

THE LACANIAN ACT AND PASSAGE À L'ACTE: A CASE HISTORY OF THE SUBJECTIVE EFFECTS OF CRIME ON THE CRIMINAL

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ABSTRACT: In reference to the case history of an incarcerated man, this article explores the difference between the Lacanian concepts of the act and the *passage à l'acte* in reference to the position of the subject and questions around psychic structure (neurosis, psychosis). The authors seek to show how the criminal act can be viewed as an effort towards a structural reorganization of the subject.

Keywords: crime, *passage à l'acte*, anxiety, Real, Lacan.

Resumo: O Ato Lacaniano e a *passagem ao ato*: estudo de caso dos efeitos subjetivos do crime num criminoso. Partindo da história do caso de um homem encarcerado, o artigo explora a diferença entre os conceitos lacanianos de ato e de passagem ao ato, no que concerne à posição do sujeito e às questões em torno da estrutura psíquica (neurose, psicose). Os autores procuram evidenciar como o ato criminoso pode ser visto como um esforço em direção a uma reorganização estrutural do sujeito.

Palavras-chave: crime; passagem ao ato; angústia; Real, Lacan.

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At first, criminal acts may seem unbearable or even impossible to think about or to approach theoretically because they have a horrifying aspect that conflicts with our sense of decency and morality. Yet the impossible is precisely what is of greatest interest to psychoanalysis. By investigating a “criminal act” in the conventional sense of the term, in the context of clinical work with a man who had committed rape, we have been led to explore the distinction in Lacanian psychoanalysis between the *passage à l’acte* and an act as such.¹ Both the patient and the psychoanalyst who listens to him are confronted with a question: what kind of subjective logic is involved in the commission of a crime? It nevertheless remains undeniably off-putting to try to lend any sort of credibility to a criminal act, one that is punished by justice and law. However, the question of subjective logic is located on another level. It involves finding a way to read the criminal act, because the act *speaks*. It says something about the subject, and what it says cannot be summed up as the act of a madman or monster. Because they remain fundamentally human acts (DE GREEFF, 1950), crimes can be considered to be productions; they respond to an encounter that involves anxiety and a sense that something is “breaking in”. Lacan (LACAN, 1962-1963/2014) defined this anxiety as the lack of lack, and he linked it to the crushing presence of the *Autre jouisseur*, the Other who “gets off.” We thus will explore how rape can lead a rapist to extricate himself from a sadistic jouissance that seeks to destroy the other; such jouissance does not involve the satisfaction of a sense of omnipotence, but is closer to being a true subjective necessity. In other words, the criminal act constitutes a means of handling anxiety. It is a cut in the terrifying excess of the real. Here, we are reminded of Miller’s (MILLER, 2006) discussion of how it is possible to refuse the lethal jouissance of the Other, to say “No!” to it. We suppose that, in some cases, crime is a “*sinthome*” that produces the subject as an effect of the signifier. In these cases, it might seem quite pointless to try to differentiate between the act and the *passage à l’acte*, such that each is given a different status. We note that, in psychoanalytic literature, crime is most often approached in terms of psychopathology. For Maleval, the logic of unmotivated crime is inseparable from the onset of psychosis. His reference to the foreclosure of the Name-of-the-Father leads him to define crime as “an effort to cure oneself that tries to make castration appear in the real” (MALEVAL, 2000, p. 44). Guiraud (GUIRAUD, 1931) likewise takes crime to be a form of psychopathology; the case of Paul, which he relates, is characterized by precocious hebephreic-catatonic dementia, in light of which the criminal act appears as an attempt to cure his illness. In addition, we recall Lacan’s first discussion of criminality in his doctoral thesis, in reference to case of Aimée, which he locates in the register of psychosis and which involves “self-punitive paranoia” (LACAN, 1987) as well as his discussion of the case of the Papin sisters.² In this view, the criminal act is taken to be the equivalent of a missing symbolic

¹ [Translator’s note: As noted in Lippi, Lehaire, and Petit (2016):

