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A Theoretical Introduction to the Functions of Psychoanalysis in Criminology

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I. On the Motor Force of Truth in the Human Sciences

While theory in the physical sciences has never really escaped from the requirement of internal coherence that is the very motor force of knowledge, the human sciences, being embodied as behaviors in the very reality of their object, cannot elude the question of the meaning of these behaviors or ensure that the answer to this question need not be in terms of truth.

The fact that human reality implies a process of revelation leads certain people to think of history as a dialectic inscribed in matter; it is a truth that no "behaviorist"* ritual engaged in by the subject to protect his object can castrate of its creative and deadly tip, and it makes scientists themselves, who are devoted to "pure" knowledge, primarily responsible.

No one knows this better than psychoanalysts who, in their understanding of what their subjects confide to them, as in their handling of the behaviors that are conditioned by analytic technique, work on the basis of a form of revelation whose truth conditions its efficacy.

Now isn't the search for truth what constitutes the object of criminology in the judicial realm and also what unifies its two facets: the truth of the crime, which is the facet that concerns the police, and the truth of the criminal, the anthropological facet?

The question we will address today is: What can the technique that guides the analyst's dialogue with the subject and the psychological notions that ana-

lytic experience has defined contribute to this search for truth? We are less interested in indicating analysis' contribution to the study of delinquency, which was discussed in the other presentations here, than in laying out its legitimate limits, and are certainly not interested in propagating the letter of analytic doctrine without concern for method, but rather in rethinking it, as we are advised to constantly do, in relation to a new object.

II. On the Sociological Reality of Crime and Law and on the Relation of Psychoanalysis to their Dialectical Foundation

Neither crime nor criminals are objects that can be conceptualized apart from their sociological context.

The statement that the "law makes the sin" remains true outside the eschatological perspective of Grace in which Saint Paul formulated it.

It is scientifically verified by the observation that there is no society that does not include positive law, whether traditional or written, common law or civil law. Nor is there any society in which we do not find all the degrees of transgression of the law that define crime.

Supposed "unconscious," "forced," "intuitive" obedience by primitive man to the group's rules is an ethnological conception deriving from an imaginary insistence that has cast a shadow on many other conceptions of "origins," but it is just as mythical as they are.

Every society, lastly, manifests the relationship between crime and law by punishments whose infliction, regardless of the forms it takes, requires subjective assent. Whether the criminal himself actually inflicts the punishment that the law requires as the price to be paid for his crime—as in the case of incest between matrilineal cousins on the Trobriand Islands, whose outcome Malinowski recounts in his book, *Crime and Custom in Savage Society*, which is essential on this subject (and regardless of the various psychological motives for this act or even the vindictive oscillations that the curses of he who commits suicide can engender in the group)—or whether the sanction stipulated by a code of criminal law includes a procedure involving widely varied social systems, subjective assent is necessary to the very signification of the punishment.

The beliefs by which this punishment is explained in the individual, and the institutions by which the punishment is inflicted in the group, allow us to define in any given society what we call "responsibility" in our own society.

But the responsible entity is not always equivalent. Let us say that if, originally, it is the society as a whole (a society is always self-contained in theory, as ethnologists have emphasized) that is considered to be destabilized by the action of one of its members and that must be set right, this member is held

individually responsible to so small an extent that the law often requires satisfaction at the expense either of one of his partisans or of the whole of an "ingroup"* that he is part of.

It sometimes even happens that a society considers itself to be so impaired in its structure that it takes steps to exclude its ills in the form of a scapegoat, or even to regenerate itself by resorting to something external. We see here a collective or mystical responsibility, of which our own mores contain traces, assuming this form of responsibility is not staging a return for opposite reasons.

But even in cases in which the punishment strikes only the individual perpetrator of a crime, he is not [in all cases] held responsible with respect to the same function or, as it were, the same image of himself. This is evident when we reflect upon the difference between a person who has to answer for his acts before a judge who represents the Holy Office and a person who does so before a judge who presides over the People's Court.

It is here that psychoanalysis, with the agencies that it distinguishes in the modern individual, can shed light on vacillations in the contemporary notion of responsibility and the related advent of an objectification of crime that it can collaborate on.

While psychoanalysis cannot, since its experience is limited to the individual, claim to grasp the totality of any sociological object or even the whole set of forces currently operating in our society, the fact remains that it discovered in analytic experience relational tensions that seem to play a basic role in all societies, as if the discontent in civilization went so far as to lay bare the very meeting point of nature and culture. We can extend analysis' equations to certain human sciences that can utilize them—especially, as we shall see, to criminology—provided we perform the correct transformation.

Let us add that if reliance on the subject's confession, which is one of the keys to criminological truth, and reintegration of the subject into the social community, which is one of the goals of its application, seem to find an especially favorable form in analytic dialogue, it is above all because this dialogue, which can be continued until it reaches the most radical significations, intersects with the universal—the universal that is included in language and that, far from being eliminable from anthropology, constitutes its very foundation and goal. For psychoanalysis is merely an extension of anthropology in its technique that explores in the individual the import of the dialectic which scinds our society's creations and in which Saint Paul's statement finds anew its absolute truth.

To he who would ask where our remarks are heading, we would respond, at the risk, willingly accepted, of eliminating the clinician's smugness [*suffi-*

sance] and preventionistic pharisaism from them, by referring him to one of Plato's dialogues that recount the deeds of the hero of dialectic, especially to the *Gorgias*, whose subtitle, which invokes rhetoric and is well designed to dissuade our uncultivated contemporaries from studying it, harbors a veritable treatise on the motives of the Just and the Unjust.

