

OEDIPAL GUILT, PUNISHMENT AND CRIMINAL BEHAVIOUR

By

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Abstract

The successful negotiation of the Oedipus complex is vital for our psychical development as it provides us with the means to form relationships and integrate into society. Resolution of the Oedipus complex requires the intervention of the father (Freud) or a symbolic representation of the function of the father (Lacan). Unresolved Oedipal issues lead to unconscious guilt which over time can become unbearable causing the individual to seek to externalise the guilt through the commission of crime in order to receive the punishment their guilt demands. Freud calls these individuals Criminals from a sense of guilt. This paper looks at the theory of Freud and Lacan around criminal behaviour and the Oedipus complex. It also shows that the desire of the individual for punishment to expiate unconscious guilt, the desire of society to punish in order to expiate inherited unconscious guilt and the presence of a severe Superego all collude to entice the individual to commit crime. The application of psychoanalytical theory to the legal and penal system shows that rather than acting as a deterrent they may in fact incite the commission of crime. There is a role in the legal and penal systems for psychoanalytical theory but what that role is remains unclear.

Introduction

“ my whole body tensed as I gripped the gun more tightly. It set off the trigger. I could feel the smooth barrel in my hand and it was then, with that sharp, deafening sound, that it all began..... then I fired four more times into the lifeless body, with a bullet sank without leaving a trace. And that was as if I had rapped sharply, four times, and the fatal door of destiny.” (Camus, The Outsider)

In his work on criminals from a sense of guilt (1916) Freud talked about patients who committed criminal offences having been suffering from an oppressive feeling of guilt, the origin of which was unknown, but which was alleviated by the commission of the crime. He suggests that guilt was in fact the primary driver of the commission of the crime. Perhaps this was the case for the character of Meursault referred to in the quote above. Freud references the character of the pale criminal from the work of Nietzsche in the discourses of Zarathustra when explaining that the pale criminal's act is the externalisation of unconscious guilt and the desire for punishment that goes along with it (Freud 1916). This guilt, he says, *“is derived from the Oedipus complex and was a reaction to the two great criminal intentions of killing the father and having sexual relations with the mother”* (Freud 1916). This sense of guilt is derived from the tension between the harsh super ego and the ego that is subjected to it, and expresses itself as a need for punishment. The commission of crime offers a relief from the sense of guilt through punishment by a parental power. Guilt felt is not due to the commission of the reprehensible act rather the recognition by the person in himself of the intent to do it. What this means is that for oedipal guilt to exist one does not need to have killed one's father and have had sexual relations with one's mother, the presence of the intention or the desire to do so, which occurs in early psychosexual development, is enough. The main theme in Freud's *“Civilization and its Discontents”*, is the irredeemable antagonism between the demands of instinct and the restrictions of civilization. The successful resolution of the Oedipus complex is what allows us to live within the restrictions of civilization. The lesson learned from the intervention of the father helps us negotiate our path through life, we need the threat of punishment from the father to prevent us from succumbing to the bidding of our desires. It helps us make the choices that allow us to integrate into society in a way that is free of any pathology or neurosis. Lacan, influenced by the work of anthropologist Claude Levi Strauss, saw the individual as having a place within the symbolic order, which is language, culture ritual and myth . (Costello, 2002). Levi Strauss (1949) identified

that the prohibition on incest was something that was engrained in the structure of kinship in all of the groups that he studied. He found that what he called the incest taboo was universal. Therefore, this is the symbolic order which surrounds the subject. For Lacan (1950) the incest taboo is the cultural enforcement of the role of the father in the Oedipus complex. He calls it the Non/Nom-du-père (No/name of the father). It is not the actual father that carries out the prohibition, it is a symbolic father. The name of the father is a signifier which gives identity to, and places the subject in, the symbolic order and signifies the Oedipal prohibition.(Costello, 2002)

Therefore we see that for Lacan and Freud the successful negotiation of the Oedipus complex is central to our psychical development, but how does this affect behaviour to the extent that the subject commits crime? It is because the subject has not experienced the law of the father and is left in a state of anxiety which will only be eased by the punishment, the threat of which they did not receive while negotiating the Oedipus complex. The child rebels against the father seeking his sanction and the delinquent commits crime in search of the sanction of the symbolic father in the form of the police officer. Thus finding their place in the symbolic order.

