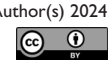
Check for updates

LAW, CULTURE AND THE HUMANITIES

Article

Law on the Other Side of Oedipus: Freud and Lacan on Law and Self-Formation

Law, Culture and the Humanities
1–18
© The Author(s) 2024

Article reuse guidelines:
sagepub.com/journals-permissions
DOI: 10.1177/17438721241234195
journals.sagepub.com/home/lch


Daniel Hourigan
University of Southern Queensland, Australia

Abstract

This article investigates the place of law in the Oedipus complex set out by Sigmund Freud and its later revision by Jacques Lacan. Few accounts of self-formation have been as widely recognised and discussed as the Oedipus complex. Yet the tensions that Freud recovered from Sophocles' Oedipus Rex were a persistent feature of the theories of schools of psychoanalysis that broke away as much as those who followed Freud. In this article, I outline the Freudian position on the complex and its connection to the law before then examining the two phases of Lacan's return to Freud's Oedipus complex in Seminar VII and Seminar XVII.

Keywords

Law; Psychoanalysis; Oedipus Complex; Sigmund Freud; Jacques Lacan

This article addresses the question: what does Jacques Lacan's reimagining of Sigmund Freud's concept of an Oedipus complex in the *Standard Edition* tell us about the significance of law? This is a discussion of the integral significance of law to this complex across the entirety of *The Standard Edition of the Compete Psychological Works of Sigmund Freud* that stretches from late nineteenth century letters to Wilhelm Fliess to beyond the break with Adler and Jung. The Oedipus complex is *the* defining moment of psychoanalysis for Freud, and he consistently argues that it has long lasting impacts on the adult and pubescent psyches after its emergence in children of three to five years' of age. In its classical Freudian formulation, the complex enables a relation to the law in the self-formation of the human animal through a formalisation of prohibition and its concomitant

Corresponding author:
Daniel Hourigan, USQ, Toowoomba campus, Toowoomba, QLD 4350, Australia.
Email: daniel.hourigan@unisq.edu.au

desire for transgression. Yet because the Oedipus complex deals with situations and stimuli from early childhood, it is also working through a nebulous occurrence of childhood amnesia. The Oedipus complex is therefore a discourse the deals in lost objects, exchanged demands for love, and the wish for recognition before the law to regain the satisfaction supposed by an ongoing sense of guilt about what was lost.

I return to Freud in this article because the seat of law is not evidenced and reliably maintained in the Oedipus complex but mythological, and this presents a critically important aperture to consider how the law is connected to the formation of a psyche. This opportunity for criticism is doubly important for Lacan, who argues that Freud turns to Sophocles' myth to save the father from irrelevance—not a real father, but a symbolic father that ensures the validity of symbolic and linguistic structures. The origin of the law in Freud is another side of law in its obscene mythological form that cannot be synthesised into a critique of law so-called but instead remains forever outside legal relations as a remnant of what goes beyond the compulsion to repeat the demand for recognition before the law. To regulate, to order, to prohibit, are ideal forms of law's operation when compared to the particular legal processes and jurisdictions at play in contingent matters. Psychoanalysis argues that the desire for regulation and order finds its significance in the way that conscious self-experience is formed rather than in an exception. But what then is the law for these key figures of psychoanalysis, Freud and Lacan?

The Psychodrama of the Law

Few myths have been more influential on the understanding of law's connection to humanity than Oedipus. Sophocles' three Theban plays *Oedipus Rex*, *Oedipus at Colonus*, and *Antigone* are among the best known of the classical accounts of the myth. Yet according to the genre structures of ancient Greek drama, we might also expect a fourth instalment: a comedy to release the chorus from the anguish of *Antigone*.[1]

While the myths of Oedipus have existed for several thousand years before the regulations of modern law were invented, they nonetheless share similar themes. Law is about family, community, order, and sacrifice. These things may seem quite at odds with how modern law conceives of its *raison d'être* as order for order's sake. Yet jurisprudence ranging from Austin and Hart to Schmitt and Raz have brought forward precisely these Freudian themes in their philosophising of a distinct form for law.[2] Similarly, when literary narratives invoke law they often do so through this Oedipal register. An analysis of law in literature will not create a cure for modern law's iniquities. But to leave the usefulness of studying narrative aside misses how narratives of law within and beyond legal systems share in the mythical obedience to the violence of the law.[3]

1. Milagros Quijada Sagredo, "Narrative and Rhetorical Experimentation in Euripides' *Late Iphigenia at Aulis,"* in *Theatre World : Critical Perspectives on Greek Tragedy and Comedy. Studies in Honour of Georgia Xanthakis-Karamanos* (Andreas Fountoulakis, Andreas Markantonatos and Georgios Vasilaros, eds) (Berlin, Walter de Gruyter GmbH, 2017), p. 225.
2. Peter Fitzpatrick, *Modernism and the Grounds of Law* (Cambridge, Cambridge University Press, 2001), p. 61.
3. Fitzpatrick, *Modernism*, p. 36.

Freud turns to the Oedipal myth in *Totem and Taboo* (1913) and *Moses and Monotheism* (1939) to progress a discussion of the connected concepts of the Oedipal complex and castration anxiety. As Grigg notes, Freud's accounts of castration centres on the process of symbolic division.[4] This division is arrived at through the imposition of paternal prohibition which ensures a place for the figure of the father rather than a real father.[5] This is to say, as Lacan suggests in *Seminar XVII* (2007): the father is not necessary for castration to emerge as a threat to the psyche's pleasure.[6] Such an insight has been crucial to the integration of the Oedipus complex into contemporary legal theory, in the work of Peter Fitzpatrick, David Gurnham, and Panu Minkkinen, for example.[7] Following Lacan, we may observe that in *Totem and Taboo*, Freud argues that the father figure marks the limit or reality principle where pleasure achieves saturation and can gain no further satisfaction without the promise of wish-fulfillment secured by self-reproach and self-punishment on behalf of the law.[8] The Freudian father of this prohibition of excessive pleasure is a unifying psycho-social force: it demands sacrifice by the real and symbolic fathers alike in the Oedipal complex, while in the primal horde of the myth of Moses it effaces the shared burden of political community through logics of neurosis and guilt.[9]

Much of the discussion of Freud's turn to the Oedipal myths has developed as literary criticism. These reconstructions vary from the subtextual readings by Downing[10] and Ragland[11] to the more revisionist appraisals by Lacanian clinicians such as Lerner,[12]

