

Incest, the Child, and the Despotic Father

by John Borneman

Based on ethnographic research in Berlin, this paper examines two paradigmatic cases in which real incest is brought into the penumbra of law and subsumed into an imaginary complex superimposed on sexual abuse. It uses them to theorize at a higher level of abstraction about the deployment of myth by the unconscious, the relation between taboo and law, male and female attachments to the child, gender conflict, and changes in the position of the father in the symbolic order of the West. One case focuses on how a child victim translates what had happened into the therapeutic and legal languages of sexual abuse, the other on the father's evolving apprehension of his deed in the course of therapy. I argue that (1) the incest taboo increasingly regulates lineal rather than lateral relations between kin; (2) the imaginary complex construes male sexuality as a security threat to children, resulting in a negative identification with and of male difference, with serious consequences for the family, the heterosexual couple, and the mother-child bond; and (3) the erosion of the incest taboo, and of the authority of the father who was its guarantor, opens up alternative modalities to regulate relations between generations and genders.

From the publication of *Das Mutterrecht* by the anthropologist and classicist Johann Jakob Bachofen in 1861 to the 1970s, anthropologists have been much more fascinated with the incest taboo than with real incest. The taboo was about the celebrated social institution of marriage and the regulation of sociality, real incest about the ambiguous and murky thing we call endogamous sex. Yet, as Foucault (1978 [1976]:148) noted, there had already been a marked shift in the eighteenth century in the West from a “symbolics of blood to an analytics of sexuality,” from regulation of the social through the incest taboo, which controls marriages and alliances, to the identification of sex as an interior truth. Nonetheless, because of the increased importance of what he called “the family cell” for the deployment of sexuality, Foucault argued for the continued significance of incest, as an “object of obsession and attraction, a dreadful secret and indispensable pivot” (109).

To uncover the interior truth of sex and delineate the sites for its production and regulation, anthropologists have largely followed Foucault's suggestions to examine surface intersections of power and knowledge and to investigate the biopolitics of populations and the imagination of bodies and pleasures. Yet the accumulated expert knowledge on child sexuality and incest is too vast to explain the experience of incestuous sex as, or simply reduce it to, an effect of the institutions producing the discourse about it. Moreover, the numerous and shifting sites of this more modern sexual analytics have had a way of circling back to incorporate and redefine incest and the older symbolics of blood. Incest in-

volving relations between adults and children or youths, as the prohibited sex that involves certain subcategories of Oedipal desires, is one of the most significant of such sites today.

In contemporary North American and European societies, sensational cases of real incest have become regular items in the news. Yet incest has been increasingly restricted to “a form of sexual abuse perpetrated by men,” which, writes Vikki Bell (1993:2), “no longer finds its place as a social rule requiring explanation as to its origin and function, but has been identified as an abuse practice, located as a social problem to be uncovered and measured.” As real incest is narrowed and subsumed into the discourse of child sexual abuse, it has become part of an imaginary complex that includes the figures of the child, adult male relatives, and the pedophile.¹ While contemporary research in many fields confirms that most children subject to coercive intimate acts by close relatives suffer long-term psychological harm, the phenomenon of such sex is also subject to phantasmic investments that exaggerate the frequency and severity of the threat to society.²

1. By “imaginary” I mean not that it is fabricated but that the origin of this complex is found in its relation to the body and unconscious phantasy rather than to language and the symbolic (see Berkel 2006). For the most part, I am concerned here with phantasy, what the subject makes inaccessible to him- or herself and therefore largely unconscious, rather than fantasy, what is accessible to the conscious subject (Isaacs 1948).

2. Studies of child sexual abuse tend to confirm that children are harmed by such interactions, but the question remains as to whether the harmful effects result largely from neglect or other kinds of violence that accompany the sexual abuse (e.g., see Finkelhor 1979, 1984; Gschwind and Becker 1995; Herman 1982; Hirsch 1999; Kempe and Kempe 1978; Shengold 1991; for a review of the anthropology of sex and abuse, see Bolin and Whelehan 1999:185–196). One of the best studies remains the pioneer research by Judith Herman and colleagues (Herman, Russell, and

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Drawing from ethnographic research in Berlin,³ this paper examines two paradigmatic cases in which real incest was brought under the penumbra of law, when this violation of a rule was made into an illegality.⁴ It then uses these cases to theorize at a higher level of abstraction about this imaginary complex, including the use of myth by the unconscious, the meanings of incest, the relation between taboos and law, the nature of male and female attachments to the child, gender conflict, and changes in the position of the father in the symbolic order of the West.⁵

Trocki 1986), which concluded, first, that about half of a community sample of child victims claimed to have recovered well from abuse; second, that recovery is closely related to the type of abuse (duration, level of intimacy, degree of force); and third, that abuse by a father or stepfather was more likely to produce long-term effects than abuse by other males.

3. Research was completed at two sites: a minimum security, open prison (Offener Strafvollzug), where I worked primarily with the archives of the Berlin Senatsverwaltung für Justiz and with a psychologist who evaluated prisoners, and Kind im Zentrum (KiZ), a center for child-focused therapy, where I attended four different weekly therapy groups of abusers over the course of a year. KiZ treats both child victims and their adult offenders but is best known for specializing in group therapy for offenders, using an eclectic mix of systematic techniques, some Anglo-American inspired. I am obliged by both institutions to strict protection of human subjects (*Datenschutz*) and hence have altered all personal names, dates, and places except for the institution of KiZ itself, which specifically requested that I use its name.

4. The significance of a paradigmatic case rests neither on its statistical normativity nor on its extreme or critical content but on its disclosure of widespread regularities and patterns. The two cases presented here are illustrative of patterns found to some degree in the 72 cases from both the prison and the therapeutic group that I preselected for extended analysis.

Case 1, that of a child victim and her uncle, relies on archival data, including several hundred pages of transcribed interviews, notes of prison officials, and therapeutic evaluations. It is paradigmatic with respect to the experience of the child after incest is discovered by others: regularities in modes of gathering evidence and evaluation of its believability and truth value for the purposes of prosecuting child sexual abuse. It was selected after evaluating the files of 50 adult men convicted of child sexual abuse, which, in turn, were part of a total of approximately 200 cases of sex crimes I examined, out of a total of approximately 1,200 crimes of sexual violence from an 8-year period, 2001–2008. Such offenders are initially considered by the Berlin Ministry of Justice to be potential candidates for the minimum-security open prison rather than the maximum-security closed one.

Case 2, in the last section of the paper, is that of one offender out of 35 men and boys, between the ages of 13 to 62, who participated in one of the four therapy groups that I attended, primarily in 2008 and 2009. These groups met weekly, for four modules of 10 weeks each, focusing on the sequence of events leading to the act, empathy for the victim, personal biography, and prevention of recidivism. It is paradigmatic in what it reveals about regularities in the process of rehabilitation through therapy and imprisonment. As well, both cases reveal patterns in making transgressions of the incest taboo conscious or unconscious.

5. This paper uses empirical case studies to generalize at several levels about the social significance of psychological processes that pose universal problems but take culturally specific forms and of changing forms of intimacy and its regulation by sociolegal processes that are at times specific to Germany or to northern Europe and North America and at other times specific to the West. The cases are contextualized and interpreted by the use of relevant statistical and historical data in order to theorize the contemporary experience of incest and child sexual abuse.

The Incest Taboo and the Oedipus Myth

Two interpretations of the Oedipus myth have oriented conflicts about the nature of the symbolic order of the West. Bachofen (1861) published one: early groups of humans were far more dependent on female than on male reproductivity; hence, most early gods were indeed female, and inheritance was matrilineal. At some unspecified time, men expropriated women's power, creating other myths (for example, of parthenogenesis) that celebrated male labor while obscuring the actual contributions of women in physical and social reproduction. For Bachofen, *Patriarchat* replaced *Mutterrecht* and instituted a new system of lineage and gender demarcation. The incest taboo was the central mechanism for this replacement, because it forbade sexual relations of mothers with their children, in particular with their sons, minimizing women's control over inheritance while at the same time forcing children into a complicated reidentification with a newly empowered social father. According to this version of the myth, the first renunciation was that of the mother, resulting in a denial and redirection of desire.

Darwin (1871) developed a second interpretation, which Freud (1913) combined with Robertson-Smith's insights on sacrifice and elaborated more fully more than 40 years later: A father resolves his competition for authority with (Darwin's) primitive brother horde by driving his sons out of the social order to secure or maintain a monopoly on power as well as on the sexual access to women in the group. After the sons rebel and kill the father, they vow allegiance both to a totem representing him and to a principle of renunciation regarding their own desires.

Situating the incest taboo within the Oedipus myth yields powerful alternative interpretations of the two renunciations (of patricide and a sexual monopoly on women) considered foundational for human culture, law, and civilization. For anthropologists, more specifically, this taboo not only has come to stand for marital exchange and exogamous relations, as Claude Lévi-Strauss (1971) most famously explicated, but also is said to regulate the entire symbolic order, marking the transition from nature to culture and orienting relations between generations and males and females. It is the one human universal on which most anthropologists would concur.⁶

6. A comprehensive study of the ethnographic record by Allen Johnson and Douglas Price-Williams (1996:99) concluded that although the strength and outcome of the Oedipal conflict varies from one society to another, it is present in all world folk literature and varies only in the degree of its explicitness. Godelier (2004) disputes the universality of the taboo as the requirement of exogamy (the definitions of Edward B. Tylor and Lévi-Strauss) and redefines it as a universal sexual prohibition on "extreme forms of sexual permissiveness . . . at the threshold of the social units within which men and women cooperate to bring up children" (cited in Goody 2005:130). Along similar lines, Laplanche (2009) argues that the infant's first relations (and transgressions) are experienced not in terms of kinship categories (which define the incest taboo) but in terms of relations to an adult caregiver generally. Most other approaches to incest assume the universality of the taboo but define it in terms other

Renunciation and Verbal Prohibition

Incest is always subject to regulation, but it is not always regulated by modern law. It is most often subject to unwritten rules, social taboos, that lack the enforcement power of the state.⁷ The tension between the incest taboo as the “rule of all rules” and modern law rests in part on the fact that the taboo should not be spoken, whereas law requires articulation.⁸ Hence, people find it very important to affirm the female and male renunciations of incest and patricide not by referring to their legal status but by refusing to verbalize them.

The fact that renunciation is affirmed through a verbal prohibition—renouncing incest by refusing to bring it into speech—is a key aspect of the practice of incest. In most places in the world, it is very important to deny vehemently that one even thinks about incest, that, in fact, one has ever felt a sexual desire for a close relative except when they are prescribed by social norms. As the very integrity of the self seems at stake when thinking the thought of incestuous desire, the obstacles are great for speaking about what this experience might be in fantasy or has been in practice. This impediment to thinking explains, in part, why the incest taboo can be frequently violated everywhere, not just in dreams, and why these violations are not usually treated as illegalities. In Berlin, an average of fewer than 20 men are convicted of incest each year and in Germany fewer than 100, although surely the number of actual violations is anywhere from twenty- to a hundredfold greater, depending on one’s definition of sexual behavior and endogamous sex.⁹ Most frequently, however,

than sociocultural ones. In the sociobiological tradition, the contributors to Wolf and Durham (2004) revive a Westermarckian perspective (avoidance due to proximity) to explore the relation of the taboo to inbreeding and incest practices. For social anthropologists, the lack of a clear distinction in this approach between instinct (the pacification of a need) and drive (the fulfillment of a desire), along with the failure to incorporate the specifically intersubjective and linguistically mediated meanings of the act, effaces the evolutionary specificity of humans. Because of the contingency of drives and phantasmic relation to objects, humans acquire a unique (nonfunctional, often counteradaptational) subjectivity in sexuality that is absent in other animals. For the human, then, the meaning of “avoidance” of sex with another is an ambivalent and culturally coded response to complex stimuli, explained not by instinct but by the relation of historically determined desires to specific objects or categories of objects.

7. This argument recalls the debate within anthropology about the difference between customary and modern state law (see Moore 1978). The incest taboo resembles a “customary law.” Modern state law does not replace this taboo, however, but specifies a content and the conditions of enforcement and punishment. A law, as I am using the term, operates in a system with special procedures for determining how it is made, legitimated, and enforced.

8. For studies of the discourse on incest from the Middle Ages through the nineteenth century in Germany, see Eming, Jarzebowski, and Ulbrich (2003) and Sabean (2002).

