Stealing Nothing—cause and effect of theft

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Abstract

What can psychoanalysis contribute to an understanding of the criminal act of shoptheft? While the focus of social science research is the prevention of shoptheft in order to minimize its effects upon the economy—and thus its concern is with the object not the subject of the crime—by comparison, psychoanalysis is concerned with the effect a criminal act has for the subject who commits the crime. According to Lacan, psychoanalysis does not dehumanize the criminal and instead emphasizes the role that theft has in the problematic human relationship to pleasure and satisfaction. By comparing post-Freudian theories of theft with a Lacanian approach, this paper discusses how the drives and desire are of relevance to the subjectivization of theft.

Introduction

In 2003 the University of Otago carried out a national survey on retail theft and crime, resulting in the finding that an annual $564 million is lost to shoptheft in New Zealand, with customer theft comprising 68% of that loss. The survey was conducted by the New Zealand Centre for Retail Research and Studies whose director, Dr John Guthrie, stated when undertaking the survey that one of its aims was to identify the size of the problem in order for retailers to "recognize the opportunity for increasing profits by addressing the crime problem, while at the same time signalling to the appropriate agencies that more needs to be done in this area" (Guthrie, 2003).

As social science research, the survey is understandably concerned with the effects of shoptheft on the economy and the preventative measures required for reducing those effects. In this context, the appropriate agencies will be those related to the legal system, such as security, police, the courts, and the penal system. However, considering the statistics, there is no doubt that the health professions, and specifically the psy-professions, will also be part of those appropriate agencies. Psy-professionals will frequently encounter patients who commit shoptheft and consequently there is an extensive history of research on crime and specifically theft in the fields of psychiatry, psychology, psychotherapy and psychoanalysis.[1] For my purposes here, I will focus on theft crimes research from the Freudian field.

It is clear that the survey by the New Zealand Centre for Retail Research and Studies shows the effects of shoptheft for the economy. By comparison, psychoanalysis is concerned with the effect that the criminal act has for the

subject who commits the crime. The main question addressed in this paper is, what does psychoanalysis have to say about theft?

My proposal is that by considering not only the cause of crime but also the effect of the crime for the subject—rather than for the economy—psychoanalysis is able to contribute to the understanding of why a subject commits a crime such as theft.

Compared with statistical studies and criminology, psychoanalysis "does not dehumanize the criminal" (Lacan, 2006, p. 110). For criminology, the criminal act is caused by either external or internal factors, or a combination of both. For example, theft is understood as caused by the external factors such as peer pressure or poverty, while internal psychological factors are, for example, those of psychiatric personality disorders or addiction. From this perspective the subject becomes an object under the influence of external and internal forces that are beyond his or her control. In dehumanizing the subject, the question of how the criminal act entails a "specific mode of subjectivization" is not considered in criminology or the statistical studies which contribute to criminology's approach to crime (Salecl, 1993, p. 4).

Freud on crime

In 1916 Freud wrote a paper called "Some Character-Types Met with in Psycho-Analytic Work" in which the section on "Criminals From a Sense of Guilt" deals with the cause and effect of crime for the subject (Freud, 1916). Freud relates how his analytic work "brought the surprising discovery" that the criminal acts confessed to by his patients, such as theft, fraud or arson, "were done principally because they were forbidden, and because their execution was accompanied by mental relief for their doer" (p. 332). Paradoxically, the cause rather than the effect of the criminal act is "an oppressive feeling of guilt" for which the origin is unknown. By committing the crime, the oppressive guilt is then assuaged through being "at least attached to something" (Ibid). Two questions arise from this clinical finding: where does the paradoxical guilt that occurs before the crime come from?; and does this causation have an important part in crime?

An "unknown origin" in psychoanalysis refers of course to the unconscious and its repressed contents. Freud's answer to the first question is that the obscure sense of guilt is derived from the Oedipus complex, as "a reaction to the two great criminal intentions of killing the father and having sexual relations with the mother" (Freud, 1916, p. 333). The desire to commit parricide and incest, crimes which are far more abhorrent than those of theft or fraud, is therefore the origin of an unconscious guilt, crimes which are far more

abhorrent than those of theft or fraud. By committing the forbidden action, the subject experiences relief through attaching the unconscious, guilty desire to a lesser crime. The relief that some criminals experience after committing a crime can be explained in terms of a pre-existing and unconscious guilt. In this way, Freud offers a partial explanation as to the cause and effect of the criminal act for the subject.