4. Russell Grigg, "Beyond the Oedipus Complex," in *Reflections on Seminar XVII: Jacques Lacan and the Other Side of Psychoanalysis* (Justin Clemens and Russell Grigg, eds) (Durham, Duke University Press, 2006), p. 51.
5. Grigg, 'Beyond,' p. 51.
6. Jacques Lacan, *The Other Side of Psychoanalysis: The Seminar of Jacques Lacan Book XVII*, trans. Russell Grigg (London, W. W. Norton and Company, 2007), p. 88.
7. See in particular: Peter Fitzpatrick, *Modernism and the Grounds of Law* (Cambridge, Cambridge University Press, 2001); Peter Fitzpatrick, "Breaking the Unity of the World: Savage Sources and Feminine Law," *Australian Feminist Law Journal* 19 (2003), 47-60; David Gurnham, "Debating Rape: To Whom does the Uncanny Myth Metaphor Belong," *Journal of Law and Society* 43 (2016), 123-43; and Panu Minkkinen, ""The Nude Man's City": Flávio de Carvalho's Anthropophagic Architecture as Cultural Criticism," *Pólemos* 15 (2021), 91-119.
8. Sigmund Freud, "Totem and Taboo," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XIII (1913-14)*, trans. James Strachey (London, Vintage, 2001), p. 64.
9. Sigmund Freud, "Moses and Monotheism," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XXIII (1937-39)*, trans. by James Strachey (London, Vintage, 2001), p. 70.
10. Lisa Downing, "Beyond Reasonable Doubt: Aesthetic Violence and Motiveless Murder in French Decadent Fiction," *French Studies* 58 (2004), 189-203.
11. Ellie Ragland, *The Logic of Sexuation: From Aristotle to Lacan* (Albany, State University of New York Press, 2004).
12. Pablo Lerner, *Speculating on the Edge of Psychoanalysis: Rings and Voids* (London, Routledge, 2024).

Moncayo,[13] and Nobus.[14] There is also Lacan's revision of Freud's use of the Oedipal myth in *Seminar XVII* that has had an impact on later criticism of Freud that wants to avoid the significant problems with the classical model of the Oedipus complex, e.g. the primary identification that binds the child to the mother is presupposed by the identification with the father/law even though only the primary attachment to the mother appears self-evident in clinical evidence.[15] Lacan's complex linguistic approach parts ways with Freud's insistence on the translation of mythical knowledge into structural psychic phenomena. For Lacan, it is trailblazing that despite the ridiculousness of supposing an unconscious guilt complex, Freud's insight nonetheless "responds to something that stems from the institution of the discourse of the master himself." [16] This "something" is the unconscious itself. Thus, we may dare to conceive of the unconscious as unifying law from the Freudian perspective. But perhaps we are already ahead of ourselves in stating such things.

Freud on Oedipus

Freud first introduces his reading of the myth of Oedipus to the public in *The Interpretation of Dreams* (1900). While often relegated to the dustbin of the history of psychology today by cognitive therapists, at the time of its publication Freud was seen to be trailblazing a systematic study of dreams and dreaming. Many of the critical matters taken up in *The Interpretation of Dreams* such as the logics of dream-work have become a mainstay of neuroscientific studies of sleep over a century later.[17] A brief gloss of the Oedipus complex in popular media however suggests that Freud has been circumvented by the tumult of experimental evidence created beyond the psychoanalytic clinic that Freud envisaged. It would be disingenuous then to think through Freud's introduction of the Oedipus complex as an imposition of an arbitrary schema to things outside of psychoanalysis. Indeed, Freud's Oedipus is a creature of psychoanalytic thinking inasmuch as it is said to exhibit archaic features of the patient or analysand produced by the clinic.[18]

In *The Interpretation of Dreams* Freud is working through a wealth of human observation around the interpretation of what, why, and how we dream alongside his own case studies. The research into these questions about the purpose of dreams remains of concerted

13. Raul Moncayo, *Evolving Lacanian Perspectives for Clinical Psychoanalysis: On Narcissism, Sexuation, and the Phases of Analysis in Contemporary Culture* (London, Routledge, 2008).
14. Dany Nobus, *Critique of Psychoanalytic Reason: Studies in Lacanian Theory and Practice* (London, Routledge, 2022).
15. Lacan, *Seminar XVII*, p. 88.
16. Lacan, *Seminar XVII*, p. 91.
17. Tamara Fischmann, Michael Russ, Tobias Baehr, Aglaja Stirn, and Marianne Leuzinger-Bohleber, "Changes in Dreams of Chronic Depressed Patients: the Frankfurt fMRI/EEG study (FRED)," in *The Significance of Dreams: Bridging Clinical and Extraclinical Research in Psychoanalysis* (Peter Fonagy, Horst Kachele, Marianne Leuzinger-Bohleber and David Taylor, eds) (London, Routledge, 2012), p. 201.
18. Sigmund Freud, "The Interpretation of Dreams (Second Part)," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume V (1900-01)*, trans. James Strachey (London, Vintage, 2001), p. 591.

interest to clinical psychoanalysts today.[19] As Freud notes, the concentrated studies of dreams before the publication of *The Interpretation of Dreams* remained in the early modern, medieval, and ancient worlds with Shakespeare, Agrippa, and Aristotle for example.[20] The ambiguous status of dreams as both pure fiction and a testament to their manifestation as such, able to incite emotions and passions, realise desires, or wake us in fright, enables Freud to attend to what we might otherwise call their "mythological" texture.

Beyond *The Interpretation of Dreams*, the Oedipal model became a mainstay of classical psychoanalysis. Even in Freud's middle works such as *Totem and Taboo* and later works such as *Moses and Monotheism*, the Oedipal tragedy lingers in his writing as a tool for thinking through the ways that division is enacted by the production of identity and the unconscious in response to a paternal order or law.[21] Freud initially postulated that the Oedipal phase emerges in a child of three to five years of age in response to the onset of reality, e.g. the primal attachment to the mother's breast is interrupted and the child finds themselves no longer the object of their mother's desire. Like the tragedy of Oedipus written by Sophocles, the child must endure a journey of self-discovery or *Bildung* to form an *imago* worthy of their mother's love. Such worthiness is here a question of how the child views the mother's want for the child. Freud calls this speculative identity wish-fulfillment because the character arrived at through self-formation is only secured through a fantasmatic attachment. The *Bildung* is thus a challenge to the homeostatic order that has been lost through the intrusion of an other.

