

**MARGARET THATCHER AND RUTH ELLIS**

*It has been the strength of feminism to produce a recognition of the political importance of sexuality and subjectivity in the face of more traditional political or Marxist analyses which have consistently left them out of account. The dialogue between psychoanalysis and feminism belongs in that political space. But the very success of that intervention may in turn be in danger of producing an unintended consequence: that the domain of what is more easily and conventionally defined as the political can continue to be analysed as if it were free of psychic and sexual processes, as if it operated outside the range of their effects. The re-election of Margaret Thatcher to a third term and the resurgence of right-wing ideologies seems the appropriate moment to take up this issue - a moment when those very processes reveal themselves more and more to be crucial determinants or at least components of the political scene, a moment when we find ourselves witnessing the pressure of fantasy on our collective political life. If Margaret Thatcher throws up this question, she also does so in a way which is especially difficult for feminism because she is a woman, one furthermore who embodies some of the worst properties of what feminism has identified as a patriarchal society and state. This very difficulty can, however, perhaps serve as a caution to what has become, in many discussions of psychoanalysis and feminism, an idealization of the unconscious, whether as writing or pre-Oedipality, or both. This article attempts to situate Thatcher in the domain of what psychoanalysis calls the realm of symbolic possibility; that is, the general forms of psychic cohesion which societies engender and on which they also come to rely. For feminism the symbolic order is always gendered. The article is therefore an attempt to run two propositions together: that the symbolic order is gendered; that right-wing ideologies thrive on and strain against the furthest limits of psychic fantasy. It then adds to these two a further question: how to analyse both these factors when it is a woman at the summit of political power who comes to embody them at their most extreme?*

**I**

Are women more apt than other social categories, notably the exploited class, to invest in the implacable machinery of terrorism? . . .

The habitual and increasingly explicit attempt to fabricate a scapegoat victim as foundress of a society or countersociety may be replaced by the analysis of the potentialities of *victim/executioner* which characterize each identity, each subject, each sex. (Julia Kristeva, 'Women's time'<sup>1</sup>)

These quotations from Julia Kristeva raise the question of women and violence. They are taken from an article - 'Women's time' - which has often been quoted as heralding a third stage of feminism which will follow feminism's demand, first for equality and then for separation and difference. In this third stage, sexual difference itself will be exposed as a metaphysical category. If this is not the Derridean position to which it bears a striking resemblance, it is because of the concepts of subjectivity and psychic reality to which Kristeva holds and which here, as elsewhere in her writing, she pushes to a type of extreme. In this article, Kristeva's most explicit discussion of the history of feminism is conducted for a large part through an examination of the question of violence for women; that is, the way that women situate themselves in response to a crisis in what she calls the socio-symbolic contract, a contract to which they are subjected, from which they are also excluded, and which they can also embody in the worst of its effects. For Kristeva that contract is founded on a moment of violence, the violence of primitive psychic separation which precipitates subjects into language, and the violence of a social order which has sacrifice as its symbolic base. We can add to that the violence of sexual difference itself, meaning both the trauma of its recognition and the worst forms of its social enactment in the real. For Kristeva it is feminism's importance that it confronts the furthest extremities, or perversion, of what it is that constitutes the social bond. Women can refuse that social bond (the feminism of difference) or they can take it on, in the two meanings of identification (the feminism of equality) and assault (terrorism). A third stage would idealize neither the social nor the concept of its antithesis but would instead turn its attention to the violence of the subjectivity which upholds it. Far from heralding a new dawn, therefore, the deconstruction of sexual difference leads us straight back to the heart of violence itself, to 'the victim/executioner' in us all.

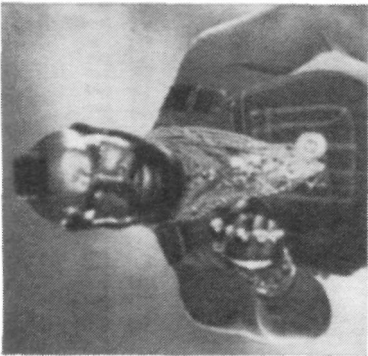
Why does Kristeva conduct her discussion of feminism in terms of this question of violence - a connection in her argument which, for the most part, has been ignored or overlooked? What leads her to produce such a dangerous proximity between women and terrorism and death? We can perhaps try to answer these questions, not directly with reference to Kristeva, but by looking at that place within English culture where the issue of women, power, and violence presents itself with particular force. I am referring to Margaret Thatcher whose re-election to a third term brings into special focus the question of what happens when it is a woman who comes to embody the social at its most perverse. The difficulty is that any discussion of Thatcher which relates specifically to her as a woman constantly risks a slide into misogyny (of which, it should be said, Kristeva has been accused). But something about Thatcher's place in the collective imaginary of British culture calls out for an understanding of what it is she releases by dint of being a woman, and of the forms of fantasmatic scenario which she brings into play. Is there something in that scenario which touches on the extremest edge of the social, of what it is that has to be secured and regulated to ensure the very possibility of our collective social life? And does Margaret Thatcher draw part of her imaginary power from the way that she operates, or appears to operate, in that space? More fundamentally,

can her re-election be used to understand something about the place of fantasy in our collective political life?

Discussion of the election result on the left came very close to acknowledging this as an issue of importance. In the first of what has become a set of key articles on Thatcher's third term, Stuart Hall argued in the July 1987 issue of *Marxism Today* that the Conservative victory needed to be understood not just in terms of material interest, but in terms of images and identifications. The Conservatives were unpopular in terms of policies but had managed to mobilize a new ideological constituency. Political identities, he argued, are formed not just on the basis of 'so-called "real" majorities but on (equally real) "symbolic" majorities'.<sup>2</sup> The left weakens itself politically by failing to take images seriously, leaving the important field of these symbolic identifications to the right. Politics, Hall was effectively arguing, is not only but also a matter of fantasies, in which the way that people 'imagine' themselves occupies a crucial place. His analysis therefore picked up a problem which has a history going back at least to the 1930s, when the left had to ask itself why, in the face of increasing political oppression, large sectors of people, including those who are most exploited, move not to the left but to the right. Thatcherism - and the analogy is more than gratuitous - forces us up against something which Wilhelm Reich was the first to call the mass psychology of fascism.

But Hall's analysis was crucial for addressing the issue of fantasy and political identities. But it raised a problem for me - one that suggested the need to extend that basic insight - insofar as the argument about identification remained within the framework of rational calculation: 'far from this being a sign of voter irrationality, there are a number of quite "rational" reasons why there should be a trend in this direction'.<sup>3</sup> Avoiding the image of the irrational or, as Hall puts it elsewhere, the 'endlessly deceived, or endlessly authoritarian masses',<sup>4</sup> the article could be read as producing the counter-image of another: the always reasoned political subject. Subjects identify not with their immediate material interest, but with the place from which they can see themselves as potentially making good. The article was then criticized on the grounds that many voters hated the image of Thatcherism but voted for her policies as most likely to secure that good; as well as for a potential pessimism (if politics are determined by a kind of long-term fantasmatic version of individual self-interest, what is to prevent an eternity of Toryism?). It is crucial, however, that these criticisms should not allow the political issue of identification and the image raised by Hall to be lost. For only if you are operating with a rationalist concept of fantasy will the dislike of Thatcher automatically dispense with the idea that something about her image is at work in the political processes that returned her to power, what if Thatcher was re-elected not despite the repugnance that many feel for her image, but also in some sense because of it? What if that force of identity for which she is so severely castigated somewhere also operates as a type of pull?<sup>5</sup>

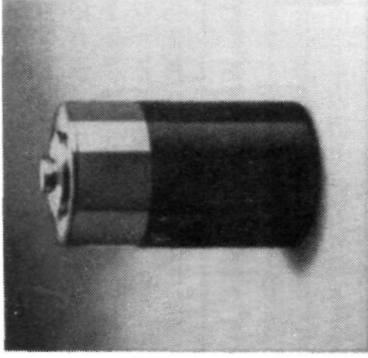
That is not to argue that this is necessarily the case, but simply to point to the fact that the area of symbolic identifications, once it has been broached, cannot be halted at the level of the rational. One of the key characteristics of both identification and the image is their tendency to operate in a contradictory



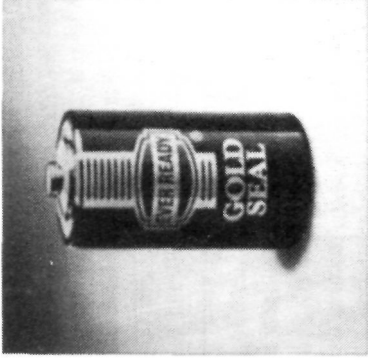
**TOUGH**



**TOUGHER**



**LONG**



**LONGER**

In tests that were carried out to international standards, this Gold Seal LR14 battery outlasted the equivalent sold by Duracell Batteries Limited in almost every single appliance.

fashion - which means psychoanalytically that there is no stopping the potential range of their aberrant causes or effects. The attempt of the social order to secure its own rationality, and its constant failure to do so, may be one of the things that Thatcher brings most graphically into focus. If this is the case any discussion of collective identifications which remains within the terms of the rational might find itself inadvertently reinforcing one of the most powerful myths carried by the image of Margaret Thatcher herself.