In answering his second question, Freud goes a step further in this explanation by bringing in the matter of punishment and therefore responsibility, the latter being one of the major problems for criminology and its objectification of the criminal. There are, as Freud points out, criminals who do not experience any guilt when they commit a crime and who feel "justified in their action" (Ibid). For this kind of criminal, the question of their responsibility is laid at the door of either an internal factor, such as a lack of moral inhibition, or an external factor through which they are in a conflict with society, such as poverty. But for the criminal who commits a crime on the basis of an unconscious guilt, the crime becomes subjectivized in the aim of provoking a punishment. Freud comes to this explanation from his observation of children who "are often 'naughty' on purpose to provoke punishment, and are quiet and contented after they have been punished" (Ibid).

Post-Freudian crime

After Freud, psychoanalytic writing on crime developed in two main movements which emphasised either the drives or the ego. Writing on the history of psychoanalytic studies of crime, John Fitzpatrick explains these two trends:

> The first, initiated by Freud in an essay written in 1916 entitled "Criminals from a Sense of Guilt," emphasizes the motivational priority of instinctual expression and unconscious psychosexual conflict. The second trend, following the later discoveries of the psychoanalytic ego psychologists, minimizes the role of the instinct and highlights selected adaptational and environmental factors which impel one toward criminal behavior (Fitzpatrick, 1976, p. 68).

Significantly, this is the very same distinction that Rik Loose finds in the post-Freudian theories on addiction:

> A reading of the post-Freudian literature shows that it is possible to distinguish between different periods in psychoanalytic thinking about addiction. These are periods in which certain aspects and concepts of Freud's theory dominate over others....For instance, it is possible to detect a drive-theory of addiction, which mainly covers the

> periods of the first quarter of the 20th century. After that one sees an increase in emphasis on the ego and defence mechanisms. This is the "ego-psychology" period, and its later derivative is called the "self-psychology" period (Loose, 2002, p. 97).

There are, however, two striking differences between these surveys of post-Freudian theories by Fitzpatrick and Loose. Most obvious is that Fitzpatrick characterises the first trend as focusing on instincts, while Loose describes this trend as the drive-theory. The terminological difference has important ramifications for how psychoanalysis understands the criminal act. The second difference between the two surveys is that Fitzpatrick views ego-psychology as an improvement upon the earlier instinct theory, while for Loose both "periods represent...a reduction of Freud's work" (Ibid). I will begin by discussing this second interpretive difference, for it leads into the terminological and conceptual distinction between instinct and drive.

Fitzpatrick's reason for finding the instinct theory inadequate in comparison with ego-psychology's approach to crime is that the instinct theory places too great an emphasis on internal factors, such as the unconscious conflict and the Oedipus complex, to the detriment of conscious motivations and external factors of society (Fitzpatrick, 1976, p. 71). Fitzpatrick refers to the work of Franz Alexander and Erik Erikson as examples of ego-psychologists who have "moved beyond the instinct theory, and tried to account for the variety of motivational factors...by introducing an explicit sociological and historical context to the study of criminal behaviour" (72). For Loose, though, ego-psychology is a reduction of the Freud's work. How does he arrive at this criticism?

Ego-psychology and the imaginary

Loose's criticism of ego-psychology is based on Jacques Lacan's dispute with ego-psychology for focusing on the ego to the detriment of the unconscious. In other words, Lacan maintains the Freudian distinction between the ego and the subject of the unconscious. The "essential thing in analysis", for Lacan, is to maintain this distinction between the "imaginary" and the "symbolic": "The ego gets confused with the subject, and the ego is turned into a reality, something which, as they say, integrates" (Lacan, 1991, p. 241). The imaginary, as Thomas Svolos explains, consists of "the representations which the patient makes of himself and of the world—these things we speak of in terms of the ego and object representation (or that we alternatively see as identifications)" (Svolos, 2003, p. 37). The symbolic is the realm of signifiers—the language and speech of the patient—and

therefore the "focus of attention of the practitioner is unconscious formations, those rare moments of access to the signifying material which constitutes the unconscious" (Ibid).