In the Oedipal scene, this other is the father function or acceptances of the priority of the familial structure as valid. It is a first model for law. The direct access to the mother is barred by the incest taboo. The child sublimates their need, taking aim to be, like the father, worthy of their mother's love. This redirection or sublimation of the wish for love by way of the incest taboo incites a multiplicity of cultural formations. Some of these formations are more successful than others in securing the promise of satisfaction for the identity formed by the child, but few offer genuine satisfaction of the wish. Freud makes this point in his late work *Civilization and its Discontents*, arguing that prohibition within civilisation promises to save us from ourselves when in fact the savagery we are being saved from is constitutive of the structure of the wish-fulfillment secured through the cultural formations that make up civilised society.[22] Freud is careful to avoid treating terms like mother, father, and child as anything more than analytic concepts that are a part of a pattern of human behaviour. However, the popular rendition of the Oedipus complex often tends to fail to distinguish between these concepts, one as a diagnostic tool and the other a feature of ethnography.

---

19. Marianne Leuzinger-Bohleber and Peter Fonagy, "Introduction," in *The Significance of Dreams: Bridging Clinical and Extraclinical Research in Psychoanalysis* (Peter Fonagy, Horst Kachele, Marianne Leuzinger-Bohleber and David Taylor, eds) (London, Routledge, 2012), p. xxiv.
20. Freud, 'Dreams Second Part', p. 2.
21. Peter Fitzpatrick, "Traversing Terra Nullius: Legal Origins and Freudian Fictions," *Law, Text, Culture* 4 (1998), 23.
22. Sigmund Freud, "Civilisation and its Discontents," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XXI (1927-31)*, trans. James Strachey (London, Vintage, 2001), pp. 86-7.

The classical formulation does have its problems and inconsistencies. Some of the most significant revisions have been formed in feminist, queer, and postcolonial discourses. But the basic process described by Freud, of self-formation through a wish for satisfaction before the paternal law, has become a mainstay of a vast number of readings of identity, law, and culture that insist on a relation if not outright mimicry of social and psychic life in state and political institutions.[23] Therefore I am now turning to examine the place of the Oedipus complex across *The Standard Edition* of Freud's works in English to appraise its contours.

The Freudian Moment of the Law

In a letter to Wilhelm Fliess on October 15, 1897, Freud remarked, "we can understand the riveting power of *Oedipus Rex*, in spite of all the objections raised by reason against its presupposition of destiny."[24] Far from refusing reason outright, what Freud has in mind here is the failure of *Schicksalsdrama* such as Grillparzer's *Die Ahnfrau* (1817).[25] In Grillparzer's drama, written in trochaic Spanish verse form, destiny is an individual compulsion that arises in an arbitrary manner. That is to say, the characters themselves are responsible for their self-destruction rather than it being destined. In 1818, Grillparzer's rendition of a heterosexual Sappho is similarly cast as a tragic figure of an irreconcilable difference between life and art.[26] The first point of distinction for the Oedipus complex in the early works of Freud is precisely this shortcoming in Grillparzer's works that he discusses with Fliess: the Oedipus complex is not an arbitration or resolution of an underlying antagonism, rather it is the underlying antagonism of some irreconcilable difference. The Oedipal law of the father is an antagonist that is constituted "in germ and in phantasy" through the capacity of conscious life to wish for satisfaction not as design but as need (*Trieb*). Growth and attenuation to this paternal law is, at least to the early Freud, provided for through repression. By repressing this fundamental antagonism of psychic life, we separate our infantile states from our later ones.

As Strachey notes in a footnote to this letter, this is Freud's first explicit mention of the Oedipus complex.[27] Some five months earlier, in another letter to Fliess, Freud hints at the dynamics of the Oedipus complex and the centrality of wish and phantasy but is yet to connect it with destiny: "It seems as though this death-wish is directed in sons against their father and in daughters against their mother."[28] Although Freud will later

23. J. Peter Burgess, "The Real at the Origin of Sovereignty," *Political Psychology* 38 (2017), 655.
24. Sigmund Freud, "Letter 71, October 15, 1897," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume I (1886-99)*, trans. James Strachey (London, Vintage, 2001), p. 265.
25. Freud, 'Letter 71', p. 265.
26. https://www.gutenberg.org/ebooks/9181 Franz Grillparzer, *Die Ahnfrau* (Project Gutenburg, 2005).
27. James Strachey in Freud, 'Letter 71', p. 266n2.
28. Sigmund Freud, "Draft N, Notes III, Impulses," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume I (1886-99)*, trans. James Strachey (London, Vintage, 2001), p. 255.

correct his overlooking of phantasy in favour of wish-fulfillment, the centrality of the psyche in placing demands on the external world by way of connecting inner life to outer activity were already at the heart of Freud's emerging vision of the Oedipus complex.

Freud's revision of the early iteration of the Oedipus complex rejects that repression arises from the seduction of the child by an adult. Childhood trauma creates ripples into later life but the response to the trauma includes the memory and phantasies alike. In *Further Remarks on the Neuro-Psychoses of Defence* (1896), Freud openly rejects that the seduction of children is a phenomenon initiated by fathers in general.[29] This is important because it counters the popular misconception that the wish for satisfaction, wishing the father dead, coincides with acceptance of the paternal law. Instead, Freud argues that "phantasy" plays a significant role in psychic events, and this enables "the discovery of infantile sexuality and [the] Oedipus complex."[30] By Freud's own measure, this move towards elevating the role of phantasy in the formation of the psyche and sexuality is discussed in detail in the *Three Essays on the Theory of Sexuality* (1905).[31]

Alongside the *Three Essays*, the first edition of *The Interpretation of Dreams* of 1900 is usually credited as the premiere moment of the Oedipus complex. However, as Freud notes in letters from 1897 (Letters 64-71) the diagnostic criteria of the complex were largely written by 1896. This can be observed in the way that Freud uses the Oedipus complex to emphasise "the *infantile* roots of the unconscious wishes underlying dreams" in *The Interpretation of Dreams*.[32] Freud arrived at the diagnostic criteria through a mix of observation and self-analysis, and tested his ideas by regularly sending drafts of *The Interpretation of Dreams* to Fliess for criticism. Even with Fliess' endorsement, Freud remained his own harshest critic, reporting in a letter to Fliess from September 21, 1899, that he felt the work lacked literary form.[33] Whatever Freud felt for *The Interpretation of Dreams*, Fliess' criticism led to the omission of an important dream of Freud's from the work. The translation of the work into English also omits Otto Rank's two essay-length appendices to Chapter VI concerning German literature and German mythology.[34]

The elaboration of the Oedipus complex in *The Interpretation of Dreams* reveals not only "infantile roots" but also the sacrifice and burden of psychoanalysis. As Freud says, "The action of the play consists in nothing more than the process of revealing, with cunning delays and ever-mounting excitement," which models Freud's views for how psychoanalytic treatment was to be undertaken.[35] To Freud, Sophocles' drama is "a tragedy

