become socially available without damaging the social structure. Shortcuts as a form of transgression underline, then, a positive area of social critique which Freud wishes 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 relationships 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 links between Judaism, law and lawgiving. In Jewish rabbinic literature, taking a shortcut (or *kapandaria*) through the temple is prohibited because it communicates disregard for (and therefore a violation of) the sacred space of the temple.[[88]](#footnote-89) 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.[[89]](#footnote-90)

*Kapandaria* is suggested here as a form of disgracing the sacred space of the temple. The temple, representing a holy domain, cannot be used for the purpose of taking a shortcut because this would represent 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, the destruction of the temple, too), a synagogue represents a sacred space through which one is not allowed to take a shortcut.[[90]](#footnote-91) 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…[[91]](#footnote-92)

There is a stark contradiction between the sacred character of the synagogue and the sacrilegious nature of a variety of prohibited actions, which include shortcuts. In the case of shortcuts, the synagogue is endowed with the sort of holiness that is ascribed to the Temple.[[92]](#footnote-93) The reference to the bible makes the case rather clear, since it relates to the sacredness 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 attributed to the synagogue.

The transgressive performance 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 to his long life, he listed three reasons, one of which was: “Never have I made use of a Synagogue as a shortcut.”[[93]](#footnote-94) Clearly, the suggestion was that long life depended on renouncing shortcuts through the sacred space. The Talmud expands on this 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 shortcut” (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), walking across the synagogue is not prohibited.[[94]](#footnote-95) What seems to be the crux of the matter here is whether or not there is the intention to degrade the sacred law. When such a resolve is absent, crossing from one side of the synagogue to the other is devoid of transgressive meaning and rendered acceptable. Shortcuts, on the other hand, are intentional and count as sacrilegious acts, violating what is regarded as the sacredness of the temple and the synagogue.[[95]](#footnote-96)

The association of intention with the Hebrew prohibition (“Ein Ossin Beit Ha’Knesset Kapandaria”) seems to be central. There is the indication of a compound meaning, because the prohibition to physically take a shortcut through the synagogue is linked with an ethical proscription to take 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 shortcut” (“Meolam lo Assiti Beit Haknesseth Kapandaria”) indicates both a physical movement and a moral judgment. Mere physicality is arguably linked to deeper ethical dimensions of faith.

The connection between physicality and faith seems to be underlined in the discussion. Physically, taking a shortcut by walking from one side of the temple or synagogue to the other is proscribed. The Mishna and the Talmud indeed open the discussion by 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 via different locations such that time and effort are saved, but only if this is not done in a calculated or deliberate way. To put it differently, the sacred space cannot serve economy in physical expenditure when this is done intentionally. But shortcuts are prohibited mainly because they show disrespect towards the sacred space, and the sacred cannot be used as a means to an end. Clearly, *kapandaria* does not mean merely walking from one side of the sacred space to another. It also encompasses wider and arguably more abstract notions relating to transgression of the divine order, or profanation of the sacred.

Shortcuts assume then a transgressive guise in Rabbinic literature. They violate the sacred because they represent an act against the lawful and eternal order of things. They point to the boundary crossing which is prohibited and are associated with mortification. While there is economy in physical expenditure, at the same time there is disrespect and an act of rebellion against God. Put differently, a shortcut is prohibited because it is a form of profanation.

Freud was probably ignorant of these rabbinic discussions. But he was not completely uninformed of religious tradition and the theological imaginaries that these discussions represent.[[96]](#footnote-97) The point was made, for example, by Karl Abraham (1877-1925), one of Freud’s disciples. Abraham suggested in a letter to his mentor that not only did psychoanalysis in general show Talmudic qualities, but also that Freud’s book of jokes, in particular, was “wholly Talmudic.”[[97]](#footnote-98) One can only imagine Freud’s reaction to this observation. Nevertheless, the statement might not be entirely out of place. By associating the critique embedded in Jokes with different manifestations of shortcut, Freud reengages with the relationships between the law and its forms of violation, central to religious deliberations.