The centrality of Thatcher to the problem of this political moment therefore obliges us to take up the legacy of the debate about fantasy and the right. But it throws in a new factor for consideration: what might it be about a woman in power that brings us up against the furthest and most perverse - Kristeva's terms are 'irreducible and deadly' - extremities of the social bond?

## II

Ruth Ellis was the last woman to be hanged in England. She died in 1955. She was recently brought to public attention in 1983 at the time of the vote on capital punishment which Thatcher allowed in parliament almost immediately after the election victory which secured her second term. Ruth Ellis was not the last person to be executed in England but in the publicity over the vote and the accompanying debate, her image was central. Film and photographs of protests at her hanging appeared on television and in the press; Renee Short referred in the House to the 'judicial murder' of Ruth Ellis as the event which had brought the enormity of capital punishment home to the country as a whole.<sup>6</sup> It was of course because Ellis was a woman that she aroused this interest which appeared more and more as curiosity, both about the spectacle of hanging and also about the sexual nature of her crime (she shot her lover). The object of a voyeuristic attention (a film, *Dance with a Stranger*, was made about her life in 1984), Ruth Ellis, or rather the focus on her, seemed to be demonstrating the power of spectacle, femininity, and violence, and their mutual association, in public fantasy life. The protest at the hanging - the mobilization of Ellis for the case against state violence - found itself repeating the drama of the original event. Death by hanging became a symbol of contention centring on two women: Thatcher, who supports the restoration of capital punishment, and Ellis, who was called up to demonstrate its inhumanity, but who seemed equally to release something of that peculiar pleasure which the idea of execution always seems to provoke.<sup>7</sup>

In one sense there is no common point or even dialogue between these two women: from different historical moments and opposite ends of the social spectrum, they stand respectively for criminality and the law. (Thatcher was a barrister before, and during the early stages of, her political career.) To this extent they could be said to illustrate the emptiness of the category 'woman' as a totality which denies the crucial differences of identity and class between women. To link them is therefore to constitute a fantasy in itself.<sup>8</sup> Yet Margaret Thatcher and Ruth Ellis were brought together at this historical moment in a scenario whose imaginary basis may well be what constitutes its importance and force. 'Victim' and 'executioner', they meet at that point of violence where the

ordering of the social reveals something of the paradox on which it is based: the fact that civilization, as Freud puts it, 'hopes to prevent the crudest excesses of violence by itself assuming the right to use violence against criminals'.<sup>9</sup> Rene Girard makes this point the basis of his discussion of violence and the sacred: 'All the procedures that allow men to moderate their violence are analogous in that none of them are strangers to violence.'<sup>10</sup> That 'men' is of course eloquent, apparently expressive of the desire to 'protect' women from violence in both senses of the term. In that moment of symbolic encounter between Margaret Thatcher and Ruth Ellis, however, it is not men, but two women who stand for the violence which both Freud and Girard situate structurally on either side of the law. Drawing attention to themselves precisely *as* women, they can serve to gloss over that double and paradoxical location of violence - the perversion of the state in relation to violence can be transposed on to the perversity of the woman, its more troubling implications then siphoned off and ignored.

The 'perversity of the woman' refers here as much to Thatcher as to Ellis, for the woman supporter of capital punishment is as grotesque for the dominant stereotypes of femininity as for a feminist critique of the state as the embodiment of phallic power. We should not forget, however, that Thatcher initiated the debate on capital punishment after an election result secured by the Falklands victory. Her resoluteness over the machinery of war seemed to turn her from the most unpopular prime minister since the last world war to one guaranteed a return to power. In that second election at least, there can be no doubt that one of the things which Thatcher stood for was the desirability of war. We might therefore be able to turn this episode to account by asking what the bizarre nature of the woman's position within it reveals about the paradox in the definition and regulation of the limits of the social itself?

### III

The trial of Ruth Ellis was described at the time as 'one of the most one-sided legal battles ever to be fought in the number one court'.<sup>11</sup> She was convicted, by all accounts, at the moment when she stated in court that she had 'a peculiar feeling I wanted to kill him', repeating on being questioned, 'I had an idea I wanted to kill him.'<sup>12</sup> This supreme clarity on the part of Ruth Ellis ('she felt completely justified') destroyed any possibility of reducing the charge from murder to manslaughter.<sup>13</sup> Only if she had been out of control - 'the subject of such emotional disturbance operating upon her mind so as for the time being to unseat her judgement, to inhibit and cut off those censors which normally control our conduct' - might she have been found not guilty of the charge.<sup>14</sup> Pre-meditation therefore signifies here the rationality of a subject who knows her own mind, meaning that she knows - rather than simply experiencing as something beyond her - that part of the mind controlled by the censors which is normally cut off. In relation to desires effectively acknowledged here as universal, Ruth Ellis is a woman who knows too much.

At the time of Ruth Ellis's trial, the defence of insanity could only be mounted under the McNaghten Rules of 1843. These were applicable if 'the accused was labouring under such a defect of reason, from disease of the mind,

as not to know the nature and quality of the act, or, if he did know it that he did not know that he was doing wrong'.<sup>15</sup> The legal definition of insanity therefore rests on something we could describe as a knowledge-relation. Those who are insane act, not without reason, but without that reason which should provide them with correct knowledge of what they are doing. This is, as has often been pointed out, a legal rather than medical account of insanity. The law adjudges the nature of the act, excuses those who are deficient in that knowledge, and condemns those who share that knowledge and act on it. The law therefore condemns the murderer to the extent that she or he can identify with its own adjudication. Thus Ellis's supreme rationality mimics the reason of the law.<sup>16</sup>

This rationality of Ruth Ellis clearly threatened a crisis of sexual difference. 'You will hear - and I am going to call a very eminent psychiatrist to tell you,' the defence announces, 'that the effect of jealousy upon a female mind can so work as to unseat the reason and can operate to a degree in which a male mind is quite incapable of operating.'<sup>17</sup> Women, according to the psychiatrist's testimony, are 'inclined to lose some of their inhibitory capacity and solve their problems on a more primitive level. This is not applying to women in general, but if they do have hysterical reactions, they are more prone to hysterical reactions than men.'<sup>18</sup> When a man is hysterical, on the other hand, he is so in the service of self-interest, like the men in the firing line in the war whose hysterical paralyse ensured their removal from the front (the discussion of male hysteria was stopped by the judge). The problem with Ruth Ellis was that she was not 'hysterical *enough*' - lacking a 'sufficiently hysterical personality to solve her problems by a complete loss of memory'.<sup>19</sup> Showing no emotion, Ellis was described later by her counsel as having got herself into a 'stratosphere of emotion', as if some notion of her total strangeness had to be produced to cover the lack of hysteria, of the appropriate feminine affect.<sup>20</sup> It is a case in which a woman fails to mobilize a stereotype in her defence. She is outside the bounds of the law and of conventional expectation only by being not quite far outside enough.

What we can see here is the way femininity is being used to draw a line around the limits of what a society will recognize of itself. Femininity, like insanity, is a type of mitigating circumstance. Subjects who commit murder must be feminine and/or out of control. The murderer who acts wilfully and in full knowledge of her or his emotions is rather like the psychoanalyst who, in defiance of the censors, and in the name of forbidden knowledge, brings our guilty secrets to light.

Ruth Ellis was a problem for the court because her femininity did not come into play at the right point. Femininity failed to secure a limit-definition of violence: murder as the limit of what a society can recognize of itself, murder-beyond-the-limit as the only form of murder it can accept. Because it did not guarantee this definition of violence, because it would not respect the existing conceptual boundaries, Ellis's femininity could appear only as an outrage, as something inappropriate and out of place - the peroxide she insisted on for her hair for her appearance in court, for example. If not essence, femininity can only be trapping or mere show.<sup>21</sup>

The trial of Ruth Ellis presents us with a unique combination of the terms of

femininity, rationality, and violence in both their symbolic and concrete weight (the second as an effect of the first). It also forced their realignment in ways that I shall go on to describe. The woman who murders with reason (ambiguity intended) produces a particular form of crisis, doubling over with the fact of her sexuality that disturbing conflation of rationality with the most violent of crimes. In doing so, she provokes a sexualized version of the question produced by the category of 'reasoning madness' in nineteenth-century France: 'In what way rationality could be criminal, and how it all, crime and knowledge, could be "borne" by what was called the "social order"?'<sup>22</sup> If rationality can be criminal, not, note, if crime can be rational: if murder can be reasoned - the question is almost asked - then what price the insight that reason might be murderous in itself?