29. Sigmund Freud, "Further Remarks on the Neuro-Psychoses of Defence," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume III (1893-99)*, trans. James Strachey (London, Vintage, 2001), p. 168n1.
30. James Strachey, "Further Remarks on the Neuro-Psychoses of Defence Editor's Note," in Sigmund Freud, *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume III (1893-99)*, trans. James Strachey (London, Vintage, 2001), p. 160.
31. Freud, 'Further Remarks', p. 168n1.
32. Sigmund Freud in James Strachey, "Editor's Introduction," in Sigmund Freud, *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume IV (1900)*, trans. James Strachey (London, Vintage, 2001), p. xviii.
33. Freud in Strachey, 'Editor's Introduction', p. xx.
34. Strachey, 'Editor's Introduction', pp. xx-xxi.
35. Sigmund Freud, "The Interpretation of Dreams," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume IV (1900)*, trans. James Strachey (London, Vintage, 2001), p. 262.

of destiny" that submits that destiny is stronger and more powerful than humans' attempts to escape the existential impotence that threatens us all.[36] Although *The Interpretation of Dreams* invites its readers to confront the infantile roots of wish-fulfillment, Freud notes that social conventions and individualism negate these primal scenes.[37] Thus Freud gives psychoanalysis something of an oracular aura in modernity: in the absence of an oracle, as from Sophocles' drama, we may "seek to close our eyes to the scenes of childhood" yet the play models a journey through psychoanalysis to recognise and traverse these infantile roots.[38]

Both *Oedipus Rex* and Freudian psychoanalysis are not theological myths of harmonising destiny with human responsibility. The Freudian reading of Sophocles' drama confirms this and moreover puts forward a *Bildung* of tragic determination that ironically undermines the aims and objectives that Oedipus sets out to achieve: to prove that the oracle's wisdom can be avoided or overcome. It may be useful to recall that *Oedipus Rex* begins with Oedipus as a ward of another court, not his birthplace, but he is none the wiser for this knowledge. Seeking out his origins, Oedipus visits the oracle and this encounter drives him ever further homeward, journeying to the Sphinx and Thebes. This narrative logic is dream-like for Freud's reading.[39] Read as being structured through a dream-logic rather than generic form of tragicomic drama, *Oedipus Rex* bears witness to a "wishful phantasy" encircling familial bonds.[40] Oedipus embraces his destiny by not knowing what it is that binds and drives him. Nonetheless, Oedipus remains cunning and strategic throughout the drama, especially in his dealings with the Sphinx that serve as a significant motivation for his invitation to the Theban court.

Oedipal dreams are therefore layered revelries. This layering connects impulses that give structure to the psyche's death-wishes within the manifest content of the dream itself. The difference between the impulses and the manifest content gives rise, Freud says, to hypocrisy where hostility is replaced by affection.[41] Freud argues that such hypocritical dreams are "a hard test to the theory of wish-fulfillment," and he gives some discussion to hypocritical dreams in Chapter VI of *The Interpretation of Dreams*.[42] Although later analysis of the dream may yield insights into the latent content of such dreams, the encounter with the dream itself remains unmoved.

These infantile roots expressed in dreams are an archaic feature according to Freud. That is, the formations of the psyche during childhood that coincide with the coming to language that introduces a whole series of defences, pressures, and other psychic measures without entirely dissolving these infantile roots. It is in Sophocles' drama no less that we find exactly this persistence embossed on the bond between Oedipus and Queen Jocasta. Jocasta's age is never at issue in Sophocles' tragedy. To Freud's reading, this smoothing over of the difference in age between Oedipus and Jocasta matches to the

36. Freud, 'Dreams', p. 262.
37. Freud, 'Dreams', p. 263.
38. Freud, 'Dreams', p. 263.
39. Freud, 'Dreams', p. 264.
40. Freud, 'Dreams', p. 264.
41. Freud, 'Dreams', p. 145n1.
42. Freud, 'Dreams', p. 473.

psychoanalytic concept of maternal attachment: "being in love with one's own mother one is never concerned with her as she is in the present but with her youthful mnemic image carried over from one's childhood."[43] This mnemic image is brought to the fore by phantasy, albeit a specific type. This phantasy is at play between two periods of conscious life yet becomes attached to one of them and maintains this trace of an affectionate attachment in the present. Indeed, for later psychoanalysts like Lacan, this trace models the love of others for future affectionate attachments. This is confirmed by Freud in the third essay of *Three Essays on Sexuality* where he says, "sexual love and what appears to be non-sexual love for parents are fed from the same sources; the latter, that is to say, merely corresponds to an infantile fixation of the libido."[44] The antagonism at play in the Oedipus myth is thus not only about law but also about pre-Oedipal affectionate attachment persisting from through the traversal and dissolution of the Oedipus complex.

By 1905, the Oedipus complex became "the shibboleth that distinguishes the adherents of psychoanalysis from its opponents" says Freud.[45] It is the premiere diagnostic tool across the *Standard Edition*, deployed for various psychic phenomena. In his case study of Little Hans, for example, Freud notes that the failure to traverse and dissolve the Oedipus complex leads into neurosis.[46] In the *Five Lectures on Psychoanalysis*, Freud touches on the myth of Oedipus to circumscribe an infantile wish for maternal love in opposition to what is rejected by the incest taboo.[47] And by the mid-point of the *Standard Edition*, in *Totem and Taboo* for instance, the growing body of clinical work on the Oedipus complex has created a rich tapestry of ideas that shows the earliest objects for love are forbidden relations, maturity is measured according to how one moves beyond incestuous attachment, and ordinances are noted for their ability to coincide with taboo.[48] Here ordinances range from legal to social and religious obligations, although it is nonetheless a clear direct link between the workings of the psyche and positive law.

