

COLLOQUIUM

# ETHICS IN ACTION

DIALOGUE  
BETWEEN KNOWLEDGE AND PRACTICE

Edited by  
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The logo consists of the letters 'LED' in a stylized, cursive script. The 'L' and 'E' are connected, and the 'D' is separate. The letters are black and set against a white background.

— Edizioni Universitarie di Lettere Economia Diritto —

Paperback edition 2012  
ISBN 978-88-7916-590-7

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*LED* Edizioni Universitarie di Lettere Economia Diritto

Via Cervignano 4 - 20137 Milano

www.lededizioni.com - www.ledonline.it - E-mail: led@lededizioni.com

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This book has been published with financial support  
from the Department of General Psychology, University of Padua, Italy

Cover image:

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# INTRODUCTION

*Erminio Gius - Sabrina Cipolletta*

We live in a period of difficult cultural transition. There is an atmosphere of disorientation that accompanies technological revolution, the meeting of different cultures, and growing welfare. New problems emerge, and new avenues question the ethical feeling of single persons and communities on widespread and uncritically accepted behaviours centred on an egoistic subjectivity at the expense of the public welfare.

In the postmodern age, moral issues and personal responsibility have implications for the ethics of human relations, politics, and the economy. In fact, the ongoing changes in the so-called global society are so complex that they impress anthropology and the construction of new identities. Similarly, the transformations that globally redesign social organizations and amplify the contradictions of the contemporary age triggered a condition of moral, political, ideological, and religious perplexity. This condition reveals the inner fragility of the contemporary age and lead us to open our eyes to the complex matters dealing with civil life, involving and putting into communication different fields of knowledge that require different competences (by scientists, philosophers, theologians, lawyers, economists, psychologists, and sociologists) to understand the quality and quantity of the ongoing metamorphosis.

The urgency of a rigorous and illuminated debate on ethics is triggered by modernity and assists in the gradual erosion of anthropological, social, and religious principles of the costumes and institutions to the benefit of individualistic and egoistic interest. In front of this horizon, we explore the ethical relevance of the complex relations that the development of scientific research and technological applications have with the moral issue. In ethics, an argumentation is understood when the subject is at the centre of the moral argument. The values of scientific research and of personal dignity, which constituted the basics of the modern age and of the humanization of social life, risk being obscured in the postmodern age because they lose the strength and freedom derived from rationally critical options in the processes of choosing and assuming responsibility.

Exploring and reflecting on the present social transformations, development of scientific research, and increasing request for ethics on the part of the society

are important to rigorously consider the opportunity to compare and combine technological and scientific research on human rights and wellbeing. This exploration consists of an understanding of contemporary life, postmodern problems, and above all, getting the point of the existential questions that arise from the transition to modernity that deal with the person and his or her place in the new cultural context. The supremacy of technology testifies how its development contributes to increase the convergence, sometimes exaggerated and forced, of the internationalities on empirical problems, and to relegate the attention to ethical problems on the margins.

These problems pose questions to social sciences on the complexity of social life in relation to technological development, the crisis of values, and the search for meaning. The present common need to reflect on the ethical questions posed by economic globalization, new technologies (especially in the fields of informatics, robotics, and telecommunication), the nomadism of populations, the development of the Third World, the governability of the world, the creation of universal rules of cohabitation, and of the development of a «new human order» has no record in the history of humanity.

«Ethics in action» means to pay serious attention to the simultaneous convergence of two increasingly appreciated values; it is the necessity to improve the rational use of scientific research to favour action and the consideration of the human being as a cognizing being. These two values, which were foreseen and preached during the modern age, become the object of a coordinated plan for activities centred on personal dignity. An incontrovertible need reflects on the interconnections between the knowledge derived from the rational use of the experimental method and the anthropological knowledge of human existence, which is anchored in personal consciousness. It is not possible to talk about a unique knowledge derived from reason because it is not proper for humans and consciousness. Otherwise, it would be reason's knowledge that is aimed at itself and auto-referential. Possible breaks may arise when scientific reason's knowledge (which is also technical-operative knowledge) does not take into account the knowledge of persons' consciousness, which constitutes a specific anthropologic and phenomenological existence. The first debate deals with free will and personal responsibility of the human being in the face of two fundamental and interweaving values: scientific knowledge and respect for personal consciousness and freedom. The problem is the nature of a knowledge that would help human beings and not only human reason. No knowledge may be qualified for reason in itself; knowledge is always and only proper of human beings because they are anthropologically finite and suffering, being sufferance as universal as joy is. Only such a knowledge necessarily refers to human free will, to intrinsic subjectivity and reason beginning an order of authentic consciousness.