9. Three categories of criminal statistics are relevant: (1) the sexual abuse of children, (2) the abuse of children as the exploitation of a dependency relationship, and (3) incest. For Germany, the numbers of convictions in 2006 and 2007 were, respectively, (1) 12,772 and 12,765, (2) 828 and 897, and (3) ~90 (extrapolated proportionally from the Berlin numbers); source: Polizeiliche Kriminalstatistik (BKA 2007; also see

violations of the incest taboo are never acknowledged, privately or publicly. When prosecuted, offenders are usually indicted under other, substitute laws—for example, laws against coercion, rape, the exploitation of a relationship of dependency, or, most frequently today, laws protecting the “right of self-determination,” which are increasingly used to regulate relations of adults to children generally.¹⁰

Evidence of Crime: The Case of Uncle Bodo

How does a violation of the prohibition against incest become not merely a wrong but an illegality? Or, to paraphrase Foucault (1977 [1975]:89), how do we make sense of this new administration and redistribution of illegalities? The first step is to produce evidence that counts in court.¹¹ The following is a summary of a case of the production of such evidence for Uncle Bodo’s abuse of his 5-year-old niece, Juliet. It illustrates how the mother’s desire and the child’s identification with her are integral to transforming acts into sex acts, which in turn are classified for legal purposes as sexual abuse and for the purposes of therapy as incest.¹² This summary of the two charges (*Sachverhalt*) is taken from a psychological profile of the victim written in December 2001, which was ordered by the court (Landgericht Berlin) to determine the capability

http://www.bka.de/nn_205960/DE/Publikationen/Polizeiliche-Kriminalstatistik/pks__node.html?__nnn=true). In the same three categories, the numbers of individuals sentenced for violations in 2006 in Berlin were (1) 2,686, (2) 126, and (3) 18 (Statistische Bundesamt 2007).

10. Classification of sex crimes varies as legal and social norms change. In Germany, criminological discourse today tends to classify the sexual abuse of children as a crime against sexual self-determination, rape as a crime of violence, and pornography as an economic delict. In the 1970s and 1980s, prostitution and homosexuality were fully decriminalized and thus are no longer important for criminological classification. In this same period, the number of sex crimes remained constant, while public awareness of them has increased because of nearly daily reporting, with a focus on the most spectacular cases. In 2002, for example, of the more than 6 million criminal acts in Germany, only 0.8% were sex crimes (Polizeiliche Kriminalstatistik 2002, table 1, cited in Stolte 2005:174). In 2003, cases resulting in conviction for child sexual abuse, rape, and sexual assault comprised 1% (7,333 of 736,297) of all sexual delicts and 0.4% of all crimes. Between 1960 and 1985, “pedosexual crimes” declined, and they have since remained relatively constant, with a very slight increase after 1987. Police-reported rape increased in the 1950s and then remained constant until they declined again in the 1980s. It is uncertain to what extent these trends are due to increased public sensitivity, which surely leads to more willingness to prosecute but has an uncertain relation to the commission of such criminal acts (Urbaniok 2005).

11. See the guidelines issued by the Bundesministerium der Justiz for the protection of child victims when they are called as witnesses in criminal procedures (latest version accessed February 16, 2012). The latest document makes very specific, practical suggestions about, for example, protecting the victim’s dignity, dealing with the child’s resistance, under what conditions to tape testimony, and how to do a bodily examination, avoid a secondary victimization, and deal with related family crises.

12. By 1955, Weinberg had already noted that the mother was integral to the conditions under which incest remained secret or became public knowledge (Weinberg 1955).

and believability (“*Zeugentüchtigkeit und Glaubwürdigkeit*”) of the child’s testimony:

1. On an evening in February, 2001, in the bedroom of his apartment, with Juliet after he had brought her to bed, he called on her to have intercourse with the words “I want to fuck you!” He had induced her to take off her pajamas, whereupon he also took off his pants, lay down next to the child and inserted one of his fingers, moistened with spit, into the vagina of the girl, after which he lay on his back, placed Juliet facing backward on his naked lower body and penetrated his genital organ [*Geschlechtsteil*] a little into her vagina. In the course of this, he held the child firmly in the area under her ribs. Because it was not possible to completely penetrate the vagina, he desisted and let her go.

2. On the next day, he watched a porno film together with Juliet and a friend.

Few discussions of the incest taboo begin with its transgression, with a depiction of what actually went on.¹³ Reading this transgression in such detail requires “containment” of the emotional experience of the child and her uncle, a difficult processing of a potentially destructive and deadening experience (Bion 1967). Incest and child sexual abuse awaken affect in ways unlike most other crimes. In presenting this material in public, I have often sensed that some members of the audience experienced the listening as an entrance into a nightmare and, feeling overwhelmed by their thoughts and associations, were inclined to project onto me the emotional ambivalence that these stories awaken. That is to say, to think through incest today demands high levels of cognitive and emotional work to become intimate with unsettling experiences while at the same time critically distancing oneself from an imaginary complex.

Perhaps the major obstacle to the legal regulation of sexual abuse is the difficulty inherent in defining the act (*die Tat*). Uncle Bodo, as Juliet calls him, denied the accusations of his niece up to the time of the trial, when he agreed to all charges to spare Juliet from testifying in court. Disclosure of the act began 8 days after the event, when Juliet uttered the word “*ficken*” (to fuck) in a fight with her 13-year-old brother about how one begets children. Her brother said it happens when a man sleeps with a woman. Juliet disagreed, that is called “*ficken*.” Her mother was shocked, as she herself had never uttered this word nor heard it used by Juliet. She asked Juliet where she had learned it, and Juliet replied, “Uncle Bodo said it to me, he wanted to do it with me!” This had happened while Juliet was spending a few days with her father—her parents are divorced—who is more relaxed and lenient than her mother. The mother asked, had she told her Papa? Juliet said yes.

13. Devereux (1939:510) is, as usual, the exception here. In his bold essay on Navaho incest, he writes, “Anthropological literature is strangely lacking in concrete data concerning the occurrence of incest. With the exception of a few brilliant anthropologists like Malinowski, field workers have provided us with nothing but elaborate listings of taboos.”

Thereupon, the mother called her ex-husband, who denied having been told anything and insisted that it could not have happened. Meanwhile, the mother could not put aside her own experience as a victim-witness. Based on her testimony some 20 years earlier, her father had been sentenced to 2 years in prison for sexually abusing her. She has since suffered from massive guilt feelings, and during her youth she twice tried to commit suicide.

By coincidence, the mother had received a recording machine as a gift from her mother to record the children’s songs that she sang with Juliet. The machine was, in fact, recording while Juliet and her brother had argued about procreation, and the tape was later introduced in court as evidence. Three days after this initial conversation, on February 18, with the recording machine on, she asked Juliet again about the events while the child was in the bathtub. Juliet protested: it was all embarrassing, she didn’t want to talk, she wanted nobody else to hear about it.

As the mother dried Juliet with a towel, she asked again how Uncle Bodo had held her. Juliet said, “No, not on the ribs but otherwise,” and turned her mother around and held her hands firmly. “Did Uncle Bodo set you backwards on his belly?” Juliet nodded yes. “Did he move you back and forth as you sat on his belly?” Juliet said no. Did Uncle Bodo hurt you? Juliet nodded yes and pointed to her vagina. Did he try to insert his penis in your body? Juliet nodded yes, but, she said, he didn’t enter and he quit after trying. When the mother later decided to press charges, Juliet surprised her by making a statement to the police even more detailed than what she had already told her.

Uncovering Incest

Two factors steered the uncovering of incest and the way Juliet refigured her experience: first, the desires of her mother as they entered into an unconscious transference in the relationship between mother and daughter, in which the daughter was under pressure to act out her mother’s unconscious, and second, the production of Juliet’s account as facilitated by the psychologist, who conducted three psychodiagnostic interviews with Juliet 9 months after the act.

Juliet showed no signs whatsoever of problems stemming from what had taken place until 6 months after the act, in the summer of 2001, after her brother returned from an orphanage, where he had been for several years, to live with her and her mother again. Then, Juliet began stealing and hiding things from her mother. This conspicuous behavior coincided with both the return home of Juliet’s brother and the mother’s separation from her then-partner, around the end of August. He had called Juliet “my princess,” but after the separation he suddenly distanced himself. The mother herself felt psychically overwhelmed and had nightmares. Juliet’s brother became physically abusive and so difficult to control that in November the mother sent him back to the orphanage. Also contributing to Juliet’s behavior was that her mother initially

had the visiting rights of Juliet's father revoked; she later relented to Juliet's demands to visit him, and this quieted the situation at home.

Meanwhile, the psychologist informed the mother that Uncle Bodo would be released from prison if Juliet refused to make additional statements. The mother then scheduled the interviews with the psychologist, in which Juliet vehemently resisted talking about the events, making statements like, "You read what I said to the police, to the court, and then I don't have to go there again, and also I don't have to tell the story again! This is all too embarrassing to me!" Ultimately, however, Juliet elaborated her experience with a very nuanced use of words and was able to make connections between events. The psychologist concluded that Juliet was linguistically and intellectually very capable and believable as a witness to Uncle Bodo's actions.

Protecting Children from Sexual Abuse: An Interpretation

To make Juliet's account reliable and consistent for the court, a large group of professionals asked her in a series of interviews to repeat statements, to clarify the sequence of acts and to create verbal representations for legal purposes. Juliet was clearly and consistently responding—confused, identifying, resisting, cooperating—to her mother's desire to protect her from the repetition of a dynamic of incest: the mother saw in her daughter's experience with Uncle Bodo the same act that she had experienced as a girl with her own father. This pressure to tell made Juliet bring into language what she knew sensually or only in disconnected fragments, what Bion (1984: 7) would call "undigested facts" or "beta elements." To become conscious required translation of the "dirty words" and unmentionable things in what had happened into therapeutic and legal languages that are full of elisions, ambiguous phrases, legal abstractions, and adult euphemisms. This work transforms Juliet's experience into evidence of the phenomenon of "child sexual abuse," an illegal act and, above all for her, an act to be judged as shameful.

For Juliet, shame and repression of the act are strengthened, if not indeed initiated, *nachträglich*, that is, after adults intervene to make infantile sex into a fully discursive experience of sex. In this, the professional psychologist succumbed to the pressures of the legal community in its standards of causality, proof, and precision, to arrive at a narrative of sequenced events that can be construed as an act of motivated sexual abuse. Paradoxically, the entire psychological and legal terminology is oriented to protect children—"innocent beings" (*unschuldiges Wesen*)—from the adult world of male desires, but to secure the punishment of offenders that is assumed essential to their protection, children must enter this world as precocious witnesses and participants.

The expert opinion for the court noted that the mother disliked naming the sex organs or acts, especially the male sex organ. She taught Juliet to use the same word, "*Pipiloch*,"

for both male and female genitals. Nonetheless, Juliet seemed to sense much more complexity in human anatomy and even made a distinction between words her mother intended to share with her and those not intended for hearing.¹⁴ She seemed quite capable of distinguishing *ficken* as intercourse (*Beischlaf*, *Geschlechtsverkehr*), what she had seen in film scenes of the beach and the bedroom, from what she had experienced, which was, at the prompting of her uncle, that she sat on his belly and simulated riding him. What she did and perhaps could not immediately describe, but later revealed to the psychologist, was her own enigmatic experience of this: that it was odd ("*War irgendwie komisch*") and alternately fun ("*Irgendwie hat es mir Spaß gemacht*") and disgusting ("*Eeeeeee*").

Social and legal attention to the child's sexual experience as it is incorporated into the world of adult representations also repositions the males in the family. Juliet's father and men other than her uncle are reduced to objects about whom the "truth of sex" is produced, although they are of course not absent as subjects, in particular as men with aggressive drives. Before this abuse, Juliet had had good relationships with her biological father, her mother's most recent boyfriend, before they separated, and even the uncle who abused her. However, after the work to uncover abuse, men enter into the truth of sex neither as genitors with permanent rights nor as a structuring device in a conflictual complementarity to women but as a desire that requires stricter regulation, even criminalization, to protect women and children.¹⁵

The assumption that women and children need legal protection from men suggests a major cultural-legal transformation in the relation of the father to the family. To take the long view, the doctrine of *patria potestas* in Roman family law identified the father as having authority not only over his wife and his own children, whom he could decide to adopt or not, but also over more remote descendants in the male lineage. He controlled the inalienable rights to their persons and property, including the right to take their lives. Since Roman times, however, this basis of law in male authority, specifically the authority of the father, has been radically transformed in a very even history but with geographical differences within Europe between north and south and between east and west. Some of the most extensive changes followed

14. There are several theoretically relevant frames for Juliet's experience, to specify at what point, and through what kind of mirroring with her mother and the psychologist, the interaction with her uncle became an experience. Fonagy (2008) might frame this as the "introjection" of an "alien self" through the highly distorted and self-centered mirroring of her mother, which the child will later, for its own psychic stability, need to externalize through projection onto another; Laplanche (1999) might claim that the "intromission" or "implantation" by the child of the adult's excitation becomes a "message" that in translation creates the unconscious; Butler (1993) might ask how the child is "appellated" into a gendered sexual subjectivity.