Alongside this growing body of clinical evidence and theorisation, the finer details of Sophocles' drama do not escape Freud. He notes that blinding of Oedipus is often substituted for castration, and that where this occurs in the myth is structurally similar to the emergence of totemism in childhood phobias.[49] Freud consistently positions the Oedipus complex as a disruption, an antagonism that disturbs instinctual life, that must be overcome at the cost of childhood amnesia and instantiation of libidinal

43. Freud, 'Dreams', p. 178.
44. Sigmund Freud, "Three Essays on Sexuality," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume VII (1901-05)*, trans. James Strachey (London, Vintage, 2001), p. 227.
45. Freud, 'Three Essays', p. 226n1.
46. Sigmund Freud, "Analysis of a Phobia in a Five-Year Old Boy," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume X (1909)*, trans. James Strachey (London, Vintage, 2001), p. 111.
47. Sigmund Freud, "Five Lectures on Psychoanalysis, Fourth Lecture," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XI (1910)*, trans. James Strachey (London, Vintage, 2001), p. 47.
48. Freud, 'Totem and Taboo', pp. 17 & 132.
49. Freud, 'Totem and Taboo', p. 130n1.

cathexis in puberty, although these key features only became apparent through further clinical observations.[50] The Oedipus complex is the anchoring moment of law and culture alike for Freud: "the beginnings of religion, morals, society and art converge in the Oedipus complex."[51]

Given the centrality of the Oedipus complex to psychoanalysis, it became a major issue for those who tried to secede from the Freudian tradition such as Adler and Jung. In Freud's view, neither clinician could escape what they disagreed with. Freud's theorisation of the complex found itself repeated in the ideas of Adler and Jung under new names. Freud covers these disagreements extensively in *On the History of the Psycho-Analytic Movement* (1914). Suffice it to say that while the names may have been altered, the dynamic depicted by Freud through his theorisation of the Oedipus complex remained a salient feature of psychoanalysis for some time to come after his passing on the 23rd of September, 1939.

Castration and the Moral Law

Searching for the law in the Oedipus complex is, as we have seen, held in tension with the function of affectionate relations. The prohibition on sexual activities inhibits these affectionate relations and attendant phantasies. This is different to the Oedipus complex proper where the pre-Oedipal attachment to the primary object of love, the breast, becomes differentiated. Instead, we have arrived at castration.[52]

Castration anxiety is a major obstacle on the path out of the Oedipus complex in the Freudian model. Yet, castration seems to appear as a secondary concern to the operation of the Oedipus complex *tout court* because, as Freud notes in his later writing, it may emerge in a positive or negative form.[53] The aim is thus to traverse the Oedipus complex or arrive at neurosis not because the Oedipus complex is a travesty or hard choice, but because it absolves the self-image or "*imago*" from moral responsibility. As Freud notes of destiny in *Oedipus Rex*, the work of destiny in Sophocles' tragedy tends to operate independently of the characters' actions, potentially absolving them of responsibility.[54]

It is this higher reach of destiny that Freud has in mind when he discusses the turn to a castration complex. Traversing the Oedipus complex does not necessarily forestall

50. Sigmund Freud, "Some Reflections on Schoolboy Psychology," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XIII (1913-14)*, trans. James Strachey (London, Vintage, 2001), p. 243; and Sigmund Freud, "Introductory Lectures on Psychoanalysis, Lecture XII," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XV (1915-16)*, trans. James Strachey (London, Vintage, 2001), p. 208.
51. Freud, 'Totem and Taboo', pp. 156-7.
52. Freud, 'Lecture XII', p. 208.
53. Sigmund Freud, "From the History of an Infantile Neurosis," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XVII (1917-19)*, trans. James Strachey (London, Vintage, 2001), p. 87.
54. Sigmund Freud, "Introductory Lectures on Psychoanalysis, Lecture XXI," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XVI (1916-17)*, trans. James Strachey (London, Vintage, 2001), pp. 329-38.

anxiety about castration from love-bonds from occurring.[55] But what is this path through the Oedipus complex? The Freud of Lecture XXI of the *Introductory Lectures on Psychoanalysis* (1916-17) suggests that the path is formed by cathecting the infantile object-choice, i.e. mother as love-object, with the libido in puberty.[56] Such cathexis is premised on detaching the love-object from the mother and reconciling or releasing the psyche from the pressure of the father that has been realised through opposition or subservience in the Oedipal phase.[57] To the Freudian purview, an obedience to external ordinances in adulthood is built by moving past simply opposing or serving beneath the law by way of detachment from the primary love-object. The failure to detach may lead into fixations and/or regressions that try to evade the task of detachment, rendering the overcoming of external obstacles increasingly difficult.[58]

Fixation and regression are not mutually exclusive for Freud. Fixations function as a means of evading problems by regressing to the fixation.[59] This evasion is a hallmark of the aetiology of the neuroses that Freud reports on across the *Standard Edition*. While a neurotic's libido is a regressive return to a fixation, Freud wants to resist the normalisation of neurosis as a way of life to be continued.[60] Freud particularly notes that the neuroses of children which appear sometimes immediately after a traumatic event are, "often overlooked, regarded as signs of a bad or naughty child."[61] That is, the neuroses of childhood often appear as anxiety. It is worth remembering here that the period of childhood that Freud is discussing is often experienced as childhood amnesia by adults. Thus it is a phantasy for the adult, such that the persistence of the regression requires that there be something, some phantasy to draw in libido and fixate it upon an object.[62] For children, however, phantasy is not reconstructed, yet the fixation still emerges albeit with more immediacy. Phantasy, therefore, has the important role of redirecting libidinal object cathexes in the transition out of the Oedipus complex.

A positive Oedipus complex enables normal functioning but a negative complex is marked by dysfunction and perhaps even fixation. Negative complexes are often marked by the rise of guilt in response to repression. For Freud, the repression of incestuous love-objects through the course of psychosocial development does not liquidate the object-choice but represses it instead. In Sophocles' play, the blinding of Oedipus functions as a kind of repression, but only if we imagine the eyes and sight to be so valued

55. Sigmund Freud, "Introductory Lectures on Psychoanalysis, Lecture XX," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XV (1916-17)*, trans. James Strachey (London, Vintage, 2001), p. 317n5.
56. Freud, 'Lecture XXI', p. 338.
57. Freud, 'Lecture XXI', p. 338.
58. Sigmund Freud, "Introductory Lectures on Psychoanalysis, Lecture XXII," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XVI (1916-17)*, trans. James Strachey (London, Vintage, 2001), p. 341.
59. Freud, 'Lecture XXII', p. 341.
60. Sigmund Freud, "Introductory Lectures on Psychoanalysis, Lecture XXIII," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XVI (1916-17)*, trans. James Strachey (London, Vintage, 2001), p. 363.
61. Freud, 'Lecture XXIII', p. 363.
62. Freud, 'Lecture XXIII', p. 363.

that their injury is, for Oedipus, a fair exchange under *lex talionis*.[63] Positive or negative, the Oedipus complex is "a person's emotional attitude towards his family, or in a narrower sense towards his father and mother," that remains more than just a psychological phenomenon.[64] Freud sees the ancient connection to Sophocles' play as a sign of the complex's archaic meaning: "the overcoming of the Oedipus complex coincides with the most efficient way of mastering the archaic, animal heritage of humanity."[65]

As a part of life, the traversal of the Oedipus complex must endure a wave of repression that leaves behind a trace of the object-choice as an "affectionate emotional tie" that is no longer described as sexual.[66] In *The Ego and the Id*, Freud presents this as the best possible outcome for the Oedipus complex, but also notes that the reality is much more varied.[67] After puberty, this trace comes into full effect: "the time comes for exchanging his mother for some other sexual object" where "the young man does not abandon his mother, but identifies himself with her; he transforms himself into her, and now looks about for objects which can replace his ego for him, and on which he can bestow such love and care as he experienced from his mother."[68] For Freud, the ego is plastic, it can be reorganised upon what is now a renounced or lost object that enables identification with the mother at the level of phantasy. The dissolution of the Oedipus complex requires the positive complex to shift either to this affectionate tie with the mother, to identify with her, or for the ambivalence toward the father to move to a more intense identification with him. In both cases, the resolution of the Oedipus complex undergoes identification that presents what ought to be and what may not be. Freud calls this the superego.