When the theme of reason is introduced, which refers to knowledge that consciousness has of the actions reciprocally and responsibly produced in a relationship, the epistemological question about the reason of the tight correlation between the definition of science and the meaning of actions is produced within the relationship. Science may arrogate to itself the right to determine conceptual

fixities on mind without asking personal freedom to intervene, in so doing determining a fixed knowledge that cannot be questioned. Such a scientific knowledge is constituted by a precise methodological standard, i.e., the standard of objectivity, which is the act of suspending any question on intentional actions and meanings attributed to the existence of each person. But in this moment a dilemma arises: when the act of suspension is accredited as an act of knowledge, the act of suspension takes the meaning of suspending the consensus to the original knowledge that consciousness itself shaped and constituted originally. This dilemma, when posed between professional responsibility in using a method and the ethics of personal values, subjectivity, and consciousness, questions an ethic in action.

Another theme that should be taken into consideration arises from today's culture. Due to the break between the reason of technological knowledge and the reason of the attribution of meaning to human existence between science and consciousness, postmodern culture and the current anthrop-phenomenological way of thinking frustrate the previous fascination and primacy of scientific knowledge. It seems largely compromised by the fact that technology poses itself as an independent (instead of dependent or interdependent) variable if compared with scientific research and fundamental values. These signs of crisis are eloquently expressed by those theories that announce the coming of post-modernism, hermeneutic philosophy, structuralism, and constructivism.

These theories hold that the knowledge of reason that is not anchored in a specific cultural tradition is not viable. Meaning and the attribution of meaning within a relationship are indispensable in the current forms of speech, especially when relationships become compassionate toward human beings. This is the authentic place of responsibility. Here is the true junction between modernity and postmodernity, and here is the problem of the detachment of technology and science from consciousness and the anthropological values of the persons. Here is poised the important theme of the relationship between science and values (and of the problems derived from this relationship): ethical conflicts and moral paradoxes that must be faced by a consciousness that takes responsibility for its choices. This must be inserted in the complexity of a society that requires that subjective experience is taken into account and avoids rigorous planning impossible or at least undesirable. An ongoing adaptation to instability and change is required. This question is evident in the moral field where the rise of a multidimensional and plural thinking contrasts the ideal of a universal perspective also on what is «good» or «bad»: we pass from white-black contraposition to the infinite range of hues and shades of gray that announce the entrance of judgments and evaluations that are not founded any more on undisputed and indisputable criteria. This leads to the problem of the sources of validation and justification of the different viewpoints.

If we give up the belief in the existence of a scientific or metaphysical truth, what may be the ethical foundation of the future society? The risk is passing from a dogmatic to an anarchic viewpoint on ethics. Here the ethical matter is a declination of the question of subjectivity, meaning, and value in contemporary culture and science. Following the curiosity underlining the scientific enterprise

may lead the human being and the scientist to make life and reason converge and search for the intrinsic equilibrium between ethical/esthetical components and technical/rational components of research and human values.

Departing from these premises of ethics in action may be respect a need for versatility and dynamic approaches that establish or capture the relationship among different domains of knowledge as different models of worlds and contexts of connections – in contrast with a formerly dominant tendency to fix and isolate elements. This is reflected in an integrated organization of the knowledge of science and consciousness; a knowledge increasingly oriented toward interdisciplinarity to mobilize resources for the development of transmodal communications.

In line with this purpose, the present book represents a reflection on the request for ethical questions and answers to the cultural, social, psychological, juridical, and economical problems of the current age. Today, a massive tendency toward homogeneity and homologation prevails as a peculiar characteristic of the modernization process that governs Western society. This tendency is also evident in scientific research, where a need for theoretical and empirical studies, oriented to overcome the hegemony of rationalism and positivism, is felt. Rationalist and positivist paradigms represented a historically relevant framework but are today unable to understand the social phenomena that must be constantly compared with the study of the value and normative systems also derived from different cultures, which are themselves changing toward modernity.

