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## Italian Legislative Situation

For about 20 years, there has existed in Italy a law (law 56/89) that in practice assimilates psychoanalysis and psychotherapy and therefore regulates the formation of the analyst according to criteria which, to my mind, are unacceptable and so inadequate as to put into peril the very survival of psychoanalysis. For what reasons?

1. First of all this law assimilates, at least implicitly, psychoanalysis and psychotherapy. Initially, art. 3 of that law indicated: “the practice of psychotherapy, including analytical activities ...” After much debate, the added precision was erased, thereby leaving the law open to any interpretation. As a predictable consequence, institutions interpreted it narrowly, that is to say: psychoanalysis IS psychotherapy.
2. Consequently, analytical practice is reserved for doctors and psychologists. With a first paradox. If it is true that analysis is didactic only *après-coup*, that is to say that it doesn't exist as such *a priori*, then, in principle, it is just as true that each analysis can reveal itself to be didactic. And therefore the paradoxical case of an analyst having to interrupt the “didactic” work of an analysis—because the analysand is neither a doctor nor a psychologist, is not out of the question. (Not to mention, many protagonists of the history and recent history of psychoanalysis didn't have a medical or psychological formation, nor even, for some, any university title.)
3. The objections against this law come in turn from two inevitable findings where analytical formation is concerned.
  - a) A personal analysis is considered by all the members of the psychoanalytic movement as fundamental to the formation of the psychoanalyst.
  - b) The relation between analyst and analysand demands that the symbolic function between the two not be pre-established by an authority fundamentally alien to that said relation, such as public authority. As we know, the analyst's responsibility cannot be delegated to any third party of a legal type without derailing the entire meaning of psychoanalytic practice. If there is a *third party*, in

this case the state, which embodies the Other of the Other, the analyst is automatically robbed of any symbolic function, that is to say the very possibility of functioning as analyst. There remains only the possibility of a relation on a purely inter-subjective level, therefore open to any perversion.

Furthermore, in likening psychoanalysis to psychotherapy, the law tends to delegate a significant part of analytical formation to university and para-university style procedures.

In short, assimilating analytical formation to that of psychotherapy cannot be done, it seems to me, without irrevocably invalidating, on an ethical plane, the future of psychoanalysis. However, given that in Italy the most important psychoanalytic associations (Freudian, Lacanian, Jungian, etc.) have accepted the law (often setting up, within their walls, psychotherapy schools able to deliver the state diploma that gives access to a psychoanalytic practice and, in any case, opening the way exclusively to psychotherapists—and therefore only to psychologists and doctors), I think right now, in our country, the only path to follow for a psychoanalytic institution is the one I describe in “La voie de l’exil” [“*The path of Exile*”] (see my text, appended).

And, precisely because of the commitment of key psychoanalytic institutes to the law (and as this commitment will last), I think it is useless to fight for a new law that, in the best though improbable case, would manage (although I don't see how) to include within itself the foundations of lay psychoanalysis as a transitory exception that would confirm forever the rules.

The point seems to me to be equally confirmed by the recent ruling of the Italian Supreme Court [*la Cour de Cassation italienne*] that joins irrevocably and in full psychoanalysis and psychotherapy.

In any case, it would have been enough to acknowledge the fact that a battle of this type was already fruitlessly waged (several years ago) by a movement in which I participated, called “Spaziozero – movimento per una psicanalisi laica” [“*Spaziozero - secular movement for psychoanalysis*.”].

But, as is well known, experience teaches nothing . . . and, by the way, it's one of the reasons that what is called “didactic psychoanalysis” cannot exist other than as an

Oxymoron.

It is possible, however, that in other countries (USA, France) State regulations may bring other solutions to the question of formation in psychoanalysis ... (and I think it would be interesting to discuss it in our working groups).