

THE LAW OF THE MOTHER & THE FATHER OF LEGAL FICTIONS:

IMPLICATIONS OF WINNICOTT'S
PSYCHOANALYTIC THEORY FOR LAW



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Drawing on the work of British psychoanalyst D.W. Winnicott and the school of psychological thought known as object-relations or attachment theory, this talk considers legal functions that parallel Winnicott's theory of how good-enough mothering fosters cognitive development and produces beliefs. I contrast this “maternal” fact-finding, knowledge-construction function of the law to the forms of legal authority (i.e., behavioral injunctions, especially prohibitions, and mechanisms of law enforcement and punishment) that are most commonly theorized in law and psychoanalysis as analogous to paternal authority.