15. The point here is to ask what replaces the organizing principles of anatomy and gender complementarity when they become irrelevant. See the very prescient critique by Jessica Benjamin (1995).

the delegitimation of the order of the father after the devastations of the two world wars (Borneman 2004). Also integral to the transformation of familial and social order have been the creation of a large middle class and the relatively successful propagation of a bourgeois model of the mother, which delegated to her increased authority over and responsibility for children (Gebhardt 2009; Perrot 1990; Weber-Kellermann 1977). This new model did not by any means eliminate the sources of male power and authority, especially in the economy and the political sphere, but it did, importantly, solidify a trend of granting women equal access to the authority of laws regulating intimacy. With regard to the domestic unit, however, women have obtained much power through divorce and control of reproduction, and in the past 40 years they have obtained a virtual monopoly over and responsibility for the psychodynamic processes of child formation, from early child care through primary education and adolescence, with quite different effects on male and female child sexuality.

Much attention has been directed to the liberation of both female sexuality and homosexuality from Victorian norms but much less to changes in male heterosexuality and the criminalization of specific forms of male sexual behavior. Symptomatic of these changes are both a heightened sensitivity to male sexual violence and the elimination of the elaborate and violent male initiation rituals that have been central to anthropological theorizing of masculinity and the social.¹⁶ In the West, such rituals exist only as survivals: the hazing rituals of school fraternities or right-wing cults, military boot camps, the play of New Age men's groups, learning soccer, obtaining an individual identity card (*Personalausweis*) or driver's license (*Führerschein*) to enter the culture of the automobile. Most of these contemporary rituals are understood as voluntaristic, matters of individual choice, and therefore as transformative processes that can be reversed.

The dominant explanation for rituals of initiation has been either that girls can become women without need of ritual elaboration or that such rituals occur later in life, tied to coupling and reproduction; women's identification with the mother and the feminine is continuous, and whatever problems this may present for the development of female autonomy, it is created without great resistance (see Chodorow 1978). The process of making boys into men is more socially fraught (Greenson 1968; cf. Klein 1975 [1937]). The boy's separation from his mother and initiation into a male-identified order relies heavily, as Michael Diamond (2006:1122)

16. For an especially the brilliant interpretation of a male initiation ritual in New Guinea, see Juillerat (1992:20–124). For a more extensive analysis of male ritual initiation in Europe, see Borneman (2010). Despite changes in the nature of masculinity in the West, extensive reporting of such acts as Uncle Bodo's transgression tends to link male sexuality with violence. As for female initiation rites, before the twentieth century, defloration (*zu entjungfern*, literally "to take away youth") on the evening of marriage often served as a comparable rite of passage (see Gay 1993: 95–115, 288–352).

puts it, "on the aversive power of shame to shape acceptable male behavior." The boy not only loses his dyadic relationship with his mother but is also pressured to "repudiate what he has lost."

That leads us to the other side of the gender question: what kind of man is Juliet's brother supposed to be? We know that Juliet's brother is a sullen, unhappy child, in contrast to his lively, playful sister, and that his destructive behavior has led his mother to send him out of the family to an orphanage. He seems to have no relationship with his father. Ultimately, his mother feels compelled to sacrifice him a second time, along with her most recent boyfriend (i.e., a father substitute for the daughter), to enable her to sustain a protective and caring relationship with her daughter. The masculinity of the brother appears to offer nothing of significance to his mother or sister; if anything, he is reduced to the role of disturbing the relationship between mother and daughter.

In this case, granting the biological father visiting rights to his daughter is unlikely to weaken the mother-child bond, because the mother controls the terms of these visits. But the mother's goal here appears to be to unite in herself the roles of both father and mother: source of authority, protector, and caregiver. Her efforts rest on the premise that the parents are exchangeable, as are—so she teaches her daughter—their genitals. A ban on naming the male genitals can only contribute to a negative cathexis with the penis, the consequences of which are more drastic for the brother's self-image than for his sister's. For the young boy in this family, it means that the pressure in puberty to disavow identification with his mother is coupled with increased shame about his gender difference. He likely interprets the mother's refusal to acknowledge his genital difference from her as a negative identification with male difference generally.¹⁷ In Germany, there are particularly compelling historical reasons for this negative identification, not least the collective defeats in two world wars initiated to defend a patriarchal order.¹⁸

To be sure, the mother's pre-Oedipal fantasy of nondivision with her daughter remains merely an ideal, impossible to realize even if desired. Given her own history of abuse and the discovery of Bodo's transgression, her heightened interest in protecting her daughter from male abuse seems warranted. But for the purposes of phantasmic investment, the child is to be protected—kept innocent—by the mother from all father figures. Uniting the roles of both parents within the

17. This argument follows Dammasch (2008a), who analyzes a growing male deficit, in comparison to female peers, in upbringing, education, and social relationships. Drawing from a number of statistical studies, along with cases from his own clinical practice, he identifies the central factors in the crisis of young men as the instability and weakness of someone whose inner father-representation is bound to the mother-representation and the resulting uncomfortable closeness of the son to the mother.

18. In the historiography of Germany, most important for initiating masculinity as research theme were Theweleit (1987) for World War I and Mosse (1985) for World War II. On Cold War restructuring of the German family and nation, see Borneman (1992) and Herzog (2005).

mother gives added significance to Mitscherlich and Mitscherlich's (1965) term "*vaterlose Gesellschaft*." It is not the father's physical absence, as in the Mitscherlichs' study of the first postwar German generation, that is the issue here but the way the mother negatively identifies with all adult male figures with whom her daughter plays (Damasch 2008b; Metzger 2008). Adding to this the ways in which the maternal has been strengthened in postwar law, it now appears that the mother-child dyad has replaced the father function and its responsibilities, as defined in early Roman law. Indeed, it is the mother-child dyad and neither the household, the heterosexual couple, nor the extended or nuclear family that most represents the modular domestic unit with a claim to legal protection and care.¹⁹ This does not, however, spell the end of the marital couple or the nuclear family, configurations of intimacy to which I return below. Nor does the modularity of the mother-child dyad in law necessarily enable the mother to protect the child in practice, as the two case studies presented here suggest.

On a larger scale, the criminalization of forms of male sexual behavior can be seen as part of the long struggle of women against patriarchy and of feminism specifically. From the fifteenth to the seventeenth century in Europe, this struggle erupted in ritual witch hunts, with women often identified as the perpetrators of child abuse. A historical account of periodic witch hunts and criminalizations in the intervening years is beyond the scope of this paper. Suffice it to say that in the early 1970s, such accusations were reversed and directed against men, most sensationally against fathers and teachers.²⁰ A decade later, German women in groups such as Wildwasser, founded in 1982, began initiatives to protect girls from sexual abuse. In 1986, Kind im Zentrum was founded to treat both girls and boys who are victims of such abuse, and such treatment was later extended to the offenders. One interpretation of the imprisonment of Uncle Bodo, then, is as a repetitive resurrection of the historical truth of Bachofen's myth of

19. The new legal status of women and children correlates only roughly with the changing distribution of empirical patterns of child care and family form. The number of officially acknowledged single mothers in both Germanies more than doubled during the Cold War, and this growth has continued since 1990. Concerning other household forms, between 1996 and 2007, the number of heterosexual couples living together outside of marriage increased by 36%. In 2006, only 1% of households included three generations, and 37% of all households were single persons (49% in large cities; all numbers taken from Statistisches Bundesamt Deutschland [http://www.destatis.de/jetspeed/portal/cms/Sites/destatis/Internet/EN/Navigation/Statistics/Bevoelkerung/Bevoelkerung.psm], accessed August 13, 2009).

20. For example, in England and Wales, widespread allegations of sexual abuse and sadistic child cults said to have occurred between 1987 and 1992 were well publicized and resulted in legal prosecutions. The anthropologist Jean La Fontaine (1998) was commissioned by the Department of Health to examine the charges, which she, as well as the court, found baseless. In Germany, Tillman Fürniß, head of *Jugendpsychiatrie* in Munster, led the charge of accusation of perverse sexual abuse of 63 children between 1983 and 1991 in two Montessori schools. The court found all parties innocent (Friedrichsen and Mauz 1993).

Mutterrecht, as revenge for an initial renunciation and disempowerment, and as three Trojan horse-type victories: over a compulsively repetitive male sexuality, over male irresponsibility in families, and over arbitrarily exercised forms of male authority.²¹

For the public in much of Europe and North America, this struggle emerged again in the late 1970s and crystallized in the dual threats that incest and pedophilia are said to pose to the child and to the security of the social order. The media obsesses about these threats and circulates them as phantasms, which, as Berkel (2006:27) has brilliantly demonstrated, creates an identification with the child that renews the adult subject's "primary narcissism and fantasies of omnipotence." Important for these phantasms is the dissolution of childhood, accompanied by both increased pressure on parents to monitor the behavior of their children and the increased autonomy of youth culture and the incitement to sex of and with youth generally (Erdheim 1995; Foucault 1978 [1976]; Postman 1982). Children are frequently treated as sexualized miniadults with the power to make rational decisions about their own interests (true especially for activities labeled "consumption"), while adults are increasingly overstimulated by and encouraged to identify with the innocence of childhood/youth.

Calls for protecting children from experience itself express an anxiety about policing what Géza Róheim called "neoteny": adult pleasures and desires for a youth state or state of innocence (Róheim 1950:400–402). Capitalist advertising preys on these anxieties by attaching subliminal desires for sex to all commodity forms (Haug 1987). And as the kinship systems and prohibitions that structure and delimit the flow of desires in collective life are dissolved into more diffuse and voluntaristic systems of relatedness, individual meaning is increasingly construed as "self-determination" and further specified as the freedom to pursue one's own "well-being" and "pleasure." One reaction to this extension of "free will" is to generalize the model of child protection and consent to any relation of inequality, especially those between people who are supposed to know (teachers, employers, men) and their dependents (students, employees, and women).

In this way, actual sexual abuse becomes difficult to dis-

21. The current status of gender conflict in the West is the product of an uneven evolution, although there has been a definite trajectory toward the rectification of historical injustice, that is, toward what is recognized as "women's rights." Although male behavior generally has perhaps always been criminalized more than female behavior, the criminalization of male sexual behavior (outside homosexuality) is relatively recent. One way to understand this current criminalization is as the inverse of the past criminalization of female sexual behavior, where women were made scapegoats and men exculpated for socially defined abuses that were intrinsic to heterosexual relations (i.e., prostitution, wanton behavior, having children out of wedlock). The trials of witches throughout much of Europe over 300 years, in which women became objects of ritual sacrifice, often involved the accusations of eating, killing, and having sex with children (I thank Thomas Hauschild for this suggestion).

tinguish from the phantasmic pull of the phenomenon of child abuse, and the ideal of legal “self-determination” for children is linked to the sense that children need more security and protection.²² This linkage has resulted, on the one hand, in an unconscious unable to confront the sources of the sexualization of children in the media and popular culture and, on the other, in strong popular support for lengthening prison sentences for crimes of male sexual transgressions, independent of questions of cost, efficiency, or the likelihood of recidivism (Böllinger 2007; Dünkel 2005; Seifert 2007).²³

The court sentenced Bodo to 2 years and 6 months in prison. The concept of incest did not enter the case until Bodo went to therapy, where it was used to classify his type of abuse, as the counterpole to what in Germany is called “pedosexuality,” in other words, sex that occurs because of a particular familial situation and not because of a fixed object-choice for children.²⁴ Because convicted child abusers occupy the lowest rung of the prison hierarchies, the prison where Bodo served his sentence provides a separate facility to prevent contact with other types of criminals for their own protection. The official goal of the German penal system, as stated in the Criminal Legal Code amended on March 16, 1976, is “to enable the prisoners to live a life of social responsibility in

22. For the current status of European law on self-determination, see Graupner (2004, 2005). For a history of the “right to sexual self-determination” in German law, specifically 13. Abschnitt StGB—Straftaten gegen die sexuelle Selbstbestimmung (§§174–184g), see Renzikowski (2003).