The superego is sometimes thought of as a feature of castration anxiety. But Freud's deeper point is that it is constitutive of identity. The identification with an *imago* is now rendered in moral terms, an inner life of repression in service to the law of the superego. The repression of the Oedipus complex is therefore not because of external ordinances but from within the ego itself. Freud notes that the repression of the Oedipus complex produce guilt, and that more severe repression produces ever more sever guilt.[69]

In his later works, Freud argues for three fundamental features of humanity as the sufficient ground for the Oedipal complex. These are: the long duration of human dependence in childhood, the affectionate ties and object-choices of early life set into operation again during puberty, and the need to divert these infantile object-choices into the desired

63. Sigmund Freud, "The Uncanny," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XVII (1917-19)*, trans. James Strachey (London, Vintage, 2001), p. 231.
64. Sigmund Freud, "Preface to *Reik's Ritual: Psycho-Analytic Studies*," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XVII (1917-19)*, trans. James Strachey (London, Vintage, 2001), p. 260.
65. Freud, 'Preface to Reik', p. 261.
66. Sigmund Freud, "Group Psychology and the Analysis of the Ego," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XVIII (1920-22)*, trans. James Strachey (London, Vintage, 2001), p. 138.
67. Freud, 'Group Psychology', p. 138.
68. Freud, 'Group Psychology', p. 108.
69. Sigmund Freud, "The Ego and the Id," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XIX (1923-25)*, trans. James Strachey (London, Vintage, 2001), p. 35.

socialised object-choices.[70] Traversing the Oedipus complex presents castration across multiple fronts as object-choices are challenged by self-preservation and vice-a-versa. Libido, which is necessary for cathexes during puberty according to Freud, comes in two forms: narcissistic libido and object-libido. Freud discuss these more broadly under the principles of Eros and Thanatos in later works such as *Beyond the Pleasure Principle*, *Group Psychology*, and *The Ego and the Id*.

Fear of castration is an external factor for the castration anxiety wrought by the complex. The superego asserts "ethical and aesthetic barries in the ego" but these do not resolve castration anxiety.[71] Rather, it is tied to the function of the father in the Oedipus complex. When the phantasy of identification with the father becomes a reality, self-punishment becomes a terrible burden on the psyche.[72] In his interpretation of female sexuality, Freud notes that this self-persecution is also available to women, but he rejects the notion of an Electra complex.[73] Instead, Freud argues that female sexuality is premised on an exchange of the mother for the father, in a positive Oedipal relation this surmounts the preceding negative relation.[74] What Freud called "penis envy" is simply the phantasmatic assertion of masculinity for a female subject that is created by castration rather than destroyed by it.

A bisexuality underpins the Oedipus complex in Freud. The Oedipus complex is, in the sense, a stick that cuts both ways, and Freud's reading of Dostoevsky highlights this.[75] What matters the most for castration is it is asserted as a phantasy. And here it may be worth returning to Freud's own turn to phantasy: initially he took his patients' tales of seduction by the father as truth but he later realises his error in a letter to Fliess dated September 27, 1897 (Letter 69).[76] The correction that Freud makes to his theory of psychoanalysis is to argue for a stronger bond between girls and mothers, and that the initiation into sexual life that occurs with this bond leads to its trace in the exchange of the mother for the father in the Oedipal phase. Here the seduction phantasy is a transposition of the maternal bond on to the bond with the father. This bond with the father is always phantasmatic. It testifies to "the readiness to feel guilty" not because of some deed done but because we have a pre-existing capacity for guilt highlighted by what must be transformed through the Oedipus complex.[77] To the Freudian view, this shows that cases of incestuous seduction are a darker agony, as the discourse of guilt is already in play to

70. Sigmund Freud, "A Short Account of Psycho-Analysis," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XIX (1923-25)*, trans. James Strachey (London, Vintage, 2001), p. 208.
71. Sigmund Freud, "Dostoevsky and Parricide," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XXI (1927-31)*, trans. James Strachey (London, Vintage, 2001), pp. 183-4.
72. Freud, 'Dostoevsky', p. 186.
73. Sigmund Freud, "Female Sexuality," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XXI (1927-31)*, trans. James Strachey (London, Vintage, 2001), pp. 228-9.
74. Freud, 'Female Sexuality', p. 230.
75. Freud, 'Female Sexuality', p. 230n1.
76. Freud, 'Female Sexuality', p. 238n1.
77. Freud, 'Civilization', pp. 131-2.

enable the seduction to be understood as such. What is speculative has the potential to become all too real.

In some of his last writings, Freud offered a roadmap for the Oedipus complex and its dissolution. This map has three parts: "(1) some earlier libidinal cathexes are retained, (2) others are taken into the sexual function as preparatory, auxiliary acts, the satisfaction of which produces what is know as fore-pleasure, and (3) other urges are excluded from the organization, and are either suppressed altogether (repressed) or are employed in the ego in another way, forming character-traits or undergoing sublimation with a displacement of their aims."[78] By forbidding genital satisfaction in the phallic phase of the Oedipus complex, the phase where the libido is detached from the primary object, satisfaction is rerouted by means of phantasy. This separation of ego and superego provides two significant challenges to the ego: "it has to defend its existence against an external world which threatens it with annihilation as well as against an internal world that makes excessive demands."[79]

Lacan's Revision of Oedipus

Widely recognised as the French Freud, Lacan turns to the Oedipus of Sophocles at a major turning point in his work: *Seminar VII*, *The Ethics of Psychoanalysis*. Lacan then returns to Oedipus again in *Seminar XVII* to renovate the relation between the law of the signifier and *jouissance. Seminar VII* was the first of Lacan's seminars to be published posthumously. The absence of Lacan's direct oversight of the publication of *Seminar VII* meant that his editor and son-in-law Jacques-Alain Miller needed to rely on his prior experience with the previously released *Seminar I*, *Seminar II*, and *Seminar III*.