What then happens in response to the case of Ruth Ellis is a realignment of the terms of criminality, reason, and madness on which the judgement had turned, terms organized so as to secure an image of the social but which the spectacle of the trial and execution had instead seemed to question or even undermine. Thus the year after her trial, the Conservative government was defeated on an opposition motion to abolish capital punishment (it had defeated such a motion just months before the trial, although the later vote was overturned in the Lords and capital punishment was not finally abolished until 1969). But the McNaghten Rules were altered by a new Homicide Act which introduced the category of 'diminished responsibility' - a borderline category in the legal definition of reason since it is the only instance in law which recognizes a middle position between full responsibility for a criminal act and a total absence of responsibility. It was as if the trial and execution of Ruth Ellis had tested the limits of a set of key concepts through which we secure the 'sanity' of our collective social life. In doing so, the case led to a redefinition of violence; the violence not only of the criminal, but also of the due processes of the law.<sup>23</sup> The irony will be that Margaret Thatcher will return to the issue of capital punishment, calling up the collective memory of Ruth Ellis, as part of an attempt to put back in place the very terms which that earlier moment had put so definitively under threat.

The McNaghten Rules of 1843 had required that the defence establish the insanity of the act. The concept of diminished responsibility applied more to the insanity of the person: 'such abnormality of mind (whether arising from a condition of arrested or retarded development of mind or any inherent causes or induced by disease or injury) as substantially impaired his mental responsibility for his acts or omissions'.<sup>24</sup> The act completes the pathologization and infantilization (feminization?) of the murderer, which locates criminality in the very nature of the criminal and her or his history. In Foucault's terms, this would bring the wheel full circle, from the idea dominant in the eighteenth century that the more aberrant the act, the more guilty the criminal, to the idea which emerged with the increasing psychiatrization of justice in the nineteenth century that only aberration is an excuse for violent crime.<sup>25</sup>

Unlike Foucault, however, I see this not just as the pathologization of criminality, but also as the criminalizing of pathology. By that I do not mean a simple reconstitution of the earlier institutional link between delinquents and



the mentally ill, but rather a move by the legal system of recognition and denial: both murder and pathology are outlawed, but the effect is to bring murder into the realm of the psychic, thereby releasing the potential recognition that the psyche might be murderous in itself. Foucault himself acknowledges that - beyond the specific histories produced by these definitions, which they also reflect - we seem to be dealing with something universal, collective a property of the social as such: 'the collective fear of crime, the obsession with this danger which seems to be an inseparable part of society itself'.<sup>26</sup> Psychoanalysis would recognize in such a collective obsession a way of disposing of a collective guilt. The guilt of the criminal establishes the innocence of the society, but like all oppositions it risks a potential identification between its basic terms.

The trial of Ruth Ellis, the changing legal account of responsibility which followed, and the debate about capital punishment which she helped to provoke, all make it clear that the question of social regulation threw up a problem of delimitation in the fullest psychic sense of the term. This involved not only delimitation of the social, but also of the psychic, as well as of the boundaries and links between the two. It was a problem that has already been graphically underlined by the testimony of the Institute of Psychoanalysts to the Royal Commission on Capital Punishment which had met from 1949 to 1952. Their question was what murder might mean to, or more exactly in what sense might we - that is, technically the non-murderers - recognize ourselves in this most violent of crimes, not just at the level of spectacle but in terms of the identification which it might uncover and provoke? Here 'identification' implies that crucial sense of an active self-recognition where what is at stake is a conflation of identities, not just played out by the discourse, but positively sought after or desired.

In their strange encounter with the commission, the analysts argued that most people react to murder as an unconscious threat to the security of their repressions. The murderer cannot be called 'abnormal' in so far as murder is potentially present in the very regulation of drives. For psychoanalysis, the subject's own aggression is an object of fear and the child has two ways of preserving his fantasied world from its attacks. Either the aggression can be transformed into conscience, or it can be neutralized by the erotic drives. But both of these solutions contain their own dangers. The first can lead to suicidal impulses if the aggression is turned against the self, and the second can lead to sexual murder if the sexual impulses find themselves eroticizing the very violence they were meant to control ('the presence of the erotic component shows clearly in the sexual nature of the crime').<sup>27</sup>

Nor can the analysts predict with any certainty which of these outcomes is more likely to occur. What emerges from their testimony is a failure of discrimination between normal and abnormal at a psychic level as far as murder is concerned. The force of the psychoanalytic argument, its power of explanation, produces as its effect that, in relation to the most dangerous of crimes, the category of what is normal starts to fade and even disappear. It was a particular scandal of their testimony that one analyst found himself talking quite happily of the 'normal murderer' as the most important in psychoanalytic terms. This analyst was then hastily corrected by a colleague who insisted that between

those who murder and those who don't there must finally be a difference in the impulses involved. The evidence of the analysts seemed therefore to repeat that mechanism of partial recognition and denial that they themselves had identified in the public response to the crime.<sup>28</sup>

The problem is of course the category of normality itself. What we can see here is a paradox inherent to psychoanalysis operating in the region of the law - that the concept of the unconscious at once dispenses with and yet still relies on the concept of the normal mind. For Ernest Jones, writing in 1942 in an article entitled 'The concept of the normal mind', it remains an ideal concept, and can be stated categorically not to exist, even if psychoanalysis can describe the conditions for its production.<sup>29</sup> Nor does he claim to know whether it might exist in the limited and clinical sense that he describes. In this context, the murderer merely highlights the problem, which has been accentuated with the understanding of infantile psychotic states developed after Freud, that the more you identify the aberrational and extravagant in the most fundamental workings of the mind, the harder it becomes to use those categories to secure a social classification - to secure the social itself. The trial and execution of Ruth Ellis, however, brought all of this too close: 'The breakfast table is no place for a refresher course on the abnormal' - a beautiful parody of the link psychoanalysis establishes between the crazy and the domestic, between psycho-pathology and everyday life.<sup>30</sup>

#### IV

And what then of capital punishment itself? What confusions does it in turn engender in relation to the public, the criminal, and the state? For that account of the vicissitudes of the drives offered by psychoanalysis started with the observation that capital punishment is the clearest embodiment of the primitive mechanism whereby the subject expels aggressivity only to experience it as returning from the outside. That is to say, if the murderer threatens a lifting of repression, undoing the relative comfort of a neurotic mechanism on which subjects and statehood survive, then capital punishment acts out a psychotic drama in which the libidinal impulses one thought to be rid of return in the shape of God. This may give its full meaning to the idea of capital punishment as the supreme embodiment of a penalty whose enormity *matches* the hideousness of the crime. For *The Lancet* writing in 1955 after the execution of Ruth Ellis, an execution whether actually seen or imagined was bound to be contagious in its effects: 'Small wonder if the youngsters swallowing the poison find the idea of violence dangerously attractive.'<sup>31</sup> It is an act of communal violence which already operates by mimesis (from the criminal to the punishment) and which then passes to the public at large. The argument anticipates the debates about violence which followed the Hungerford massacre in 1987, except that in this instance the contagion was presumed to stem from the violence of the state.