In the *Gorgias*, Socrates refutes infatuation with the Master, which is incarnated in a free man of Athens, whose limits are marked by the reality of the Slave. This form marks the shift to the free man of Wisdom, by admitting the absolute nature of Justice, he being trained in it solely by virtue of language in the Interlocutor's maieutic. Thus Socrates—by making the Master perceive the dialectic (which is bottomless like the Danaïds' vessel) of man's passions for power and recognize the law of his own political being in the City's injustice—brings him to bow before the eternal myths that express the meaning of punishment, as a way of making amends for the individual and of setting an example for the group, while he himself, in the name of the same universal, accepts his own destiny and submits in advance to the insanely harsh verdict of the City that makes him a man.

It is worth recalling the historical moment at which a tradition was born that conditioned the appearance of all our sciences and that Freud firmly rooted his work in when he proffered with poignant confidence: "The voice of the intellect is a soft one, but it does not rest till it has gained a hearing." We think we hear in this a muffled echo of Socrates' own voice addressing Callicles, when he opines that "Philosophy always says the same thing."

III. On Crime as Expressing the Symbolism of the Superego as a Psychopathological Agency: Although Psychoanalysis Unrealizes [Irréalise] Crime, It Does Not Dehumanize the Criminal

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While we cannot even grasp the concrete reality of crime without relating it to a symbolism whose actual forms combine harmoniously in society, but which is inscribed in the radical structures that language unconsciously transmits, psychoanalytic experience has demonstrated just how extensively, to what formerly unknown limits, this first symbolism reverberates in individuals, in their physiology as well as in their conduct, by studying its pathogenic effects.

Thus it was by starting with one of the relational significations that the psychology of "intellectual syntheses," in its reconstruction of individual functions, had located at the earliest possible stage, that Freud inaugurated a form of psychology that has bizarrely been called "depth psychology," no doubt because of the utterly superficial scope of what it replaced.

Psychoanalysis boldly designated these pathogenic effects, whose mean-

ing it was discovering, by the feeling that corresponded to them in lived experience: guilt.

Nothing can better demonstrate the importance of the Freudian revolution than the use (technical or everyday, implicit or rigorous, avowed or surreptitious) that has been made, in psychology, of this now truly ubiquitous category, which was thoroughly neglected before—nothing if not the strange attempt by certain people to reduce guilt to “genetic” or “objective” forms, supposedly guaranteed by a kind of “behaviorist” experimentalism that would have been exhausted long ago had it actually forced itself not to read in human actions the significations that specify them as human.

We are also beholden to Freud for having brought the notion of the first *situation* into psychology so that it could prosper there, in the course of time—not as an abstract confrontation sketching out a relationship, but as a dramatic crisis that is resolved in a structure—this first situation being that of crime in its two most abhorrent forms, incest and parricide, whose shadow engenders all the pathogenesis of the Oedipus complex.

We can understand why Freud, the physician, having received in the field of psychology such a significant contribution from the social realm, was tempted to return the favor, and why he wanted to demonstrate the origin of universal Law in the primal crime in *Totem and Taboo* in 1912. Whatever criticism his method in that book might be open to, what was essential was his recognition that man began with law and crime, after Freud the clinician had shown that their significations sustained everything right down to the very form of the individual—not only in his value to the other but in his erection for himself.

This is how the concept of the superego came into being, first based on the effects of unconscious censorship explaining previously identified psychopathological structures, soon shedding light on the anomalies of everyday life, and finally being correlated with the simultaneous discovery of an immense morbidity and of its psychogenic roots: character neurosis, failure mechanisms, sexual impotence, and “*der gehemmte Mensch*.”

The modern face of man was thus revealed and it contrasted strangely with the prophecies of late nineteenth-century thinkers; it seemed pathetic when compared with both the illusions nourished by libertarians and the moralists' worries inspired by man's emancipation from religious beliefs and the weakening of his traditional ties. To the concupiscence gleaming in old man Karamazov's eyes when he questioned his son—“God is dead, thus all is permitted”—modern man, the very one who dreams of the nihilistic suicide of Dostoevsky's hero or forces himself to blow up Nietzsche's inflatable superman, replies with all his ills and all his deeds: “God is dead, nothing is permitted anymore.”

These ills and deeds all bear the signification of self-punishment. Will it thus be necessary to see all criminals as self-punishing? For, according to the legislator's icy humor, no one is supposed to be ignorant of the law, and thus everyone can foresee its repercussions and must be considered to be seeking out its blows.

This ironic remark, by obliging us to define what psychoanalysis recognizes as crimes and offenses [*délits*] emanating from the superego, should allow us to formulate a critique of the scope of this notion in anthropology.

Consider the remarkable first observations with which Franz Alexander and Hugo Staub brought psychoanalysis into criminology. Their content is convincing, whether it concerns “the attempted homicide by a neurotic,” or the odd thefts by a medical student (who did not stop until he was imprisoned by the Berlin police and who, rather than earn the diploma to which his knowledge and real gifts gave him the right, preferred to exercise them by breaking the law), or even “the man obsessed with car trips.” Consider anew Marie Bonaparte's analysis of “The Case of Mrs. Lefebvre.” Here the morbid structure of the crime and offenses is obvious—the forced way in which the crimes were carried out, the stereotypy seen in their repetition, the provocative style of the defense and the confession, the incomprehensibility of the motives—all of this confirms “coercion by a force that the subject was unable to resist,” and the judges in all these cases came to this same conclusion.

These behaviors become perfectly clear, however, in light of an Oedipal interpretation. But what makes them morbid is their symbolic character. Their psychopathological structure is not found in the criminal situation that they express, but in their *unreal* mode of expression.