In this dissertation I will outline the theories of Lacan and Freud in relation to Oedipal guilt and criminal behaviour among young men, namely Freud's notion of criminals from a sense of guilt and Lacan's concept of the No/Name of the Father . I will also examine the theory around the formation of a severe superego and its relationship to unconscious guilt and punishment.. Next I will look at issues around unconscious guilt as it relates to law enforcement and the penal system, and the implications of applying psychoanalytical theory to them, using some case information to inform the discussion. Finally I will evaluate the material of this paper in respect of my own experience in the area of law enforcement and look at the pros and cons of the application of psychoanalytical theory to this area that I expect to emerge from this work.

Chapter 1

Freud - The Pale Criminal

Freud links Oedipal Guilt with criminality in *Criminals* from a sense of guilt (Freud, 1916). Here he links criminal behavior with an unbearable sense of guilt before the criminal act is committed. This sense of guilt is alleviated by the commission of the criminal act. So the guilt is felt before the act rather than after indicating to Freud that it is rooted in the non-resolution of the oedipus complex. The Oedipus complex is something which must be mastered and failure in this regard leads to neurosis. If we cannot navigate to this complicated triad of relationships what chance have we of navigating our way through the myriad of complicated relationships that await us in the world outside of the family. To this end the father steps in to castrate the child and reclaim the mother for himself. The child is frightened at the prospect of this action and this anxiety leads to the repression of his desires for his mother. His aggression towards his father is also repressed and replaced with identification with the father. A failure to negotiate this stage of psychosexual development successfully therefore leaves the child with a potentially unbearable burden of guilt relating to his Oedipal longings namely, to sleep with his mother and kill his father.

The Oedipus complex is central to the inherited conscience of mankind (Freud, 1916). Man's feelings toward his father are always ambitious and ambivalent, an admixture of love as well as hate. Freud (1913) tells us that man once lived in primal hoards which were dominated by a single male, who coveted all the females for himself. One day the brothers who had been driven out murdered the father and devoured him. After the murder the feelings of hate disappeared to be replaced by remorse. In order to expiate the communal guilt for the murder they prohibited the killing of the totem animal which represented the father and agreed to renounce relations with the father's former females by proclaiming a prohibition on incest and imposing exogamy. Freud tells us that after they got rid of him and satisfied their repressed hatred of him they put into effect their wish to identify with him (ambivalence). The affection they had for him which had been repressed was bound to make itself felt. It did so in the form of remorse. The sense of guilt emerged. As a result the father became more powerful in death than he had been in life. What his presence in life had prohibited was from then on prohibited by the sons themselves. Freud calls this Deferred obedience. They thus created their out of their filial sense of guilt the two fundamental taboos of totemism. This corresponds to the two fundamental aspects of the Oedipus complex, namely the killing of the father and marrying the mother (Freud, 1913/14). Totemism therefore is a precursor to religion and allows the

the primeval father to be turned into a god. This turns the father into the moral watchdog of society who threatens punishment on those who do not follow his moral code.

Freud (1913) concludes Totem and Taboo by telling us that the beginnings of religion, morals, society and art converge in the Oedipus complex and that emotional ambivalence lies at the root of many cultural institutions. So we see that for Freud a collective sense of guilt has existed for thousands of years which suggests the existence of a collective mind in which mental processes occur just as they do in the mind of the individual. He says in *Moses and Monotheism* that men have always known that they once possessed a primal father and killed him (Freud,1931,p101). I believe that he means that all men carry this memory around unconsciously, and with it a sense of guilt. Perhaps this means that there is a sense of guilt that there already which needs the Oedipus complex to be resolved in order for that guilt to be overcome. The actuality of the desire for the mother and ambivalence toward the father allow that guilt is dealt with by intervention of the father, the threat of castration and the subsequent identification with the father and sublimation of libidinal drives. In the case of the criminal therefore it could be suggested that the guilt is present and the absence of the father, common among the young male criminals I encounter in my work, prevents the resolution of the Oedipus complex and compels them to commit crime in order to expiate the guilt.