 From this point of view, is it not possible to argue that Freud’s analysis of jokes further extends a long religious tradition in which law and lawgiving is central and within which the trope of shortcuts as forms of transgression surfaces? This question seems to resonate with what scholars like Eric Santner and Harold Bloom saw as the deep “theological significance” of Freud’s psychological theory.[[98]](#footnote-99) This means that “the very religious tradition in which Freud was raised” endowed his thinking in general and specifically his disciplinary vocabulary with a basis.[[99]](#footnote-100) 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.”[[100]](#footnote-101) The concept of theology relates in this case especially to Freud’s alignment with a Jewish tradition in which the universal divine law exerts “too much pressure” and induces the seeking of a “release or discharge” from the so called Jewish “tension of election.”[[101]](#footnote-102)

Other scholars, notably Yosef Haim Yerushalmi, have pointed to a similar theological sensitivity.[[102]](#footnote-103) This is not to overlook Freud’s unfavorable, if not derisive, discerning of what the psychic mechanisms of the religious illusions (or “obsessional neurosis”) were made of. But it is also hard to overlook the range of ways in which Freud himself repeatedly engaged with the deep theological dimensions of his thought. For example when a patient told 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 was the way it was because it had been built by “a Jew.”[[103]](#footnote-104) For Freud the dream’s critique of psychoanalysis involved religious considerations, that did not only insinuate anti-Semitic tendencies of his patient but also disclosed his own thoughts on the religious core of the science he founded. A rather similar theological frame of reference seemed to capture the final dramatic scene of Freud’s life, on his own deathbed. When the pain of cancer became unbearable, Freud asked his friend and physician, Max Schur, to execute a well devised mercy death. The gloomy death of the intellectual giant occurred on September 23, 1939, which coincided that year with Yom Kippur, the day of Jewish Atonement.[[104]](#footnote-105) Freud’s body was cremated and the ashes were put in a Greek vase, as Freud had requested, depicting Dionysus and a maenad (one of the crazed and ecstatic female followers of the god). There is here, one could say, an orchestrated turn against Jewish law in the form of a *Selbstmord* (self-imposed death) on Yom Kuppur.[[105]](#footnote-106) But at the same time this is arranged as a gift of the gods showing perhaps how the “tension of election” expresses Freud’s last will and testament.

In his analysis of jokes, especially, these issues are central. Indeed, here we find a formative example to how the unfavorable assessments of the religion of an “unrepentant Jew” are contrasted by “the spiritual dimension of the new science he founded.”[[106]](#footnote-107) Through an association of shortcuts, transgressions and subversions of laws, Freud’s examination of jokes seems to show an early, to some extent decisive, engagement with the “theological significance” of his work. At the heart of this significance lies an eternal law that Freud takes issue with and a long discursive tradition of laws and transgressions (to which the rabbinic discussions belong) that forms the basis of his discussion. This theological basis is as relevant to his examination of Michelangelo’s Moses as to his analysis of jokes. In both cases, a critique of law involves an engagement with its role in religion, as much as with a turning against it. We may recall the manner in which the social implications of transgression in Freud’s account carry the theological significance of law and lawgiving, also including the religious concepts of mortification and desecration. The connections between wit and law are thus reminiscent of his reference to denomination and theology, and the tension between Judaism and Christianity in his analysis of Rome and Moses. In such a way Freud’s endowing the critical mechanism of jokes with a “release or discharge” points to the deep theological significance embedded in his notion of critique.

b. A Critique of Theology

It is possible, then, to argue that Freud’s critique of law presents us with a critique of theology. By using such a term, the aim is not to argue for Freud’s critical attitude towards religion, but to capture the intersection of critique and theology in his analysis of jokes. Such an intersection points to a concept of social critique that emerges out of a theological tradition. What seems to be here noteworthy is the transgressive capacity that Freud ascribes to jokes. Through such a capacity the critical mechanism of jokes reformulates a certain rebellious logic that relates in the Jewish religious tradition to the violation of eternal laws, and which Freud reapplies to the mainly social laws by which we live. In such a way critique still engages with the “learning the eternal laws of life,” as Freud rather artfully put it, but does so by applying it to the social arena, demonstrating the relocating of “the eternal within the earthly.”[[107]](#footnote-108)

The manner in which such a repositioning of theology also means its secularization will be discussed shortly. The point to note here is that the relation between critique and theology go beyond just a critical analysis of the psychological content of theology or origins of religion; it also suggests that the critique that Freud attributes to jokes can be traced back to a theological vocabulary and imagination. Freud’s modeling of the shortcut as transgression exemplifies these last points rather well because the correlation between shortcuts and transgression resounds with a religious tradition that engages with this very association. As in the rabbinic discussion, Freud perceives a shortcut as an act of resistance, disavowal and renunciation of a law by which we normally abide. And he does so, it seems, for the same end: describing an emblematic mode of mortification. In bringing these issues to bear on the content, scope and aim of jokes, Freud makes their critique of the law dependent on a theological discussion that relates to the “too much pressure” of divine law. Jokes for Freud are, no doubt, a social phenomenon that violates socially imposed rules. But we may speak of a critique of theology because their mechanism of critique is informed by religious associations between the notions of shortcut, violation and transgression. Furthermore, the link forged between jokes and the universal law by which we live is redolent of rabbinic engagement with eternal law. Within this context, the relation between wit and law continues to convey a theological significance tied up with the ideas of boundary crossing, committing offences, and profanation. By seeing in jokes a mechanism that cuts through the imposed norms, rules and imperatives, Freud makes a case for understanding a shortcut as a rebellion against the order of things, showing how a theological argumentation serves as a basis for 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. By cutting through the rules and laws enforced – one could say – from above, the critique that jokes put on display represents a positive arena of freedom. The need to ventilate the overwhelming pressure of emotional excess (e.g. wrath, sexual desires and aggression) arguably justifies the existence of such a mechanism of resistance. More importantly, however, it is Freud’s endorsement of standing “against the world” that seems to underline his affirmation of such a “release or discharge.” In opposition to the rabbinic view, Freud seems to support rather than reject this type of transgressive shortcut, which shows the extent to which for him violation and suspension of the law, and not identification with it, may bring people together.[[108]](#footnote-109) It is in these moments of defiance that we may enjoy a release from the slings and arrows of outrageous laws.