To fully explain this, let us contrast these behaviors with something that is a constant element in the annals of armies and that derives its full import from the very broad and yet narrow range of asocial elements in our population from which we have, for over a century, recruited defenders of our homeland and even of our social order. We are referring to the propensity found in military units, on the day of glory that places them in contact with the enemy civilian population, to rape one or more women in the presence of a male who is preferably old and has first been rendered powerless. There is nothing to indicate that the individuals who engage in such an act morally differ—either before or afterward, as sons or husbands, fathers or citizens—from anyone else. This simple act might well be described as a random news item [*fait . . . divers*] owing to the diverse quantity of credence it is lent depending on its source—and even, strictly speaking, as a *divertissement* owing to the material that this diversity offers up to propaganda.

We say that it is a real crime, even though it is committed in a precisely

Oedipal form, and the perpetrators would be justly punished for it if the heroic conditions under which it is considered to have been carried out did not most often place responsibility for it on the group to which the individuals belong.

Let us thus concur with Marcel Mauss' clear formulations, which his recent death has brought once again to our attention: The structures of society are symbolic; individuals, insofar as they are normal, use them in real behaviors; insofar as they are mentally ill [*psychopathe*], they express them by symbolic behaviors.

But it is obvious that the symbolism thus expressed can only be fragmented; at most, one can assert that this symbolism signals the breaking point the individual occupies in the network of social aggregations. Psychopathological manifestations can reveal the structure of the fault line, but this structure can only be viewed as one element in the exploration of the whole.

This is why we must rigorously distinguish psychoanalytic theory from the ever renewed fallacious attempts to base notions such as "modal personality," "national character," or "collective superego" on analytic theory. One can certainly see the appeal that a theory that so palpably reveals human reality has for pioneers in less clearly objective fields. Have we not heard a well-intentioned cleric boast of his plan to apply the data of psychoanalysis to Christian symbolism? To cut short such untoward extrapolations, we need but continually relate anew the theory to experience.

This symbolism, which was already recognized in the first order of delinquency that psychoanalysis had isolated as psychopathological, should allow us to indicate, in extension as well as in comprehension, the social significance of "Oedipalism," and to critique the scope of the notion of the superego for all of the human sciences.

Most, if not all, of the psychopathological effects in which the tensions stemming from Oedipalism are revealed, along with the historical coordinates that imposed these effects on Freud's investigative genius, lead us to believe that these effects express a dehiscence of the family unit at the heart of society. This conception—which is justified by the ever greater reduction of this unit to its conjugal form and by the ever more exclusive formative role it consequently plays in the child's first identifications and early discipline—explains why the family unit's power to captivate the individual has waxed as the family's social power has waned.

To illustrate this, let us simply mention the fact that in a matrilineal society such as that of the Zuni or the Hopi Indians, responsibility for the care of an infant from the moment of its birth on falls by law to the father's sister. This inscribes the infant from the outset in a double system of parental relations

that are enriched at each stage of its life by a growing complexity of hierarchized relationships.

The problem of comparing the advantages that a supposed matriarchal family organization might have over the classical triangle of Oedipal structure in forming a superego that is bearable to the individual is thus outdated. Experience has clearly shown that this triangle is merely the reduction, produced by an historical evolution, to the natural group of a formation in which the authority reserved for the father—the only remaining trait of its original structure—proves in effect to be ever more unstable, nay obsolete; the psychopathological impact of this situation must be related both to the tenuousness of the group relations that it provides the individual with and to the ever greater ambivalence of this structure.

This conception is confirmed by the notion of latent delinquency to which Aichhorn was led in applying analytic experience to the youth he was in charge of owing to special jurisdiction. It is well known that Kate Friedlander developed a genetic conception of latent delinquency under the heading of "neurotic character," and also that the best informed critics, from August Aichhorn himself to Edward Glover, seem to have been astonished by the theory's inability to distinguish the structure of this character as "criminogenic" from the structure of neurosis in which tensions remain latent in symptoms.

The perspective we are presenting here allows us to see that "neurotic character" is the reflection in individual behavior of the isolation of the family unit, the asocial position of which is always found in such cases, whereas neurosis expresses instead the family unit's structural anomalies. What requires explanation is thus less a criminal acting out by a subject trapped in what Daniel Lagache has quite correctly characterized as imaginary behavior, than the processes by which neurotics partially adapt to reality [*réel*]: these are, as we know, the auto-plastic mutilations that can be recognized at the origin of symptoms.

This sociological reference—"neurotic character"—agrees, moreover, with Kate Friedlander's account of its genesis, if it is correct to summarize the latter as the repetition, across the subject's biography, of drive frustrations that are seemingly arrested by short-circuiting the Oedipal situation, without ever again being engaged in a structural development.

Psychoanalysis, in its understanding of crimes caused by the superego, thus has the effect of *unrealizing* them. It agrees, in this respect, with a dim recognition that has long forced itself on the best of those responsible for law enforcement.

The vacillations that were seen throughout the nineteenth century in social conscience regarding society's right to punish were thus characteristic. Penol-

ogists, sure of themselves and even implacable as soon as a utilitarian motivation appeared—so much so that English practice at that time considered misdemeanors (even if they only involved petty theft) that occasioned homicide to be equivalent to the premeditation that defines first degree murder (see Alimena's *La premeditazione*)—hesitated when faced with crimes in which instincts surfaced whose nature escaped the utilitarian register within which someone like Bentham developed his ideas.

A first response was provided by Lombroso in the early days of criminology; he viewed these instincts as atavistic and took criminals to be survivors of an archaic form of the species that could be biologically isolated. One can say of this response that it betrayed, above all, a far realer philosophical regression in its author and that its success can only be explained by the satisfactions that the euphoria of the dominant class then demanded, both for its intellectual comfort and its guilty conscience.