Through the contribution of authors from different fields of knowledge, this book proposes a different framework to deal with this changing and plural society. The book opens with a contribution by Raskin and Debany, who address the issue of the inescapability of ethics within a constructivist framework and the difficult questions it poses to the theoretical foundations of constructivism. We chose to open the book on this perspective because we think it represents a starting point of our view of ethics as knowledge that guides action. This viewpoint marks the following chapter by Sabrina Cipolletta dealing with presence as an exemplification of what we mean by ethics in practice when dealing with health care relationships and more specifically with the psychotherapeutic context. A different perspective is adopted to deepen this context. Cavanna and Vallotti propose a psychoanalytical view, analyzing its theoretical model and its implications on the therapeutic alliance. Although psychoanalysis and constructivism are traditionally different, similarities arise when dealing with engagement in the therapeutic relationship. The following chapter by Salvini and Faccio explores some implications of an action based psychology that construes a diagnosis in a clinical setting. In particular, it analyzes a recent phenomena, the vigorexia. It illustrates how this diagnosis is socially construed rather than objective, as the institution of a psychiatric diagnosis would suggest. Each individual choice – e.g., physically training through body-building – may be read through the lens of that scientific knowledge that states the rules of a universal truth, as previously recalled in this introduction, or may be inserted in human beings' existence.

If we pay attention to each individual's presence, body becomes a central point because presence is always embodied, as highlighted in the second chapter.



It is not by chance that many of the experiences discussed in different chapters deal with body. Vigorexia is only an example. Passing from the therapeutic context to the field of experimental research in psychology and neuroscience, other embodied experiences are considered and analyzed through different theoretical and methodological perspectives. Cipolli, Plazzi and Tuozi introduce a new forensic and psychological issue – i.e., dream enactment and violent behaviour during REM sleep, which poses interesting questions on the place of self-determination in human acting. In the following chapter, Sartori, Agosta and Pezzoli examine the links between brain and lying, proposing a new tool to detect lies. It represents a new avenue where psychology encounters law.

We definitively enter the field of law with Zanotti, who explores the relationship between law and ethics. By analyzing the complex relationship between the individual and the legal system, the author sagaciously raises the question of how persons may keep individuality in front of law while being equal before it. This matter has important implications, especially when dealing with topics like the origin and end of life or sexuality and marriage. The relationship between the individual, the law, and the community is recalled by Patrizia Patrizi, who raises the issue of how to communicate a promotional and pro-social culture of responsibility when the wellbeing of one side (individual or community) seems to contrast with the ill-being of another side (individual or community).

This leads us to a more general reflection on work, spirituality, and political action by the exploration of the dynamics of power, authority, and freedom. In the ninth chapter, Trentini examines the anthropological meaning and the psycho-social scope of power in relation to authority and freedom. Departing from the etymological analysis of these terms, the author underlines the links of power with action and points out how the separation between authority and power is historically situated in the birth of the «citizen». Finally, Kaneklin concludes this book, proposing to rediscover the political value of action in social and work organizations to overcome the divide between spirituality and work. With this reflection on the foundations of contemporary society, we finish our journey through different theories and practices and we hope we ask more open-ended questions than to give answers on the basics of our acting.



1.

# THE INESCAPABILITY OF ETHICS AND THE IMPOSSIBILITY OF «ANYTHING GOES»

A constructivist model  
of ethical meaning-making

*Jonathan D. Raskin - Alanna E. Debany*

Critics contend that constructivism embraces an «anything goes» ethics that permits any position (Boghossian, 2006; Cobern & Loving, 2008; Gillett, 1998; Held, 1995, 1998; Mackay, 2011; M. R. Matthews, 2002; W. J. Matthews, 1998; Slife & Richardson, 2011a, 2011b). But does it? In our understanding of constructivism, ethics is unavoidable because people are always embedded within ethical perspectives that infuse everything they do. «Anything goes» is never an option, even if what goes varies by person. After distinguishing three versions of constructivist theory, we briefly summarize and counter various criticisms that portray constructivism as endorsing an «anything goes» relativism. Then we outline a constructivist model of ethical meaning-making.

## 1.1. WHAT IS CONSTRUCTIVISM

Before responding to the «anything goes» ethical relativism critique of constructivism, it is important to clarify precisely what is meant by «constructivism». Glaserfeld's (1995) two basic constructivist premises provide a nice starting point: (a) knowledge is actively built up rather than passively received; and (b) the purpose of knowledge is adaptive, not representational. This means that people actively participate in developing knowledge and they do so in order to survive. When it comes to ethics, people construct ethical perspectives as a way to manage relationships and establish guidelines of acceptable behavior – all to the end of maximizing their ability to effectively carry on with one another. Constructivist approaches stress the viability of knowledge, or how well it works (Glaserfeld, 1995). In this regard, constructivism has much in common with philosophical pragmatism, which evaluates knowledge not so much in terms of its correspondence with things in themselves, but its ability to help us achieve desired ends (Butt, 2000, 2008). Before proceeding further, three specific constructivist approaches are briefly distinguished.