Freud suggests that there exists with the sense of guilt a masochistic unconscious need for punishment. Freud (1923) describes the neurotic whose sense of guilt leads them to illness, the suffering of which fulfils the need for punishment. He also points out that the illness may disappear if the subject becomes involved in another misery such as an unhappy marriage or loses all his money. One form of suffering (punishment) is replaced by another. The introjection into the ego of the objects of libidinal impulses gives rise to the superego and it retains their inclination to supervise and punish. Add to this the diffusion of instinct the severity is increased and the super Ego becomes harsh. Freud says that the superego is heir to the Oedipus Complex. The Oedipus complex therefore becomes the source of our ethical sense, our morality (Freud 1924) a blueprint for future relationship formation.. The conflict that arises when guilt over forbidden drives emerge causes the subject to succumb to the demands of the severe super ego. Such tyrannical and sadistic Super ego functions usually lead to externalising defences such as the committing of crime to exact punishment at the hands of others (Miller,2003).

Chapter 2

Lacan - The Name of The Father

Lacan builds on Freud's Oedipus complex with his paternal metaphor. He takes the figure of the father into the symbolic realm. The father is no longer seen as the father in the Freudian sense, it becomes a symbolic role that can be played by any person and may not even be a person it may be an organisation or a group. The important thing is that an intervention is made by some regulating entity that has the effect of separating the mother and child relation, thus symbolically fulfilling the role of the father. Lacan was influenced by the work of structural anthropologist Claude Lévi-Strauss and borrowed from him concept of the phallus which is subject to symbolic exchange, represents that which we lack.

Desire is central to Lacan's psychoanalysis. He says that for the desire to exist there must also exist a lack. We only desire something because we do not have it, we lack. The desire is because someone else has what we lack. The child recognises that the mother lacks something so he attempts to become that which she lacks, the phallus, so that she will therefore desire him. This can have potential consequences for the child in that the ever present mother is the cause of neurosis (Lacan, 1958). We see this in the case of little Hans (Freud, 1909). The mother's needs for little Hans were so great that she imposed on the phantasy of her son none of the normal limits that would be imposed in the presence of strong father. The result was that Hans was in the grip of overwhelming anxieties and phobias by the age of five (Gallagher, 1986). In the normal state of affairs there will be times when the mother is absent which allows for the possibility of a lack. If the mother is there all the time there is no chance of a lack and anxiety is the result. The child realises that the mother desires something that is not him and therefore he lacks something, he realises that he is not what he thought he was for the mother. Lacan uses language to symbolically breakup the potentially dangerous dyadic relation. Naming that which causes the potential danger, namely the desire of the mother, allows it to be replaced as in the linguistic metaphor with something else which prevents the associated anxiety. So we see the Desire of the mother is replaced by the Name of the Father – The Paternal Metaphor. Like in Freud's Oedipus complex the child is castrated but here, the mother is also castrated. "We are then confronted with the fact, or rather, a group of facts..... We refer to that complex group of beliefs and customs, conditions and institutions described succinctly as the prohibition on incest" (Lévi-Strauss, 1949)

It is in the name of the father that we must recognise the support of the symbolic function which, from the dawn of history has identified his person with the figure of the law (Lacan, 1953, p.67). For Lacan it is the no/name of the father that implements the prohibition on incest. It is the symbolic father who intervenes with the threat of castration to separate mother and son. The function of the father is central to the Oedipus complex for Lacan, as the complex has a normative function in the moral structure of the subject (Costello, 2002). The father can be present psychically and not physically but the function of the name of the father is as if he is there physically. The role is to break the dyadic relationship between mother and child with the threat of castration which not only denies the mother as the object of the child's desire but also forbids the mother's desire for the child. In terms of the father being absent, Freud says that the aspects of the father that are internalised in the Oedipus complex are idealised and can be very severe indeed (Freud, 1923). Therefore it could be inferred that if the father is absent the ideal which is internalised, and which subsequently becomes part of the super ego, could be very severe leading to a high level of castration anxiety. This leads to a desire for punishment as it is the only way to expiate the anxiety. By committing crime the individual is unconsciously seeking that punishment. This masochistic action gives relief. Lacan (1950) says that punishment can only be carried out by an acquiescence on the part of the criminal, which in effect makes the criminal the executor of his own punishment.