23. Despite resistance from legal scholars, the Deutsche Bundestag passed a new law on April 1, 2004, that increased the length of sentences for crimes against sexual self-determination. This follows a pattern within the German legal community that began in the 1970s, in response to charges of being culturally “*Täter identifiziert*” (biased toward the perpetrator), of paying more attention to the status of the victim and issues of victim protection, redress, and compensation. The most relevant laws include the 1976 Opferentschädigungsgesetz for victims of violence (compensation through a higher pension); the 1986 Opferschutzgesetz expanding the possible charges, especially of sexual delicts, and increasing the protections of victims; the 1992 law to fight organized criminality (known by its German abbreviation, OrgKG); the 1998 Zeugenschutzgesetz allowing videotaping and other means to protect witnesses; the 1998 Opferanspruchsgesetz granting victims a lien on the marketing of stories by offenders; the 1999 Täter-Opfer Ausgleich facilitating the process of arriving at a settlement between victim and offender; the 2000 Gewaltschutzgesetz expanding protections for victims of violence; and the 2001 Prostitutionsgesetz providing sex workers with a legal right to a fee.

24. Once convicted of the crime of incest or child sexual abuse, prisoners with sentences longer than 2 years tend to enter group and not individual treatment (*Behandlung*), although sometimes they engage in both simultaneously (Jung 1987). Group therapy focuses less on individual psychodynamics than on specific criminal acts and strategies for risk management in the future. Men must work through the many different kinds of relationships and sexual acts that might have led to their crimes. The kinds of abuse, even in the incest groups I investigated, varied widely, including, for example, taking pornographic pictures, inappropriate touching, kissing, oral-genital contact, and repeated genital penetration, and the victims included biological sons and daughters, stepdaughters, stepsons, nieces, neighbors’ children, and daughters’ girlfriends.

the future without illegalities; it should also serve to protect the general public from further criminal acts.” A 2002 federal law mandates that individuals convicted of sexual abuse have not only a duty but also a right to therapy. *Die Aufarbeitung der Tat* (reckoning with the act) is the key to a prisoner’s rehabilitation and, ultimately, a condition of his release. That part of the act that he was unwilling or unable to acknowledge becomes what must be recovered and reconstructed as the crime of sexual abuse, and, for the purposes of therapy, it is diagnosed as the symptom of a possible personality disturbance (Sigusch 2001). Bodo participated in therapy while serving slightly more than two-thirds of his time before being released on probation, with the stipulation that he remain in therapy until his social worker (*Bewährungshelfer*) and judge decided otherwise.

Reckoning with the Act in the Unconscious

In cases like that of Uncle Bodo, determining the motivations for incest in order to renounce this behavior, if not desire, is the legal goal of the *Aufarbeitung*. Questions of individual motivation and desire are precisely what the anthropological resolution of the incest taboo proposed by Lévi-Strauss—the requirement of exogamy or marriage outside the most intimate group in the interests of maintaining or enlarging social affiliations—elides. To be sure, Lévi-Strauss’s more abstract and formal definition still carries considerable explanatory power and some ideological weight, for instance, in the legal reasoning of the Bundesverfassungsgericht (German Constitutional Court) in its decision to uphold a conviction of brother-sister incest on February 28, 2008 (2 BvR 392/07).²⁵

25. The Court ruled that §173 Abschnitt 2 Satz 2 StGB, which forbids *Beischlaf* (intercourse) between siblings, is compatible with the Basic Law (constitution). The brother, who had already served two sentences for previous incest with his sister, was sentenced in the most recent case to 2 years and 6 months, and the sister was sentenced to supervision. The majority decision of the Court appealed to “cultural-historical [grounds] and the internationally widely shared *Verbotsnorm* (norm to ban it).” Such acts, it argued, constituted a “deep violation of marriage and the family,” especially the “genetic harm” and “psychosocial” injury to the child that is a product of incest. Moreover, it asserted that the right of “sexual self-determination” was oriented to protect children from sexual abuse and society from human trafficking.

The Court’s Vice President criticized this decision, however, arguing that a “eugenics perspective”—prevention of genetic defects—is not a task of the modern state; that criminal law is not the appropriate means to “build a social consensus about value orientation,” more specifically about the incest taboo; and that this decision violates the “right of self-determination” in order to defend “merely existing and assumed moral conceptions” (BVerfG, 2 BvR 392/07; for commentary, see Greco 2008).

The German Society for Human Genetics also criticized the decision, on scientific grounds, arguing that the issue of inheritance of genetic disorders has a different relevance in countries, such as Germany, where exogamy is widely practiced and therefore the likelihood of couples sharing a genetic disorder is minuscule. Research in other parts of the world on the effects of long-term endogamous marriages on health, however, confirms some dangers while attributing others to nongenetic factors. For example, while early infant and postnatal mortality is significantly higher in consanguineous progeny (a union of second cousins or closer

The public response to this decision is noteworthy, however, in that there was little reaction. It seems that the German public, however disturbed by the idea of brother-sister incest, would have accepted and even perhaps preferred an innocent verdict. After all, the brother and sister were adults in love, and in Germany today protection of the free exercise of consensual sex in a couple usually trumps protection of a particular image of marriage or the nuclear family.

This mild reaction contrasts sharply with the public uproar over the 2009 Fritzl case in Austria, where after a 4-day trial, Josef Fritzl pleaded guilty to incest, rape, false imprisonment, enslavement, coercion, and murder by neglect, for confining his daughter, now 42, along with three of their children, for 24 years in a windowless cellar under his home. In this case, public outrage, not only in Austria and Germany, was directed against incestuous sex that clearly began with child sexual abuse (when Fritzl's daughter was 11). Of course, for Germans and Austrians the other coercive aspects of this case, in particular imprisonment in a cellar, appealed to traumatic registers of history, such as the common experience of hiding in bunkers during World War II, and also contributed to the outrage.

To understand the reasoning of the Constitutional Court and the public, one must engage several questions that the structuralist solution to the incest taboo avoids. For example, there are the epistemological foreclosures due to the structuralist method, which, as André Green (2005:281) argues, is based on a "dual obsession": first, to divorce the representation "from any reference to the signified in its conception of the unconscious, [and second,] to avoid any possibility of anthropology being reduced to a natural discipline." As to the first point, divorcing the representation (e.g., the incest taboo, the Oedipus myth, rules for exogamy) from the signified makes it unnecessary to account for intimate acts, actual incest, or actual sexual desire, because they are part of conscious and unconscious processual dynamics; as to the second, in the interest of affirming a distinction between nature and human culture, Lévi-Strauss, although denying an absolute distinction, fully severs the link between them.

One way to acknowledge the signified and affirm the conceptual distinction between nature and culture without severing the link between them was suggested by Georges Bataille (1957), in a very positive critique of *The Elementary Structures of Kinship*. Lévi-Strauss, he writes, moves to a level of formal abstraction that evades the erotic, the sensual, the experiential. By characterizing the transition from animal to human as an abstract move from nature to culture, he avoids the question of how humans manage to negate their "animalistic needs"—needs that psychoanalysis has considered to be of an archaic

than among more distantly related or nonrelated couples, fertility is not affected, and estimates of the incidence of mortality generally in such unions have consistently been revised downward over time. More recent work on genetic disorders has confirmed that many single-gene disorders, including mental retardation, are prevalent among such progeny (Bittles 2003).

or instinctual nature and hence more subject to unconscious repetition. The incest taboo as a norm is an attempt to prevent the aggression that people would act out should their "animalistic" behavior be subject solely to the power of sex drives.

Concerning substantive foreclosures, it is important to defend an idea of the unconscious whose content is more precisely circumscribed than the linguistic unconscious (structure) posited by Lévi-Strauss, which is timeless, a language of relational oppositions, and a reservoir of myths. It is important to also ask about the mechanisms of repression and censorship, whereby the unconscious obtains a content from lived experience that is nonetheless normally unavailable to consciousness; and it is important to ask in what speech settings a bringing to consciousness changes the signified—for example, in psychological interviews, as in the first case study, television talk shows, police interrogations, or group therapy sessions, as I discuss in the second case study below.

With these criticisms in mind, we might, following (and slightly modifying) Green (2005:227–235, 2008), pay particular attention to several characteristics of the unconscious: it is made possible through the natural functions of language, through symbolization and narration, but its content is also resistant to ordered syntax (contrary to some readings of Jacques Lacan), is what language is unable to structure; it aims to stop time and repeat or rework conflicts from the past; and it is meaningful in either hindering or reordering consciousness for each individual in a particular social context. A theory of the unconscious that addresses these three characteristics—linguistic inadequacy, temporality, and individual meaning—is particularly important for understanding how the two myths of renunciation with which I began this paper are deployed by incest abusers.

The Case of Alex's Incest

In this last section, I examine the case of Alex, a man who has been in therapy since January 2006. When I met him in August 2008, he was serving a sentence of 3 and one-half years in a low-security prison for the crime of "aggravated child sexual abuse" of his daughter Karola. At a meeting of Alex's therapy group in February 2009, the therapist noted that for four of the men present, including Alex, it would be interesting to know why their wives decided to let them stay in the family after the discovery of incest. Alex responded, "My wife said I am the exact type of man (*der Typ*) who she wants. I have been this type of man already for 20 years."

The incest began in 2001, when Karola was 13, and accelerated over 18 months from kissing and petting to masturbation and intercourse, until his wife noticed, whereupon she threatened him with a separation if he did not immediately stop. Karola was then given her own bathroom to avoid running into her father in any half-naked state, and Alex agreed to submit to certain rules of contact; in his words, "I left Karola alone [*Ich habe sie in Ruhe gelassen*]."

This arrangement continued for slightly more than a year

without incident, except that Karola was not happy simply to ignore what had happened. She tried to open up a discussion, but neither her father nor her mother responded. She sent a text message to a schoolfriend, announcing that she wanted to commit suicide; this message was passed on from friend to friend and even to her primary teacher and her sports trainer. Yet nobody reacted. In February 2003, during a regular exam by a pediatrician, Karola shared her story of incest. The doctor told Karola that she would have to report this to the police and gave her the choice of going to a home for girls instead of returning home. Karola chose the home for girls and has not lived with her parents since.

Asked in therapy why Karola and not he had to leave the family, Alex explains, "Karola was 16 by then, and it was a good time [for her to leave]. My wife said that Karola was old enough to go. We still have two children to raise [one is severely disabled and requires 24-hour care]. The family needs me."

There are three usual configurations of intimacy in response to the uncovering of incest, and all point to the classic tensions between the mother-child dyad, the nuclear family, and the couple. In the case of Juliet, the mother, already divorced, stayed with her daughter but ended relationships with Juliet's biological father, the abusive uncle, and her boyfriend, and she sacrificed the adolescent brother in order to stabilize the situation with her daughter. The most common response, by contrast, is to repress the revelation of incest and keep the family together. A third alternative is that the wife stays with her husband, in which case her role as mother is compromised and the abused child usually must leave the family to save the couple.

In the case of Alex, his wife initially kept both daughter and husband in one household. She tried to maintain the nuclear family, but holding the family together became an unbearable solution for the abused daughter, eventually leading to the daughter's sacrifice (she left the family) while the couple remained together.

Alex had already been in therapy for more than 2 and one-half years before I encountered him. Despite being incarcerated at night, he was extremely busy during the day, traveling long distances to different parts of the city: he drove an hour to work outside the prison in the morning and stopped off at home in the late afternoon to spend a few hours caring for his handicapped son and seeing his wife and younger daughter before returning to prison. Petitions to visit his family on weekends were usually approved, and in the fall of 2008 he even obtained approval for a 3-week vacation with his wife. His father is a Lutheran minister, and Alex is the only one in the therapy group who reports to going to church and praying regularly. The entire family knows of his crime and that he spent time in prison, although it is never mentioned. They appear to stigmatize and avoid him, but they do not exclude him from their activities. He talks often of their many reunions and birthdays. For example, he celebrated the fifty-fifth wedding anniversary of his wife's parents and attended

the eightieth birthday of his father, which took place in a hotel with a "wellness pool"; he joined his sister for her fiftieth birthday, and he planned a trip with her to a "wellness weekend" and to use the occasion to go over family history. Karola, the daughter he abused, is usually present at these events and often travels to them with him and his wife. When they stay in hotels, she spends the night with her cousins. On a recent trip, she indicated that she would like to return to the family after the weekend, but the mother ruled this out.

Alex describes conversations with his daughter and the rest of the family as nervous, hesitant at best, but he does think that a kind of reconciliation with them is taking place. Recently, Karola told him about her current boyfriend and gave him a hug in departing. And for the first time in 5 years, his nephew shook his hand at a family gathering. The rest of the family, he reports, are also giving him more attention than usual.