### 1.1.1. *Personal construct psychology*

George Kelly's *personal construct psychology* focuses on how people create individualized systems of bipolar meaning dimensions (i.e., personal constructs) that they use to anticipate events (Kelly, 1955/1991a, 1955/1991b). Constructs are bipolar in that each one constitutes an idea and its perceived opposite. In personal construct psychology, one can only define what something is by also defining what it is not (Kelly, 1955/1991a, 1955/1991b). Personal construct research and psychotherapy focus on measuring and helping people revise constructs (Fransella, 2003; Jancowicz, 2003; Winter & Viney, 2005). Importantly, people are never directly in touch with events themselves. They know the world indirectly via their own unique sets of personal constructs (Kelly, 1955/1991a, 1955/1991b). Reality and one's constructions of it are not the same. As the philosopher and scientist Alfred Korzybski (1933, p. 750) put it: «A map *is not* the territory».

### 1.1.2. *Radical constructivism*

Like personal construct psychology, radical constructivism also maintains that people never know the world directly (Glaserfeld, 1995; Larochelle, 2007; Maturana & Varela, 1992). Rather, a presumed external world triggers internal processes within people, who then respond based on their physical and psychological structures (Dell, 1987; Efran, Lukens, & Lukens, 1990; Maturana & Varela, 1992). People are only in touch with their personal experience. According to radical constructivist Ernst von Glaserfeld (1995), the purpose of knowledge is not to replicate the world as it is, but to help people survive in whatever circumstances they find themselves. What is «radical» about radical constructivism is that it sees human constructions as personal and private, with no way to ever know with certainty that one's understandings mirror an external reality (Glaserfeld, 1995; Larochelle, 2007). Though we all believe our understandings reflect something beyond our experience (and live our daily lives as if this were so), we can never rationally prove for sure that this is the case (Quale, 2008a, 2008b).

### 1.1.3. *Social constructionism*

Social constructionism differs from personal construct psychology and radical constructivism in its contention that human constructions are not personal and private, but shared meanings that we collaboratively create through our ongoing relationships with others (Burr, 2003; Gergen, 1991, 1994, 2009). Meaning is something people «do» together. People create discourses – ways of talking, interacting, and collaboratively coordinating – through which shared understandings originate (Burr, 2003). These shared understandings guide our lives and are often mistaken for universal truths. The idea of *truth-as-socially-constructed* is rooted in

the assumption that what people take to be true is inevitably a relationally, culturally-derived product (Burr, 2003; Gergen, 1994, 2009). What is true, right, or good depends on the discourse from which one is operating (Gergen, 1994). Social constructionists like Kenneth Gergen (1991, 1995) often balk at being classified as constructivists because they reject the idea found in personal construct psychology and radical constructivism that holds meaning to be personal and private. Despite the personal-social tension, herein social constructionism is treated as a variant of constructivism – one whose emphasis on the social nicely (if not always easily) complements the individualized approach more typical of constructivism.

## 1.2. PREMISES OF AN INTEGRATIVE CONSTRUCTIVISM

Drawing on personal construct psychology, radical constructivism, and social constructionism, the first author previously offered three essential premises for a loosely integrative constructivist approach (Raskin, 2011). These are described below and supplemented with a fourth premise. These premises provide the groundwork for outlining a constructivist model of ethical meaning-making, one that successfully navigates the hazards of relativism and «anything goes».

### 1.2.1. *Premise 1: People are informationally closed systems*

The first premise holds that *people are informationally closed systems, only in direct contact with their own processes*. This premise springs from personal construct psychology and radical constructivist presumptions of meaning as personal and private (Glaserfeld, 1995; Kelly, 1955/1991a, 1955/1991b). It challenges the usual view of information as independent of people, passing «in» and «out» of them. Instead, what people know is conceived as something they generate in response to internal and external triggers (Glaserfeld, 1995; Mahoney, 1991). People do not experience things in themselves; they experience the corresponding internal processes such things instigate. What people see, hear, think, and feel are internally generated constructions tied to underlying structure determined processes (Maturana & Varela, 1992). In such a conception, people are closed systems because they only know what is outside indirectly via how their internal processes respond to and make meaning upon being stimulated.