135 The calamities of World War I having invalidated its claims, Lombroso's theory was relegated to the slag heap of history, and simple respect for the conditions proper to every human science—conditions we thought necessary to recall in our introduction—forced itself even on the study of criminals.

Healy's *The Individual Delinquent* is an important landmark in the return to principles, stating as it does, first of all, the principle that this study must be monographic. The concrete results of psychoanalysis constitute another landmark, which is as decisive owing to the doctrinal confirmation that they bring this principle as by the importance of the facts that are brought out.

Psychoanalysis simultaneously resolves a dilemma in criminological theory: in unrealizing crime, it does not dehumanize the criminal.

Moreover, by means of transference, psychoanalysis grants us access to the imaginary world of the criminal, which can open the door to reality [*réel*] for him.

Let us note here the spontaneous manifestation of transference in the criminal's behavior, in particular the transference that tends to develop with the criminal's judge, proof of which it would be easy to collect. Let us cite, for their sheer beauty, the remarks confided by a certain Frank to the psychiatrist Gilbert who was charged with the favorable presentation of the defendants at the Nuremberg trials. This pathetic Machiavelli, neurotic enough for fascism's insane regime to entrust him with its great works, felt remorse stir his soul at the dignified appearance of his judges, especially that of the English judge who he said was "so elegant."

The results obtained with "major" criminals by Melitta Schmideberg, while their publication is thwarted by the same obstacle we encounter regarding all of our cases, would deserve to be followed up in their catamnesis.

Be that as it may, the cases that clearly fall under Oedipalism should be entrusted to the analyst without any of the limitations that can hinder his action.

How can we not completely put analysis to the test when penology's claims are so poorly justified that the popular mind balks at enforcing them even when faced with *real* crimes? This is seen in the famous case in America that Grotjahn reported on in his article in *Searchlights on Delinquency*, where, to the delight of the public, we see the jury acquit the defendants, even though all the charges seemed to have overwhelmed them during the probation of first degree murder, disguised as an accident at sea, of the parents of one of them.

136 Let us complete these considerations by enumerating the theoretical consequences that follow from this in the use of the notion of the superego. The superego must, in our view, be taken as an individual manifestation that is tied to the social conditions of Oedipalism. This is why the criminal tensions included in the family situation become pathogenic only in societies in which the family situation is disintegrating.

In this sense, the superego reveals tension, just as illness sometimes sheds light on a physiological function.

But analytic experience of the effects of the superego and direct observation of children in light of this experience indicate that the superego appears at so early a stage that it seems to form contemporaneously with the ego, if not before it.

Melanie Klein asserts that the categories Good and Bad are operative in the infant stage of behavior; this view raises a knotty problem—that of retroactively inserting significations into a stage at which language has yet to appear. We know her method—using, despite all objections, Oedipal tensions in her extremely early interpretations of small children's intentions—simply cut the knot, provoking passionate debates about her theories in the process.

The fact remains that the imaginary persistence of good and bad primordial objects in avoidance behaviors, which can bring adults into conflict with their responsibilities, leads us to conceptualize the superego as a psychological agency that has a generic signification in man. There is, nevertheless, nothing idealist about this notion; it is inscribed in the reality of the physiological misery that is characteristic of the first months of man's life, which one of us has emphasized, and it expresses man's dependence, which is, in effect, generic, on the human milieu.

The fact that this dependence may seem to be signifying in individuals at an incredibly early stage of their development is not something psychoanalysts need back away from.

If our experience of psychopathology has brought us to the meeting point of nature and culture, we have discovered an obscure agency there, a blind

and tyrannical agency, which seems to be the antinomy, at the individual's biological pole, of the ideal of pure Duty that Kant posited as a counterweight to the incorruptible order of the star-spangled heavens.

Ever ready to emerge from the chaos of social categories to recreate the morbid universe of wrongdoing, to borrow Hesnard's lovely expression, this agency is nevertheless graspable only in the psychopathological state—that is, in the individual.

Thus no form of the superego can be inferred from the individual to a given society. And the only form of collective superego that one can conceive of would require a complete molecular disintegration of society. It is true that the enthusiasm with which an entire generation of young people sacrificed itself to the ideals of nothingness allows us to glimpse its possible realization on the horizon of mass social phenomena that would then presuppose that it occur on a universal scale.

IV. On Crime in Relation to the Criminal's Reality: If Psychoanalysis Provides Its Measure, It [Also] Indicates Its Fundamental Social Mainspring

Responsibility—that is, punishment—is an essential characteristic of the idea of man that prevails in a given society.

A civilization whose ideals are ever more utilitarian, since it is caught up in the accelerated movement of production, can no longer understand anything about the expiatory signification of punishment. While it may consider punishment useful as a warning to others, it tends to assimilate it into its correctional goal. And this goal imperceptibly changes objects. The ideals of humanism dissolve into the utilitarianism of the group. And since the group that lays down the law is, for social reasons, not at all sure that the foundations of its power are just, it relies on a humanitarianism in which are expressed both the revolt of the exploited and the guilty conscience of the exploiters, to whom the notion of punishment has become equally unbearable. An ideological antinomy reflects, here as elsewhere, a social malaise. It is now seeking the solution to that malaise in a scientific approach to the problem, that is, in a psychiatric analysis of the criminal to which—in the final analysis of all the measures for preventing crime and guarding against recidivism—what can be called a sanitary conception of penology must be related.

This conception assumes that the relations between law and violence and the power of a universal police have been resolved. Indeed, we saw this conception reigning proudly in Nuremberg, and although the sanitary effect of those trials remains doubtful regarding the suppression of the social ills that it claimed to repress, psychiatrists had to be included for reasons of "human-

ity," these reasons more closely resembling respect for the human object than the notion of our fellowman.