For Lacan, post-Freudian psychoanalysis has been more concerned with the imaginary dimension of the ego and its others rather than with the subject of the unconscious, the unconscious as that which is truly Other (alien and unknown) to the subject. Analysts, Lacan asserts, "must distinguish two others...an other with a capital O, and an other with a small o, which is the ego. In the function of speech, we are concerned with the Other" (Lacan, 1991, p. 236). In ego-psychology, the imaginary dimension takes precedence due to its emphasis on the adaptive function of the ego to external reality.

For ego-psychology,[2] the ego is from the beginning omnipotent, although later susceptible to erosion from factors in external reality, such as parental neglect or social adversity, which damage the ego's self-regard and narcissistic self-love (Loose, 2002, p. 104). Mental suffering is therefore the result of a weak or deficient ego (p. 108). Since the ego is damaged by external forces, crime can be understood in ego-psychology as a compensatory activity that maintains self-esteem, a way to return to the narcissistic state where the ego was omnipotent. Yet crime, like a symptom, does not repair the damaged ego. It is only a temporary measure and causes the ego to be vulnerable to a punishing superego and the id's instinctual forces of masochism. Therapeutically, ego-psychology aims to provide a more permanent solution by strengthening the ego's defence mechanisms against the superego and the id, through building up self-esteem, so that the ego can hold its own in a happy and adaptive relationship with external reality. In terms of the criminal act, ego-psychology dehumanizes the subject because the criminal is perceived as an innocent victim of the parental and/or environmental other, and therefore carries no responsibility for her or his act. Crime becomes an objective problem without subjective implications. Its therapeutic aim to strengthen the ego/self comes up against a specific problem: "this self does not want to get well" (p. 114).

Drives are not instincts

The notion of a self who does not want to get well brings us to the question of the difference between the instinct and the drive. It is commonly thought that humans, like animals, follow the pleasure principle and aim for pleasure while avoiding pain. Freud's 1920 paper, "Beyond the Pleasure Principle", makes the disturbing finding that this is not so. Instead, the human subject finds a paradoxical pleasure in pain. Symptoms are one example of how humans will prefer to prolong suffering rather than confront an unconscious

desire. The post-Freudian tendency to follow Freud's translator James Strachey in understanding the drive as merely an instinct makes it impossible to understand why humans go beyond the pleasure principle.

One of Lacan's aims was to return to the letter of Freud's work in order to preserve its theoretical revolution. On the matter of the English translation of Freud, Lacan notes that he "will take up the challenge made to [him] when people translate as "instinct" what Freud calls Trieb—which 'drive' would seem to translate quite well into English, but which is avoided in the Standard Edition" (Lacan, 2006, p. 680). The Freudian structure loses its significance in the translation of instinct for Trieb.

This translation problem leads to conceptual problems, and so Lacan insists "on promoting the idea that...instinct—[is] among the modes of knowledge required by nature of living beings so that they may satisfy its needs....But in Freud's work something quite different is at stake" (Ibid). To follow Lacan's directive, by returning to Freud's text we can see what exactly is at stake here. In 1905 Freud described the drive in this way:

> *The simplest and likeliest assumption as to the nature of drives would seem to be that in itself a drive is without quality, and, so far as mental life is concerned, is only to be regarded as a measure of demand made upon the mind for work (Freud, 1905, p. 168; see also Freud, 1915, p. 122; I have replaced the Standard Edition's "instinct" by drive).*

As Roberto Harari explains, with the instinct there is no work, whereas with the drive an initial raw matter is articulated with an instrument of application and the result is something very different to the original matter. "If there is work, there must be mutation, change, transformation" (Harari, 2004, p. 185). Harari points out that the concept of the drive is quite different to Melanie Klein's idea of an unconscious fantasy as "the mental expression of the instincts", for no work is involved there (Hanna Segal quoted in Harari, p. 185). With the drive, the bodily demand which then moves into the psyche is not instinctual, whereas for Klein "the psychic is conceived as a mere subordinate and mechanical correlate.... [and therefore] the fantasizing (unconscious) universe is preconstituted in biological functionalism" (Ibid). Freud clearly differentiated between instinct and drive by which the former refers to the biological instinct which is a-subjective and external to the signifying order (p. 184).