Clearly the issue of capital punishment poses one of the greatest threats to the most basic of social differentiations because of this relation of mimesis between punishment and crime. Each time the Conservative Party returns to this issue in what has become by now the obligatory annual vote, it therefore places under considerable strain the symbolic limits which a 'civilized' society draws around

itself. The motion on the first free vote on hanging after the execution of Ruth Ellis read: 'This House believes that the death penalty no longer accords with the needs or true interests of a civilized society.'<sup>32</sup> If capital punishment is 'barbaric', however, we should note that the desire for its restoration tends in the West to be a characteristic of extreme right-wing governments standing for the fullest authority of the state. It is a paradox expressive of the most fundamental regulation of the social that the government which most fully embodies that authority is closest to its symbolic limits, and therefore most likely to push it over the edge. As one Tory MP put it: 'It's a good red meat issue; it gives us something to chew on, but we won't swallow it.'<sup>33</sup> In the strictest sense, the issue of capital punishment under Thatcher sets the limits to the anti-state rhetoric which she so consistently deploys. Specifically in the 1950s, that free vote had found itself wedged between two imperatives: the distinction between the 'civilization' of England and the 'backwardness' of the colonies, and the urgent necessity after Nazism to save the concept of a beneficent state.<sup>34</sup>

It none the less seems that, in strictly legal terms, capital punishment can be seen to represent the limits of judicial authority itself, challenging, or exposing as a masquerade, the very reason of the law. This is how David Pannick opens his *Judicial Review of the Death Penalty*:

It was the optimistic belief of the eighteenth-century philosophers of the Enlightenment that all problems could be resolved, and all questions correctly answered, if only we could discover and apply the relevant formula. Leibniz dreamt of a 'logic machine' that would, without debate or delay, supply the right answer to any moral or political controversy. The Encyclopaedists worked at producing eighty-four octavo volumes that would provide information to settle any dispute. There remains only one forum where the Enlightenment philosopher would today feel at home: our courts of law.<sup>35</sup>

For Pannick, capital punishment best challenges this logic machine of the courtroom by demonstrating the essentially *hermeneutic* nature of the law, the difficulty it has in defining its own limits, and even the possibility that it might act contrary to its own form. The object of interminable dispute, capital punishment repeatedly shows the law passing beyond itself.<sup>36</sup> More crucially, according to the very constitution (written or unwritten) which appears to legitimate it, capital punishment may be contrary to the 'due process of the law'. Most of the criteria which could, technically, establish its constitutionality or not (that it is imposed in a 'cruel and painful manner', 'wantonly or freakishly', or by 'caprice or procedural irregularity') are not susceptible to absolute definition.<sup>37</sup> (Note how instability figures as the very content of the key terms.) Capital punishment brings the law up against the *arbitrary* - the arbitrary of its own practice, but through that, and in defiance of the enlightened rationality to which it still holds, the arbitrary as such. In strictly judicial terms, therefore, capital punishment represents that point where the law has the greatest difficulty in securing its own rationality. It provides a strange imitation or

acting-out of the problem the law has in establishing the absence or presence of reason in the criminal it is required to judge.

In the case of Ruth Ellis, horror at the execution of a woman also played a crucial part in the reintroduction of the motion against capital punishment and in the subsequent passing of the Homicide Act. It is as if the thinness of the boundary between criminal and legal murder, the uncomfortable proximity between them, presents itself too starkly when it is a woman who is executed. It seems also that the spectacle of execution - 'seen or imagined' (*The Lancet*) - is too powerful when it is a woman, because her status as spectacle in the more general culture threatens to turn this moment of a society's most precarious self-regulation into nothing but show (the classical and repeated ambiguity of the woman as spectacle, focus of a displaced anxiety which she always threatens to provoke).<sup>38</sup>

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Returning to Margaret Thatcher we can perhaps see now something of the extraordinary nature of having a woman in power who unequivocally supports the return of capital punishment, a woman who chooses to embody the state at that very point where it rests its authority on the right to kill - but who does so by means of a language which is one of consistency, rationality, and control. One of the things that Thatcher presents us with is an inflated version of the rationality which can be the only basis for distinguishing between legal and illegal violence. For if the law partly allows for the murderer who is deemed to be out of her or his mind, punishing above all a violence which stems from a self-knowing calculation, it is also because violence as rational is the form of violence which it reserves to itself. It is her utter certainty of judgement which allows Thatcher to release into our public fantasy life, with no risk of confusion, the violence which underpins the authority of the state. If femininity is opposed to violence according to one stereotype - women are not violent - Thatcher presents a femininity which does not serve to neutralize violence but allows for its legitimation.<sup>39</sup>

It is a grotesque scenario - one which mimics that of Ruth Ellis in reverse - where a woman who stands for a super-rationality writes violence into the law (or would do so), instead of being executed by it:

Allowing the repressed - the drive if you like, or the death drive to get to the point - to be spoken through language is perhaps one way of stopping it from erupting inside the code: for it is that codified, legitimated, eruption which precisely constitutes fascism.<sup>40</sup>

One of the key aspects of Thatcher's image, I would argue, is this symbolic legitimation and rationalization of violence. That this can be the case at the same time as the Conservatives mount their official onslaught against media violence and crime - 'no procedure against violence that is a stranger to it' (Girard) - merely demonstrates that structure of necessary antagonism which inheres in rationality itself. Writing on American politics, Richard Hofstadter described this mechanism as the 'paranoid style' which produces out of its own system an

enemy of super-competence whose 'plots long hatched and deeply pre-meditated' mirror its own supreme and deadly rationality in reverse.<sup>41</sup> Murderers who pre-meditate are therefore the most dangerous because they too closely resemble the symbolic and psychic structure written into the legal apparatus that comes to meet them.

A brief look at Thatcher's rhetoric will confirm its investment in its own supreme logic and consistency, the way that she elevates these concepts to the status of general policy and object of desire. (The last chapter of Bruce Arnold's *Margaret Thatcher: a study in power* is called 'The consistency of rhetoric'.<sup>42</sup>) To take just one speech - the New Year's message of 1984 - and deliberately, and wildly, extract from it the key images on which it turns:

Our commitment remains as strong as ever . . . the defence of the realm and the rule of law. . . . We have already made considerable progress. . . . We have shown what can be done . . . this is only the beginning of the revival of Britain. . . . We have embarked on our second term with the same enthusiasm. . . . The British people now know that we are as good as our word and the rest of the world is beginning to know it too. . . . They know that this government will never hesitate to stand up for Britain's interests. We shall persist. . . . We want people in all walks of life to set their hopes high and to carry them through into reality. . . . We shall not be afraid . . . people need a government which follows a consistent and coherent policy and sticks to it . . . we shall continue to protect the value of your money. We shall continue to control public spending. . . . This government already has a reputation for consistency. . . . No one can accuse this government of complacency. Far from losing our way, we are just getting into our stride. We have stayed right on course. We believe what we say. We say what we believe.<sup>43</sup>

I am not sure it is necessary to pick out the repeated and central terms of consistency, persistence, and sameness, the refusal of any possible gap between reality and intent (which passes to her subjects 'who set their hopes high and carry them through into reality'), and then, as the inevitable corollary for those who see in this form of rhetoric a denial of the precariousness of language itself, the insistence on the utter coherence of the word ('We are as good as our word. . . . We believe what we say. We say what we believe'). We can call it an inflation and parody of government as reason - an appropriation into the pure *form* of reason of an earlier idealist and more radical tradition which rested its hopes on the idea of a rational state.<sup>44</sup>

It is this quality of consistency and logic that is picked up by commentators on Thatcher's style, whether 'for' ('We will have one of the most logical governments this country has ever had'<sup>45</sup>), or 'against':

The picture of consistent certainty is a complete one. The fact that it is so free of doubt is unnerving. The fact that it is so well remembered is puzzling. The fact that it is so freely given, and yet in so limited and circumscribed a form, is faintly frightening. . . . The self-assurance, the assured recollection and presentation of self, in one who keeps no diary, retains no personal papers, deals always and emphatically in the present, is itself a kind of consistency.<sup>46</sup>

Compare Hofstadter:

It is nothing if not coherent, far more coherent than the real world, no room for mistakes, failures, ambiguities, if not rational intensely rationalistic.<sup>47</sup>

The conviction politician by her own definition, Thatcher makes of her own logic, and of logic itself, a type of personality and political cult. The image is uncannily close to that of Ruth Ellis ('She felt completely justified') standing in the dock 'firm, erect and unafraid' (for one correspondent this in itself was enough to condemn her).<sup>48</sup> The two women, therefore, present the image alternatively of an acceptable and threatening form of reason in excess - unless it is the case that, according to a logic which is proper to reason, the acceptable form of reason is not opposed to the threatening, but depends on it.