Miller's choice to publish *Seminar VII* caught some by surprise as many were expecting *Seminar IV*, the seminar on object relations, to be the next of Lacan's seminars to be published. Dany Nobus notes that Miller recognised that his break with the sequence of the seminars caused concern.[80] Miller addresses these concerns across three distinct grounds in his own seminar of 1982-83: firstly that *Seminar VII* was the only lecture course which Lacan considered turning into a monograph and he had enlisted the services of Miller to this end prior to the release of the earlier seminars; secondly that *Seminar VII* is the start of the "other Lacan", the Lacan of the register of the Real rather than the discourse of the clinic that occupies earlier seminars; and lastly that the question of ethics addressed in *Seminar VII* was a starting point for the still fledgling *École de la cause freudienne* that would set it apart from the International Psychoanalytic Association which had been reluctant to formalise an ethical position up to the publication of the

78. Sigmund Freud, "An Outline of Psycho-Analysis," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XXIII (1937-39)*, trans. James Strachey (London, Vintage, 2001), p. 155.
79. Freud, 'Outline', p. 200.
80. Dany Nobus, "Lacan with Antigone: On Tragedy and Desire in the Ethics of Psychoanalysis," in *Critique of Psychoanalytic Reason: Studies in Lacanian Theory and Practice* (New York, Routledge, 2022), p. 197.

Seminar in 1986.[81] The "other Lacan" has been a key feature of many legal theorists to have published work since the 1990s that deal with law, especially William MacNeil, Desmond Manderson, and Renata Salecl.[82]

In *Seminar VII*, Lacan offers an ethics of the real. Across the seminar, this ethical Real is understood through several major psychoanalytic concepts including the Thing, sublimation, *jouissance*, and tragedy. The late sections of the lecture course contain Lacan's trailblazing treatment of *Antigone* and the ethics of the real. This focus on the third instalment of Sophocles' Oedipus cycle moves ethical discourse away from moral questions of transgression and instead towards the triumph of being-for-death that sets the question of an ethics prior to signification or, as Freud would say, the experience of satisfaction.[83] Wolf has noted that the question of ethics in *Seminar VII* is separate to the question of quality.[84] For Lacan, the onset of ethical questions appears with the intervention of reality from the margins: "as soon as we try to articulate the reality principle so as to make it depend on the physical world to which Freud's purpose seems to require us to reality it, it is clear that it functions, in fact, to isolate the subject from reality."[85] The origin of ethics therefore coincides with the origin of the Other in *Seminar VII*: "the Other gives meaning to the cry of helplessness."[86] For Lacan, the object of an ethics is therefore a primal Other, "something strange to me, although it is at the heart of me, something that on the level of the unconscious only a representation can represent."[87] Lacan's reading of *Antigone* sets this ethics of the real to task by explaining how the ethical Thing persists in Antigone's outrage at the undecidable state between life and death, between two deaths.[88]

The "other Lacan" may have began with *Seminar VII*, but it achieves a zenith of sorts in *Seminar XVII* where Lacan turns again to the Oedipal drama. Lacan's seventeenth seminar represents a second major shift in his work. Lacan's discussion of Freud's analysis of Oedipus explores what is within and beyond the classical Freudian reading to arrive at a new understanding of how the social link is forged between the paternal law and the desire to be loved. These questions are posed within the horizon of what lies beyond the pleasure principle to stick in the ethical subject's throat: *jouissance*.

Rather than rely on Freud's binary sexuation, Lacan reveals the shockingly revolutionary promise of the Oedipal myth that realises an explosion of object-centric sexualities.

---

81. Nobus, 'Antigone', p. 198.
82. See in particular: William MacNeil, *Lex Populi: The Jurisprudence of Popular Culture* (Stanford, Stanford University Press, 2007); Desmond Manderson, *Danse Macabre: Temporalities of Law in the Visual Arts* (Cambridge, Cambridge University Press, 2019); and Renata Salecl, *Choice* (London, Profile Books, 2010).
83. Jacques Lacan, "*The Ethics of Psychoanalysis 1959-1960, The Seminar of Jacques Lacan Book VII*," ed. Jacques-Alain Miller, trans. Dennis Porter (London, W. W. Norton, 1992), p. 313.
84. Bogdan Wolf, "The Perception and Politics of Discourse," in *The Later Lacan: An Introduction* (Véronique Voruz and Bogdan Wolf eds) (New York, SUNY Press, 2007), p. 194.
85. Lacan, *Seminar VII*, p. 46.
86. Wolf, 'Perception', p. 194.
87. Lacan, *Seminar VII*, p. 71.
88. Lacan, *Seminar VII*, pp. 280-1.

Unlike in *Seminar VII*, where Lacan separates *jouissance* from the law by means of the impossibility of enjoyment, in *Seminar XVII* he notes that enjoyment can be reached by the means of transgression of the law. *Jouissance* is here an invader of legality. In *Seminar XVII* Lacan supposed a primordial relation between *jouissance* and the signifier (of the law) that bars its attainment and sets *jouissance* as the opposite of pleasure and law.[89]

Lacan's revision of the Oedipus complex begins by reformulating the pre-Oedipal phase. In *Seminar XVII* Lacan establishes a triangular relation between the child, the mother, and the possibility of an Other that disrupts the illusory unity of mother and child. The pre-Oedipal binary of mother and child in Freud is therefore interrupted by the child's encounter with the desire of the mother. When the child encounters 'What am I in the Other's desire?' their answer will set the course for dissolving the Oedipus complex. Notably, however, the generation of the complex as such relies on the imaginary unity of the mother and child being dissolved. Lacan's calls this third element that intervenes in the child's imaginary unity the Name-of-the-Father. This Name-of-the-Father does not need to be a real father, or even a male figure, it is instead a paternal metaphor that sets the chain of signification in train.

For both *Seminar VII* and *Seminar XVII*, the paternal metaphor is treated as a symbolic locus that the child perceives to be the object of the mother's desire. The point of difference for these seminars pertains to the interaction between the symbolic/linguistic law and desire for *jouissance*. In *Seminar VII* the intervention of the paternal metaphor into the imaginary relation delimits a symbolic domain where the child can identify themselves as a separate being (from the mother). This separation enables the child to initiate the processes of the Oedipus complex. The paternal metaphor is therefore a position of authority. In *Seminar XVII* however this paternal metaphor goes beyond the pleasure principle in the imaginary binary between mother and child. The Other prohibits the child's desire for the mother through a turn, a *che vuoi?*, the question of the Other's desire.