Lacan gives crime two faces (1) the truth of crime in so far as the police are concerned, (2) the truth of the criminal in his anthropological aspect. This means that without the law there is no crime and that the punishment is provided by the sanctions imposed on the criminal by the law. Punishment is expected at the hands of others. Others being our object representations. This represents the externalisation of the superego functions in the face of internal danger. The tyrannical and sadistic Superego functions are defended against with externalising defences (Miller, 2003). Therefore the superego, being the heir to the Oedipus complex is, for some, a tyrant who causes such anxiety in the subject that, as a form of defence from this unbearable internal anxiety, the subject acts out by committing crime. The purpose of which is the expiation of the anxiety through punishment. Miller (2003) tells us that the superego is formed by the internalisation of the first object of the id and leads to the development of a punishment fantasy which are based around our childhood anxieties. Therefore the anxieties resultant from an unsatisfactory negotiation of the Oedipus Complex can give rise to such punishment fantasies which can seek expression by the commission of criminal acts and their subsequent punishment at the hands of the other in the form of the penal system.

Lacan differentiates between what he calls acting out and *passage à l'acte*. The differentiation comes in relation to realms of the symbolic and the real. The latter refers to impulsive acts of a vio-

lent or criminal nature where the subject passes from the idea to the commission of the corresponding act (Costello,2002). This is the passage from the idea of committing a particular act to the actual commission of that act in reality, in the realm of the real.

Acting out on the other hand represents the commission of an act in the “*symbolic and imaginary theatre where the phantasy is staged and played out. Acting out is inscribed in the symbolic register*”. (Costello,2002). Essentially the acting out is the sending of a message to the other and in terms of unresolved Oedipal issues, it is a message to the father seeking his intervention in the form of punishment.

Chapter 3

Punishment, Guilt and the severe Superego

Among the young people that I encounter in my work the father is rarely present in the subjects life in terms of fulfilling the role necessary for the completion of the Oedipus complex. Neubauer (1960) makes a point that is very pertinent to the subject matter of this paper. He says

“the intense and persistent attachments to a fantasied father which these children constructed out of even the most meagre relationships to any man, or even in the absence of any father at all... seem to indicate the children in the Oedipal phase are compelled to create in fantasy what does not exist in fact” (Neubauer,1960,p228)

The men who are created in such fantasies tended to extremely idealised or endowed with terribly sadistic traits.(Miler, 2003) It appears that in the absence of a real father the fantasy fathers that are created in the children are more draconian than any real father. If we follow the logic that the identification with the father is internalised and the sadistic attributes of this fantasy father become central to the formation of the superego, then the implication is that the child will continue to be subject to its sadism. Freud showed this in his work on the childhood remembrance of Leonardo DaVinci where the missing father became a sadistic strong father, causing several problematic internalisations (Freud 1910). This could lead to a masochistic punishment fantasy where by the subject believes that they deserve to be punished. There is a longing for the what Lacan terms the “No of the Father”. I have already mentioned that Freud shows that this can take the form of neurosis through illness as punishment etc. But criminal behaviour can also lead to satisfaction of this masochistic desire for punishment. The commission of criminal acts and the consequent punishment will sate the desire and provide relief.

It should be noted here that punishment of the criminal not only satisfies the criminals desire to be punished but it also fulfils society’s need to punish. I have mentioned that there is no crime without the law and that the law is made by men, and that the superego is made up of the internalisation of the object of identification but also of external objects which represent the law and societal norms. I have also mentioned the idea that mankind as a whole may have acquired a sense of guilt, which is ultimately the source of religion and morality at the beginning of history, in relation to the Oedipus complex (Freud,1917). Religion and morality lead to the development of societal norms. These societal norms are part of what is internalised in the formation of the superego. Society therefore can be seen as having a sadistic need to punish when the social order is challenged.

The collective guilt anxiety of humanity seeks expiation through the punishment of those whose actions represent the expiation of individual guilt. We punish the criminal therefore to relieve our own anxieties. This is the externalising of the collective guilt anxiety just as the individual externalises their guilt anxieties through externalising defences including criminal behaviour. The needs of the individual and society are met, one masochistically the other sadistically. The unconscious knowledge that society will treat the criminal act sadistically motivates the criminal to masochistically seek punishment. The criminal gives his consent to be punished by his very act (Hoffman, 2009). An excessively strong superego may prevent any expression of antisocial impulses that build up in the unconscious. Normally such tendencies are worked out through sublimation in activities such as sport, but these tendencies can build up over time be expressed suddenly in extreme acts of a criminal nature. (Hoffmann, 2009). We see therefore that the criminal under the sway of a severe superego and burdened an overwhelming oedipal guilt takes advantage of the sadistic need of society to punish by committing crime in order to receive the punishment that will expiate the anxiety associated with their guilt