What Kant sees as freedom from the guidance of an “other” (*Die Leitung eines anderen*) seems to receive here particular interpretation. Especially in *The Conflict of the Faculties*, Kant associates critique with freedom from the guidance of a divine “Other” but also, and perhaps more importantly, from the social control of the state. Thus, in Kant’s vision, the philosophical faculty should represent freedom from the two different forms of tutelage. But Freud seems to go even further by associating between the two forms of control (divine and social) because critique denotes a liberation from the “excessiveness” of social oppression that nonetheless builds on a theological representation of the divine “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 by applying them to the social arena.

At the same time, however, the critique that the joke represents actually enables the norms, rules and codes of social conduct to continue to hold sway over our lives. This is the second, somewhat opposite, point to note. Despite its rebellious content, critique of law also means its validation. In facilitating a discharge of mental energy the joke also liquidates rebellious aggression, suppressed wishes, or untamed impulses. In this second sense, it is meant to spare, perhaps even save, the same rules against which it operates.

We may recall here the image of a law that is held “upside down” introduced in Freud’s observations 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” symbolizes an overturning of the law, which makes it “easier to carry.”[[109]](#footnote-110) The lawgiver inverts the law, according to Freud, for the sake of easing its burden: an overturning of the law for the sake of its preservation. In the same vein, Freud’s concept of discharge also entails the dropping of energy that was acuminated, a process that ends with the preserving of social norms rather with their dismissal. 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 which it set out to oppose.

We can thus observe the double role of critique: it simultaneously rebels against and perpetuates the law. This means that critique permits the continued carrying of the burden of norms and rules that surround and shape the individual. Arguably, then, in Freud’s critique of theology a transgressive turn is made against the law and at the same time enables its persistence. The universal law that interested both Freud and the rabbinic discussions is 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. Here, it is our disobedient turning against the imposed demands that verifies our support of and obedience to the rule of law.[[110]](#footnote-111) In short, the turning against the law affirms, one may say returns to, the law.

The last point (underlining a turn away from a godly domain that symbolizes however a return to it) resonates well with a rather similar argument that was presented by Michel Foucault in his extensive paper “A preface to Transgression” (*Préface a la Transgression*).[[111]](#footnote-112) The main issue to note relates to how Foucault reflects on the notion of transgression and its theological origins. Theology is central to the paper’s account of transgression, because Foucault finds the origins of this offence in the Christian mystical tradition of “fallen bodies” and “sin.”[[112]](#footnote-113) This tradition mainly rely on profane sexual acts. It is then in the mystical tradition of sin that sexuality enjoyed its highest free, immediate and natural “felicity of expression.”[[113]](#footnote-114) The sinful, heretic expression of pleasure (i.e. pleasure that is attained through such a burst or free sexual discharge, so to speak) represents a turn against demands of god; a “felicity” of free expression which is a path to mortification. But it also stands, concurrently, for a return to “the heart of a divine love” (*coeur d’une amour divine*).[[114]](#footnote-115) Here, a turn against God aims, rather explicitly, to return to the God-loving domain. In such a way, the rejection of God enables the persistence of God. Sin, therefore, is an act of faith, in a way that is reminiscent of redemption by sin.

This theological convolution resembles for Foucault “a source returning upon itself” (*la* *source* *en* *retour*).[[115]](#footnote-116) Such a “returning” means that the rejection of God is made in order to return to God. Sinful acts display therefore a somewhat circular movement between the turn against and the return to their divine 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 rebellious impulse which then seeks a faithful return to the core from which the impulse originated. By means of sin, original divine love turns against itself and returns back to its “core.” Thus, in the theological origins of transgression the divine love moves against and back to itself, pointing in such a way to the meaning of transgression as a turning against God (enacted through a profane sexual act), carried out for the sake of complying with God’s loving call to return.