In the post-Freudian literature on stealing the distinction between drive and instinct is lost, as is the different relationship each has to its object. In the work of Karl Abraham, for example, there is an unproblematic relation of the

drive to its object in that the goal of satisfying the drive is attainable in the (normal) object, while symptoms are the effect of inadequate repression or sublimation. According to Abraham, compulsive stealing occurs when

> a child feels injured or neglected in respect of proofs of love—which we have equated with gifts—or in some way disturbed in the gratification of its libido. It procures a substitute pleasure for the lost pleasure, and at the same time takes revenge on those who have caused it the supposed injustice (Abraham, 1942, p. 355).

In a summary of the post-Freudian approach to stealing, Arnold Allen notes that for both Abraham and Edward Glover, stealing in women is symbolic of stealing the penis, and further points out that in general, stealing is "an expression of infantile needs, or...the gratification of id impulses" (Allen, 1965, p. 573). Abraham's approach to stealing obviously relies in some way on Freud's conception of the libido and the psychosexual stages. The post-Freudians diverge from Freud's drive theory in thinking that compulsive stealing is the avoidance of a normal encounter with an other, the thief instead seeking an earlier, more infantile satisfaction. In other words, the compulsive thief prefers the immediate pleasure which is attached to the satisfaction of the drives and is unable to deal with the less immediate satisfaction and frustrations of human relationships. In Freud's drive theory, however, there is no ideal of normality. The relation of the drive to its object is always problematic, on the basis that the object is an emptiness around which the drive circles. Lacan develops the Freudian lost object in his concept of the object a which brings about a focus on the question of how each subject orientates itself to that lack—the impossibility of full satisfaction.

Freud's drive theory must be considered in relation to his theory of infantile sexuality whereby the infant experiences sexual activity and enjoyment beginning with the feeding process and which affords a certain amount of sexual satisfaction (Freud, 1905). As a constant pressure, the drive is characterised by repetition, and, as the child grows up, the need to repeat certain forms of sexual satisfaction takes place without depending on the feeding process. For Freud, the drive has a disturbing aspect in relation to pleasure and satisfaction because it does not attain its aim of satisfaction: the satisfaction of the drive is a problem (Freud, 1912, pp. 187-189).

Freud outlines two reasons for the drive's unfavourable relation to satisfaction. The first is the incest taboo and the concomitant loss of complete satisfaction which had characterised the relationship with the maternal Other.[3] Here the original object is lost and such a loss is the starting point of desire (p. 189). The Lacanian object a is in part a name for this lost object.

The second reason is that the drives are partial rather than unified, and some partial drives are repressed while others do not aim for satisfaction (Ibid). Take, for example, the scopic drive which, along with the invocatory drive, Lacan adds to the list of Freudian partial drives (the oral and anal), and which does not necessarily have the aim of satisfaction—humans continue to look at certain things such as works of art or pornography. Nor does the oral or anal drive necessarily find ultimate unification in the genital stage, for humans will attain pleasure through non-reproductive sexual activities.

For the subject, the superego and drive converge in the maternal Other because the body's relationship to pleasure takes place in response to what the Other seems to want. What the Other wants of the child is expressed in many ways. One is the voice and its effect on the body of the child. In Freud's theory the drive is a constant force aiming for satisfaction, e.g. to hear, to be heard, to make oneself be heard, which begins with and is organised by the subject's relationship to his or her Other. With the invocatory drive, the superego—as formed from an internalised parental agency although not the same as the parent's moral values—has a role in regulating pleasure and satisfaction with regard to the law.