A parallel evolution in the probation of crime corresponds, in fact, to the evolution in the meaning of punishment.

Beginning in religious societies with the ordeal and the test of sworn oath, in which the guilty party is identified by means of belief or offers up his fate to God's judgment, probation demands ever more of the individual's involvement in confession as his juridical personality is progressively specified. This is why the entire humanist evolution of Law in Europe—which began with the rediscovery of Roman Law at the University of Bologna and extended to the entire appropriation [*captation*] of justice by royal jurists and the universalization of the notion of the Law of Nations [*Droit des gens*—is strictly correlative, in time and space, to the spread of torture that also began in Bologna as a means in the probation of a crime. This is a fact whose import people apparently still have not gauged.

For the contempt for conscience that is manifest in the widespread reappearance of this practice as a means of oppression hides from us what faith in man it presupposes as a means of enforcing justice.

If the juridical practice of torture was abandoned precisely when our society began promulgating Human Rights, which were ideologically founded in the abstraction of man's natural being, it was not because of an improvement in mores, which would be difficult to sustain given the historical perspective we have on nineteenth century social reality. Rather, it was because this new man, abstracted from his social consistency, was no longer believable in either sense of the term. That is, since he was no longer subject to sinning [*peccable*], one could lend credence neither to his existence as a criminal nor to his confession. From then on, it was necessary to know his motivations, along with his motives for committing the crime, and these motivations and motives had to be comprehensible—comprehensible to everyone. As Tarde, one of the best minds among those who tried to solve the crisis in "penal philosophy," formulated it (with a sociological rectitude for which he deserves to be remembered, not forgotten as he is), two conditions are required for the subject to be fully responsible: social similarity and personal identity.

This opened the door of the praetorium to psychologists, and the fact that they only rarely appear there in person simply proves the social insolvency of their function.

From that moment on, the "situation of the accused," to borrow Roger Grenier's expression, could no longer be described as anything but the meeting place of irreconcilable truths, as is apparent when listening to the most trivial trials in criminal court at which an expert is called on to testify. There is an

obvious incommensurability between the emotions the prosecution and the defense refer to in their debate (because they are the emotions understood by the jury), on the one hand, and the objective notions that the expert brings, on the other hand—notions that he does not manage to get across, poor dialectician that he is, since he is unable to nail them down in a conclusion of *non compos mentis* [*irresponsabilité*].

This incommensurability can be seen in the minds of the experts themselves, for it interferes with their function in the resentment they manifest regardless of their duty. Consider the case of the expert called before the Court to testify who refused to conduct anything but a physical examination of an indicted man who manifestly was mentally healthy. The expert hid behind the Code of Law, arguing that he did not have to conclude whether the act imputed to the subject by a police investigation had occurred or not, whereas a psychiatric evaluation explicitly informed him that a simple psychiatric exam would demonstrate with certainty that the act in question merely looked like a crime; since it figured in the subject's obsession as a repetitive gesture, it could not constitute a criminal act of exhibitionism in the enclosed but monitored space where it occurred.

Expert witnesses are, however, granted almost discretionary power over the severity of the sentence [in France], provided they make use of the extension added by law for their use in Article 64 of the Code.

140 But while this sole article cannot help them explain the coercive nature of the force that led to the subject's act, it at least allows them to seek to discover *who* suffered its coercion.

But only psychoanalysts can answer such a question, in that only they have a dialectical experience of the subject.

Let us note that one of the first things to which this experience taught them to attribute psychological autonomy—namely, what analysis has progressively theorized as representing the ego as an agency—is also what subjects in the analytic dialogue admit to be part of themselves or, more precisely, that part of their actions and intentions that they admit to. Freud recognized the form of this admission that is most characteristic of the function it represents: *Verneinung*, that is, negation.

We could trace out here a whole semiology of cultural forms through which subjectivity is communicated. We could begin with the intellectual restriction characteristic of Christian humanism, the codified usage of which the Jesuits, those admirable moralists, have so often been reproached for. We could continue with the “ketman,” a sort of exercise for protecting against truth, which Gobineau, in his penetrating account of social life in the Middle East, indicates is widespread. From there we could move on to Yang, a ceremony of refusals that Chinese politeness lays out as steps in the recognition of other

people. This would allow us to see that the most characteristic form of expression of the subject in Western society is the assertion of one's innocence. We could thus posit that sincerity is the first obstacle encountered by the dialectic in the search for true intentions, the first goal of speech apparently being to disguise them.

But this is merely the tip of a structure that is found anew at every stage in the genesis of the ego, and it shows that the dialectic provides the unconscious law of even the earliest formations of the system [*appareil*] of adaptation, thus confirming Hegel's gnoseology which formulates the law that generates reality through the unfolding of thesis, antithesis, and synthesis. It is certainly piquant to see Marxists wrestling to discover imperceptible traces of this unfolding in the progression of the essentially idealist notions that constitute mathematics, and overlooking it precisely where it is most likely to appear: in the only psychology that clearly deals with the concrete, even if its theory does not acknowledge being guided by this unfolding.

It is all the more significant to recognize the latter in the succession of crises—weaning, intrusion, Oedipus, puberty, and adolescence—each of which produces a new synthesis of the ego systems [*appareils*] in a form that is ever more alienating for the drives that are frustrated therein, and ever less ideal for the drives that are normalized thereby. This form is produced by what is perhaps the most fundamental psychological phenomenon that psychoanalysis has discovered: identification, whose formative power is confirmed even in biology. Each of the periods of so-called drive latency (the corresponding series of which is completed by the one that Fritz Wittels discovered in the adolescent ego) is characterized by the domination of a typical structure of objects of desire.