The French term “*passage à l’acte*” is sometimes thought of as a more extreme form of what Freud called “acting out.” However, as Evans (1996) notes, Lacan distinguished between these two concepts: “[...] French analysts [often] use[d] the term *passage à l’acte* to translate the term *Agieren* used by Freud: i.e. as a synonym for ACTING OUT. However, in his seminar of 1962–3, Lacan establishes a distinction between these terms. While both are last resorts against anxiety, the subject who acts something out still remains in the SCENE, whereas a passage to the act involves an exit from the scene altogether. Acting out is a symbolic message addressed to the big Other, whereas a passage to the act is a flight from the Other into the dimension of the real. The passage to the act is thus an exit from the symbolic network, a dissolution of the social bond (p. 140).” (p. 788, note 9).

The term *passage à l’acte* could be translated literally as “passage to the act”; however throughout this article we have followed Price’s lead in his translation of Lacan’s seminar *Anxiety* (2014) by leaving the term untranslated, in order to highlight its specificity. As is discussed in this text, the *passage à l’acte* can also be distinguished from Lacan’s concept of the act.]

² Lacan’s initial work on criminality focused on very specific cases; he nevertheless did not restrict the criminal aspect of the *passage à l’acte* to the field of the psychoses.

operation, and can thus become a way of treating an excess. From the position of being submitted inexorably to the jouissance of the Other, the subject tries to escape, to introduce a drastic break from that jouissance. This is the *passage à l'acte*. What happens instead is that another break is produced, a break in the chain of signifiers, and the subject is confronted with the horrifying real. This same mechanism, however, can also be found in neurosis, and this leads us to wonder about the extent to which these situations can be related to one another. It is in reference to the cases of Dora and the female homosexual, both of which are cases of neurosis, that Lacan identifies what he calls the “structure of the *passage à l'acte*” (LACAN, 1962-1963/2014, p. 115). The “essential” correlate of this “*niederkommen lassen*” — this “letting oneself drop” (*ibidem*, p. 111) — is the “sudden moment at which the subject is brought into relation with what he is as *a*” (*ibidem*, p. 110).³ No one can withstand this point of the real. What is in question is thus a terrifying encounter occurring at a moment when symbolization is impossible. If such an encounter is part of the structure of the *passage à l'acte* as such, the same principle should be found in all its variations, including suicide and the commission of a crime. To suppose that the *passage à l'acte* has a structure is thus not coextensive with the idea that it occurs only within a particular psychic structure. In this respect, Jejcic (JJCIC, 2012a) states that a structure, as such, is not criminal. For this reason, we will proceed on the assumption that there is no such thing as a specifically criminal structure, in the sense that the *passage à l'acte* should not be considered as belonging exclusively to any particular structure, but rather to a subject whose actions are responses to a motivation, choice or unconscious determination. In other words, we shall consider the criminal act as a trans-structural *passage à l'acte*, in which there is a possibility for a subjective commitment; we shall examine this situation in the context of a clinical case study. The criminal act, as a variation of the *passage à l'acte*, is not what it might seem to be, for the same reason that leads Jejcic to stress that clinical approaches to criminality must be part of a clinical treatment of the subject, and must absolutely respect the “singularity of the criminal” (*ibidem*, p. 946). The criminal act thus cannot be considered as determining a specific subject’s structure. A psychoanalyst’s work consists in intervening in a way that unmask the real of both the act and the actor (LECLAIRE, 1983). Therefore, rather than thinking of criminals only in terms of psychosis, we prefer to speak of a “psychotic moment.” Michel’s doctoral thesis sheds light on this point by describing a psychotic moment during what he calls the “*passage à l'acte* as solution” (MICHEL, 2008). This moment is found in the absence of meaning prior to the *passage à l'acte*; it evades the symbolic and reappears in the real, a real that then becomes invasive because it is unbound. Michel adds that this moment appears as “outside time” and that it adopts the forms of psychosis because it breaches “the limits of symbolic structure and castration, in which the ‘normal-neurotic’ subject is usually caught” (MICHEL, 2008, p. 104). Thus, the moment that precedes the *passage à l'acte* seems to constitute a moment “outside”. Rather than a moment of psychosis, it would be a moment in which the structure, whatever it may be, has been suspended. This suspension opens a path through which the subject can be displaced by the act. Could the criminal act thus be thought of as an attempt to reorganize psychic structure? In this context, Rassial defines “borderline states” as involving precisely this sort of suspension of structure. He notes that, in such a state, the subject finds itself in a “specific instantaneous configuration that cannot be integrated into temporality [...]” (RASSIAL, 1999, p. 132). This state is “provisional or arrested, grasped in the moment, transitory as regards the main structure [...]” (*ibidem*, p. 133). It is a state of “confusion,” as he calls it, and demands the construction of “a fourth string [in the Borromean knot]: that of the *sinthome*” (RASSIAL, 1999, p. 133). The borderline is thus a moment in the construction of the *sinthome*, comparable to a moment of “subject constitution, one that both falls short of and goes beyond psychic, clinical structure” (*ibidem*, p. 147). This perspective implies that, if the criminal act is able to produce something of a subject, it is because, in some cases, it represents a possible reorganization within the psychical structure, by

