

PARRICIDE AND THE SEARCH FOR LEGALITY

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Parricide is a landmark in Freudian theory. It heralds the passage from prehistory to history, and with it the birth of the law. The basis of society and its legal order rest on the foundation of the violent struggle between primal father and sons, on the guilt and remorse that ensue from parricide, and on the rules that are set up by the sons to prevent the recurrence of the event. Parricide is thus the catalyst for the achievement of regulated freedom (over the postulated total freedom of prehistorical time), and the resulting guilt and anxieties are the forces that counterbalance and oppose this new freedom.¹ Much of Freud's conception of human society as inherently violent and aggressive is built upon this profound insight, and upon the belief of man's ever renewed need for parricide.

In the following pages I shall delineate the psychological origins of civil society according to Freudian theory, in order to stress the relevance of the underlying repressed-at times barely so-violence on which society is founded to the laws agreed of the self-same society.² To illustrate this point and the importance of the (still largely potential) contribution of psychoanalysis to our understanding of legal systems-besides, of course, its valuable input for their future evolution - I shall then look at one specific aspect of the German Weimar Republic, the culture that witnessed the most serious political degeneration prior to the total abandonment of justice that was Nazism.

Law, its theory and its practice, cannot, and should not be allowed to escape the study of the psyche of individual, culture and society. Parricide is a male metaphor of growth and sex. In its original reading it is at the root of the ambivalence towards the father that originates the sense of guilt and the insecurities and anxieties that accompany freedom and faith as a pendulum in man's life. When the Oedipus complex is unresolved, law as the father is perceived as the hard law, with no space for soft values and with fear of love (*agape*) and desire. The object of desire has its worth in what it represents and in the absence that it represents. The opposition of desire/law can signify a narcissistic or paranoid impasse of the Oedipus complex. Its ghost can represent an obstacle to change so that the symptoms and myths that accompany it seem to be unchangeable.³

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