One of us has described the infant's identification with his specular image as the most significant model, as well as the earliest moment, of the fundamentally alienating relationship in which man's being is dialectically constituted.

He has also demonstrated that each identification gives rise to an aggressiveness which cannot be adequately explained by drive frustration—except in the commonsense manner dear to Franz Alexander—but which expresses the discordance that is produced by the alienation. This phenomenon can be exemplified by the grimacing form of it found in experiments in which animals are exposed to an increasingly ambiguous stimulus—for example, one that gradually changes from an ellipse to a circle—when the animals have been conditioned to respond to the two different stimuli in opposite ways.

This tension manifests the dialectical negativity inscribed in the very forms in which the life forces are taken up in man, and we can say that Freud showed

his genius when, with the term "death instinct," he recognized this tension as an "ego drive."

Indeed, every form of the ego embodies this negativity, and we can say that if Clotho, Lachesis, and Atropos share the wardship of our fate, it is in concert that they spin the thread of our identity.

142 Aggressive tension thus becomes part of the drive, whenever the drive is frustrated because the "other's" noncorrespondence [to one's wishes] aborts the resolving identification, and this produces a type of object that becomes criminogenic by interrupting the dialectical formation of one's ego.

One of us has attempted to show the functional role and the correlation with delusion of this object's structure in two extreme forms of paranoid homicide, the case of "Aimée" and that of the Papin sisters. The latter provides proof that only the analyst can demonstrate that a criminal is alienated from reality in a case in which popular opinion is deluded into believing that the crime was simply a response to its social context.

These are also the object structures that Anna Freud, Kate Friedlander, and John Bowlby found, in their work as analysts, in acts of theft committed by juvenile delinquents, structures that differed depending on whether these acts manifested the symbolism of a gift of excrement or an Oedipal demand, the frustration of nourishing presence or that of phallic masturbation. What these analysts call the educative portion of their work with the subject is guided by the notion that each object structure corresponds to a type of reality that determines his actions.

This education is, rather, a living dialectic, in accordance with which the educators, through their non-action, relegate the aggressions characteristic of the ego to becoming bound [*se lier*] for the subject as he becomes alienated in his relations with the other, so that they can then unbind [*déliier*] these aggressions using classical analysis' typical techniques.

The ingenuity and patience that we admire in the initiatives of a pioneer like Aichhorn certainly do not make us forget that the form of these techniques must always be renewed in order to overcome the *resistances* that the "aggressive group" cannot help but deploy against every recognized form of practice.

Such a conception of the action of "setting straight" is diametrically opposed to everything that can be inspired by a psychology that calls itself genetic. The latter merely measures children's degressive aptitudes in response to questions that are posed to them in the purely abstract register of adult mental categories, and it can be overturned by the simple apprehension of the primordial fact that children, right from their very first manifestations of language, use syntax and particles with a level of sophistication that the pos-

tulates of intellectual "genesis" would allow them to reach only at the height of a metaphysician's career.

And since genetic psychology claims to reach the child's reality in this idiotic manner, let us say that it is the pedants who should be warned that they will have to realize their mistake when the words, "Long live death," professed by mouths that know not what they say, make the pedants see that the burning dialectic circulates in the flesh along with the blood.

This conception also specifies the sort of expert opinion that analysts can give on the reality of a crime in basing themselves on the study of what we can call the ego's negativistic techniques—whether they be suffered by a person who becomes a criminal because of a one-time opportunity or are directed by the hardened criminal—namely, the basal inanition [*inanisation*] of spatial and temporal perspectives that are necessitated by the intimidating prediction in which the so-called "hedonistic" theory of penology naively trusts; the progressive subduction of interests in the field of object temptation; the shrinking of the field of consciousness in tandem with a somnambulistic apprehension of the immediate situation in carrying out the criminal act; and the structural coordination of the act with fantasies from which the author is absent—ideal annulment or imaginary creations—to which are attached, according to an unconscious spontaneity, the negations, alibis, and simulations by which the alienated reality that characterizes the subject is sustained.

We wish to say here that this entire chain does not ordinarily have the *arbitrary* organization of a deliberate behavior, and that the structural anomalies that analysts can note in it will serve them as so many landmarks on the path to truth. Thus analysts will attach more meaning to the often paradoxical traces by which the author of the crime identifies himself, which signify less errors of imperfect execution of the act than failures of an all too real "everyday psychopathology."

Anal identifications, which analysis has discovered at the origins of the ego, give meaning to what forensic medicine designates in police jargon by the name of "calling card." The often flagrant "signature" left by the criminal can indicate at what moment of ego identification the repression [*répression*] occurred thanks to which one can say that the subject cannot answer for his crime, and thanks to which he remains attached to that repression in his negation.

A recently published case by Boutonier shows us the mainspring of a criminal's awakening to the realization of what condemned him, which goes as far as the mirror phenomenon itself.

To overcome these repressions, should we resort to one of those narcosis procedures so oddly brought into the news by the alarms they set off in the virtuous defenders of the inviolability of consciousness?

No one can find his way along this path better than the psychoanalyst—first, because, contrary to the confused mythology in the name of which the ignorant expect narcosis to “lift the censorship,” the psychoanalyst knows the precise meaning of the repressions that define the limits of ego synthesis.

Therefore, if he already knows that when the analysis restores the repressed unconscious to consciousness, it is less the content of its revelation than the mainspring of its reconquest that constitutes the efficacy of the treatment—and this is true *a fortiori* for the unconscious determinations that prop up the very affirmation of the ego—the analyst also knows that reality, whether it concerns the subject’s motivation or (as is sometimes the case) his very action, can appear only through the progress of a dialogue that the narcotic twilight can but render inconsistent. Here, as elsewhere, truth is not a pre-given that one can grasp in its inertia, but rather a dialectic in motion.