In his opinion on the Hallsman Case, in which a young student is charged with parricide, Freud (1931) tells us that if it had been objectively proved that Haslmann murdered his father then there would be grounds for introducing the Oedipus complex as a defense. He tells us that the Oedipus complex can inform us of the potential of a person to commit criminal acts but not as to their guilt. (Freud, 1931) In similar situations where criminal acts seem incomprehensible as in the example of an attempted murder by a neurotic or the repeated thefts by a medical student who did not stop until imprisoned by police, Lacan tells us that there is “*coercion by a force that the subject is unable to resist*” (Lacan, 1950, p.107). However the behaviour becomes clear in the light of an Oedipal interpretation. He goes on to say that their psychopathological structure is not found in the criminal situation that they express but in their unreal mode of expression (Lacan 1950). What is important here is the symbolic character of the act.

In the penal system the guilt of a person is based on his ability to knowingly and consciously commit a crime that is premeditated. The fact that he individual acts voluntarily that is vital to the legal adjudication of guilt. However the psychoanalytical notion of guilt and its associated desire for punishment is a different thing. It implies that the existence of unconscious guilt is what drives individuals to commit crime. In the legal world the sight of a suspect fleeing the scene of a crime is taken as proof of the consciousness of guilt, however if you look at it psychoanalytically the fleeing may in fact be proof of innocence and the fleeing may be due to a fear of police brutality or other

such imminent danger. If acting out of unconscious guilt the individual would surely remain at the scene awaiting the punishment his unconscious desires.

Schmeiser (2007) outlines a case where a defendant was convicted of a theft on the basis that he was seen running from the scene thus trying to escape capture and betraying his guilt. The trial judge told the jury that if they believed the facts then a verdict would be simple to arrive at. He was convicted. However on appeal the appeal judge overturned the verdict on the basis that the pertinent question was not whether the evidence was true but what inferences can be drawn from it. The judge brought psychoanalytic research to bear on the criminal process and the emphasis of his discussion was that there is a difficulty in distinguishing between actual guilt and a sense of guilt, pointing out that a sense of guilt occurs in normal as well as neurotic persons. He proposed that the jury be instructed that fleeing does not necessarily indicate guilt and that feelings of guilt felt by people do not necessarily reflect real guilt. (Schmeiser,2007)

In another case a police officer, whose his wife and daughter had been murdered some years earlier, began committing bizarre robberies just before his proposed wedding to another woman. In court psychodynamic accounts of the unconscious process that caused this behaviour were dismissed by the trial judge on the basis of testimony from his colleagues that he was sane and showed no previous evidence of such behaviour. The appeal court judge however paid credence to the expert psychoanalytical evidence which indicated that the defendant had an unconscious desire to be punished by society to expiate the unconscious guilt feelings and this lead him to being unable to resist the compulsion to commit the crimes. (Schmeiser,2007) The was therefore not of sound mind and the verdict was over turned.

These examples show us that it is possible the courts to see criminal behaviour in terms the expiation of unconscious guilt. However Freud tells is that the the unconscious sense of guilt will seek out any form of punishment (Freud,1924) and he warned law students they may encounter neurotics who will seek out punishment even though they are innocent. (Freud,1906).They may carry guilt but they are not guilty The implication of this is that punishment far from being a deterrent could in fact act as an incitement to commit crime. This has implications for the legal system and the corrective process because so much criminal behaviour is rooted in the unconscious that with out psychoanalysis its meaning and causes are not accessible to those involved in the system such as judges, social workers etc (Westwick,1940)

The question has also emerged in the United States around prisoners on death row. Why do some prisoners on death row waive the right to appeal and try to expedite execution? Looking at it Psychoanalytically it could be suggested that American society demands this in order to expiate it col-

lective sense of guilt. But is this just the criminal act of murder being committed under the disguise of societal demands. or as Reik (1924) puts it “*capital punishment sanctioned by the Law*”. Schmeiser (2007) suggests that it is sanitised murder, the same crime that the inmate committed is carried out by the state for the same reason - the unconscious sense of guilt.

Chapter 4

Discussion

The notion of the presence of unconscious Oedipal guilt is one that is deeply rooted in psychoanalytical theory. The theory tells us that the presence of unconscious feelings of guilt can lead to criminal behaviour, and given my experience in An Garda Siochana I was curious to see if this is the case in reality. Aspects of the theory and the case examples outlined already in this paper appear to indicate that this could be the case for many of the young offenders that I encounter.