For Foucault, however, this heretic tension has been “denatured” in modernity.[[116]](#footnote-117) Modern sexuality stands for human desire alone, with no reference to an original divine domain as in the heretic tradition. Without movement of divine love (away from and back to itself), sexuality in modern theories (such as Freud’s) “points to nothing beyond itself.”[[117]](#footnote-118) Under its new modern conditions sexuality is not only limited to “the law” of a “universal taboo”[[118]](#footnote-119), it also epitomizes our own limits, which we cannot transgress in the absence of divinity.

We are dealing then with the modern, godless context, in which transgression changes its meaning. Accordingly: “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?” [[119]](#footnote-120) The emphasis now seems 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.[[120]](#footnote-121)

 The new, modern and 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 the disappearance of God but rather suggests a new way in which the divine may continue to hold sway over our lives. Thus, 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.”[[121]](#footnote-122) Here, God’s death denotes only a repositioning of his continuing presence. In tracing the shape of our experience God remains a player in our world, albeit absent from it. In the “death” of God, one may speak, perhaps, of the continuing presence of an absent God:

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.[[122]](#footnote-123)

What Foucault seems to outline is the theological 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 divine object of defiance. The “source” that returns “upon itself” still reflects the same currents of movement in turning against and returning. Under modern conditions, however, its action cannot fall back on a “dead” source that is not available anymore. From such a point of view, transgression in modernity may continue to echo an original heretic disobedience (including an interplay between turning against and returning to God), albeit in a world devoid of a sacred “heart,” or perhaps more poetically a world in which the divine 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 is interesting to read Freud’s critique of theology against the backdrop of this line of argumentation. In particular, because such a critique is made of a reference to a law that persists by transgressing itself. The double role of the joke (the critical turn against the law that enables its continuation) is important here because the act of transgression that the joke embodies is both rejection and affirmation, a mechanism of turning against and returning, as Foucault so elegantly outlined. Specifically, through the shortcutting character of jokes the law enables its own persistence by turning against itself. The joke’s transgressive act could be described, to build on Foucault, as a “law returning upon itself” (or “*la loi en retour”*). The turn (against) and 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. The notion of a law in its returning to 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 “support” Moses’ (and perhaps also Freud’s) position. It is also an attempt to locate the most emblematic figure of 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.[[123]](#footnote-124)

Freud’s attempt to reinstate Moses 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 turning against such a compartmentalization of the original law giving. Therefore, accepting Michelangelo’s theological critique of the pope also involved a critical turn against it. To some extent, then, we encounter a twofold engraving of a new lawgiver according to “the artist’s conception.” First, there is Michelangelo’s Moses. Second, there is Freud’s Michelangelo. Both conceptions seem to work within one interpretive configuration though Freud blurs the boundaries between them, eventually leaving his reader – perhaps like in a ‘Purim spiel’ – with no fixed notion of ‘who is who and which is which.’

Freud’s critique of theology, central to his analysis of jokes, represents a crucial moment in the development of this mechanism. It underlines the way in which any turning against the law remains restricted to the overall structure of the law because transgressive moment of rejection of the imposed norms, regulations or imperatives do not evoke their full dismissal. On the contrary. The power these laws hold over our lives is felicitated because of such a transgression. The joke is then derived from the restrictions to which it remains limited. In such a way we encounter in Freud’s discussion of jokes, a law that “turns upon itself” as an underlining principle of the joke’s defiance against the law, whose origins are the law and whose entire “trajectory” is bound up with that law. A law thus is turned physically (as in the case of Moses’ tables, or the crossing of the sacred space), but also symbolically, for Freud. To turn against a law, and in this sense to transgress it, means merely to suggest an exercise which originates in and is limited by the lawful sphere of legitimation. Thus, transgression is about the crossing of an imagined divine boundary which remains, nonetheless, delimited by what is being crossed.

The last point underlines the relation between transgression and secularization. What was evocative in Foucault’s reading of transgression seems relevant to Freud’s critique of theology as well. Secularization here means that Freud presents a shift from 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 on tables (as in the case of the statue of Moses), but rather articulating the “nomos of the earth” as Robert Cover would call it, that is the laws of social order.