Let us not, then, seek the reality of the crime or of the criminal by means of narcosis. The vaticinations that narcosis provokes, which are disconcerting to the investigator, are dangerous to the subject for whom they can constitute the “fertile moment” of a delusion if he has even the slightest hint of a psychotic structure.

Narcosis, like torture, has its limits: it cannot make the subject confess to something he does not know.

Zacchias’ *Quaestiones medico-legales* informs us that questions were raised about the unity of the personality and the possible breaks in it that illness can bring about already in the seventeenth century. In response to these questions, psychoanalysis provides the apparatus for examination that still covers a field linking nature and culture—namely, that of personal synthesis, in its twofold relation of formal identification, which begins with the gaps in neurological dissociations (from epileptic fits to organically-based amnesias), and of alienating assimilation, which begins with the tensions in group relations.

Here the psychoanalyst can indicate to the sociologist the criminogenic functions characteristic of a society which, requiring an extremely complex and extensive vertical integration of social collaboration for the purpose of production, proposes to the subjects it employs for this purpose individual ideals that tend to boil down to an ever more horizontal plane of assimilation.

This formulation designates a process whose dialectical aspect can be summarized by noting that, in a civilization in which the ideal of individualism has been raised to a previously unknown power, individuals find themselves tending toward a state in which they will think, feel, act, and love things exactly at the same times, and in strictly equivalent portions of space, as everyone else.

Now, the fundamental notion of an aggressiveness that is correlative to every alienating identification allows us to perceive that, in the phenomena of social

assimilation, there must be a limit, based on a certain quantitative scale, at which standardized aggressive tensions are precipitated at points where the mass breaks apart and becomes polarized.

We know, moreover, that these phenomena have already, from the vantage point of output alone, attracted the attention of exploiters of labor power who are not all talk and no action, justifying the price paid by the Western Electric Company in Hawthorne, Illinois, for a sustained study of the effects of group relations on the most desirable psychological attitudes in employees.

The following are objects of study regarding which analytic theory can offer statisticians the correct coordinates on the basis of which to begin measuring things: a complete separation between the vital group, constituted by the subject and his family, and the functional group in which the vital group’s means of subsistence must be found (a fact that we can sufficiently illustrate by saying that it makes Monsieur Verdoux seem plausible); an anarchy of desire-eliciting images that is all the greater as they seem to gravitate ever more around scopophilic satisfactions that are homogenized in the social mass; and an ever greater involvement of the fundamental passions for power, possession, and prestige in social ideals.

Thus even the politician and the philosopher will find something useful here. They will note, in a certain democratic society whose mores are extending their domination around the globe, (1) the appearance of a form of criminality that so riddles the social body now that it is assuming legalized forms in it; (2) the inclusion of the criminal’s psychological type into the set of types comprising the record-holder, the philanthropist, and the star, and even his reduction to the general type of the wage slave; and (3) crime’s social significance reduced to its use in advertising.

These structures—in which an extreme social assimilation of the individual is correlated with an aggressive tension whose relative impunity in the State is quite palpable to someone from a different culture (as was, for example, the young Sun Yat-sen)—seem to be reversed when, according to a formal process already described by Plato, tyranny succeeds democracy and carries out the cardinal act of addition on individuals, who are reduced to their ordinal numbers, which is soon followed by the other three fundamental operations of arithmetic.

This is why, in totalitarian societies, while the leaders’ “objective guilt” leads them to be treated as criminal and responsible, the relative effacement of these notions, which is signaled by the sanitary conception of penology, bears fruit for everyone else. The concentration camp is opened and, in determining who will fill it, rebellious intentions are less decisive qualifications than a certain quantitative relationship between the social mass and the banished mass.

This relationship will no doubt be calculable in terms of the mechanics developed by so-called "group psychology," and will allow us to determine the irrational constant that must correspond to the aggressiveness characteristic of the individual's fundamental alienation.

The progress by which man creates himself in his own image is thus revealed in the city's very injustice, which is always incomprehensible to the "intellectual" who is subjugated by the "law of the heart."

*V. On the Non-existence of "Criminal Instincts": Psychoanalysis
Stops Short at the Objectification of the Id and Proclaims the Autonomy
of an Irreducibly Subjective Experience*

Assuming now that psychoanalysis illuminates, as we have claimed, the psychological objectification of crime and criminals, doesn't it also have something to say about their innate factors?

147 Let us note first the critique to which it is necessary to submit the confused idea that many decent people endorse: that crime involves an eruption of "instincts" that breaks down the "barrier" constituted by the moral forces of intimidation. This is a difficult illusion to dispel, owing to the satisfaction it gives even to the serious-minded by depicting the criminal as well guarded; the tutelary policeman, who is characteristic of our society, here takes on a reassuring ubiquity.

But if instinct does, in fact, signify man's indisputable animal nature, it is not at all clear why this animal nature should be less docile when it is embodied in a reasonable being. The form of the adage, *homo homini lupus*, deceives us as to its meaning, and Baltasar Gracián, in a chapter of his *Criticón* (*The Critick*), constructs a fable in which he shows what the moralist tradition means when it says that man's ferocity toward his semblable exceeds everything animals are capable of, and that carnivores themselves recoil in horror at the threat man poses to nature as a whole.

But this very cruelty implies humanity. It targets a semblable, even in [cases in which the cruelty more directly targets] a being from another species. Nothing has sounded more deeply than psychoanalysis the equivalence [of self and other] in lived experience to which we are alerted by Love's moving appeal—it is yourself that you are striking—and by the Mind's icy deduction: it is in the fight to the death for pure prestige that man wins recognition from man.