For Hofstadter, it is precisely that super-rationality which takes precedence over, and then releases, the paranoid mode:

We must become aware of the way in which our daily lives, our own thinking, may have become affected, become tainted without our ever realising it, by the ceaseless flood of Socialist and pseudo-Socialist propaganda to which we have been exposed for so long. . . . The decline of contemporary thought has been hastened by the misty phantom of Socialism. . . . Socialism has lured [people's] conscience into thinking that the steamroller which is about to flatten them is a blessing in disguise. (1976)<sup>49</sup>

The British character has done so much for democracy, for law, and done so much throughout the world that if there is any fear that it might be swamped people are going to react . . . the moment the minority threatens to become a big one, people get frightened. (1978)<sup>50</sup>

Power in the adversarial mode: Thatcher seems to be repeating here one of the fundamental psychic tropes of fascism, which acts out this structure of aggressivity, giving name and place to the invisible adversary which is an inherent part of it, and making fear a central component of strategy. 'People get frightened . . . we are not here to ignore people's wishes.' It does not take much to reorganize the semantics of that sentence and to read it as stating that fear in itself is an object of desire. The Falklands war therefore simply brought to its logical conclusion a rhetoric whose basic terms were already firmly in place. The film of the Black Audio Film Collective, *Handsworth Songs*, made in 1986, makes the explicit link: 'Between Thatcher's "swamping" speech and the Falklands expedition, lies another melodrama of consent: *the war of naming the problem*, the rush to discover the unclubbables, the drug barons, the new black, the black of disorder and mayhem' (my emphasis). The message seems to be, as is the case with paranoia: we have every reason to be frightened, we have everything firmly under control. It is on the back of this that Thatcher reopened the question of capital punishment which repeats this message with explicit reference to the violence on which its structure depends ('a vehicle for political capital, a scapegoat to illogically appease our society's sense of guilt, fear, passion and vengeance').<sup>51</sup> In 1986, the first report of the new Conservative Research Department, taking over from the Centre of Policy Studies, will argue



*Boston Globe* (3 May 1988)

that retribution is the very meaning of the law. (Compare this, however, with Willie Hamilton in the House of Commons: 'Retribution did not solve the problem . . . in desperation the party of law and order put forward these debates to prove its virility.'<sup>52</sup>)

Commenting on the sacrificial nature of the social order as described by anthropologists, Kristeva writes: 'But sacrifice orders violence, binds it, tames it.'<sup>53</sup> It also, however, *repeats* it, or binds it in the form of what Girard calls a 'violent unanimity', scapegoating its victim in order to expel violence out into the real and so end it. If this mechanism is the basis of social cohesion, it is the characteristic of a right-wing ideology such as this one, not to threaten the social, but to act out its most fundamental symbolic economy. Or, rather, it threatens the social by making that economy too blatant - the object of a renewed investment by the very drives it was intended to regulate or keep underground.<sup>54</sup>

In this context, it seems to me that it must be limiting to talk of images and identifications in relation to politics as if what we are dealing with belonged to a straightforward economy of desire. Desire may well be the necessary term, but only if we define it as something which includes not irrationality - what is at stake here is not some rational/irrational dualism - but a logic of fantasy in which violence can operate as a pole of attraction at the same time as (to the extent that) it is being denied. If this logic is 'deadly and irreducible', it is so only in so far as it repeats a paradox inherent to the organization of the social

itself. One of the things that Margaret Thatcher is doing, or that is being done through her, is to make this paradox the basis of a political identity so that subjects can take pleasure in violence as force and legitimacy while always locating 'real' violence somewhere else - illegitimate violence and illicitness increasingly made subject to the law. There is, however, always the risk for any right-wing ideology which plays on this scenario that, in the very place where violence and the illicit seem most effectively to have been abolished, they will return: witness the call for the legalization of incest and the songs in praise of the Yorkshire Ripper at the conference of the Federation of Conservative Students in 1986.

## VI

To return to the question of the woman. In 'Women's time', Kristeva describes the woman terrorist as the woman who, too brutally excluded from the socio-symbolic, counter-invests the violence she has experienced and takes arms against the state. She also describes the woman who identifies with and consolidates power, because she brings to it the weight of the investment consequent on her struggle to achieve it. Without accepting Kristeva's terms as an explanation for women's political activity (it is never clear whether this is a causal analysis or one which crucially describes the affective and unconscious repercussions for women of their participation in political life), we can none the less recognize in Thatcher a hybrid of both of these positions: a consolidation of power which is also a violence, not of counter-investment, but the violence which underpins power as such. Blatantly drawing on this violence, Thatcher legitimates and encodes it (the real risk of fascism) but she also lays bare the presence of violence at the heart of the socio-symbolic order. Certainly because she is a woman, she appears to do both of these things - which merely articulate a paradox at the heart of right-wing ideology - separately and together, in the form of an extreme. We can call her an object of fantasy - castrating mother, punitive superego would be the psychoanalytic terms - only if we stress that the scenario she embodies goes way beyond her to take on the furthest parameters of our psychic and social life.

And Thatcher's own femininity - the way she presents herself as a woman (or not)? We can only note the contradictions: from denial ('People are more conscious of me being a woman than / am of being a woman'),<sup>55</sup> through an embracing of the most phallic of self-images (the iron lady), to the insistence on her femininity as utterly banal (the housewife managing the purse-strings of the nation). Predictably these images are mirrored and exceeded by the more or less misogynistic images which she provokes: 'doubtful whether any male PM would have actually seen that Falklands thing through to the end' . . . 'in practice as sentimental as a Black Widow'.<sup>56</sup> It is nonetheless the case that Margaret Thatcher does deliberately choose to situate herself in the place of such an ambiguous sexual self-fashioning. The paranoid structure which I am describing here no doubt thrives on this ambiguity of a femininity appealed to and denied, a masculinity parodied and inflated. It is the worse of a phallic economy countered, and thereby rendered permissible, by being presented as masquerade.<sup>7</sup>



When Reich wrote *The Mass Psychology of Fascism* in 1933, he described fascist ideology as mystical and irrational, opposing it to the rationality of a revolutionary ethic which would be based on a shared, democratic organization of sexuality and work. Fascism was repressive and distortive of body and mind, engendering a pathological sexuality and form of thought. Underneath that distortion, Reich saw an ideally untrammelled genitality and mental clarity. It has frequently been pointed out that both of these conceptions effectively dismantled the two poles of Freudian psychoanalysis on which Reich claimed his work was based - an infantile sexuality characterized above all by its perversion and an unconscious which stood for an irreducible splitting of the mind. More important, perhaps, Reich's idea of pure rationality - of rationality *as* purity - rejoined at crucial moments the fascist ideology to which he opposed it.<sup>58</sup>

Although Thatcherism cannot be equated with fascism (the preservation of democratic government, the support of the free market, the rhetoric - at least - of the rolling back of the state), there are of course points of connection that can be made (the glorification of nationhood, the assault on homosexuals, the destruction of local government, and the increasing centralization - despite the rhetoric - of state power). More important, the retributive violence of her ethical absolutism, as I have described it here, echoes a central component of what Reich and others have described. What Thatcher seems to be demonstrating is a taking off, a relative autonomy of certain psychic tropes beyond their historically attested political and economic base. Crucially, the phenomenon of Thatcher suggests that our understanding of the libidinal undercurrents of political processes can no longer be restricted to the historically recognized moment of fascism alone - the place to which the possibility of a dialogue between psychoanalysis and politics has traditionally been consigned.

In this context, Reich's analysis - his stress on the irrationalism of fascist discourse - has left us with a difficulty to which everything I have been describing in this paper seems to return. It is not the irrationality of Thatcher's rhetoric that strikes me as the problem, but its supreme rationalism, the way that it operates according to a protocol of reason elevated to the status of a law. In this case, we cannot counter that ideology with a greater rationality without entering into one of the predominant fantasies of that ideology itself. This is not of course to argue that the idea of rationality has not been historically mobilized by the left, and to positive effect, but rather that as a concept it is inadequate for dealing with the specific force of right-wing ideologies at that point where they harness fantasy to reason, giving reason to what I want to call the flashpoints of the social, the very point where reason itself is at its least secure. If we want to think about the place of fantasy in public life today, we need therefore to avoid or qualify two conceptions: the one that describes fantasy as a projection of individual self-interest (the 'rational' reasons identified by Stuart Hall); but equally the one that sees fantasy as an unbridled irrationalism without any logic, a conception which turns fantasy into a simple counter-image of the law.

For Reich irrationalism meant sexual pathology and perversion, but that was

because of the normative, if liberationist, concept of genital sexuality to which he held - normative *because* liberationist, we might argue today. He could therefore argue that the aggressivity mobilized by fascism stemmed from drives in which an ideal world would move effortlessly into love, work, and health. Gradually the concept of infantile sexuality was replaced by that of adolescent desire which fascism rendered pathological because its repressive diktats stopped this desire from fulfilling itself. For Reich, fascism mobilized above all pre-genital forms of sexuality but he considered that in a socialist society they would naturally dissipate themselves. But if one no longer believes in this normative account of sexuality, then what form of sexuality can one oppose to that which is mobilized by the right? Even if today we would stress more than Reich did the phallogentric organization of these fantasies, we would still surely recognize that right-wing fantasy also draws on some of the earliest formations of the drives. That seems to place under considerable strain two recent ways of attempting to politicize psychoanalysis: the appeal, especially by a feminist and gay politics, to early sexuality for the pre-Oedipal and non-normative possibilities which it appears to permit, which means ignoring the aggressive components of the early drives; or an appeal to a developmental model which recognizes early aggressivity and then seeks reparation from an ego which will gradually organize the drives which support it into sexual and psychic health.