But Freud’s approach to secularization is anything but simple because his focus on the social world merely brings a religious logic to bear on social argumentation. Santner’s suggestion that in Freud we see an enclosing of “the eternal within the earthly,” cited previously in this chapter, seems to be rather apt.[[124]](#footnote-125) The “supremacy of the law,” in the religious sense, is still upheld, but this is because it is reapplied to the relation between the individual and society alone. In such a way, secularization denotes not a dismissal of theological symbolism but its transformation. For Freud such “immanentization,” as Agata Bielik Robson calls it, “…does not announce the demise of the transcendence, but, to the contrary, inaugurates *nova era* in uncovering the latter’s new modes of being.”[[125]](#footnote-126)

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 rule of law. It seems that rather than transgressing the religious importance of preserving the law, Freud saves religious argumentation by turning it on its head, so to speak: he inverts its meaning (from a full taboo against transgression to its endorsement) and yet preserves its end (a defense of the law by which we live). Here the main point is that a secular approach does not express a simple opposition to a religious point of view; nor is it a reiteration of religious obedience. Both interpretations fall short of fully describing Freud’s mechanism 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 diverges from 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 has recourse to a rabbinic notion of law as a normative universe which surrounds us.

This difference between Freud and Foucault might also point to Foucault’s misunderstanding of Freud’s theory of sexuality. In Freud there is not a “denaturing” of an original religious message, as Foucault argued, but a reworking of a religious imaginary that simply diverges from the one evoked by Foucault. What Foucault does not seem to consider is the possibility of a theological resource for modern secular thought other than Christian mysticism. The sharp contrast, then, lies not between a Freudian dismissal of religious symbolism and a Foucauldian reconstruction of it (albeit in a world devoid of God), but between two dissimilar religious sources.

This last point is crucial. Christoph Schmidt, for example, noted that modern forms of secularization of mysticism include a turn away from the law – indeed a flight “beyond the law” – and towards unmediated connections with a divine loving sphere.[[126]](#footnote-127) 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 entering into the “enigma” of “the hidden depths of the self.”[[127]](#footnote-128) This might be true of Foucault. But in Freud’s case, it is the question of obedience to laws that lies at the center of transgression. To put it differently, there is no division between “enigma” and law. If the most evocative, transgressive and, one may say, antinomian acts are still contained within the law, there seems to be no area of human expression for Freud that lies beyond its normative organization. Here there is no refusal of a “hidden” self – there is always a surreptitious inner truth to consider, as illustrated by the joke involving the Baroness – but rather a capturing of it to represent an unresolved tension between the law and its own terms of being, with no reference to an imagined external sphere beyond.

From this perspective, there is no mysterious unity with the divine but a more entangled sphere of a discontent lawfulness, in keeping with the idea that critique of the law is for the purpose of keeping, saving and affirming it. In these terms, critique 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. “Joke-work,” therefore, denotes the transformation of a particular religious tradition that brings the relation between individual and eternal laws to bear on affairs within the social, and in this sense worldly, order. The Freudian notion that “we cannot fall out of this world” may be thus extended to imply an enclosing of human existence within this immanent world that includes, rather than excludes, transcendence.[[128]](#footnote-129)

Does this argumentation also reflect on Freud’s famous self-portrayal as a “Godless Jew” (*gottloser* *Jude*)?[[129]](#footnote-130) By giving himself this label, Freud seemed to communicate the 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 concern with the relation between his secular outlook and Jewish terms of being may be articulated as a form of interplay, perhaps a continuum, rather than a division. In the image of a “Godless Jew” there is indeed a turn against the law of the father, 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 that 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 turning away from religious Judaism and thereby 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. A continuation, not a dichotomy, describes the connection between the two poles that Freud endorsed and frequently rejected between his “birth and death, etc.”[[130]](#footnote-131) To put it polemically, Freud’s concept of law does not express an “undefined sense of Jewishness” as Peter Gay would have it, but rather a definite sense of purposely undefined Judaism.[[131]](#footnote-132)

The concept of an undefined Judaism may explain why Freud expresses his view of “the very essence” of Judaism by using a wide range of theologically oriented metaphors such as “miraculous,” “enigmatic,” and “mysterious.”[[132]](#footnote-133) As argued above, however, it would be wrong to claim that Freud wished to fall back on mysticism.[[133]](#footnote-134) On the contrary, thinking in terms of enigma seems to encapsulate the mechanism of a law – “our God logos”[[134]](#footnote-135) – 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 self, within itself, as a riddle.