If, in another sense, one uses "instincts" to mean atavistic behaviors whose violence might have been necessitated by the law of the primitive jungle, which some physiopathologic lapse supposedly releases, like morbid impulses, from the lower level in which they are bottled up, one can wonder why impulses to

shovel, plant, cook, and even bury the dead have not surfaced since man has been man.

Psychoanalysis certainly includes a theory of instincts, a highly elaborate one at that, which is the first verifiable theory of man that has ever been proffered. But psychoanalysis shows us the instincts caught up in a metamorphism in which the formulation of their organ, direction, and object is a Jeannot knife with infinitely exchangeable parts. The *Triebe* (drives) that are identified in this theory simply constitute a system of energetic equivalences to which we relate psychical exchanges, not insofar as they become subordinate to some entirely set behavior, whether natural or learned, but insofar as they symbolize, nay dialectically incorporate [*intègre*nt], the functions of the organs in which these natural exchanges appear—that is, the oral, anal, and genito-urinary orifices.

These drives thus appear to us only through highly complex links; we cannot prejudice their original intensity on the basis of their sheer deflection. It is meaningless to speak of an excess of libido.

If there is a notion that can be derived from a great number of individuals who—due both to their past history and the "constitutional" impression people receive from contact with them and from their appearance—inspire in us the idea of "criminal tendencies," it is rather that of a shortage than of an excess of vitality. Their hypogenitality is often clear and their personal climate radiates libidinal coldness.

While many subjects seek and find sexual stimulation in their misdemeanors, exhibitions, thefts, bill dodging, and anonymous slander, and even in their crimes of murderous passion, this stimulation (whatever the status of the mechanisms that cause it, whether anxiety, sadism, or its association with a particular situation) cannot be viewed as the effect of an overflowing of instincts.

Assuredly, there is a high correlation between many perversions and the subjects who are sent for criminological examinations, but this correlation can only be evaluated psychoanalytically as a function of fixation on an object, developmental stagnation, the impact of ego structure, and neurotic repressions in each individual case.

More concrete is the notion with which psychoanalytic experience completes the psychical topography of the individual, that of the id, which is also much more difficult to grasp than the others.

To make the id the sum total of the subject's innate dispositions is a purely abstract definition devoid of use value.

A situational constant, which is fundamental in what psychoanalytic theory calls repetition automatisms, appears to be related to it (after subtracting

the effects of the repressed and of ego identifications) and can be relevant to recidivism.

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Of course, the id also refers to the fateful choices evident in marriage, profession, and friendship that often appear in a crime as a revelation of the faces of destiny.

The subject's "tendencies" do not fail, moreover, to manifest slippage in relation to their level of satisfaction. The question of the effects that a certain index of criminal satisfaction can have there should be raised.

But we are perhaps at the limits of our dialectical action here, and the truth that we are able to recognize in it with the subject cannot be reduced to scientific objectification.

On the basis of the confession we hear from the neurotic or pervert of the ineffable jouissance he finds in losing himself in the fascinating image, we can gauge the power of a hedonism that introduces us to the ambiguous relations between reality and pleasure. If, in referring to these two grand principles, we are tracing out the direction of normative development, how can we not but be struck by the importance of fantasmatic functions in the grounds for this progression, and by how captive human life remains to the narcissistic illusion with which it weaves, as we know, life's "realest" coordinates? And, on the other hand, isn't everything already weighed out next to the cradle in the incommensurable scales of Strife and Love?

Beyond these antinomies, which lead us to the threshold of wisdom, there is no absolute crime; and, despite the police action extended by our civilization to the whole world, there are still religious associations that are bound together by a practice of crime—crime in which their members know how to find anew the superhuman presences that ensure destruction in order to keep the Universe in balance.

For our part, if we can—within the limits that we have endeavored to define as those to which our social ideals reduce the comprehension of crime and which condition its criminological objectification—contribute a more rigorous truth, let us not forget that we owe it to a privileged function: the subject-to-subject practice that inscribes our duties in the order of eternal brotherhood. Its rule is also the rule of every action that is permitted to us.

Presentation on Psychical Causality

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This presentation was given on September 28th, 1946, at the psychiatric conference held in Bonneval that was organized by Henri Ey on the topic of psychogenesis. A collection of the presentations made at the conference and of the discussion that followed them was published by Desclée de Brouwer in a volume entitled *Le Problème de la psychogenèse des névroses et des psychoses* ("The Problem of the Psychogenesis of the Neuroses and Psychoses"). My presentation served to open the meeting.

1. Critique of an Organicist Theory of Madness, Henri Ey's Organo-Dynamism

Having been invited by our host, three years ago already, to explain my views on psychical causality to you, my task here will be twofold. I have been asked to formulate a radical position concerning this topic—a position that people assume to be mine, and indeed it is. In addition, I must do so in the context of a debate that has reached a degree of development to which I have by no means contributed. I hope to meet your expectations by directly addressing both facets of this task, although no one can demand that I do so thoroughly here.

For several years I avoided all opportunities to express my views. The humiliation of our times, faced with the enemies of humankind, dissuaded me from doing so. Like Fontenelle, I gave myself over to the fantasy of having my hand filled with truths all the better to hold on to them. I confess that it is a ridiculous fantasy, marking, as it does, the limitations of a being who is on the verge of bearing witness. Must we view it as a failure on my part to live up to what the course of the world demands of me, when I was asked anew to speak at the very moment when even the least clairvoyant could see that the infatuation with power had, once again, merely served the ruse of Reason? I'll let you be the judge of how my research may suffer from this.

At least I do not think I am failing to live up to the requirements of truth

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