³ At the moment of the *passage à l'acte*, the subject comes under the sway of the jouissance of the Other, falls from its position as subject and crushes or crashes into the object *a* that he is for that Other.

means of the *sinthome*. It is thus through this fourth string or ring added to the Borromean knot that the inscription of the subject is made possible as a result of the *passage à l'acte*.

A BABY BIRD THROWN OUT OF THE NEST

Mr. B is a man of around forty years whom we met in a prison setting. He had been convicted of rape and was serving out his prison sentence. Before describing the events of his crime, we would like to mention certain aspects of his background. He was a man of culture who said he had received a “good education”. He was the eldest of four children, three boys and one girl. His father was killed in a car accident several months after his thirteenth birthday.

Following this “tragedy”, Mr. B felt that he had to become “the model for the family”; as the oldest child, he “had to take the place of the father”. He added, “With him, everything was on the straight and narrow; I tried to represent him”. When he was twenty-one, he enlisted in the army on a three-year contract. At the end of that period, he requested that his contract be extended, but following a low ranking, he was assigned to a post he did not like, which led him to leave the army abruptly at the end of that year.

Back in civilian life, Mr. B had trouble finding a job. Having no source of income, he stayed with his mother for a time. This led him to describe leaving the army as a “social suicide”. He found that two such suicides had occurred in his life: the first when he quit the army and the second in relation to the events that “brought [him] to prison”. These two ruptures pushed him to have very low self-esteem, and he also felt he was considered to be “less than nothing”. A year and a half after he left the army, he had a conflict with his mother, who had left to get married in Morocco without telling him beforehand. As he stated, “My mother had to make a choice between her husband and her son, and she chose to throw her son out”. Could we understand this being “thrown out” by the mother his suddenly being stripped of his role of “representing the father”, thanks to which “things [had been] on the straight and narrow” as his being confronted with a void? Mr. B then became homeless. He stayed with an uncle for a time and was then able to find a room in a homeless shelter. At this time, he began to break into homes and steal things to meet his basic needs. He said that during this period he had a male “friend” with whom he spent a lot of time. Four months after he moved into the shelter, he invited his friend over to spend the evening in his room, as he often did: “We had nowhere to go and nothing to do, so sometimes I would ask him to come over to have a drink and watch a movie”. Mr. B explained that he woke up the next morning in what he called a “comatose state”. He could not remember anything about the night before, but he had a strong “anal pain” and there was blood on the bedsheets. He thought he had been raped. However, he decided not to go to the police or press charges: “I was so ashamed, a man getting raped... who would believe that? And I didn’t even know who it was. How could I know?” Having no memory of the evening, Mr. B said he wanted to find his friend to see if he knew anything about what had happened. The person at the front desk of the shelter also had no idea where the friend was; he had checked out that very day. Mr. B stated that “things began to deteriorate at that moment”. Two months later, after a soccer game at “pharmacy field” with other shelter residents, Mr. B heard them laughing about a friend’s departure: “I definitely heard them say his name. They said that he had fucked someone from the shelter in the ass and had to take off before anybody started talking about it”. That evening, Mr. B decided to check out of the shelter himself and look for another place to live, which he found after a week on the streets. Mr. B spoke many times about his feeling of “dishonor”. He said that he felt “in a bad way”, first when his mother left to get married in Morocco, and then when she chose her husband and decided to “throw her son out”. Because his mother did not recognize his position as the man of the house, the position he had taken after his father’s death, Mr. B also felt betrayed and he would later add that “They really gave it to me all my life”, a statement that alluded to his mother and the events he had related. Alongside his feeling of being betrayed, Mr. B described feeling dirty: “They soiled me”, he said. “They stole my dignity. I lost all my manhood.” During a session, Mr. B said he felt like a baby bird that had been thrown out of its nest: “My mother broke me when