### 1.2.2. *Premise 2: People are active meaning makers*

The second premise is that *people are active meaning makers, drawing distinctions as they construct ways of understanding*. This emerges from the first premise by emphasizing how people build their own meaning structures in response to internal and external triggers. Glaserfeld and Kelly spoke of this in somewhat

different, but complementary, ways. Glasersfeld (1995) theorized that people create a subjective internal environment populated by «repeatable objects» that are treated as «external and independent» (p. 124). People also construct representations of other people, who not only are treated as external and independent entities, but also as having the same powers of active meaning-making and intentionality that they attribute to themselves (Glasersfeld, 1995).

Similarly, Kelly (1955/1991a, 1955/1991b) presumed people to be active meaning-constructors who devise hypotheses about the world and then test them out in the course of daily living. He criticized approaches that saw people as passively determined by external forces (Kelly, 1958/1969a). This is why he proposed his *person-as-scientist metaphor* (Kelly, 1955/1991a). To him, people are always actively constructing, testing, and revising the hypotheses they have devised.

### 1.2.3. *Premise 3: People are social beings*

The third premise claims that *people are social beings, using their intersubjective experiences to confirm the utility of their constructions*. This premise attempts to integrate the insights of social constructionism with the traditionally «private and personal» constructivist worldview. Though both Glasersfeld (1995) and Kelly (1955/1991a, 1955/1991b) stressed the importance of the social, neither of their theories is readily compatible with the social constructionist idea that meaning is a shared creation. Rather, each person construes the constructions of others and, in so doing, comes to coordinate with others in ways that subjectively feel like shared understandings – or social constructions. Glasersfeld (1995) conveyed this when discussing how we come to experience an *intersubjective reality*, which results when others respond to us in a manner that confirms our sense that they understand things as we do. Similarly, Kelly (1955/1991a) posed the notion of *sociality*, whereby we construe one another's constructions and, in doing so, are able to effectively adopt roles in relation to one another. When experiencing sociality or an intersubjective reality, we come to experience our constructions as socially shared to the extent that they appear to be (and, for all functional purposes, can be treated as if they are) also held by others.

### 1.2.4. *Premise 4: People construe epistemologically and ontologically*

The fourth premise is that *people engage in both ontological and epistemological modes of construing, alternating between them as necessary*. This more formally codifies ideas that the first author previously discussed (Raskin, 2011), but did not articulate as a premise of constructivism. The crux of this premise is that people alternate between two modes of construing. The *ontological mode* refers to instances when one's construing focuses on the external world, or that which is experienced as distinct from oneself and real in its own right. When people play

catch with a baseball, they construe it ontologically as having a true, independent existence. If the ball hits one of them in the stomach and she recoils in fear and pain, she ontologically construes the ball, fear, and pain as each being discrete things with their own essential qualities. People construe ontologically much of the time, taking the distinctions they make about things for granted. By contrast, people shift to the *epistemological mode* whenever they switch their attention to how and why they construe as they do. While construing epistemologically, one examines (and perhaps even questions) one's previously unchallenged constructions of baseballs, fear, and pain. Focus changes from *understanding the world* to *understanding one's understanding*. People regularly toggle back and forth from ontological to epistemological modes of construing. Distinguishing these two modes proves helpful in refuting the criticism that constructivism is hobbled by an «anything goes» relativism.

### 1.3. CRITIQUING CONSTRUCTIVISM

There are many critics who claim that constructivist antirealism yields a nihilistic relativism (Boghossian, 2006; Cobern & Loving, 2008; Gillett, 1998; Held, 1995, 1998; Mackay, 2011; M. R. Matthews, 2002; W. J. Matthews, 1998; Slife & Richardson, 2011a, 2011b). As a result, constructivists presumably have no basis for making ethical (or any other) truth claims because if truth changes depending on how one construes it, then one set of ethical claims is just as legitimate as any other. For these critics, constructivism's antirealism inevitably leads to an ethical «anything goes» stance. Before outlining a constructivist model of ethical meaning-making, it is important to respond to these charges of antirealism and «anything goes».

#### 1.3.1. *Antirealism and relativism*

Critics argue that constructivism is a form of *antirealism* that produces an «anything goes» relativism (Cobern & Loving, 2008; Held, 1995, 1998; Mackay, 2011; Slife & Richardson, 2011b). By this, they mean that constructivists either reject the existence of an external, independent reality or deny that statements about such a reality can be judged true or false. Barbara Held (1995, 1998) is especially adept at sketching this argument. Based on their antirealism, she says that postmodernist constructionists/constructivists make the following indefensible claims: (a) knowledge is actively, socially constructed; (b) the constructed discourses people adopt determine the realities (and therefore the life outcomes) they get; and (c) even though the constructed discourses people use determine their realities, people can change their realities by simply changing their discourses. Critics see a nihilistic and dangerous relativism as emerging from these claims.