1. Sigmund 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, 211; Sigmund Freud, *Aus den Anfängen der Psychoanalyse: Briefe an Wilhelm Fliess, Abhandlugen und Notizen aus den Jahren 1887-1902.* Longon: Imago, 1950, 224. [↑](#footnote-ref-2)
2. See, for example: Max Schur, *Freud: Living and Dying*. New York: International Universities Press, 1972, 108. [↑](#footnote-ref-3)
3. Freud, *The Origins,* 297. [↑](#footnote-ref-4)
4. For the rise of scholarly interest see for example: 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 also: Ernest Jones, *The Life and Work of Sigmund Freud*.Vol. 2. New York: Basic Books, 1953, 375, emphasizing Theodor Lipps' influence on Freud. [↑](#footnote-ref-5)
5. 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, *Wit and its Relation to the Unconscious.* New York: MacMillan Co., 1916. For the purpose of this chapter, I will use the terms “joke” and “wit” interchangeably. [↑](#footnote-ref-6)
6. 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; Elliott Oring, “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; Moshe Gresser, *Dual Allegiance: Freud as a Modern Jew.* Albany: State University of New York Press, 1994*,* 13. Ruth R. Wisse, *No Joke: Making Jewish Humor*. Princeton: Princeton UP, 2013, 29-58. [↑](#footnote-ref-7)
7. Sigmund Freud, *An Autobiographical Study.* Toronto: Oxford UP, 1948, 120. [↑](#footnote-ref-8)
8. 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. [↑](#footnote-ref-9)
9. Jones, *The Life,* vol. 1, 365. [↑](#footnote-ref-10)
10. Didier Anzieu, *Freud's Self-Analysis.* London: Hogarth Press, 1986, 171. See also: Ernest Jones, *The Life and Work of Sigmund Freud,* vol. 1. New York: Basic Books, 1953, 305. [↑](#footnote-ref-11)
11. Gresser, *Dual Allegiance*, 13; Earl A. Grollman, *Judaism in Sigmund Freud's World.* New York: Boch Publishing Company, 1965, 91; Jones, *The Life,* vol. 1., 339; Freud, *Autobiographical,* 14. [↑](#footnote-ref-12)
12. For more about Rome as the “promised land” see: Schur, *Freud*, 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-13)
13. Freud’s letter to Fließ dated 27 August 1899. See: Sigmund 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-14)
14. Freud’s letter to Fließ dated 16 April 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-15)
15. 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-16)
16. Freud, *The Origins*, 350. Cited also in Jones, *The Life,* vol. 2, 16. [↑](#footnote-ref-17)
17. Anzieu, *Freud's Self-Analysis*, 562; Jones, *The Life,* vol. 2, 20. [↑](#footnote-ref-18)
18. Sigmund 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 ‘\*\*\*’ 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-19)
19. Freud, “The Moses,” 213. [↑](#footnote-ref-20)
20. Sigmund 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-21)
21. See also: Jones, *The Life,* vol. 2, 365. [↑](#footnote-ref-22)
22. Freud, “The Moses,” 230. [↑](#footnote-ref-23)
23. Ibid, 234. [↑](#footnote-ref-24)
24. Ibid, 220. [↑](#footnote-ref-25)
25. Ibid, 221. [↑](#footnote-ref-26)
26. Ibid, 214. [↑](#footnote-ref-27)
27. Ibid, 230; see also: Yerushalmi, *Freud's Moses*, 22. [↑](#footnote-ref-28)
28. Freud, “The Moses,” 219. [↑](#footnote-ref-29)
29. Ibid, 227; see also: Jones, *The Life,* vol. 2, 364. [↑](#footnote-ref-30)
30. Freud, “The Moses,” 227. [↑](#footnote-ref-31)
31. 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-32)
32. Ibid, 230. [↑](#footnote-ref-33)
33. Jones, *The Life,* vol. 2, 12. [↑](#footnote-ref-34)
34. Freud, *Jokes,* 49; Freud, *Der Witz*, 39. [↑](#footnote-ref-35)
35. Freud, *An Autobiographical*, 118-121. [↑](#footnote-ref-36)
36. Freud’s original reflection relates to the interweaving of his study of jokes and psychoanalysis. See: Freud, *An Autobiographical*, 131; Oring, *“*Jokes*,”* 38. [↑](#footnote-ref-37)
37. Freud, *Jokes*, 119; see also: Freud, “Humor,” *International Journal of Psychoanalysis* 9:1 (1927): 161. [↑](#footnote-ref-38)
38. See also: Abraham Arden Brill, “Freud's Theory of Wit,” *Journal of Abnormal Psychology* 6.4 (1911): 279-316. [↑](#footnote-ref-39)