To summarise so far. The preference, in certain psychoanalytic theories after Freud, for instinct over drive has the tendency to dehumanize the subject by instead emphasising the object of the instinct. Here the instinct is a-subjective and therefore unaffected by the subject's relations to the Other. By comparison the Freudian drive is constituted in relation to the child's significant Others and their language—the symbolic order—which necessarily involves the social morals and values of those Others. The drive can only ever be specific to each subject in terms of that subject's position in relation to the impossibility of full satisfaction or the object a. This non-object, as the cause of desire, is filled in or covered up by the crime of stealing. It conceals the lack in desire's movement, and this lack is always in relation to an Other. In stealing, the Other's lack is concealed so that "the illusion is maintained that the Other possessed what was stolen from it" (Zizek, 2001, p. 70).

Lacan and the subjectivization of the criminal

The specificity of the drive for each subject is the very point Lacan makes in his paper on the function of psychoanalysis in criminology. At the end of this paper, Lacan explains why it is the drive that is important for understanding the criminal subject rather than the instinct:

> Psychoanalysis shows us the instinct caught up in a metamorphism in which the formulation of their organ, direction, and object is a

> Jeannot knife with infinitely exchangeable parts. The Triebe (drives) that are identified in this theory simply constitute a system of energetic equivalences to which we relate psychical exchanges, not insofar as they become subordinate to some entirely set behaviour, whether natural or learned, but insofar as they symbolize, nay dialectically incorporate, the functions of the organs in which these natural exchanges appear—that is, the oral, anal, and genito-urinary orifices (Lacan, 2006, p. 121).

It is only possible to understand the criminal act as an act through which the inner tensions of the subject—that is, the dialectic of the drive formed through the psychic processing of the somatic tension—find some kind of resolution. Taking his coordinates from Freud, Lacan understands the drive in terms of a problematic relationship with pleasure and satisfaction and he concludes his paper on crime by emphasising this issue: "The subject's 'tendencies' do not fail...to manifest slippage in relation to their level of satisfaction. The question of the effects that a certain index of criminal satisfaction can have there should be raised" (Lacan, 2006, p. 122). To put it another way, as Renata Salecl has in her paper on Lacan and crime: "The essential psychoanalytic consideration is thus what role theft plays in the libidinal economy of the thief" (Salecl, 1993, p. 4).

Clinical implications

Through a series of mistakes and bungled actions, a patient who is a compulsive thief, finds that covering her tracks lies outside of her control. Her mother and father were distant and unemotional towards her and each other, and the question that she forms in analysis is: what was the nature of their relationship? The question concerns desire, not only the desire of the Other but her own, for she cannot bear sexual intimacy. As the third place in relation to the imaginary dyad of the ego and its others, the symbolic Other is the representative of the values and ideals of one's parents and culture. For the patient, theft becomes a way to reduce the Other's distance, to conceal the necessary lack of the Other (object a), by filling it with objects of desire, stolen items which might serve to create her desire.

The mistakes she makes along the way—unconscious actions which go against her conscious need to hide her crime from the Other—betray a demand to provoke the law into responding to and therefore recognising her as a subject. The demand for punishment refers to one of the vicissitudes of the drive defined as a "turning around upon the subject's own self in masochism" (Ragland, 2004, p. 38). To convert the drive demand into a desire would involve a break in the repetition of the drive circuit and its habitual relation

with the Other from whom she consciously strives not to be seen by and yet unconsciously makes herself seen by. A different object a for the patient would be the work of analysis, that is, for the patient to redefine her identity in relation to the Other so as to allow for something different and new—a cause, not an object of desire. The work concerns an analysis of the effects of theft related to a particular cause. This is a cause which is particular because it belongs to the subject and only through that subject does it produce effects.

References

Abraham, K. (1942). *Selected papers.* London: The Hogarth Press.

Allen, A. (1965). Stealing as a defense. *Psychoanalytic Quarterly, 34,* 572-583.

Fitzpatrick, J. (1976). Psychoanalysis and crime: a critical survey of salient trends in the literature. *Annals of the American Academy of Political and Social Science, 423,* 67-74.

Freud, S. (1905). Three essays on sexuality. *S.E., VII* (pp. 130-243). London: The Hogarth Press.