### 1.3.2. *The criticisms briefly summarized*

Held (1998) objects to the *knowledge is actively, socially constructed* claim on the grounds that it asserts that reality either (a) is itself nothing more than a construction, or (b) can only be accessed indirectly through actively invented constructions. She sees both grounds as antirealist. The first ground («reality is just a construction») is antirealist because seeing reality as invented denies it as something independent of our constructions, thereby conflating *epistemology* (the nature of knowledge) with *ontology* (the way the world is) (Held & Pols, 1985, 1987). The second ground («the world can only be accessed indirectly») is also antirealist because «antirealism always precludes any access – i.e., either a direct access (one not mediated by theory) or an indirect access (one mediated by theory) – to an independent reality, and that is the point of all antirealist doctrines» (Held, 1998, p. 199). Held's strategy is to equate the «reality as purely invented» and «reality as only known indirectly» positions and then to dismiss them both as equally antirealist and relativist.

Held (1995, 1998) also objects to constructivists who claim that *our constructions determine reality*. She compellingly argues that construing something a certain way does not make it so. Changing one's constructs does not alter the world those constructs were devised to help us navigate. Again, this fits with Held's contention that constructivists mistakenly conflate epistemology with ontology in ways that lead to philosophical incoherence (Held & Pols, 1985, 1987). She asserts that constructivists refuse to deal with things as they are and, by doing that, make a fatal misstep that ultimately renders their perspective not only relativist, but incoherent (Held, 1995, 1998).

Finally, Held (1995, 1998) objects to the constructivist claim that *even though constructed discourses determine personal realities, people can change their realities by changing their discourses*. Because constructions do not determine reality, changing one's constructions cannot modify reality. For example, construing one's partner as faithful does not make it so. Held (1995, 1998) forcefully complains that postmodern constructivists are self-contradictory for simultaneously arguing that our constructions determine our reality, but that we nonetheless can freely change this determined reality simply by switching to different constructions.

### 1.3.3. *Response to criticisms*

When it comes to *knowledge being actively, socially constructed*, Held (1998) has a hard time maintaining her stance that «indirect access» constructivists are antirealist relativists. She immediately contradicts herself on this point by commenting that the «relativism they wish to avoid is in fact avoided by their appeal to knowledge of *something* that is real, or independent of the knower, and because of this they cannot consistently hold even to the less radical form of antirealism» (p. 200). Held (1995, 1998) is claiming that mere acknowledgement of something beyond our constructions – even if only known indirectly – constitutes a form



of realism. If so, then she is correct that constructivists are, at least sometimes, realists (Noaparast, 1995; Noaparast & Khosravi, 2006; Stevens, 1998). Returning to ontology and epistemology as modes of construing, constructivists – in the spirit of Vaihinger’s (1952) philosophy – act «as if» the world is real whenever they construe ontologically. There is nothing inconsistent about this. It is perfectly reasonable to treat one’s constructions as referencing a world «out there». So admittedly, constructivists function as realists a lot of the time, which is fine because there is no reason they must (despite Held’s wishes) «consistently hold» to antirealism. To do so, regardless of the situation, becomes extremely limiting. Oftentimes it is necessary to preempt some constructions as true reflections of the real in order to get on with business. If a rock is hurtling toward us, we will construe it ontologically as real, hard, and potentially dangerous. To do otherwise would be foolish.

However, adopting a rigid realist stance, circumstances notwithstanding, seems equally ill-advised. That is, sometimes an epistemological mode of construing proves beneficial. Focusing on how and why people come to construe rocks – or, more interestingly for psychologists and counselors, human relationships – in particular ways profits from an epistemological mode of construing. When construing epistemologically, what one knows is seen as a humanly created product of personal and social meaning-making processes worthy of attention in its own right. Despite the critics’ qualms, «anything goes» relativism need not result. Because epistemological and ontological modes of construing are not mutually exclusive, constructivists can freely alternate between what Held sees as «realist» and «antirealist» positions without being incoherent or self-contradictory. When constructivists construe ontologically they are allowed to (and indeed do!) make truth claims about a presumed external world, even if they add the caveat that these truth claims are always offered from a particular place of standing or point of view.