39. Freud, *Jokes,* 16. [↑](#footnote-ref-40)
40. Freud, *Jokes,* 17. [↑](#footnote-ref-41)
41. 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-42)
42. Ibid. [↑](#footnote-ref-43)
43. Ibid, 105. [↑](#footnote-ref-44)
44. Emmanuel Falque, *Nothing to it: Reading Freud as a Philosopher.* Leuven: Leuven UP*,* 2020. [↑](#footnote-ref-45)
45. 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, in relation to which human actions, norms or rules are mere “traces.” [↑](#footnote-ref-46)
46. Robert M. Cover, “The Supreme Court 1982 Term. Forward: Nomos and Narrative.” *Harvard Law Review* 97.4 (1983-1984): 1-68. See also: 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-47)
47. Cover, “Nomos and Narrative,” 4. [↑](#footnote-ref-48)
48. Cover, “Nomos and Narrative,” 4. [↑](#footnote-ref-49)
49. Cover, “Nomos and Narrative,” 5. [↑](#footnote-ref-50)
50. Cover, “Nomos and Narrative,” 8-9. [↑](#footnote-ref-51)
51. Cover, “Nomos and Narrative,” 12-18. For further discussion on Cover’s reliance on the Jewish rabbinic tradition see: 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-52)
52. Freud *Jokes*, 13. [↑](#footnote-ref-53)
53. Freud *Jokes*, 132. [↑](#footnote-ref-54)
54. Freud, *Jokes,* 17. [↑](#footnote-ref-55)
55. Freud, *Jokes,* 17. [↑](#footnote-ref-56)
56. 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-57)
57. Freud, *Jokes,* 81; Oring, *The Jokes*, 16. [↑](#footnote-ref-58)
58. Freud, *Jokes,* 81. [↑](#footnote-ref-59)
59. For the nuances of the Yiddish here, see the reference to this particular cry in a publication dedicated to Jewish Jokes: *Au waih geschrien!! Frischwaschene Witze von unsere Leit!* Bergmanns kleine Witzbücher, 5. Leipzig: A. Bergmann, 1908. [↑](#footnote-ref-60)
60. See: 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-61)
61. 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 encapsulates, albeit ironically, such connections. See Hutton, “Freud,” 20. [↑](#footnote-ref-62)
62. Rudolf Herzog, *Heil Hitler, Das Schwein ist Tot. Lachen unter Hitler – Komik und humor im Dritten Reich*. München: Heyne, 2007. [↑](#footnote-ref-63)
63. Freud, *Jokes*, 4. See also Freud, *Der Witz,* 5 „*Kürze* ist der Körper und die Seele des Witzes, ja er selbst.“ [↑](#footnote-ref-64)
64. Freud, *Jokes,* 69. [↑](#footnote-ref-65)
65. Freud, *Jokes,* 114. [↑](#footnote-ref-66)
66. Freud, *Jokes,* 115. [↑](#footnote-ref-67)
67. Freud, *Jokes*, 54. [↑](#footnote-ref-68)
68. Freud, *Jokes*, 97, 115. [↑](#footnote-ref-69)
69. Freud, *Jokes,* 115. [↑](#footnote-ref-70)
70. Freud, *Jokes,* 80-81. [↑](#footnote-ref-71)
71. See also Freud’s own reference to his theory of sexuality in: Freud, *Jokes,* 98. [↑](#footnote-ref-72)
72. Freud, *Jokes,* 103. Emphasis in the original. [↑](#footnote-ref-73)
73. Freud, *Jokes,* 42. [↑](#footnote-ref-74)
74. Freud, *Jokes,* 119. Emphasis in the original. [↑](#footnote-ref-75)
75. Freud, *Jokes*, 180. [↑](#footnote-ref-76)
76. 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-77)
77. Freud, *Jokes,* 98-100. [↑](#footnote-ref-78)
78. 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-79)
79. Freud, *Jokes*, 136. [↑](#footnote-ref-80)
80. Freud, *Jokes,* 147, paraphrasing here Spencer's essay on “The Physiology of Laughter” from 1860. [↑](#footnote-ref-81)
81. Bergson, *Le Rire.*  [↑](#footnote-ref-82)
82. Freud, *Jokes,* 147. [↑](#footnote-ref-83)
83. Freud *Jokes,* 120. [↑](#footnote-ref-84)
84. Freud *Jokes,* 149. [↑](#footnote-ref-85)
85. See: Freud, “*Humor,”* 161-166. [↑](#footnote-ref-86)
86. Ibid. [↑](#footnote-ref-87)
87. Santner, *Psychotheology,* 43. [↑](#footnote-ref-88)
88. “What is the meaning of kapandaria? Raba said: A shortcut, as its name implies.” See: Babylonian Talmud, *Berachoth,* 9. 62b*.* See also: 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 kapandaria. [↑](#footnote-ref-89)
89. Mishna, Berachoth, 9; Babylonian Talmud, *Berachot,* 9, 54a. [↑](#footnote-ref-90)
90. See the entry “synagogue” in the *Talmudic Encyclopedia,* vol. 3, Jerusalem: Talmudic Encyclopedia 1951, 194-195. [↑](#footnote-ref-91)