The idea of behaviour appearing to indicate the guilt is particularly relevant, especially the case of the defendant deemed guilty by the act of running away from the scene. In my experience this indeed has been the case where young men who have fled the scene have been charged with an offence relating to the incident. However in incidents, particularly of a public disorder nature, with a group of youths involved there would always be one who refused to runaway when the Gardai arrived on the scene. Not only that but they would active taunt the Gardai as if to say “ here I am come and get me”. It was a source of bewilderment for me that these individuals would not fear the Gardai, however in the light of the theory of unconscious Oedipal guilt it makes perfect sense. They obviously desire punishment for the crime they have committed. This represents the symbolic acting out described by Lacan in order to expiate the unconscious feelings of guilt. They are Pale Criminals.

In my work I have encountered such individuals many times. Invariably, probably because of the socio-economic make up of the area in which I work, they tend to be from single parent families, where the father is absent. The lack of the triad of mother, father and child, combined with a lack of extended family support and deprived circumstance makes for a very difficult negotiation of the Oedipus complex which, as Freud outlined, is central to Psychological development (Freud,1930) All the ingredients for the development of a severe superego are in place. As Neubauer (1960) says the absence of the father can lead to the construction of a fantasy father who tend to be more severe than any real father and this severe father becomes internalised in the superego.

It appears therefore that some criminal behaviour can be explained by the presence of Oedipal guilt, but what implications does this have for law enforcement and the penal system? It appears to me that some knowledge of psychoanalytical theory would be useful for example, among Gardai on the street where an awareness of the theory could help them differentiate between perpetrators and the bystanders. It would also make them aware of their unconscious desire to punish and may help make them make more informed decisions in terms of action taken at the scene. I also believe

that if psychoanalysis or psychotherapy were available to young offenders it would be of huge benefit in terms of prevention of recidivism, because if unresolved Oedipal issues are not resolved the individual will be compelled by their unconscious guilt to repeat the behaviour. It is unlikely that this will ever happen but it makes sense from a psychoanalytical perspective because by punishing them we are only giving them what they desire. It will compel them to repeat their actions in search of relief rather than preventing them from such behaviour. Similarly juries and Judges in courts could use psychoanalytic theory to help them identify the true motives behind the crime. They would have grounds to consider if the defendant acted out of an unconscious sense of guilt in the absence of a clear motive. They could also consider if a voluntary confession is actually a confession of legal guilt or a seeking of punishment to expiate Oedipal guilt.

Psychoanalytical theory offers potential insights in terms of the penal system and the establishment of guilt but this insight also poses difficult questions for the legal and penal system in terms of its use of punishment as a deterrent. The system lends itself to being used by those who wish to use it to expiate their unconscious sense of guilt through the punishment imposed. The question of the system actually inciting the commission of crime is real. In this context perhaps it is time to look at other ways of dealing with criminal behaviour other than punishment, one perhaps informed by Psychoanalytical theory. This is an area for future research as is perhaps the use of psychoanalysis or psychotherapy on young people before they offend. Neihart (1999) work on young homicide offenders has shown that young offenders are reluctant to engage in analysis, perhaps they would be more amenable to therapy before their unconscious forces them to commit crime.

Conclusion

In this paper I have attempted to outline the theory of unconscious guilt relating to unresolved Oedipal issues and its link to criminal behaviour in the work of Sigmund Freud and Jacques Lacan and other authors who draw on these theories to inform their work. I have used the available literature to show that an explanation for the commission of crime can be offered by psychoanalytical theory, specifically that of unconscious Oedipal guilt, and how the associated anxiety compels the individual to externalise this guilt by committing crime. I have also outlined how society's desire to punish driven by an inherited collective guilt provides this punishment. In discussion however questions arise out of the application of this theory to criminal behaviour and the penal system. Does the system incite the individual to commit crime by offering the potential for the punishment they unconsciously desire? Is this punishment just the expiation of society's collective guilt? In the case of homicide in the USA is this punishment in the form of execution a repeat of the original crime but this time perpetrated by the State? Is the state acting out of its sense of guilt? Is the application of psychoanalytical theory threat to the legal system and by extension to society in general.

Psychoanalytical theory in relation to unresolved Oedipal guilt has shed some light on the behaviour of some young offenders with whom I have come into contact in my work and I believe there is a case for the application of psychoanalytical theory to the area of crime and punishment. What that role would remain to be seen

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