The discussion of Oedipal law in *Seminar XVII* builds a posited image of signification where the subject must accept or foreclose on the punitive law of the symbolic Other. Such law is phallic in the Lacanian sense of signifying a lack, a boundary that rejects full substantive enjoyment. This phallus that the Oedipal drama turns upon is here a signifier of sexual difference that inaugurates the process of signification. Importantly, the phallus operates as an anchor across the three registers of the Imaginary, Symbolic, and the Real. The imaginary phallus is that object that the mother desires that is beyond the child themselves. The symbolic phallus is the substitution of what the phallus represents, lack, with its phantasmatic substance. After the intervention of the paternal metaphor, the father is assumed to possess the phallus. This paternal phallus is the signifier which satisfies the mother's desire from the child's perspective that is constituted by the break in the imaginary unity of the pre-Oedipal phase.

Castration in this context means giving up on the idea that the child can be the phallus for the mother by accepting a veil for this lack. This veil sets the phallus always out of reach. In the real, the phallus is unable to be exchanged or given.[90] Here the subject is

89. Paul Verhaeghe, "Enjoyment and Impossibility: Lacan's Revision of the Oedipus Complex," in *Jacques Lacan and the Other Side of Psychoanalysis* (Justin Clemens and Russell Grigg, eds) (London, Duke University Press, 2006), p. 31.

90. Lacan, *Seminar VII*, p. 177.

freed from the anxious impossibility of attaining the phallus by realising that the father has it. This enables the subject to identify with the father and transcend the aggressivity of primary, imaginary identification with the father noted by Freud as often expressed through opposition and ambivalence. As the symbolic is the realm of the (linguistically based) law, especially for the Lacan of *Seminar VII*, the Oedipus complex is a conquest of the symbolic order that normalises the structure of the real and regulates access to its *jouissance*.[91] Desire is generated by the inauguration of the law by the Oedipus complex and, inter alia, "desire is the reverse of law."[92]

The Phantasy of Legal Form

Given the discussion of the law from Freud and Lacan, it is clear that what Freud calls "phantasy" plays a major role in establishing the law and its acclamation of regulated behaviour. The legal picture of psychoanalysis is not black and white however. The coming of the law always involves a horizon of possibility. In Freud, it is the transfer of an *imago* of paternal prohibition to the mother and negotiation or acceptance of the paternal order of the father. This transfer is grounded *apriori* in a bi-sexuality for Freud. For Lacan, however, the cut that multiplies the grounds of sexuality is always-already present. In practical terms, the pre-Oedipal relation is always a triad between the child, the mother, and the nothingness beyond the experience of satisfaction.

The dissolution of the Oedipus complex in Lacan is therefore grounded more or less in the acceptance or foreclosure on the symbolic law. Foreclosure leads to the psychoses. Acceptance, by contrast, positions the subject of language in a relation to the desire of the Other, to what is beyond the utilitarianism of the pleasure principle. Importantly, Lacan views his own position as an extension of Freud's and not a revision or departure. Yet in terms of Lacan's oeuvre, the move to Oedipus in *Seminar VII* is a turning point towards the ethics of the real. This turn anchors *jouissance*, that which is beyond the pleasure principle, formulating it as an intruder to the law. The seeming juxtaposition then between adherence to the law and the desire to transgress the law resides in the fact that they are two sides of the same coin, the paternal metaphor that gives law authority in the Name-of-the-Father is the other side (*l'envers*) of the desire of the mother.

Thus it is impossible to fully satisfy the law, because full satisfaction requires an answer to the enigma of the mother's desire. What psychoanalysis calls neurosis is the demand for ever more structured experiences of this enigma, to try and draw it ever closer by creating more limits for transgression. Perversion, by contrast, posits that the superego is limited and able to be substituted in the Name-of-the-Father. The irrational guilt becomes, for the pervert, a matter of perspective. A perverse fixation on engendering this substitution ritualises rather than structures the law, creates analogies. Nowhere is this more obvious than in the way that historicist critics' psychobiographies of literary authors posit a psychology that is entirely invented by the critic's assemblage of

91. Lacan, *Seminar VII*, pp. 83-4.
92. Jacques Lacan, "Kant with Sade," in *Écrits*, trans. Bruce Fink (London, W. W. Norton, 2006), pp. 664-665.

historical fragments, an intentional fallacy. The literary work becomes a story of the author's intent rather than the discourse at work in a reader's detours through a literary work, stopping and starting as they see fit. Psychobiography is perverse because it substitutes the signification of the law in the Name-of-the-Father and falsely claiming to be its representative. The greater irony here is that adherence to the superego, traversing the threat of castration from the law, produces metaphors for the law in the experience of guilt not for actions that have been committed but for what has been given up on, what desires have been ceded for the sake of some wish for satisfaction.

Conclusion

The Oedipus complex provides a rich terrain in which to explore the law's connection to the psyche. Today, psychoanalysis is not alone as a critical discourse that takes an interest in the psychological rather than philosophical limits of the law. It is, however, one of the longest lived and most influential schools of thought on the subject. Freud found a fellow traveller in the figure of Oedipus, someone whose fate was unclear and whose highest achievements often led them to other areas. Freud himself famously wanted to be a researcher but found himself studying medicine. Were it not for this serendipitous shift, the return to Sophocles' drama may not have been observed beyond an anxiety about its influence on narratives of self-formation and traversing fate. The Oedipus complex was a sigil of psychoanalysis for Freud. The Oedipus complex set psychoanalytic discourse apart from the medical and humanist milieux of the nineteenth and twentieth centuries while laying the groundwork for productive debates to be created around female sexuality, law, and the Unconscious. Psychoanalysis challenges the assumption that happiness is a worthy goal in and of itself. This is where Lacan began his critical return to Freud's rendition of the Oedipus complex to introduce a destabilising moment in the bisexual horizon of the pre-Oedipal phase that enables plural movements across sexuality in relation to internal guilt and external, positive law. This article largely left aside Lacan's treatment of the third of Sophocles' plays, *Antigone*, because his revision of the Oedipus complex arises in other less discussed areas of his work that explicitly target Freud. Lacan, like Freud before him, makes much of the role of phantasy in the production of the symbolic discourse that enables the law to take place. Without phantasy there is no modern, positive law, no network of signifiers to represent the subject for another signifier. While we should resist reading literary narratives for legal remedies, it is also important to treat psychoanalysis with the same respect for its difference in approach and focus.

ORCID iD

Daniel Hourigan https://orcid.org/0000-0001-8650-4717