91. *The Mishna*, “Megillah,” 3c. <https://www.emishnah.com/index1.html> [↑](#footnote-ref-92)
92. See the point made in the *Talmudic Encyclopedia,* vol. 3, 194. [↑](#footnote-ref-93)
93. 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 shortcut through a synagogue” (in Hebrew: “Meolam lo Assiti Kappandaria lebeit Knesseth,” which can also be literally understood as referring to the road taken to the synagogue). [↑](#footnote-ref-94)
94. Talmud, *Berachoth,* 9. 62b. [↑](#footnote-ref-95)
95. Talmud, *Berachoth,* 9. 62b. [↑](#footnote-ref-96)
96. See, for example, Yerushalmi, *Freud’s Moses*; Rice, *Freud and Moses*. [↑](#footnote-ref-97)
97. See: Gay, *A Godless*, 130. [↑](#footnote-ref-98)
98. 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-99)
99. Santner, *Psychotheology,* 8-9. [↑](#footnote-ref-100)
100. Santner, *Psychotheology,* 23. [↑](#footnote-ref-101)
101. Santner, *Psychotheology,* 8-9. [↑](#footnote-ref-102)
102. Yerushalmi, *Freud's Moses*. [↑](#footnote-ref-103)
103. 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 related to the patient’s critique of psychoanalysis that involved religious tensions. See, in particular, the analysis of this conversation presented in Anat Tzur Mahalel’s groundbreaking study: *Reading Freud’s Patients:* *Memoir, Narrative and the Analysand*. Routledge: New York, 2020, 87-88. [↑](#footnote-ref-104)
104. Schur, *Freud*, 529. See also: Oring, *The Jokes,* 123; Diller, *Freud*, 208. [↑](#footnote-ref-105)
105. For Freud’s self-display 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-106)
106. Santner, *Psychotheology,* 9. See also a similar point made by Joel Whitebook in *Freud: An Intellectual Biography*. Cambridge: Cambridge UP, 2017, 377, who argues that religion belongs to the core of Freud’s psychological theory. [↑](#footnote-ref-107)
107. Santner, *Psychoanalysis,* 146. [↑](#footnote-ref-108)
108. 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-109)
109. Freud, “The Moses,” 227. [↑](#footnote-ref-110)
110. Santner, *Psychotheology,* 106. [↑](#footnote-ref-111)
111. 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. Foucault published the text in 1963 as an eulogy to George Bataille, who had passed away the year before [↑](#footnote-ref-112)
112. Foucault, “Preface,” 29. [↑](#footnote-ref-113)
113. Ibid. [↑](#footnote-ref-114)
114. Ibid. [↑](#footnote-ref-115)
115. Foucault, “Preface,” 29. [↑](#footnote-ref-116)
116. Ibid. [↑](#footnote-ref-117)
117. Ibid. [↑](#footnote-ref-118)
118. Ibid. [↑](#footnote-ref-119)
119. Ibid.*,* 30. [↑](#footnote-ref-120)
120. Ibid.*,* 31. [↑](#footnote-ref-121)
121. Ibid.*,* 31-32. [↑](#footnote-ref-122)
122. Ibid., 31-32. [↑](#footnote-ref-123)
123. See also Braun, *Freud,* 2006. [↑](#footnote-ref-124)
124. Santner, *Psychoanalysis,* 146. [↑](#footnote-ref-125)
125. Agata Bielik Robson, “The God of Myth Is Not Dead-" Modernity and Its Cryptotheologies: A Jewish Perspective,” in: Willem Styfhals & Stephane Symons, (eds.), *The Making of Modern German Thought*. New York: SUNY, 2019: 52. [↑](#footnote-ref-126)
126. 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-127)
127. Schmidt, “Kairos,” 324. [↑](#footnote-ref-128)
128. Sigmund Freud, *Civilization and its Discontents,* New York: W. W. Norton and Company, 1961, 12. [↑](#footnote-ref-129)
129. Braun, *Freud,* 8; Gay, *A Godless*, 5; Yerushalmi, *Freud’s Moses*, 8. [↑](#footnote-ref-130)
130. See Freud’s letter to Mrs. Fliess, July 4, 1901. Cited in Schur, *Freud*, 215. Freud makes an allusion here to Goethe’s Faust. [↑](#footnote-ref-131)
131. Gay, *A Godless*, 133. [↑](#footnote-ref-132)
132. See Gay, *A Godless*, 131-132. See also his introduction to the Hebrew edition of Totem and Taboo, Jerusalem: Dvir, 1939, xv. [↑](#footnote-ref-133)
133. See 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-134)
134. Sigmund Freud, „Die Zukunf einer Illusion“ in ders. *Gesammelte Werke* Frankfut a.M: Fischer, 1946 XIV,1927, 378. [↑](#footnote-ref-135)