I was trying to fly! It's like a baby bird in the nest with the other birds. He's there, he flaps his wings to try to learn to fly, but can't do it. He tries like crazy. He wants to learn and he mom sees it. She picks him up with her beak and throws him out of the nest. And then he crashes". The facts of the crime: one evening, Mr. B went to a student night at a nightclub. He wanted to order a drink from the bar, but he had no more money: "Before, I ran up my credit card. I didn't have any money problems". At two in the morning, he decided to leave and walk back to his new shelter. He walked by the "pharmacy field", although it was not on his usual route: "I found myself there, even though I hadn't thought about going home that way. In fact, I used to do everything I could to avoid that place". At the moment when Mr. B was remembering his friend's face and what he had been through, he raised his head and saw that the bay window on the second floor of the building across the street was open: "At that moment, it was like there was a voice in my head, telling me to 'Go for it! You've got nothing to lose!'" Mr. B recalled that he had already done some breaking and entering, and he explained that he had no intention of raping a woman: "I didn't even know there was a woman in the apartment. Like all the other times I broke into a place to steal". He went on: I got into the apartment and I looked around for something to take, but there wasn't anything. But I didn't want to leave empty-handed. Then I walked in front of a bedroom and saw that there was a half-naked woman sleeping in the bed. She was there, stretched out, completely unprotected. Framed by the doorway, I was ready to turn away, but then I heard that same voice shouting, "Go for it! You've got nothing to lose!" He added: "What do you mean 'Go for it?' It didn't make any sense. It was driving me crazy. I think that was it, that I went crazy for a minute. It was stronger than me. I went over to her, saying 'You too, you're going to go through it,' and then I jumped her". He then said that he stole the life from the young woman just as his life had been stolen from him. "It was like I had killed her", he said, and went on to say that, like him, "she didn't know how to get away from dishonor".

