



The Vestal and the Fasces: Hegel, Lacan, Property, and the Feminine (Philosophy, Social Theory, and the Rule of Law)

Jeanne L. Schroeder

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In this feminist exploration of the erotics of the marketplace, Hegel's notion of property and Lacan's idea of the phallus serve parallel functions in creating the subjectivity necessary for self-actualization. Subjectivity requires intersubjective relationships mediated through a regime of possessing, enjoying, and exchanging an object of desire. For Hegel, this regime is property; for Lacan, it is sexuality, symbolized by the Phallus, which we conflate with the male organ and the female body. Property law, in Jeanne Schroeder's account, is implicitly figured by similar anatomical metaphors for that which men wish to possess and that which women try to be and enjoy. This is reflected in imagery taken from ancient Rome—the axe and bundle of sticks known as the Fasces, and the virgin priestess called the Vestal.

Schroeder traces the persistence of phallic metaphors in modern jurisprudence. Rejecting the dominant schools of legal feminism, she reconceptualizes property—the legal relationship as well as its not necessarily material object—as a necessary moment in the human struggle for love and recognition. The Feminine, for Schroeder, is the radical negativity at the heart of both Lacan's split subject and Hegel's concept of freedom. Feminine emancipation and private property are, therefore, equally necessary conditions for the actualization of the free individual and the just society. Feminist scholars, social theorists, political scientists, philosophers, and lawyers will find in Schroeder's analysis scintillating new perspectives on property theory and the feminine within the market and the law.

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