Freud, S. (1912). On the universal tendency to debasement in the sphere of love. *S.E., XI* (pp. 177-190). London: The Hogarth Press.

Freud, S. (1915). Instincts and their vicissitudes. *S.E., XIV* (pp. 109-140). London: The Hogarth Press.

Freud, S. (1916). Some character-types met with in psycho-analytic work. *S.E., XIV* (pp. 309-333). London: The Hogarth Press.

Guthrie, J. (2003). Otago internet survey to reveal true cost of NZ retail crime, University of Otago, Retrieved May 3, 2007, from http://www.otago.ac.nz/news/news/2003/18b-07-03_press_release.html.

Harari, R. (2004). *Lacan's four fundamental concepts of psychoanalysis: An introduction.* New York: Other Press.

Lacan, J. (1991). *The seminar of Jacques Lacan, book II: The ego in Freud's theory and in the technique of psychoanalysis 1954-1955* (S. Tomaselli, Trans.). New York: W.W. Norton.

Lacan, J. (2006). The subversion of the subject and the dialectic of desire. *Écrits: The first complete edition in English* (pp. 679-702). (B. Fink, Trans.). New York: W.W. Norton.

Lacan, J. (2006). A theoretical introduction to the functions of psychoanalysis in criminology. *Écrits: The first complete edition in English* (pp. 102-122). (B. Fink, Trans.). New York: W.W. Norton.

Loose, R. (2002). *The subject of addiction: Psychoanalysis and the administration of enjoyment.* London: Karnac.

Ragland, E. (2004). *The logic of sexuation: From Aristotle to Lacan.* New York: State University of New York Press.

Salecl, R. (1993). Crime as a mode of subjectivization: Lacan and the law. *Law and Critique, 4*(1), 3-20.

Svolos, T. (2003). The specificity of psychoanalysis in relation to psychotherapy. *Mental Online: International Journal of Mental Health and Applied Psychoanalysis, 13,* 30-39.

Zizek, S. (2001). *On Belief.* London: Routledge.

(Endnotes)

[1] For example, see William Healy's *The Individual Delinquent: A Text-Book of Diagnosis and Prognosis for All Concerned in Understanding Offenders* (Boston: Little, Brown, and Co., 1915); August Aichhorn's *Wayward Youth* (New York: Viking Press, 1925); Franz Alexander and Hugo Staub's *The Criminal, the Judge and the Public: A Psychological Analysis,* trans. G. Zilboorg (New York: Macmillan, 1931); Franz Alexander and William Healy's *Roots of Crime* (New York: Alfred A. Knopf, 1935); Kate Friedlander's *The Psycho-Analytical Approach to Juvenile Delinquency: Theory, Case-Studies, Treatment* (London: Routledge & Kegan Paul, 1947); *Searchlights on Delinquency: New Psychoanalytic Studies Dedicated to Professor August Aichhorn, on the Occasion of his Seventieth Birthday, July 27, 1948,* ed. K.R. Eissler (New York: International Universities Press, 1949); Daniel Lagache's "Contributions to the psychology of criminal behaviour: psychoanalytic commentary on an expert's report," in *The Work of Daniel Lagache: Selected Writings 1938-1964,* trans. E. Holder (London: Karnac Books, 1993), 33-65; Pietro Castelnuovo-Tedesco's "Stealing, revenge and the Monte Cristo complex," in *International Journal of Psycho-Analysis, 55,* 169-177.

[2] The founders of ego-psychology are Ernst Kris, Heinz Hartmann, and Rudolph Loewenstein, for which their primary source is Anna Freud's 1936 book *The Ego and the Mechanisms of Defense.*

[3] The mother is both an other and an Other. In the mirror-phase, the child identifies with the specular image of the mother (the other) but this imaginary relationship always borders on the symbolic Other as the locus of signifiers. As the Other, the mother is dependent upon the existing symbolic codes and is the representative for the child of a culture's ideals and values of which almost everyone in that culture knows about. The mOther is fundamentally lacking: she is a subject with unconscious desires and she desires something else beyond the child, and therefore it is through her that the child learns about desire.