At the end of September 2008, Alex's petition for release on probation, after having served two-thirds of his sentence, was rejected. The majority of incest offenders are indeed released on probation at that point. He complained bitterly. *Die Aufarbeitung*, reckoning with the act, is the key to a prisoner's rehabilitation, and the court-appointed psychologist had given him a very negative evaluation of his reckoning. The therapists were not surprised by this evaluation. They advised him to take the evaluation seriously and to compare his position back then with that today. On July 6, 2009, Alex was set free, having served his full sentence, but at the same time he was placed on probation for 5 years, under supervision with special security measures (*Führungsaufsicht*). For now, he must continue therapy. In his first therapy session after he obtained his freedom (and the final one I attended), Alex said that his wife greeted his return with mixed emotions; she insisted that she keep the bedroom upstairs and that he move into the bedroom downstairs. His children were excited, however, and Karola came by to do her washing.

It is not as if therapy has not changed the way Alex thinks of himself and his crime, but he seems to miss the point of most questions, and he often falls into a position of shame and self-pity. His own diagnosis of himself is that his abuse does not indicate a "sickness," because, he says, he never was interested in children outside of Karola. He turned to her only because, at the time, he says, "I was often not satisfied sexually, so I tried it, so to speak."

In different therapy sessions he frequently repeats one sentence, which strikes him as particularly explanatory. Karola testified at his trial that she permitted his sexual advances because "Papa was always in a better mood after." He protests, "That is an error she makes." She may have thought that what she did was necessary to create a positive atmosphere in the family, but, Alex insists, he was only more friendly to her than to the others in the family. "Perhaps we didn't really understand Karola," he laments.

In one session, he offers the explanation that he was trying to establish a "pact" with Karola, so that together they would

have a positive influence on the atmosphere in the family. He blames his wife for refusing to allow any discussion about conflicts in the family, for making all suggestions and criticisms herself so that nothing he said made any difference.

Another time, he suggests that Karola never had many friends, that she was a loner, and that when she went out with friends they used her. Her loner behavior was not a response to his abuse, he contends, as neither he nor his wife had much influence on her. Asked if he was angry at her for reporting the abuse, his voice becomes defensive, betraying his response, "No. I don't have any reason to be." Even after two-and-a-half years of therapy, he still maintains that his daughter enjoyed sex with him. He thought of it as a shared hobby; Karola did not have any hobbies of her own.

In therapy, Alex is able to recall a number of key experiences from the past and can now interpret them in a different light. He remembers that after what he calls his "visits" to Karola's bedroom, she often asked him when he would come again. At the time, he interpreted her question as a sign that she was looking forward to his visits, whereas now he recognizes that it indicated fear of his return.

He remembers a "scene building sand castles" at the beach with Karola and her younger sister. Karola had been screaming, which she apparently often did, and he penalized her by locking her in the car. He recalls that he in fact often locked her up, which he now interprets as preventing her from being a child.

He remembers that during the 18 months of incest, Karola left her room messy and neglected herself. At the time, he thought that this was an expression of too much energy, perhaps Attention Deficit Disorder, and inadequate recognition from her classmates. Now he interprets this behavior as an attempt "to make herself unseemly." He says that he is angry that everyone decides what Karola should do but nobody asks her what she wants.

His relation to his youngest daughter is different, he says. When Karola entered puberty, he took no note, but now he is aware of the changes in his younger daughter. When Karola was that age, he was strict with her about returning home at night, while his wife allowed her more freedom. Karola was often angry about these restrictions, but the younger daughter does not object much. Today, he and his wife are more united in their approach to the younger daughter than they were with Karola. When he was in prison at night, his younger daughter hugged him every day when he visited and told him explicitly how much she enjoyed having him around. He notes these differences between the two daughters without being able to point to the jealousy he must have felt for Karola when she went out with her friends.

Along these lines, in response to the question whether it was important for him to think of himself as "the first" to have sex with Karola, he says no, although he adds that he did think about being the first for the "harmless things" such as stroking and petting. Did he do anything against her wishes? He admits that he was always the active one, but "yes, actually, she wanted to do it with me, she was aroused. That's

how I understood her." But wasn't it your actions that aroused her? "Yes, you can say that. She was aroused, she was wet, and she went along."

Did you ever look at her to see her reaction during sex? He is silent.

What did you conclude from what you saw? "I kept doing it," he says meekly, and as he hears himself, he is appalled. He begins to whimper softly.

The fantasy to sleep with your daughter, it doesn't come out of nowhere, says the therapist. Where did your fantasies come from? "I don't know. She was very loving. I don't know if I have many fantasies." Alex pauses before adding, "I fantasized only about what I wanted to do with the girl. That's probably true."

And the harm you were inflicting? "It was nice, that's why I did it so often."

Another time, he concludes, "But it was love, a false love, she couldn't do anything to resist me. I always went to her, she didn't come to me. I thought she was curious, also about sex. The sex with my wife then was not satisfying. Living without talking about any conflict with each other, I wasn't able to take it any longer."

Now Alex's relation with his wife lacks this tension it had in the past. After she discovered his incest with Karola, she never talked about it, because, he says, "Nobody wanted to talk about it." Even today, this has not changed. His wife has refused offers from KiZ to have some joint therapy sessions with her husband. Early on, she did agree to one session, where she said that she did not want to know any details about what went on between her husband and her daughter. That is something Alex must deal with on his own, she insists. The experience of therapy is one part of Alex's reckoning; the other part is the experience of imprisonment and, with his release, the fear of returning to prison.

For Alex, reflecting on his past in therapy is like another trial. He is resigned to therapy but frequently cantankerous and glum in the group. Most often he responds to queries with statements like, "I don't know that anymore," or he is simply silent. If he feels cornered by a question, he collapses into himself, shoulders rounded, head bowed, avoiding eye contact with the others. His conflicted internal experience begs silence, while the external pressures of the group demand that he speak. When the tension between them becomes unmanageable, Alex looks like an admonished child.

Saying is doing in such therapy sessions, and the illocutionary force of saying is painful. For Alex to say what he has done is to externalize the act, to make it more fully conscious so he can see it from multiple vantage points, and to give not only the means for the therapists and the other clients in the group to judge him but also the means for him to judge himself. He fears making a mistake in describing his transgression, and this, along with the feeling of shame, often paralyzes him. His silence is not the result of refusing to think but of an overstimulated mind. He is working too hard and

failing—unable to convert his psychic elements into language, unable to symbolize.

A focus on the *inability* to symbolize and its relation to temporality might provide a second way out of the impasse reached by the structuralist solution to the incest taboo. Alex fails to symbolize in three temporalities of experience—timelessness, development, and regression. First, there is the timelessness of Alex's lived experience as it worked in his unconscious, largely unavailable to conscious reassessment. Second, this timeless unconscious is under assault in therapy, as Alex is pressured in each session to reframe his experience as the development of a desire for a particular object (his pubescent daughter). Finally, in treatment, Alex comes to give voice to a third temporality, regression to an infantile sexuality, which prevents him from engaging the interventions of the therapists and the other clients in the group but also opens him to empathy with his victim. One of the most important factors leading to a transformation of his desire, to the extent that he has changed and his rehabilitation has been successful, is his growing appreciation—symbolization, one might say—of the perspective or intentions of his daughter and of her transformation as he coerced her into sex.

Above, I argued that Lévi-Strauss was unconcerned with the mechanisms by which experience becomes part of the unconscious and that in his explication of the role of incest in the transition from nature to culture, he ignored the necessity of a continual negation of the animalistic in time. Freud, in his second topography, dubbed this chaotic reservoir of libidinal drives the “id,” out of which, he further argued, humans develop the instrument of judgment, the superego. This conflict between id and superego is posed acutely in Alex's case of incest, in that shame for his sexual desire for his daughter precisely blocked any self-reflexive consciousness of his desire and what it was doing to her. Self-absorption in shame immunized him to other voices, other perspectives and assessments, meaning that his conscious self was insufficiently constrained by an internalized judging, condemning voice that might not only control his impulses but also acknowledge the voice of the child's experience and assume responsibility for his relationship to her (see Schore 1991).

The reasons men in therapy groups give for incestuous desire are extremely varied, although they tend to attribute their behavior to a response to specific familial configurations rather than to a drive (see Hirsch 1999). Unconsciously, however, what unites them above all is a desire for the young. Such desire across generations is fully human and not merely occasional or accidental. The ethnographic record and the clinical material of psychoanalysts provide us with sufficient evidence to conclude that the universal revulsion of incest is a horror resulting from the thought that one has “unwittingly” slept with a prohibited category of kin. Such category errors rarely provoke the same degree of horror today, in an age that heralds freedom of thought and “self-fulfillment.” An explanation for why Alex committed incest with his child

must foreground, then, why he did not perceive category error as horror.

Seduction of the child begins, as Freud said, with the mother, and her power to seduce is initially tied to what her breast and care provide. It is a unique pleasure that she obtains from this power, as it is for the child. Without this early seduction, children develop a limited capacity for emotional growth and vulnerable attachments to others (Bowlby 1973; Laplanche 1989). But in the development of the child's relationship with her, the mother's seduction should also be coupled with love for the child's own development. She must manage the first separations that the child experiences: the loss through the cutting of the umbilical cord and the loss of the breast.

By contrast, adult male desire for children must overcome an initial separation and establish an alien closeness to the child. In the case of Alex, he appears to identify his daughter with an oral phase from which he has already departed—appreciation of her skin, smell, innocence, perfection. He regresses to a sexuality that we might associate with the infant, fixated on his own pleasure, intent on reception alone, and wishing to retain full control over the object of his desire.

Alex's identification with his child is dissociated from his public self, and that dissociated part of himself, relegated largely to his unconscious, does not get older. It yields to the timelessness and freedom of the unconscious. At the same time, his identification with his public self, the one who does get older and will eventually die, becomes less meaningful, less enjoyable, more alien. Alex's relationship with his 13-year-old daughter, then, as against that with his wife, makes him feel alive, younger, and it reinforces his dissociated image of himself, his largely unconscious subjectivity, as someone who can reverse the aging process and stop time. Even if he is no longer as sexually potent or active as in his youth, this former potency retains its power in the unconscious, in memory traces of what has been, and from there it is a source to sustain the illusion that the phenomenal and biologically determined experience of time can be subverted and generational differentiation nullified.

The point here is that Alex does not begin a relationship with Karola, his daughter, from a position of unity to be taken apart, as does her mother, but from a difference to be effaced. Put another way, the desire of the Other, the Other that is the source of Alex's desire for his daughter, is an introjected child (Ferenczi 1955 [1933]; Freud 1957 [1914]).²⁶ That is, the source of incestuous desire is internal to the subject, and Alex projects this desire onto an external object—his real daughter. In this, Alex regresses back to an oral moment in

26. Ferenczi (1952 [1909]), who coined the term “introjection” in 1909, explained children's identification with abusers as identification with the aggressor. Freud (1957 [1914]:90) identified several types of narcissistic love and contrasted the paths leading to the object-choice of the narcissistic type with the object-choice of the anaclitic, or attachment type. In the case of narcissistic object-choice, identification is with “(a) what he himself is (i.e., himself), (b) what he himself was, (c) what he himself would like to be, (d) someone who was once part of himself.”

his own desire, wanting to ingest the innocence of little Karola. But of course, his sexuality has also gone beyond orality. He is already an adult man and appears so to his daughter. Indeed, he is a father, with a visible genital sexuality, one who has already lost his innocence.²⁷

Herein lies the fundamental moral transgression of the male incest offender: the inability to distinguish between the meaning of his own desires and the infantile sexuality of the child. The mother initially must also struggle with her difference from the child, but she is confronted early on with the child's autonomy needs as well as with her own. If she holds on to the moment of *jouissance*, of unity with the child, she also may severely stunt the child's emotional development, but her closeness is rarely criminalized.²⁸

Indeed, that is the paradox with which I began, that throughout the world transgression of the incest taboo, however it is defined, tends not to be criminalized. In most places and times, one is usually prohibited from even speaking about such transgressions. That is because the raising of a child brings into play an aporia, what Laplanche (1989) has called the fundamental anthropological situation of the human being: primal seduction. Adult seduction of the child is enigmatic and necessary—how else does the adult keep the child's attention despite its growing autonomy needs?²⁹ And child seduction of the adult is a necessary part of its humanization—how else does the child learn how to keep and attract the attention of others (Brüggen 2009)? Yet this seduction is always asymmetrical and dangerous, because adult sexual obsessions that are not sufficiently repressed or inhibited risk becoming untranslatable psychotic delusions for the child recipient.