THE "BREAKING-IN" OF AN ENCOUNTER, AS ILLUMINATED BY THE TUCHÉ

In the frame of the doorway, which is evocative of the frame of the fantasy (LACAN, 1962-1963/2014), there is a collision, and it propels Mr. B into a *passage à l'acte*. The young woman, stretched out naked in her bed, "completely unprotected", is not particularly erotic or desirable, but instead embodies Mr. B's own passive position: his image of himself as no longer being a man proudly dressed in his military uniform, but, instead, of being a victim who has been robbed, soiled and dishonored. In the image of the baby bird that was unable to fly, but was thrown from the nest by its mother, we get a glimpse of the big Other's jouissance. It leads us to think about the lived experience of primitive anxiety that is related to nonexistence, extinction and death; this highly intense form of anxiety renders symbolization impossible. Through the vision of the young woman, by which the symbolic fails and the veil of fantasy is rent asunder, the voice that utters "Go for it! You've got nothing left to lose!" imposes itself in the real, in a superego-like order to *jouir*. The subject's encounter with the desire of the Other is thus a "dramatic" one (MALEVAL, 2000). Furthermore, the subject finds the *will* of the Other there: "Anyone who really wants to come to terms with this Other has open to him the path of experiencing not the Other's demand, but its will" (LACAN, 1960/2006d, p. 700). Lacan defines this encounter with the real in terms of the *tuché*, a word he takes from Aristotle: the *tuché* is the encounter with a real that "always comes back to the same place to the place where the subject in so far as he thinks [...] does not meet it" (LACAN, 1964/1978, p. 49). From this, we can understand that the real surges forth at a moment when symbolization is impossible; Lacan takes up this real in terms of trauma, in terms of "that which is *unassimilable* in it" (*ibidem*, p. 55). It thus becomes a question of the subject's collision, of an encounter that involves the *tuché* and which sometimes provides no other recourse than a *passage à l'acte*. While we would not want to propose that every encounter with the real gives rise to a *passage à l'acte*, it nevertheless seems possible that the latter occurs as a direct response to what the subject finds traumatizing: the invasion of the real, which appears as "unveiled" (LACAN, 1964/1978, p. 55). Lacan also states that "this real carries

the subject along with it" (LACAN, 1964/1978, p. 54, *translation modified*), a singular expression that resonates with the term that he would use two years later to describe Aimée's *passage à l'acte*, the "gust effect [*soufflage*]" (LACAN, 2006b, p. 52; 1966, p. 66). At the moment he was about to turn around, when the voice made itself heard in its most real aspect, Mr. B said that he felt blown away by this real; it was "like the effect of a detonation" (JEJCIC, 2012, p. 139). Let us emphasize the particularity of this temporal moment, which serves as a point of rupture: a decision to annihilate himself as subject: "It was like I was going to die," he told himself at the moment he attacked the young woman. Mr. B as subject is thus propelled into a dynamic that goes far beyond him. While he was climbing up the front of the building, he had had no intention of raping a woman; he even stated that he was not aware that a woman was in the apartment. The moment of the *passage à l'acte* is the moment of the subject's greatest "embarrassment" (see LACAN, 1962-1963/2014, p. 11), the greatest sense of encumbrance and overabundance: that is the Lacanian definition of the *passage à l'acte*. This encumbrance, the apex of difficulty, which is matched with an emotion that is defined as the zenith of catastrophic reaction, impels the subject to throw itself out of the scene: to pass over from the scene, the stage, to the world, "the place where the real bears down" (*ibidem*, p. 116), a place that amounts to the death of the subject precisely because the real designates that which cannot be imagined or symbolized. The point of departure of the subject's "letting go," its *niederkommen lassen*, turns out to be oriented by anxiety as an attempt at disengagement. Anxiety thus appears as a central theme in the clinical understanding of the *passage à l'acte* in the criminal context. It is worth noting that Lacan first formulates a precise concept of the *passage à l'acte* in his seminar *Anxiety* (1962-1963/2014). Insofar as it leaves no place for doubt, anxiety "does not lie," and can be defined as a signal of the real. For this reason, anxiety is not the signal of a lack, but rather of the lack of a lack (LACAN, 1962-1963/2014, p. 54). This involves an excess of the *jouissance* of the Other, which Lacan describes as analogous to a nightmare: "the incubus or the succubus, the creature that bears down on your chest with all its opaque weight of foreign *jouissance*, which crushes you beneath its *jouissance*" (*ibidem*, p. 61). Once again we find the figure of the Other who "gets off." The *passage à l'acte* is what allows terrifying anxiety to be dealt with or treated: "To act is to snatch from anxiety its certainty. To act is to bring about a transfer of anxiety" (*ibidem*, p. 77). We understand this to mean that the triggering factor of Mr. B's act was his confrontation with the *jouissance* of the Other and the impossibility of treating it through the symbolic dimension. His encounter with the voice as object, along with the sight of the outstretched and "completely unprotected" body of the young woman left him no choice other than the *passage à l'acte*.