This has relevance in refuting Held’s (1995, 1998) criticism that *our constructions determine reality*. Held seems to equate *experiential reality* with *external reality*, even though this is an important distinction maintained by most sensible constructivists. There is a difference between claiming «our constructions determine external reality» vs. «our constructions determine experiential reality». The former is admittedly incoherent, but the latter is clearly useful when operating in the epistemological mode and focusing on how meaning-making processes shape personal experience. After all, how one construes a situation can indeed impact in a very real way how one feels about it and deals with it. Again, this is not the same as saying «if one construes it a certain way, the world will be altered accordingly».

Recall that constructivist approaches value a healthy pragmatism, one in which constructs are judged not by the extent to which they replicate the world, but whether they prove useful and let us proceed satisfactorily (Butt, 2000, 2008). Glasersfeld (1995) speaks to this when noting that just because a construct works does not mean it «matches» the world as it is. It simply means that it allows us to move ahead effectively, which is not the same as saying a construction «determines» the reality one gets. Both Kelly (1955/1991a, 1955/1991b) and Glasers-

feld (1995) – as well as other sophisticated constructivist theorists, researchers, and practitioners – have built into their theories the idea that *oftentimes our constructs do not «fit» the circumstances* (Chiari & Nuzzo, 2010; Efran *et al.*, 1990; Mahoney, 1991; Neimeyer, 2009). When this occurs, our constructs fail us and are best revised or discarded in favor of new ones. Continuing to construe things the same way when our constructs prove unworkable is ineffective because *our constructs are not the same as the things they are devised to account for*. Once more, the map is not the territory. A bad map does not help us navigate the terrain we wish to traverse, but neither should a good map be mistaken for the terrain itself! Again, «anything goes» relativism does not result because constructs, while never reproducing the world verbatim, can be evaluated in terms of their viability – even if the criteria for making such determinations must be decided on by people and are not always readily agreed upon.

Turning to the criticism that *people can change their realities by changing their discourses*, Held seems to be expressing two somewhat different concerns. The first is that changing one's constructions does not change reality. The second is that people cannot simply choose a new discourse if they are, to begin with, the unwitting victims of all-powerful and determining discourses. The first concern has already been addressed in our argument that any theoretically refined constructivism does not conflate experiential reality with external reality. While we may never know if our constructs match the world, we do know when they fail us (Glaserfeld, 1995; Kelly, 1955/1991a, 1955/1991b). At such times, we can safely presume that our constructs do not fit the circumstances and we had best change or revise them.

The second concern touches on something very interesting, namely the apparent contradiction that we simultaneously are determined by and free of our discourses. Social constructionism is often criticized for its presumed antihumanism, seeing people as the unwitting victims of socially constructed discourses – as mere vessels carrying and perpetuating discourses that have been poured into them (Burr, 2003). At the same time, social constructionism is accused of saying that people can readily abandon these discourses and just choose new ones at will (Held, 1998). But if one is determined by one's discourse, how does one choose to stop being determined by it? This moves us into the thorny area of freedom vs. determinism, an issue that bedevils not just constructivism, but human science generally.

To start with, Held's (1998) characterization focuses mostly on social constructionism, as it is the approach that tends to stress discourses, and in so doing sometimes treats them as if they were freestanding entities that shape and determine human experience (Burr, 2003). On this point, personal construct psychology and radical constructivism – with their emphasis on knowledge as personal and private construction – provide a nice counterweight to the confusing notion that discourses are independent things that determine human meanings. Instead, they assert that all people ever know are their internally constructed understandings. The experience of a «shared discourse» emerges from sociality and the establishment of an intersubjective reality, but discourses are not freestanding entities

that inhabit and determine a person (Glaserfeld, 1995; Kelly, 1955/1991a, 1955/1991b). This is a point where personal construct psychologists and radical constructivists disagree with social constructionists. Held's (1998) criticism does not apply very well to personal construct psychologists and radical constructivists, who do not see discourses as independent entities determining people; nor do they see people as able to freely discard such discourses.

Though Held (1998) claims that constructivists unrealistically believe that people merely need to change their discourse to get a new reality, personal construct psychologists and radical constructivists are unlikely to see themselves in this caricature. Kelly (1955/1991a, 1955/1991b), for example, spoke of *core constructs*, which are those constructs most central to one's self-understanding; they often go unquestioned and usually only can be changed through intensive psychotherapy or other life-altering experiences. Given their central role in self-identity and the extent to which people are deeply committed to them, core constructs are not easily revised or replaced. Thus, Held's criticism does not apply to personal construct psychologists, who do not believe people can merely toss aside core constructs that they are deeply invested in and hastily adopt different constructs instead. To suggest otherwise betrays a limited understanding of personal construct psychology.