Incestuous acts, within and outside Europe and over time, involve a fairly wide range of relations between people of the same age group or across generations; as a desire for a category of people excluded for sex or marriage, incestuous desire is not exclusively oriented to children or youth. To the extent that violations of the incest taboo are penalized cross-culturally, a wide range of means are employed to discourage these acts in different cultures and times, from murder to exile to public shaming (Ember 1974; Frazer 1910; Malinowski 1926, 1927; Spiro 1993; White 1948). Criminalization is a particularly modern and recent solution to problems of such transgressions of

27. In bringing his incest into speech in therapy, Alex had to work to symbolize that which he had relegated to his unconscious, first, by recognizing, however timidly, his own temporal regression to an infantile sexuality and second, by making himself more conscious of his own agency in his relation to people and objects.

28. Lacan (1970:194, 1977) distinguishes between desire and *jouissance*: desire is created by the lack that founds the subject as a member of the symbolic order, and it defines the subject in relation to an Other as well as to the renunciations that define the social order. *Jouissance*, by contrast, is oriented not to an Other but to fullness and excess.

29. Laplanche (1989:126) writes, "I am, then, using the term primal seduction to describe a fundamental situation in which an adult proffers to a child verbal, nonverbal and even behavioural signifiers which are pregnant with unconscious sexual significations."

intimacy. But increasingly today, only incestuous acts by male transgressors with children and youths are criminalized.

Although cases of brother-sister incest were reported in therapy at KiZ, not a single case appeared in the archives of the Berlin Ministry of Justice from the period 2001 to 2008. Cases of mother-son incest were also reported in therapy, but none were legally prosecuted. For women, more problematic in their relations to children than transgressions of intimacy, and more subject to the scrutiny of the criminal justice system, are abuses in the process of separation, prosecuted as crimes of neglect, infanticide, and murder. In any case, the child cannot do without attachment to a mother (or mother substitute), and most of these primary caregivers are women. Therefore, the risk of adult female transgression of the child's intimacy must be tolerated. That is not so with attachments to a father (or father substitute), where the risk of male transgression is less ambiguous and more likely to be perceived as an immediate aggression by the child.

But also, on another plane, I am suggesting here that male sexual desire and its criminalization are sites for the contemporary expression of the long struggle regarding sexual prohibitions and civilization and are indicative of a new symbolic order that we have not yet conceptualized as such, one that no longer rests, as the psychoanalyst Achim Perner (2006: 154–155) writes, on "the despotic father of a paternal order." Perner asks, In the absence of the despotic father, who will be the guarantor of this new order, so that we need not give up the prohibitions on which it is based? In other words, which figure or institution will serve as the modality of law to regulate questions of physical intimacy that constitute the relations between generations and genders? Medical, pharmaceutical, and psychotherapeutic markets are already active in introducing new reproductive technologies, invasive surgical procedures to create transgendered beings, and forms of self-fashioning that erode the incest taboo as the guarantor of "the heterosexual-generative constitution of the social order and culture" (Berkel 2009:88). The new markets effectively relocate the agency of order not only from the "despotic father" but also from the social to the individual and increasingly from elderly to younger subjects—to subjects with the authority to decide but uncertain about the assumption of responsibility for these decisions (see Carsten 2000; Ginsburg and Rapp 1995).³⁰

An examination of alternative modalities of responsibility awaits a more lengthy account, but here we can suggest a few more limited hypotheses: that in the West the incest taboo has been increasingly narrowed to regulate lineal rather than lateral relations between kin; that the father is no longer the guarantor of this order but is increasingly seen as a potential transgressor; that increases in the mother's authority have not

30. The field of transgender studies is at the forefront of these two shifts in agency, with the avatars being prepubescent children who assert a right to operations that bring their anatomy in line with gender subjectivity. I thank Billie Jean Isbell for this comment.

thereby enabled her to assume the role of the guarantor of the incest taboo; and that this taboo is being eroded and redefined in a new postpaternal symbolic order, in which the legal field has become one site for a ritual castration of men who violate the rule of rules.

Acknowledgments

I thank audiences at the University of Edinburgh, Manchester, the University of London, and the University of Texas, Austin, who heard earlier versions of this paper. This research was supported by National Science Foundation grant 0921817 and approved by the Senatsverwaltung für Justiz in Berlin, Germany. I would also like to thank Michaela Stiepl, Jürgen Lemke, Achim Perner, Irene Berkel, Sigrid Richter-Unger, Irene Berkel, and Christoph Wulf for much help and vibrant intellectual exchanges. All of the conclusions here are, of course, mine.

Comments

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John Borneman's article is a very valuable contribution. It is as demanding in itself as it is of prior knowledge. I salute Borneman in appreciation. My comments are further thoughts rather than principal critiques.

I agree with Borneman's assertion that the child does not name what it experiences during sexual abuse as "abuse." I also agree with the assertion that the adults' inquisitive questions, which sometimes also attempt to calm the child, are "constructing" the abuse in the first place and, finally, the assertion that this construction or its production (by the "embarrassing" inquiry about all details of the "deed"), which follows legal requirements, punishes the child rather than helps or actually protects it. Potentially, these questions cause the actual traumatization. By that I mean the trauma of the child's experience's incorporation into the realm of adult language, which (at the same time) is also a language of the prosecution of crime (and its production and construction).

What is the role of the unconscious in this? Laplanche (1992 [1991]:489) says, "The child's unconscious is that of the adult." Borneman focuses primarily on the mother's unconscious: the mother recognizes in her daughter's experiences and recollections (e.g., the uncle placing her facing backward on his naked lower body and exclaiming that he wants to fuck her) a repetition of what she herself had experienced: sexual abuse by her father.

Following Borneman's account, the mother is aware of this as much as of the danger and possibility that she could act on the basis of that "repetition," that is, detecting abuse where

there is none. For precisely this reason, she is extremely careful and reaches out for professional help.

The reader is not told much about the professionals' unconsciousness (as well as those of the other people involved: uncle, father, and brother). However, much more is said about the abuse's overall position in its specific cultural context: that is, about the unconscious, insofar as one refers to what—behind the backs of thinking and acting subjects and against their will and knowledge—predetermines human thought and behavior as "the unconscious."

In short, Borneman depicts the public problematization, indeed, the public outrage about sexual abuse and its uncovering and the criminalization of the "perpetrator" as a victory of women and feminism over society's patriarchal order and masculinity. Women have gained power over the family and men, especially in the sphere of intimacy and regarding the dominance over children.

However, women have obviously not gained power over actual economic and political causalities and forces. The increased presence of women in high-powered positions has not significantly changed anything with respect to the contents of domination: there are continuous and even increasingly frequent wars; there are more economic crises; large parts of the so-called middle classes are dispossessed; the number of those dying of hunger in the "wars against poverty" has risen to more than 8 million people,³¹ and so on and so forth.

These "facts" are also known—that is, conscious—to most people). They are not part of the unconscious but are made unconscious (Erdheim 1982; also see Adler 1994 [1919]). They are neither fated nor necessarily "natural" but "politically wanted" and humanly made. What is also made unconscious is the fact that most of those who vote other people into leading positions profit from doing so.

This fact is being made unconscious. It has to be denied.

Is this supposed to be the child's unconscious? Who knows? Surely, the child does not have a language. It does not yet have the language that could make its unconscious speak. It will be introduced into this language, which is not that of the child but that of the adult, only in the same way as the child's unconscious will then be that of the adult (Bruder 2011).

The adult's unconscious is the child's unconscious, however—to a large extent. But how does that unconscious relate to the one under scrutiny in the case of sexual abuse?

Abusing parents—men or women, but more often men—"take" from the child what they do not get anymore from other adults: this could be sex, but it is usually also tenderness, sympathy, admiration, enthusiasm, appreciation, and love. The "world," or society, we live in is not very generous with these gifts. Indeed, it is very stingy and limits their distribution to the subjugation, subordination, and denial of our own wishes, our own pride, and to betrayal. As Borneman also points out, easy access to "the child's innocence" is simul-

31. In June 2009, the BBC reported that 8.8 million people annually die of hunger (Gellermann 2011).

taneously and continuously forced on us through media and their promises and seductions. Finally, the realms of the child's innocence and juvenile seduction are safeguarded by prohibitions and menaces of punishment, which confront the transgression . . . with this men-hating mask. Borneman thus references the perverse torture of the infantile victim by the helpful, caring adults.

All of this has to be denied—in order to keep alive the fiction, the *fata morgana* of autonomy, self-determination, sovereignty, appreciation, potency, and masculinity (Bruder 2001). For that reason it is misleading when Borneman calls sexual abuse a specific form of male sexual behavior.

Even if in particular cases accessible to the conscious, it is still the sum of all those denials that makes up the unconscious of those acting (adults) when it comes to sexual abuse. None of those involved is conscious of the fact that they are in the last instance following an external will instead of their own—a will that stands behind the maintenance and defense of the inhumane system of life and its reproduction in “our” society. The child appropriates this unconscious—and even most probably experiences this appropriation as a forced process.

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John Borneman tracks an important historical and ethnographic transformation of incest, from a broad taboo on marital and sexual relations between specific, prohibited kin to a narrow definition organized around father-daughter incest that elides incest with child sexual abuse. In doing so, Borneman draws on “accumulated expert knowledge” from different fields (read: psychoanalysis) on actual incest and child sexuality in order to find truths of sex—internal and unconscious—not reducible to the effects of discourses and institutions and the power dynamics producing them. The focus is on what he calls “real incest” and its resignifications through the unconscious, especially in juridical-psychological demands to bring incest into speech.

While there are a number of provocative insights here—not least his claim that “the legal field has become one site for a ritual castration of men who violate the rule of rules”—Borneman's historical narrative is problematic. Central to the historical argument is the criminalization of male sexuality attendant on the displacement of an order of kinship guaranteed by the father. In the long view, “the authority of the father has been radically transformed, in a very even history,” and in the shorter view it appears that this criminalization is a response of the law to the increasing power of the mother and of women more generally. Yet the privileging of the mother here, especially through her psychic investments in the mother-child dyad, obscures the state's investments in these legal transformations.

This is particularly apparent in his reading of the will to knowledge structuring the Juliet/Uncle Bodo archive. Borneman asserts that in the uncovering of incest, “the daughter was under pressure to act out her mother's unconscious.” Later, Borneman writes that in an effort “to make Juliet's account reliable and consistent for the court,” that is, to make the act conform to a narrative structure commensurate with the juridical demands of evidence, “Juliet was clearly and consistently responding . . . to her mother's desire to protect her from the repetition of a dynamic of incest.” I am not interested in disputing the transference, but in this telling the juridical-psychological apparatus of the state, the institutional structure demanding (and producing) the truth of sex, is subordinated to the mother's desire—the agents of the state are, in effect, simply following the orders of the desire of the mother. In the last analysis, Juliet's men—Uncle Bodo and her father—become *synecdoches* for a generalizable category of men. “Juliet's father and men other than her uncle are reduced to objects about whom the ‘truth of sex’ is produced. . . . [M]en enter into the truth of sex neither as genitors with permanent rights nor as a structuring device in a conflictual complementarity to women but as a desire that needs stricter regulation, even criminalization, to protect women and children.” Through the foregrounding of mother-daughter transference and *synecdoche*, the workings of the juridical order implausibly follow from the desire of the mother.

If Borneman is concerned only with the workings of the unconscious and the transformation of the symbolic position of the father, one might excuse the vagaries and problems of the historical narrative. But the legal transformation of incest and the therapeutic practices that arise from and are complicit with the criminalization of incest are central to his project. Certainly, the force of mother-child transference does not determine the law, despite the implications, and while the feminist movement is certainly central, it would be too whiggish (not to mention the problematic identification of feminism with the juridical order) to suggest that this criminalization is simply an effect of liberatory progress. Borneman suggests an alternative to this history but moves away too quickly. “[A]s the kinship systems and prohibitions that structure and delimit the flow of desires in collective life are dissolved into more diffuse and voluntaristic systems of relatedness, individual meaning is increasingly construed as ‘self-determination’ and further specified as the freedom to pursue one's own ‘well-being’ and ‘pleasure.’” What is obscured by the long historical sweep from Roman law is the reconfiguration of incest for liberal society. What are the state's investments in regulating desire in the family, and why is father-daughter incest the point at which that regulation is effected?