EFFECTS OF THE SUBJECT'S SITUATING OF ITSELF THROUGH CRIME

In committing the rape, Mr. B put himself in an active position: "I'm not the same when I rape and when I'm raped". Crime appears as a reversal into activity of the passive position, which is constituted as the counterpart of annihilation anxiety. In other terms, the criminal act provided Mr. B with a way to extricate himself from his position as the object of *jouissance* for the Other. From this perspective, the criminal act serves as an attempt at reversal: the precise moment at which the subject regains mastery over the vicissitudes of the drives, which offers a means by which they can be bound to a subjective logic. Etymology has much to reveal about the orientation and the vicissitudes of words, and Lacan himself found great value in etymological references (LACAN, 1962-1963/2014, p. 12). As Assoun notes, the German word for criminal is *Verbrecher*, and the verb *brechen* means "to break," "to split up" and "to violate": "A criminal would thus be a 'breaker.' What exactly does the criminal break with his act? The 'thread of [his neighbor's] life' and, with the same (mortal) blow, the social contract" (ASSOUN, 2004, p. 24). To extend its connotations, *Verbrechen* can also imply "to come back." A criminal is also someone who returns. From where, exactly, does he return? He comes back from his fall into the position of object, in the depths of an unnamable real, deep down in the rabbit hole like Alice, in her never-ending fall... To conclude these etymological reflections, let us take a closer look at the word "sex," or *sexus* in Latin. Stemming from the Latin term *secare*, which means "to cut, to divide,"

“*sexus*” refers to the separation of the sexes (into male and female, as far as sexual reproduction is concerned). Sex is what makes difference, what separates. Crime and sex are proximal here, for they both imply actions of breaking, splitting and separating. Their semantic resonance suggests that the criminal act seeks to create separation and detachment. This act is sustained by a motivation to effect a rupture and, although it may seem unmotivated, it is not uncaused, even if this cause is impossible to state (MALEVAL, 2000, p. 41). On the other hand, the act takes what is happening on the internal scene and transposes it onto the external, social scene. Lacan (LACAN, 2006a, p. 107) highlights the “symbolic character” of crime, and it could be added that the criminal act functions to generate new symbolizations. In fact, it is in relation to this that Lacan (LACAN, 1950/2006a) speaks of the contribution psychoanalysis can make to criminology and, thereby, to judicial matters in general. For certain criminals, the *passage à l'acte* seems to have a liberating function. This is the case not only for Aimée and the Papin sisters, but also for Mr. B. What should be emphasized in this context is the sense of resolution provided by the *passage à l'acte*. As a production, the criminal act is a liberating reaction that is related to the notion of *kakon* as developed by Guiraud. In his work on unmotivated murder, he provides a case history of Paul, in which he employs the notion of *kakon* to specify the psychic dynamics of murder: “Through an act of violence, Paul tried to get rid of what von Monakow and de Mourgue called the ‘*kakon*’; for Paul, “killing the tyrant was a way of killing his illness” (GUIRAUD, 1931, p. 601). Interpreting the criminal act as an attempt to get rid of this inner *kakon* leads Giraud to argue that unmotivated murders have the character of an “abrupt, liberating act” (GUIRAUD, 1931, p. 601). He distinguishes between crimes of the Ego and crimes of the Self, and Lacan (LACAN, 1932/1980, p. 302) responds by adding a third category: crimes of the Super-Ego. Lacan remarks that, as regards unmotivated murders or crimes of the Self, Guiraud succeeds in drawing out the way in which they involve symbolic aggression (here the subject does not want to kill his ego or super-ego but instead his illness, or more generally, ‘evil,’ the *χαχόν* of von Monakow and de Mourgue) (LACAN, 1932/1980, p. 302). Lacan returns to this in a later article, highlighting the criminal act’s subjective dimension, in which “it is precisely the *kakon* of his own being that the madman tries to get at in the object he strikes” (LACAN, 1946/2006c, p. 143). Like all repetition, the repetitive aspect of the *passage à l'acte* presents numerous opportunities for subjective appropriation. Maleval takes these themes further. Like his predecessors Guiraud and Lacan, he focuses on psychosis and proposes a new definition of the *kakon*, which enhances our understanding of a variety of clinical situations. He goes back to the origins of the idea of *kakon*, describing it as a “moment of intense anxiety arising in a situation where symbolization has failed”. Following on Lacan’s views, he defines *kakon* as “the surging forth of the real” (MALEVAL, 2000, p. 40), and more precisely, he makes it a “naming of the real”: In this place where the imaginary defaults because nothing is reflected any longer, and where the signifier itself finds its limit because thought has been hollowed out, we can locate the three successive namings of the real constituted by Guiraud’s *kakon*, Freud’s id, and Lacan’s object *a* (MALEVAL, p. 40). These three namings involve a wider clinical field than that of the psychoses and provide a way of understanding how the act can involve the (re)positioning of the subject. As we have seen, the *kakon* involves an effort of liberation: the subject’s attempt to stop the experience of being oppressed by the other. It is interesting to note the parallel between this and the views of de Mijolla-Mellor, who describes:

an experience of oppression that has been extended to include the external world in general, but which, at the moment of the act, closes in around the future victim, who is bestowed in fantasy — by the person who is going to strike her — with the extravagant power of summing up this world and thus of removing every possible escape route. (DE MIJOLLA-MELLOR, 2012, p. 1007).

This seems exactly what Guiraud (GUIRAUD, 1931) meant by the fusion of the desire to be cured and to eliminate the social evil [*mal social*], an evil that comes to be embodied by the future victim. “You too, you’re going to go through it”, Mr. B said to himself as he stood before the young woman’s body. In this phrase, we can locate an aim that is completely different from a simple threat to the soon-to-be victim. For this reason,

the fundamental question becomes “Who is being addressed with these words?” Although Mr. B pronounces them before his *passage à l’acte*, this does not necessarily mean that they are addressed to the future victim. To push our interpretation a bit further, we can suggest that “You’re going to go through it” is addressed to the subject himself, in the sense that the victim embodies a projection of his own passive position. The rape would then become a means of killing himself, as opposed to the victim. This would be a desire for death, which would not be an actual wish to die, but rather an attempt to use death to bring about symbolic castration. Along these lines, Czermak states that “whether the *passage à l’acte* or acting-out is involved, one always pays one’s debt with one’s own flesh” (CZERMAK, 1998 p. 109). This raises a question: if the criminal act allows the subject to (re)discover a position, under what conditions does it produce something of a subject? The act of cutting, which enables the subject to (re)locate itself, would seem to suggest that there is a “before” and then an “after”, in which the subject has been profoundly changed. As Marty writes, “Whatever the underlying psychic organization may be, [the *passage à l’acte*] transforms reality by allowing another course of affairs to be followed” (MARTY, 2013 p. 28). The following question thus arises: shouldn’t the criminal act, as a variation of the *passage à l’acte*, be considered an act as such? In other words, is it possible to attribute the same significance to the act and the *passage à l’acte*, since both produce a displacement of the subject, or what Lacan (n.d.) calls a subject’s “mutation”?