The problem with the first position is its idealization of early psychic life. The problem with the second is not just that it entails a normative concept of sexual development, but also that the category of the ego, far from being independent of the political fantasies which it is being called on to avoid, is deeply implicated in them. Thus the authors of *The Authoritarian Personality*, written after the war as part of an attempt to predict the psychic possibility of fascism in America, called on the ego as both solution to, and cause of, authoritarianism:

It is the ego that becomes aware of and takes responsibility for nonrational forces operating within the personality. This is the basis for our belief that the object of knowing what are the psychological determinants of ideology is that men can become more reasonable.

*Measurement of antidemocratic trends: . . . overemphasis on the conventional attributes of the ego.*<sup>59</sup>

This simply means that it is not possible to fix the ego unequivocally on either side of the political divide - any more, indeed, than American democracy: 'It has frequently been remarked that should fascism become a powerful force in this country, it would parade under the banners of traditional democracy.'<sup>60</sup> The problem reproduces itself almost exactly in Klaus Theweleit's *Male Fantasies*, which attributes the fantasies of the German *Friekorps* to the fragmentary nature of the ego which these soldiers seem to display, and then almost immediately locates some of the most pernicious forms of Western logic to the defenders of the 'bourgeois ego struggling to stave off their own demise'.<sup>61</sup>

If, therefore, we recognize in right-wing fantasy a mobilization, and specific economy, of aggressivity and its defence; if we allow that it is through the

category of rational identity that this economy authorizes (codifies, legitimates) itself - then the political case for a non-normative, pre-Oedipal sexuality, as much as for an ego which guarantees normality and reparation, seems to collapse. A key component of the sexuality some of us thought to oppose to the law suddenly appears - and in the worst forms of the social imaginary - enshrined within it. And the ego, which others have invested as the site of our psychic and social health, confronts us in the shape of the worst form of social authority that knows only its own reason and truth. If, as Kristeva suggests, one solution is to let these fantasies be spoken so as to prevent their social legitimation, their acting out in the very framework of the law (the case for psychoanalytic practice), then this can only be on condition that it does not lead into the no less troubling fantasy of a total knowledge and control of the mind. The alternative presents itself with startling clarity at the end of Deborah Cameron and Elizabeth Frazer's recent study of the male sexual killer, *The Lust to Kill*, when, recognizing the problem of female violence, they argue for nothing less than a total reconstitution of desire.<sup>62</sup>

I should perhaps stress here that psychoanalysis gives us no absolute or consistent theory of violence which could adequately describe it as much in its genesis as in its effects. It is described by Klein as an instinct, by Lacan as a structure inherent to intersubjectivity, by Kristeva as both cause and result of the precipitation of subjects into linguistic form. Nor should we forget Freud's insistence that it is always already attached to the fantasies which it appears to provoke. Rather the point is to notice that, if psychoanalysis is the intellectual tabloid of our culture ('sex and violence' being its chief objects of concern), we have recently privileged - sought indeed to base the politicization of psychoanalysis on that privilege - the sex over the violence. (Barbara Ehrenreich makes a related point in the Foreword to *Male Fantasies*.<sup>63</sup>)

A question remains about the status of the woman - about that difficult position which Thatcher occupies and, I must acknowledge, in which I have positioned her, thereby repeating what I see as the problem of the way she functions as both authority and fantasy. For anything that might be said about the power which she concretely exerts, with effects I think most of us would recognize as devastating, starts to join in and be complicit with the forms of projection which - precisely because of that strange and unique position she occupies as a woman - she provokes. Writing on the link which Freud thought he had established between femininity and death, Kristeva comments in *Histoires d'amour*, published four years after 'Women's time':

In Freud's later writing, [a paternal] position emerges which resolves the feminine share of subjectivity, by leaving to it the operative place of hatred and death promoted to the status of driving forces of the law. A scandal? Misogyny? Women analysts, starting with Melanie Klein, will recognize here an unconscious truth: their own?<sup>64</sup>

We can reformulate this question in the terms of her own earlier article, and insist on its social implications and determinants - that this association of women with hatred and death is expressive of their peculiar relation to the social in so far as it is grounded symbolically on both. But even if we do so, the

question still remains as to whether this is something projected on to the woman or something which corresponds to women's psychic experience as such. Because of the power which she concretely has in reality, Thatcher forces us up against the limits of this problem. Another way of putting this would be to say that Thatcher is both a fantasy and a real event.

For a feminism which has argued for the perversity and even deadliness of the social, and then called it male, Thatcher presents a particular difficulty and anxiety which has perhaps been operating in the form of a taboo. In the scenario I have tried to outline here, the fact that Thatcher is a woman is allowing her to get away with murder.

To return finally to the beginning of this article, I should stress that none of this is to deny the 'rational' reasons why people may have voted for Thatcher, nor indeed to give to anything I have described here the status of single political determinant or cause. It is, however, to point to a realm no less politically important (perhaps even more important) for not being containable in these terms.

#### NOTES

Thanks to Sally Alexander, John Barrell, and James Donald for their very helpful comments and encouragement, and to Tim Clark for the *Boston Globe* cartoon.

- 1 Julia Kristeva, 'Women's time', translated by Alice Jardine and Harry Blake, in Nannerl O. Keohane, Michelle Z. Rosaldo, and Barbara C. Gelpi (eds), *Feminist Theory, A Critique of Ideology* (Chicago: University of Chicago, 1981; Brighton: Harvester, 1982), 47; 52.
- 2 Stuart Hall, 'Blue election, election blues', *Marxism Today* (July 1987), 30-5; 33. An edited version was published as 'When it's the only game in town, people play it', *Guardian* (6 July 1987); see also correspondence, 8 July.
- 3 *ibid.*, 31.
- 4 Hall, 'The toad in the garden: Thatcherism among the theorists', in Cary Nelson and Lawrence Grossberg (eds), *Marxism and the Interpretation of Culture* (Urbana and Chicago: University of Illinois Press, 1988), 35-73; the phrase was used by Hall specifically in response to a question about Wilhelm Reich (p. 72). These articles are just two from a series by Stuart Hall which, together with those by Sarah Benton (see note 5 below), represent for me the most sustained and valuable critique of Thatcherism overall. See also 'The great moving right show', in Stuart Hall and Martin Jacques (eds), *The Politics of Thatcherism* (London: Lawrence & Wishart, 1983), 19-39.
- 5 Sarah Benton makes this point in her analysis of Thatcher, 'The triumph of the spirit of war', when she talks of Thatcher as 'loathed with a rare passion', while also commenting on the way that Thatcher has been able to feed on the (feminist) insight that 'hitherto private feelings and fantasies can, once uttered, strike an unexpected public response' (*New Statesman*, 29 May 1987, 14).
- 6 *The Times*, 14 July 1983.
- 7 The strange relation between women and hanging in classical Greece is examined by Eva Cantarella, 'Dangling virgins: myth, ritual, and the place of women in Ancient Greece', in Susan Suleiman (ed.), *The Female Body in Western Culture* (Cambridge and London: Harvard University Press, 1986), 57-67.
- 8 In fact it is the points of connection *and* difference that are so striking. The two

women were born within a year of each other (Ellis in 1925, Thatcher in 1926). Ellis's father came from a successful and respected middle-class family which had made its money out of weaving. His own father was a musician (a cathedral organ player) and he himself was a cellist and cinema musician until the advent of speaking pictures drove him down the social scale into unemployment, and then work as porter, caretaker, and chauffeur. Her mother was a Belgian-French refugee. Ellis could be said to have tried to make her way as a woman back up that scale by working as a model and then a club hostess. In that post-war period which was so decisive for the two women, therefore, Ellis had strong aspirations to social mobility not dissimilar in form, although unlike in trajectory, to Thatcher's own. As James Donald put it, they can be seen to represent the 'seedy' and 'golf club' sides of the petty bourgeoisie, and have in common the same iconography of meticulous artificiality and precision (on Ellis's hair in court see p. 10).