Ultimately, it is the occlusion of the daughter that makes Borneman's account problematic; the criminalization of the father seems more an effect of certain strategies of the state in regulating and governing bare life through the figure of the innocent-erotic child. The focus on the unconscious, imaginary complexes, and deployments of myth, at once pro-

vocative and essentializing,³² also serves to obscure the political strategies of the state in redefining incest. Here the interests of feminism, the desire of the mother, and the state are conflated rather than held in tension with one another, and thus the uncovering of father-daughter incest in the era of neoliberalism can never be resistant to but only complicit with the state. Or, as articulated here, the state is complicit with the aims of the mother and 1970s feminism. The provocations of this essay demand something more.

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By adopting an empirical approach to real incestuous situations in order to address the incest taboo, Borneman considerably reworks thinking on this topic. One can but pay tribute to his efforts and support his project, with its widespread ambition to address multiple issues. In order to understand the terms of an incestuous situation as it unfolds in real life, Borneman applies the same procedure as Françoise Héritier (Héritier, Cyrulnik, and Naouri 2000), but he adds to this the dimension of gender relations. He explores and contextualizes myth, the work of the subconscious, the relationship between law and taboo, the nature of male and female attachment to the child, the cultural aspects specific to the psychological processes involved, the transformation of forms of intimacy, and the changing status of the father in the symbolic order of Western societies. The agenda discussed is dense, but how could it be otherwise, given the nature of the topic?

Drawing on the growing media coverage of incest, he suggests that the common definition of incest used in our societies, sexual abuse perpetrated by a man on a child belonging to his family, is too narrow and reflective of current ideology. He argues that this definition fails to encompass other forms of incest, such as love stories between collaterals, relationships between consenting relatives, and the daily adult female transgression of the child's intimacy. He attempts to demonstrate that because these situations are symbolically equivalent, they are also equivalent in reality. Moving from one to the other and alternating between sociological description and psychoanalytical interpretation, Borneman draws the sweeping, sophisticated guiding principle that raping a child is like violating a taboo.

The outdated masculine anthropology proposed by Borneman involves deducing supposedly universal truths from the experience of men, just as the male founders of this discipline did in the past (see Chabaud-Rychter et al. 2010). From this viewpoint, the experience of women and children is a lesser component of social organization than that of men. It is

simply a part of what happens to men. It is significantly revealing that Borneman draws most of his inspiration from the classics and from authors emanating from France (the supportive homeland of Dominique Strauss-Kahn): Green, Bataille, Lévi-Strauss, Foucault, Laplanche, Lacan, and Freud. All are eminent describers and analysts of sexuality, transgression, and the institutions that frame the social world. However, they write as and for men, in their century.

With Foucault (1979, 1988), the signatories of the famous 1977 petition drafted by a group of French intellectuals and artists, whose aim was to have a number of articles of the law on sexual majority repealed, defined the idea of legal consent as a trap removing all freedom from men of age. That says it all. These classic authors did not opt for a subjective, or even comprehensive, point of view with respect to the sexual consent of women or children. The question undoubtedly never even crossed their minds.

Yet the confusion between what is masculine and what is universal, or between what is symbolic and what is real, is not without effect and contributes to the building of a wall of silence around incestuous sexual abuse (see Dussy 2009). But life is not fiction, and incest is not the story of Oedipus, who unwittingly sleeps with his mother. As Borneman very well underlines in his first example, incest is the action of a man who, seizing an opportunity for sexual intercourse, takes possession of his 5-year-old niece's sex without thinking twice about it. If Borneman had interviewed some of the families of those condemned for incest, if he had listened to the thousands of adults, both men and women, who had suffered incest as children and who today are emerging from years, if not decades, of silence about their incestuous experience, he would have discovered other ways to articulate the social law that forbids incest and the common practice that allows it but forbids it from being revealed. He would have understood that complaints are not filed in order to make amends for a somewhat cavalier initiation to sexuality, or to open a discussion about the ways in which virility might be expressed, or in response to the restructuring of a parenting system where men no longer play the paternal role in the family. Given the plethora of incestuous occurrences, he would have seen that there is no point in attempting to define incest in terms of a transgression. It is the practice of incest that organizes the social world, forming the silent stem cell of relations based on domination and exploitation all over the world, in public as in private spheres. In this system, the incest taboo occupies the essential and decisive place of a black veil.

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This is a most interesting commentary. Borneman is right to stress that anthropologists have been far more concerned with

32. Psychoanalytic accounts of sexual difference need not be essentializing, although they tend to be so in this essay. See Scott (2011).

the taboo than with the incest, with why something does not happen rather than with why something does. In my case, I have tried to show how (and why) the *avoidance* of incest might have arisen in evolution and how this has become, as it were, the default position. *Ceteris paribus*, humans will avoid familial incest: mothers and sons because of the suckling relationship, brothers and sisters because of the Westermarck effect, fathers and daughters because of the needs of exogamy and the evolution of male inhibition. Too simplified—but that is the general idea (see Fox 1983 [1980], 2011). *Ceteris*, however, are not always *paribus*, and these avoidance mechanisms that evolved in the environment of evolutionary adaptedness may prove fragile as its conditions are left behind. The father-daughter and brother-sister avoidance mechanisms are relatively weak because they were meant to be only temporary—to get the preteen daughter out of the family and into the network of alliances. In all this the father was crucial. As Borneman says, he was “guarantor” of the incest taboo, by controlling his own impulses and seeking suitable mates for his daughters and by controlling the behavior of his wives and children to reinforce their natural inclination to avoidance in cases where it was under strain.

And under strain it has been since the hunting-gathering way of existence gave way to settlement and agriculture, especially after the Industrial Revolution. The rapid growth of the independent nuclear family, earlier weaning, bottle feeding, falling age at menarche for girls in towns, wet nursing, overcrowding in slums (rural and urban), longer life expectancy, and longer education (and hence dependency of adolescents) all affected the functioning of natural aversion, which assumed an obviously very different environment. At the center of this were the changes in the role of the father. The patriarchal father authority was not particularly a threat to his daughters, for example, as the modern feminist-egalitarian myth would have it. A strong father would have had a primary interest in setting up alliances through the marriages of his daughters, whose betrothal was usually prepuberty and whose virginity a requirement. Daughters did not need a strong incest inhibition under these conditions, and we see in classical and biblical literature (e.g., Ovid [Myrrha] and Genesis [Lot’s daughters]) that they could take the initiative in incest seductions.

What has now happened is that the feminist-egalitarian primal horde of brothers and sisters has realized Freud’s myth and indeed killed the patriarch who was the guarantor of the incest taboo. He was its guarantor strictly in his own interest in creating in-laws and alliances. The horde has left a weak “daddy” in his place, one who has no or little control over the sexuality of his children and no incentive to preserve the sexual integrity of the family structure. One of my colleagues (about 40 years ago) complained that children in academic families did not really have “fathers” but rather had nice uncles who lived in the house.

Nice uncles are not under the same constraints as real fathers, as the case of Uncle Bodo here shows. Bodo was not

a cruel and sadistic sexual pervert; he was a weak man who could not resist the allures of his niece in circumstances where she was easily available to him. (Let us not forget that uncle-niece relations are not considered incest in many societies and that such marriages are allowable in Hebrew law.) The interest to me of the Bodo case was that Juliet was not initially traumatized by the affair but was led to construe it as a sexual attack by the demands of “therapy” and “criminalization.” These are two potent weapons of the modern horde.

Their use in constructing an “imaginary complex” is very well analyzed by Borneman, especially in the case of the weak and bewildered Alex, who again is a daddy with no authority over or any real investment in his daughter’s place in an exogamic world. There is much fine psychological analysis of both cases here, on which I am not competent to comment but which seems to make sense. By reconstructing the role of the father as one filled by nature with male predatory desire and hence as something to be criminalized and controlled by its agents, the modern horde has inverted the evolutionary order in which this same “despotic” father was the guardian of the incest taboo. In doing so, it has left mothers largely in charge of familial sexuality, a role for which they have no evolutionary training, thus straining further the mother-child bond already under stress. The remarkable thing to me is that in spite of this attack, the avoidance mechanisms seem to be very resilient, with enough residual strength to survive in a hostile environment.

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Anthropological theory has little to offer by way of an explanation of why sexually mature males would avoid the opportunity to sexually abuse their underage close female relatives: daughters, nieces, younger sisters. The Westermarck effect (Wolf 1995), so popular in evolutionary discussions of incest these days, can account, at best, only for the avoidance of sibling incest and for aversion on the part of children to sex with their parents, not that of parents to sex with children; Levi-Strauss’s (1971) views on the incest prohibition were never intended to give an explanation for individual adherence to what he saw as a rule at a social level that promoted alliances; and the underappreciated theory of Vidal (1985) derives incest avoidance from the extension of the prohibition barring child-mother incest because of the threat of the father’s retaliation. Not only do none of these theories account for why men would feel any compunctions about sexual intercourse with their younger female relatives, including underage ones, but some theories actually give positive reasons as to why such unions might be favored: Freud’s (1931) late views on feminine sexuality contrasted, on (complicated) de-

velopmental grounds, the powerful incest barrier between sons and mothers with the relative psychological ease of eroticized relationships between daughters and fathers; and Shepher (1983) showed that (leaving aside the deleterious effects of too-close inbreeding) the father-daughter relationship is the only one among the possible incestuous unions of first-degree relatives that actually leads (according to his mathematical models) to the enhancement of reproductive success. (See also Ingham and Spain 2005 and Paul 2010.)

So maybe the answer to the question of what inhibits men from abusing their daughters (nieces, younger sisters) is in fact—very little. Add to the mix the generally superior physical strength of men over girls, their authority as senior relatives, the urgency and aggressiveness of male sexuality compared with that of women, the fact that it is far easier for aroused men to copulate with unwilling females than the reverse, and the wide distribution of pedophilic fantasies more generally among men, and one is led to the unhappy conclusion that the sexual abuse of girls within the family is probably a great deal more common than one would like to believe. I think that what evidence there is and clinical experience bear this out.

Borneman argues that while public opinion in Germany (and by extension in the contemporary West) is relatively untroubled by sibling incest (between consenting adults) and even mother-son incest hardly figures in the legal record, father-daughter (or uncle-niece) abuse arouses outrage and merits a societal sanction. Given the devastating psychological effects of such trauma on its victims, this outrage certainly would seem to be justified. The problematic nature of what is to be done about it, however, is raised by the case material—unfortunately too tantalizingly incomplete to lend itself to thorough analysis—presented in this paper.

In the final line of his essay, Borneman seems to suggest that the tables have been turned too harshly against abusive fathers when he refers to the legal sanctions to which they are subjected, calling it a part of the “ritual castration” that men in our modern “fatherless” society are encountering. Whether either imprisonment and group therapy are just punishments or, more pragmatically, whether they are at all effective, either as deterrents or as preventive measures against recidivism, is not at all evident from the material in this paper. What is strikingly clear is that society has its eye on the wrong ball. Our legal response to a case of sexual abuse by a senior male relative is, quite typically, to “discipline and punish” the culprit. Certainly these men should not get away with it, but what leaps out from these pages is the lack of attention to the benefit of the girls who have been abused. In the case of Alex, his teenaged daughter is exiled from the family to preserve the husband-wife relationship. This may indeed protect her from further predation, but it cannot help but reinforce the message that she is somehow to blame and ought to be banished for a crime that was not hers, likely further encouraging shame and lowered self-regard.

Still more troubling, 5-year-old Juliet is subjected to a legal

inquisition, the very opposite of what is needed in such a situation, namely, a chance to tell her story to a nonjudgmental, sympathetic listener in an atmosphere of support and complete confidentiality. To make her accuse her own uncle in an adult court proceeding is simply to exacerbate the trauma. Our impulse to resort to the law and to mandatory humiliation in group therapy for the perpetrator seems to distract us from the obvious fact that our first concern should be the well-being of the child, through a humane and caring response to her suffering.

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The Oedipus myth, as Borneman reminds us, is the “one human universal” accepted by anthropologists. However, the forms of this myth in other cultures point to alternate histories of intellectual ideas. Not only are there fundamental thematic differences but also the impact of this myth is much less in the intellectual histories of these cultures than in the “West.” The Indian versions of this tale are a good example. Ramanujan (1995), in his pioneering work on this topic, points out that the Kannada version of the Oedipus tale is told from the mother’s point of view, whereas the Greek tale is from the son’s point of view. Patricide is almost absent in Indian myths. Other differences, according to Ramanujan, include the nature of kinship relations, the “direction of desire,” and a more ambiguous distinction between the male and the female. Typical stories include that of Prajāpati, the Creator, who cohabits with his daughter, and a ninth-century Jain story in which the king desires his youngest daughter, legitimizing this by the claim that everything in his kingdom belongs to him (Ramanujan 1995:248).