OPENINGS

In our effort to specify the differences and similarities between the act and the *passage à l’acte*, Allouch provides an interesting perspective. He describes the central event of Freud’s case of the female homosexual as only an “ostensible *passage à l’acte*” (ALLOUCH, 2013, p. 5), with the emphasis on “ostensible,” because he finds that what occurred was much closer to Lacan’s description of an act. For Allouch, the main distinction lies in the “sudden moment at which the subject is brought into relation with what he is as [object] *a*” (LACAN, 1962-1963/2014, p. 110). This is an encounter with a real from which the subject is able to detach itself through an act. In other words, there is a rupture in the real brought about by a brush with the real of the body (see LACAN, 1972-1973/1998, p. 131). In this light, the criminal *passage à l’acte* can be viewed as a sort of crossing over. Indeed, Miller writes that, in the Lacanian sense, “every true act is a suicide of the subject,” by means of which “the subject is reborn as different” (MILLER, 2006, p. 21). What confers the status of a true act upon the criminal *passage à l’acte* is the fact that the subject is no longer the same as it had been. Bourillon presents a similar idea when he writes that “in the moment of the act or of the *passage à l’acte*, the subject disappears and then reappears as definitively other, without knowing this, in the symbolic (non-criminal/criminal)” (BOURILLON, 1999, p. 219-20). This is evocative of Lacan’s discussion of the striking expression: “crossing the Rubicon” (LACAN, n. d., p. 247-8). After having crossed the Rubicon, Caesar is not the same Caesar; in the act of crossing, the man who had been an army general became a rebel and an enemy of the republic. As Miller notes, “every authentic act” (MILLER, 2006, p. 21) is a transgression, for there is no true act that does not involve a crossing over but a crossing over of what? Of a code, a law, a symbolic set, which is infracted to some degree, and it is just this infraction that allows the act to have a chance of reworking the way in which things have been encoded (MILLER, 2006, p. 21). It seems that such a symbolic “reworking” could not occur without there being a readjustment within the very structure of the subject itself, for it is the position of the subject, its inscription, that gives the *passage à l’acte* the transformative force of the act as such. Working on the subjective appropriation of one’s acts is not equivalent to addressing the position of subject in the Lacanian sense of the term. This difference suggests a way in which psychoanalysis can shed a different light on criminality. For example, in reference to our case, there is no question that rape is a criminal act. At the same time, our work with this patient has suggested that, for the unconscious, rape as such is not a crime. If murder exists for the unconscious, why wouldn’t rape exist as well? Let us recall that Mr. B himself compared his act of rape to a murder: “It was like I had killed her”, he said, in reference to having stolen his

victim's life. In clinical terms, our task is to bring the subject to the scene to the front of the stage by means of speech, so that the subject can inscribe himself in the act. i.e., come to have a role in its production. To illustrate: at the beginning of our work together, Mr. B related the events of the rape as if he were describing a film. Although the details he provided made his story seem real, its main character was always at a distance, as if Mr. B were telling a story about someone he did not know. He was excluded from his act, outside it. As he began to get involved in the sessions, the crime scene gradually became his own story, one that was both more real and more of a burden to him. After a few weeks, he found it increasingly difficult to speak about himself and what he had done: "I have nightmares now, because of you. I want to talk about other things that's easier and hurts less". It was no longer only a question of the story of some man who was in prison for rape, but truly of Mr. B himself, as the author of his own act. By telling the story of the crime he had committed, Mr. B became able to connect with his own past experience in a different way and therefore to speak more freely. The *passage à l'acte* designates a process that is set in motion unbeknownst to the subject. In acting, the subject is placed before the scene of the act, on the outside of what has happened, a stranger to himself. Retelling the events in the therapeutic context allows the subject to make a sort of quarter-turn, such that he was no longer excluded, on the outside of what had happened but instead had become a part of the scene and its events. The *passage à l'acte* does not, in its own right, constitute an act in the transformative sense of the term, or at least our clinical experience gives no evidence that it does so. Instead, it is the work of verbalization, of putting the story into words that can, through deferred action, add the quality of "crossing over" to the criminal act. And because this crossing over involves a change in the subject's position, it effects a reorganization within the psychic structure. We view this as a therapeutic supplement to the legal and judicial response, in which the events are judged to constitute a crime. We thus distinguish the *passage à l'acte* from the act, but we do not see them as incompatible. On the contrary, the *passage à l'acte* is necessary if an act is to take place. Without falling into the real, and thus without the "death" of the subject the "suicide" of which Miller (MILLER, 2006) speaks there would be no rebirth. Because it enables the subject to be reborn as other (MILLER, 2006), the *passage à l'acte* can come to have the status of a transformative act that changes the subject and the psychic structure.

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