- 9 Sigmund Freud, 'Civilisation and its discontents', 1930 (1929) *The Standard Edition of the Complete Psychological Works*, vol. XXI (London: Hogarth), 112. Compare also, 'Thus we see that right is the might of a community. It is still violence, ready to be directed against any individual who resists it; it works by the same methods and follows the same purposes. The only real difference lies in the fact that what prevails is no longer the violence of an individual but that of a community.' 'Why war?', letter from Freud to Einstein, *Standard Edition*, vol. XXII, 205.
- 10 Rene Girard, *La Violence et le sacré* (Paris: Grasset, 1972), 41.
- 11 Laurence Marks and Tony van den Bergh, *Ruth Ellis: A case of diminished responsibility?* (London: Macdonald & Jane's, 1977), 105; for a full account of the trial, see also Jonathan Goodman and Patrick Pringle, *The Trial of Ruth Ellis* (Newton Abbot: David & Charles, 1974).
- 12 Marks and van den Bergh, *op. cit.*, 87.
- 13 Dr Duncan Whittaker, psychiatrist, quoted in Marks and van den Bergh, 104. Compare also Ellis's defence counsel's later remarks: 'She had got into a very calm state of mind . . . in which she thought everything she did was right and justified . . . that there was no other course open to her' (p. 127).
- 14 Opening statement by the judge, cited by Marks and van den Bergh, *op. cit.*, 117.
- 15 Quoted in *Royal Commission on Capital Punishment, 1949-52* (HMSO: London), 3.
- 16 The French newspaper *Le Monde* commented at the time of the trial: 'English law does not at the moment recognize any intermediate stage between the rational and balanced being who kills in perfect awareness of what he is doing and the total lunatic who is not conscious of his own acts. As everyone knows, the Englishman is - or believes himself to be - a creature of sang-froid, and the legal system in force supports this fiction.' (Cited in Marks and van den Bergh, *op. cit.*, 134).
- 17 *ibid.*, 118.
- 18 *ibid.*, 125.
- 19 Cited in Goodman and Pringle, *op. cit.*, 119.
- 20 Cited in Marks and van den Bergh, *op. cit.*, 127.
- 21 In a review of *Myra Hindley: inside the mind of a murderess* (London: Angus & Robertson, 1988), Helen Birch points to the analogies that can be made between Hindley and Ellis, both on the question of their 'sanity' and their 'femininity', when commenting on the public obsession with Hindley compared with other women this century who have murdered children: 'Hindley, on the other hand, is viewed as sane - "a calculated pretty cool operator" in the words of the prosecution . . . the story goes that she sat impassive throughout the trial, in smart clothes, full make-up, with newly dyed hair. There are echoes here of the case of Ruth Ellis. . . . Feminists have since argued that one of the reasons Ellis was sent to the gallows was because, in the

- eyes of the all-male jury, her appearance did not match the line of her defence.' *New Statesman* (18 March 1988), 25.
- 22 Alexandre Fontana, 'The intermittences of rationality', in Michel Foucault (ed.), *Pierre Riviere* (Harmondsworth: Peregrine, 1978), 273: 'Is it possible for a criminal to keep his reason entire or lose it for an instant and then recover it? Was he aware of what he was doing? Did he harbour delusions about a single subject only, keeping the remainder of his faculties intact? Was only one of his faculties affected to the exclusion of all the others? . . . Reasoning madness and monomania were the flaw, the twilight zone, the point of opacity in the system.' First published in French in *Moi, Pierre Riviere, ayant egorge ma mere, ma soeur, et mon frere . . . un cas de parricide au XIXe siecle* (Paris: Gallimard, 1973).
- 23 The defence counsel later said that he was convinced that the trial had led to the new law of diminished responsibility (cited in Marks and van den Bergh, op. cit., 127). The authors open their book with this statement by Muriel Jakubait, the sister of Ruth Ellis, to whom the book is dedicated: 'When any child is murdered in England today, I am the subject of attack. They say that if it weren't for my sister, we would still have the death penalty . . . and then that child would have lived.' Compare also Goodman and Pringle: 'There is little doubt that the execution of Ruth Ellis played a major part in bringing about the abolition of capital punishment' (op. cit., 77).
- 24 Cited on the opening page of Marks and van den Bergh, op. cit.
- 25 Michel Foucault, 'About the concept of the "dangerous individual" in nineteenth-century legal psychiatry', translated by Alain Baudot and Jane Couchman, *International Journal of Law and Psychiatry*, 1 (1978), 1-18.
- 26 *ibid.*, 12.
- 27 'Memorandum submitted by the Institute of Psycho-Analysis', 23rd day, Thursday, 1 June 1950, *Royal Commission on Capital Punishment*, op. cit., 546.
- 28 Dr Carroll ('We would stress the need to cover the normal murderer') is interrupted on this point by Dr Gillespie ('It depends on what you mean by "normal", because if one assumes most people have murderous impulses but very few people give way to them and so become murderers, then statistically speaking the murderer cannot be called normal'). Roger Money Kyrle then adds: 'In a precise way [normal] would mean a very high degree of integration of personality. I think we at the Institute would all agree that a normal person in that sense would very rarely commit a murder' (*ibid.*, 548). The memorandum also states that this outcome will depend on 'the relative strengths of the aggressive and loving impulses . . . determined by both inborn factors and environmental experience, especially during the first months and years of life' (p. 546). See also note 29 below.
- 29 Ernest Jones, 'The concept of the normal mind', *International Journal of Psychoanalysis*, 22, part I (1942), 1-8. See also Ernest Jones, *Hamlet and Oedipus* (New York: Norton, 1949; Anchor edition, 1954), where he states that psychoanalysis confuses the division 'which until our generation (and even now in the juristic sphere) separated the sane and responsible from the irresponsible insane' (p. 76). Arthur Koestler and C. H. Rolph quote this passage from the commission in their campaigning book *Hanged by the Neck: an exposure of capital punishment in England* (Harmondsworth: Penguin Special, 1961): 'There is no sharp dividing line between sanity and insanity . . . the two extremes shade into one another by imperceptible gradations. The degree of individual responsibility varies equally widely; no clear boundary can be drawn between responsibility and irresponsibility. Likewise crimes of passion shade without a sharp division into crimes due to mental disease' (p. 136). Roger Money Kyrle, who spoke at the commission in defence of the category of 'normality', quotes Ernest Jones's article on 'The concept of the normal mind' in his

- book *Psychoanalysis and Politics* (London: Duckworth, 1951), where he makes much more explicit the relation of the concept of the 'normal' to 'rationality': 'For if the "normal" is equivalent to the "rational", and if there is a type of conscience common to normal people which differs from the consciences of abnormal people, then this type is an attribute of rationality' (p. 19).
- 30 Letter from R. C. Webster, Todmorden, Lancashire, cited in Marks and van den Bergh, op. cit., appendix 3, 143.
- 31 'The death penalty', *The Lancet* (23 July 1955), reprinted in *ibid.*, appendix 3, 138-40.
- 32 Compare also the correspondence on the execution of Ruth Ellis: '[capital punishment] is *not* rational: it is barbaric', 'the barbaric penalties of execution', 'the medieval savagery of the law', all in *ibid.*, appendix 3, 147, 128, 129.
- 33 Cited in 'Another defeat expected for pro-hanging lobby', the *Independent* (27 May 1988). For an 'aesthetic' defence of capital punishment, or rather a defence of capital punishment *as* aesthetic, however, see Walter Berns, *For Capital Punishment, Crime and the Morality of the Death Penalty* (New York: Basic Books, 1979): 'Can we imagine a world that does not take its revenge on the man who kills Macduff's wife and children? . . . Can we imagine a world that does not hate murderers? To ask these questions is to ask whether we can imagine a world without Shakespeare's poetry . . . punishment may be likened to dramatic poetry or the purpose of punishment to one of the intentions of the great dramatic poet' (p. 168).
- 34 The distinction is not, however, as straightforward as it seems; see Hannah Arendt's discussion of the concept of *raison d'etat* in the 'Postscript' to *Eichmann in Jerusalem* (Harmondsworth: Penguin edition 1977 [1963; 1965]), 290-1.
- 35 David V&nmck, *Judicial Review of the Death Penalty* (London: Duckworth, 1982), I.
- 36 See also Mark Cousins, 'Mens rea: a note on sexual difference, criminology and law', in Pat Carlen and Mike Collinson (eds), *Radical Issues in Criminology* (Oxford: Martin Robertson, 1980): 'Certain forms of traditional jurisprudence can unify [the law] as the expression of an unfolding rationality. Legal positivism could represent it through the unity of a command of a sovereign. Pashukanis will reply to this by making it the space of rights of the subject of possession. But each of these positions requires to be supported theoretically, and each of them will face analytic problems of where the boundaries of the unity lie, where law suddenly passes beyond itself (p.i 15). Cousins is reviewing Carol Smart, *Women, Crime and Criminology* (London: Routledge & Kegan Paul, 1976), a feminist critique of the category of the woman criminal. The point about the limits of the law was made quite explicitly with reference to Ruth Ellis: 'Judges have often pointed out that the courts are courts of law, *not* courts of morals. The McNaghten rules are really based on moral theology, which assesses human acts on the basis of gravity of the act, knowledge of the agent, and volition of the agent' (R. C. Webster, cited in Marks and van den Bergh, op. cit., Appendix 3, 143)-
- 37 Pannick, 65; he is describing specifically the American and Indian judiciary. The other two criteria are 'That it is mandatory for a defined offence' (this would rule out the attempt in England to make the death sentence mandatory for terrorism), and 'That it is grossly disproportionate to the offence' (this immediately comes up against the problem of proportionality: 'one must be careful not to assume "the role of a finely tuned calibrator of depravity, demarcating for a watching world the various gradations of dementia"' (p. 145), quoting *Godfrey vs Georgia* [1980]). All these difficulties have not prevented courts from claiming that they have provided the means to 'promote the evenhanded, rational and consistent imposition of death sentences under law': *Jurek vs Texas*, cited on p. 179.