What do these alternative versions of the tales of incest tell us about the modern condition? Interestingly, the answer lies in Borneman’s critical insight on the process of transforming the taboo of incest into law. While one can read this shift from taboo to law as a condition of contemporary societies, I would argue that there is an inbuilt resistance to this process because the notion of law itself is fundamentally incestuous.

Any attempt to describe the process of the change from the immoral to the illegal by drawing on psychological explanations can be only partially successful. Such attempts do not seem to capture a philosophical essence of incest that can distinguish it from pedophilia or coercion and rape. Moreover, we need an account of the differing responses to incest in different cultures. I am intrigued as to why Borneman carefully sidesteps two of the most influential categories that are part of the narrative of incest in many cultures: the explicit theological element in incest, manifested, for example, through creation myths, and the importance of the idea of

love (both as a father and as a lover). Criminalization of incest becomes possible only after the end of the myths of god and love, a condition that some modern Western societies perhaps find themselves in.

The immoral in incest could perhaps be found in the breakdown of the “law of distance” between the creator and the created. A father who produces a child destroys the law of distance between them if he has an incestuous relationship; this act is theologically loaded, as in the relationship with the creator and his/her subjects. However, there are important cultural variations on this theme. In the Hindu tradition, perhaps in contrast to dominant streams of Christianity and Islam, such “transgressions” between gods and humans are common in narratives that continue even today. Moreover, the descriptions of sex as a “divine” act and a manifestation of “divine love” in these narratives complicate the issue. For some modern Western societies, where investment in the theological is less important than that in the legal, it makes sense to subsume incest under the legal, since they do not have the theological narrative so easily at hand.

Finally, I agree with Borneman that changing views on incest reflect the attempt to redefine the status of the male, in particular the creation of the male figure as an object of suspicion, potentially always liable to transgressions of various kinds. However, I believe that there is a hidden dimension that makes this possible, and that is the invention of another male figure that displaces the biological father (shades of Lacan, perhaps, but with a significantly different metaphysics). This male figure is the contemporary State, defined not just by political institutions but also through a surreptitious relationship with intrusive technologies. The move toward criminalizing incest highlights two fundamental aspects of the State: its role as the progenitor of law and its constant attempts to blur the boundaries between the private and the public. The criminalization of incest is happening at a time when the State has an increasing role in monitoring private spaces, including bedrooms. When the State becomes the new Male, it propagates new myths of incest (and sexuality), thereby manifesting the uneasy relation between the State and its citizens, who are under its protection. The criminalization of incest merely succeeds in displacing family incest into the domains of the State. It is the case that law (appropriately as the “handmaiden” of the State) begins to cohabit with its creator and is, in this fundamental sense, incestuous.

Reply

To understand incest as the failure of a prohibition, we confront it in its positivity, as the relationship of desire to an object, opening up a range of heretofore unexplored questions for anthropology. Incest through the lens of adult-child relations forces one to look at the asymmetry of power within

the context of principles of consanguinity, affiliation, and exchange. This brings the “sex act” to the fore and turns the study of the incest taboo into an examination of the process whereby, through language, law, and therapy, the act becomes a lived experience of transgression and illegality. From this perspective, violations of the incest taboo reveal how the modern state regulates intimacy, which in the contemporary West increasingly focuses on the regulation of male sex. These (relatively) new foci do not make the accumulated knowledge of incest as universal taboo—the rule of rules—as a mechanism regulating group exchange, or as marking the division of nature and culture and the foundation of civilization irrelevant, but they do, I hope, pose theoretical problems that can best be addressed through ethnographic research in particular places. The question for the child, as I develop it here, is what it means to bring the act, what actually happened, into speech, more specifically legal language. For the offender, the question is one of the possibilities and limits of self-transformation—rehabilitation through therapy and imprisonment.

My attempt to link these issues of individual experience and group formation through empirical fieldwork in this short article must remain, I acknowledge, as Robert Paul writes, “tantalizingly incomplete”—there is much more to discuss. I have chosen not to replicate the many studies that have examined the effects of sexual abuse on children, its relation to psychic development, trauma, and memory. Rather, my goals are to understand this experience of abuse *intersubjectively* over time, as it is brought into speech settings of varied intimacy and publicized in the media, as what happened is (re)experienced under new conditions of signifying gender and generation and within changing landscapes of memory—in families, prisons, and therapeutic sessions—and to suggest how this experience indexes a historical shift in the symbolic order of the West generally.

Dorothee Dussy takes me to task for arguing for a definition of incest that “encompasses other forms . . . such as love stories between collaterals, relationships between consenting relatives,” for referencing so many male thinkers, mostly French, and for not seeing that “the practice of incest. . . organizes the social world.” Hmm. My point is that the incest taboo in the West increasingly prohibits only vertical relations and that it poses different questions when seen as empirical sexual practice and illegality. I cite so many men merely because they have been the most prominent theorists of incest. Nonetheless, I do not ignore theoretical advances of women. Dussy might take heart that the majority of practitioners in anthropology and psychoanalysis are now women, which has in fact led to theoretical advances. In addition to drawing from the work of Melanie Klein, Nancy Chodorow, Judith Herman, and Sophinette Becker, I also cite prominently Irene Berkel, whose pathbreaking book *Missbrauch als Phantasma* has been widely read and discussed in German-speaking countries. I could have engaged other contemporary feminist theorists on this topic, such as Jody Davies, but the reference list is already, in my opinion, too long, and it was in fact

lengthened considerably in response to reviewers. I resist the notion that old or male theorists (often the same) have less to say to us than newer or female ones, as the validity of an argument is not dependent on the type of authorities who support it.

As for the “practice of incest,” I agree with Dussy’s implicit assumption that incestuous desire exists in all families, but my focus is on the transgression rather than the taboo. To insist, as she does, that the transgression (practice) organizes the “social world” is to not take seriously what people themselves experience: that only some experience incest as child sexual abuse. Imagined abuse may produce traumatic effects, but these effects are qualitatively and phenomenally different from those on the actually abused child. Moreover, it is analytically important to acknowledge the tension between the representation of abuse and real abuse, the symbol and its referent, in the minds of those we study as well as in our own.

In evolutionary time, from what we can surmise, the incest taboo as prohibited sex act precedes marriage as a social institution; it precedes marital regulation and kinship systems. The first incest taboo must have been on adult sexual relations with children up to and around the age of puberty—for the protection of the child in its early development, as Paul argues. This also happens to be the period of what we call the Oedipal conflict, which, from the perspective of the child, is fraught with unsymbolizable and, often, already unacceptable urges. The child’s relation to the adult world in this period invariably revolves around the dilemma of separation from the mother and conflicts between psychic and social registers. This dilemma does not necessarily involve a precocious genital sexuality.

Here I simply want to make the developmental sequence clear. The incest taboo as a prohibition of sex precedes the Oedipal conflict, but it is subsequently redefined by that conflict and by the social norms that regulate marriage. Klaus-Jürgen Bruder (following Laplanche) elaborates why the unconscious of the child is always the unconscious of the adult, which means that marital prohibitions on certain degrees and kinds of intimacy with kin are undoubtedly sensed by the child before it has developed linguistic capacities, in messages that the adult signals to others in the environment. This unconscious tries to stop time and to present its content as timeless. But it is not, I am arguing, outside of time and in language alone; its content is very much historically contingent. This contingent unconscious is today reworking myths (of *Mutterrecht* and Oedipus) around specific axes, including the gendered dimensions of child-adult relations. The continuous interaction of myth and empirical reality leads, in turn, to struggles over interpretation. My attempt in this paper has been to reaffirm the relation of myth to the unconscious, following Lévi-Strauss, but also to suggest how one might pursue this ethnographically and historically with a more rigorous understanding of how the unconscious obtains its content.

Part of my argument concerns the temporalities in which Bodo, who abused his niece Juliet, and Alex, who abused his daughter Karola, think about what happened, how this influences their ability to symbolize themselves relationally, and how the temporalities of myth (timelessness), of the unconscious (regression), and of actual child sexual abuse (development) enter into experiencing and understanding incest today. Robin Fox notes that incest “avoidance mechanisms” from earlier times have proved to be resilient, whereas Paul suspects (and Dussy maintains) that, at least concerning “girls within the family,” sexual abuse is “probably a great deal more common than one would like to believe.” The two positions are not necessarily opposed, and I agree with both. I address something else, however: that the child is increasingly vulnerable in a new kind of social order in which the father is no longer the guarantor. Fox calls this an inversion of “evolutionary order”: the “feminist-egalitarian primal horde” has “killed the patriarch.” I liken it more to male self-destruction or self-annihilation, enacted in two world wars that also threatened the further life not only of Germans as a collective but of all of Europe. In response, women have enlarged their responsibilities, including many formerly allocated to men, without being able to assume the power of guarantor of an evolving symbolic order in which “traditional” authority is challenged by market mechanisms, peer groups, new technologies, and other sources of power.

Paul argues, convincingly, that in the uncovering of incest the *interests* of the child are to be foregrounded. But how does one determine them? If the unconscious of the child is that of the adult, then the child’s *relations* must be foregrounded, and that means, in the case of Juliet, those with her mother, brother, father, father substitutes, and abusive uncle, and in the case of Karola those with her entire family. If the major goal of research on incest is to reduce child abuse, then it is essential to also consider the experience of adults who abuse them and to understand the possibilities of their rehabilitation.

Connolly criticizes my inductive move from the ethnographic specificity of experience to its interaction with law, myth, and historical narratives as “obscur(ing)” “the reconfiguration of incest for liberal society” and the “resist[ance]” of feminism to the state. He proposes, instead, that if I start with the state’s “juridical-psychological apparatus,” I would understand the experiences of Juliet with her mother (and presumably theirs with the psychologist, the police, the law, and Uncle Bodo) as effects of or reactions to the neoliberal state and its “political strategies.” This framing imposes a meaning on experience that forecloses any significance for ethnographic work or interpretation that might reveal the unexpected, the unanticipated, the serendipitous, or any kind of excess or paradox that does not fit into our preconceived ideas of the liberal state. The inscription of incest in law and the ways in which the lives of various family members change after an arrest for an incestuous sex act do not operate according to a single neoliberal logic. Law has indeterminate

and contradictory effects, such as demanding that abused children, like Juliet, be witnesses, or the sacrifice of the daughter, Karola, from her family.

Moreover, my narrative periodizes a shift in regulatory objects and incest regulation in the 1970s, a time in which a number of movements, including feminist and gay (with which I strongly identified), pursued the decriminalization of many sex practices that made women or homosexuals the object of regulation. At the same time, however, what has not been sufficiently appreciated is the criminalization of certain male sex acts that were not subject to the same level of social and legal regulation. These regulatory shifts are responses to the experiences of actual people. Connolly makes no mention of my second example, Alex's arrest, incarceration, and rehabilitation through therapy, which certainly can be defined as part of a state strategy but, even as that, is a response to many other factors, such as increased public attention to incest and child victimization and the failure of incarceration alone to rehabilitate sex offenders. In Germany, as elsewhere in Europe, the decriminalization of female prostitution, enactment of laws protecting women from domestic violence, and attention to child sexual abuse are widely considered achievements, in part, of feminism. They redefine specific relationships and bring the law to bear on them (more on the side of victims than on that of perpetrators) in a different way. My argument tries to pursue this development dialectically, in identifying the limits and unintended effects of collusion. One limit is that often the child has no defender—despite rhetoric to the contrary. One unintended effect is that men are relieved of their responsibilities. These effects have nothing to do with “bare life” and are not the product of “strategies of the state.”

Finally, Sundar Sarukkai proposes that we examine how Indian versions of the Oedipus myth present a different intellectual context for considering the effects of making the incest taboo into a crime. At the level of myth, he argues, the social order itself is normatively incestuous. As told by the mother (instead of the son), the Creator legitimately cohabits with his daughter. This story is too complex, and my understanding of India too cursory, to respond adequately to this creative challenge. Sarukkai offers explanations for why the social taboo of incest remains strong in India, organized around marital categories (lateral kin) rather than vertical relations (adult-child), and why criminalization is often resisted by social groups whose power rests on the continued efficacy of myths of gods and procreative love and thus on policing marriages that cross social or caste boundaries and not on the control of incestuous sex. The Indian state, contra Sarukkai, has precisely not become the new Male, because the law is still weak, and the locus of authority is not phallogocentric, as in Europe, but remains dispersed among competing local religions, social hierarchies, and complex exchange systems,

in which identification with the mother and the need for her recognition (as in the myth) remains strong.³³

—John Borneman

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