- 38 'Not since the condemnation of Mrs Edith Thomson in 1923 had such a storm of public protest been aroused against the hanging of a woman' (Duncan Webb, *Line up for Crime* [London: Frederick Muller, 1956], 203). The horror was, however, clearly ambivalent: 'Children in a school near the prison are described by one of their teachers as being in a ferment: "Some claim to have seen the execution from a window, others spoke with fascinated horror of the technique of hanging a female."' *The Lancet*, op. cit., 140.
- 39 It is a stereotype which, specifically in relation to capital punishment, is written into the history of the law; see William Blackstone, *Commentaries on the Laws of England*, facsimile of the first edition of 1765-9, vol. IV (Chicago and London: University of Chicago Press, 1979). 'Was the vast territory of all the Russias worse regulated under the late Empress Elizabeth, than under her more sanguinary predecessors? Is it now, under Catherine II, less civilised, less social, less secure? And yet we are assured, that neither of these illustrious princesses have, throughout their whole administration, inflicted the penalty of death' (p. 10).
- 40 Julia Kristeva, in discussion at the Colloquium 'Psychanalyse et politique', Milan, 1973; published as *Psychanalyse et politique* (Paris: Seuil, 1974), 40.
- 41 Richard Hofstadter, *The Paranoid Style in American Politics and other essays* (London: Cape, 1966), quoting Barnuel (p. 12). In a series of articles starting in 1984, Sarah Benton has commented on the 'cultivated paranoia' on which the Conservative Party relies: 'Press a placid Tory, who wants nothing more than a world in which there is no argument, no interference with the natural way of doing things, no disturbing questions on war, economics or sex, and out comes a flow of nightmare fears and anecdotes . . . [they feel part of] a mystical national good. Such a belief can only derive coherence from the conjuring up of the Alien, a force whose shape you never quite see but which lurks in every unlit space ready to destroy you; and is incubated, unnoticed, in the healthy body politic': 'Monsters from the deep', *New Statesman* (19 October 1984), 10-12. Benton was arguing here that the Brighton bomb fulfilled these persecutory fantasies; compare Tebbit quoted in *The Times* (19 December 1984) as saying that the bomb was not an 'isolated incident' but 'part of an irrationality that had crept into politics and society'. See also Benton, 'The triumph of the spirit of war', op. cit., and 'What are they afraid of?' (11 March 1988).
- 42 Bruce Arnold, *Margaret Thatcher: a study in power* (London: Hamish Hamilton, 1984), 269-74.
- 43 Printed in full in *The Times* (31 December 1983); compare also this comment from the *Observer's* leading article (29 May 1988): 'She is a woman who not only says what she means but, to a degree unusual in politicians, actually means what she says.'
- 44 The most important examination of this concept of rationality is Herbert Marcuse's *Reason and Revolution: Hegel and the rise of social theory* (London: Routledge & Kegan Paul, 1969 [1941]).
- 45 Ernie Money, *Margaret Thatcher, First Lady of the House* (London: Leslie Frewin, 1975), 134-
- 46 Arnold, op. cit., 271.
- 47 Hofstadter, op. cit., 36-7; see also N. McConaghy, 'Modes of abstract thinking and psychosis', *American Journal of Psychiatry*, 117 (August 1960), 106-10 (this article is cited by Hofstadter) and also Robert Waelder, 'The structure of paranoid ideas', *International Journal of Psychoanalysis*, 32 (1951), 167-77, especially on why the paranoid correctly fears, and must therefore fight off, the defeat of his or her own system: 'It is a fight in which all the initial advantages are with the paranoies, but which they are bound to lose, because of their lack of elasticity, unless they can turn initial advantages into complete victory' (p. 167, n). This description by Hofstadter



- sounds uncannily like Thatcher: 'The passion for factual evidence does not, as in most intellectual exchanges, have the effect of putting the paranoid spokesman into effective two-way communication with the world outside his group - least of all with those who doubt his views. He has little real hope that his views will convince a hostile world. His effort to amass it has rather the quality of a defensive act which shuts off his receptive apparatus and protects him from having to attend to disturbing considerations that do not fortify his ideas. He has all the evidence he needs; he is not a receiver, he is a transmitter' (p. 38).
- 48 Letter from L. Webb, Marks and van den Bergh, *op. cit.*, Appendix 3, 132.
- 49 Speech to the Junior Carlton Club (4 May 1976), quoted in Patrick Cosgrave, *Margaret Thatcher: a Tory and her party* (London: Hutchinson, 1978), 215.
- 50 Remarks made during an interview on *World in Action* (Granada TV, January 1978), quoted in Penny Junor, *Margaret Thatcher: wife, mother, politician* (London: Sidgwick & Jackson, 1983), 116-17; when challenged on this speech by Kenneth Harris in an interview in the *Observer*, Thatcher replied, 'I never modified it! I stood by it one hundred per cent. Some people have felt swamped by immigrants. They've seen the whole character of their neighbourhood change. I stood by that statement one hundred per cent' (*Margaret Thatcher talks to the Observer*, published as a separate booklet, January 1979).
- 51 From *State vs Dixon*, 1973, cited in Pannick, *op. cit.*, 7m.
- 52 *Confidence in the Law*, Conservative Study Group on Crime, Conservative Research Department, vol. 1 (January 1986). William Hamilton, speaking in the debate on capital punishment in the House of Commons, reported in *The Times* (14 July 1983).
- 53 Kristeva, 'Women's time', *op. cit.*, 47.
- 54 See Georges Bataille, 'The psychological structure of fascism', in *Visions of Excess: selected writings 1929-1968*, edited with an introduction by Allan Stoekl, translated by Allan Stoekl with Carl R. Lovitt and Donald M. Leslie Jr (Minneapolis: University of Minnesota Press, 1985), 137-60. In a very different recent article specifically on the Conservative Party and violence, Frank Burton argues, within a Foucauldian framework, that the Conservative rhetoric of coercion is deceptive and merely expresses a 'rationalization of the administration of justice'; but he does acknowledge that the free vote on capital punishment does not quite fit into this frame. ('Questions of violence in party political criminology', in Carlen and Collinson, *op. cit.*, 123-51.)
- 55 Harris, *Margaret Thatcher talks to the Observer*, *op. cit.*
- 56 John Nott, interviewed on the BBC *Panorama* programme *300 Days*, which marked Thatcher's becoming the longest-serving prime minister this century (4 January 1988); Robert Harris, 'Prima donna inter pares', *Observer* (3 January 1988).
- 57 On the question of Thatcher as a woman, see Beatrix Campbell, 'To be or not to be a woman', *The Iron Ladies: why do women vote Tory?* (London: Virago, 1987), ch. 9, 233-47, and Benton, 'The triumph of the spirit of war', *op. cit.*
- 58 Wilhelm Reich, *The Mass Psychology of Fascism*, translated by Theodore P. Wolfe, 3rd edn (New York: Orgone Institute Press, 1946); retranslated by Vincent R. Carfagno (New York: Farrar, Straus & Giroux, 1970; Harmondsworth: Penguin, 1975)-
- 59 T. W. Adorno, Else Frenkel-Brunswick, David J. Levinson, and R. Nevitt Sandford in collaboration with Betty Aron, Maria Hertz Levinson, and William Morrow, *The Authoritarian Personality*, Studies in Prejudice series edited by Max Horkheimer and Samuel H. Flowerman (New York: Harper & Row, 1960; Science Editions, 1964), 11, 228.
- 60 *ibid.*, 50; compare, however, the last lines of the book: 'If fear and destructiveness are the major emotional sources of fascism, eros belongs mainly to democracy' (p. 976).

- 61 Klaus Theweleit, *Male Fantasies*, vol. i, translated by Stephen Conway in collaboration with Chris Turner and Erica Carter (Minneapolis: University of Minnesota Press; Cambridge: Polity Press, 1987), 208, 219.
- 62 Deborah Cameron and Elizabeth Frazer, *The Lust to Kill* (Cambridge: Polity Press, 1987): 'We insist that there can be a vision of the future in which desire will be reconstructed totally' (p. 176).
- 63 Barbara Ehrenreich, Foreword to Theweleit, op. cit., xii.
- 64 Julia Kristeva, *Histoires d'amour* (Paris: Denoel, 1983), 12m; translated by Leon S. Roudiez as *Tales of Love* (New York: Columbia University Press, 1987).