Similarly, radical constructivism emphasizes *structure determinism*, the idea that human understandings are constrained and shaped by physiological and psychological structures (Maturana & Varela, 1992). Therefore, radical constructivists do not see people as simply able to discard their meanings and arbitrarily substitute new ones in their stead. While both radical constructivism and personal construct psychology see humans as capable of self-reflexivity that allows them some latitude in revising their constructions, both approaches acknowledge constraints that limit what is possible. The caricature of the constructivist who believes people have ultimate freedom to construe any way they wish at a moment's notice is a straw figure critics like to sketch and then attack. Based on one's biology, psychology, culture, and relational history, there are clear constraints on the possible constructions one can generate. Thus, while self-reflexivity yields freedom to revise constructions within limits, «anything goes» is never a viable option. A variety of factors restrict human constructions and this precludes adopting any old discourse at any old time.

To sum it up, there are three main rebuttals of the «anything goes» critique of constructivism. First, «what goes» is constrained by the structure of the knower. How the human nervous system is built and the kinds of psychological understandings this allows place clear limitations on the constructs people can devise (Maturana & Varela, 1992). People often have no choice but to construe things as their structure dictates; only when their structure is sufficiently disrupted to require alteration does their construing change. Second, what «goes» is what works. Viability provides a clear basis for judging constructs and deciding which ones best account for a given situation. Third, though the world places restrictions on what constructs work, it also underdetermines our understandings. Glaserfeld (1995) got at this idea when noting we are most «in touch»

with the world when our constructs fail us. When they work, we only know that they are useful – not whether they reproduce events in and of themselves. Sometimes multiple constructions of the same thing are viable in different ways. For instance, construing a client who is in an abusive relationship as «responsible» may empower her to leave her partner, yet cause her to be seen as blameworthy for staying with him in the first place. Shifting to an alternative construction, in which the client is seen as victimized by social and economic circumstances that give her little choice but to stay with her partner, may also prove useful – especially in bringing attention to social mores that negatively impact those in abusive relationships. These two competing constructions make different ethical assumptions, but both provide something of value when adopted.

A constructivist perspective gives us permission to both use our constructs ontologically when we see fit, as well as to examine them epistemologically when desired. This is especially pertinent for discussing ethics because right and wrong are not easily identified as concrete elements of the physical world. An ontological mode of construing alone is unlikely to suffice, therefore, in deciding what is or is not ethically acceptable. It is to a constructivist model of ethical meaning-making that we turn next.

#### 1.4. A CONSTRUCTIVIST MODEL OF ETHICAL MEANING-MAKING

From a constructivist vantage point, relativism simply refers to the idea that people always construe things from a point of view; therefore, one's constructions are by necessity relative to where one is standing (Raskin, 2001). However, «anything goes» is impossible because what is permitted is inexorably constrained by the parameters of one's construct system. To say that ethics is relative is not to suggest that «anything goes». Even though viewpoints are always relative, making ethical discriminations – or, to put it more starkly, distinguishing good from evil – is, frankly, unavoidable because no matter where we stand, we must make determinations about what is or is not acceptable. Kelly (1966/1969b) made this clear in discussing the biblical Garden of Eden story, in which Adam and Eve were forced to devise and grapple with at least three different constructs: loneliness vs. companionship, innocence vs. knowledge, and good vs. evil. They chose companionship and knowledge, but the choice between good and evil proved more daunting. Human beings have been trying to decide between them ever since (Kelly, 1966/1969b; Raskin, 1995). People cannot skirt the need to distinguish right from wrong; only by facing this task can they figure out how best to live and learn together. Constructivist approaches, therefore, see ethics as inescapable.

People do, by necessity, originate their ethical constructions from a relative position. However, this does not mean that they are forbidden from asserting their beliefs or that they must always accept competing ethical constructions as somehow equivalent to their own. People are embedded in their meaning sys-

tems; they believe in them – even when acknowledging that they themselves are responsible for constructing them (Raskin, 1995). As they tack back and forth between ontological and epistemological modes of construing, it is not only okay, but also unavoidable, that constructivists (a) unabashedly make ethical assertions; and (b) formulate claims about the nature of construing processes that lead to ethical assertions. It is the latter that we take up in the remainder of this chapter as we outline a constructivist model of ethical meaning-making.

The model presented is rooted in Kelly's (1955/1991a, 1955/1991b) personal construct psychology, while also influenced by radical constructivism (Glaserfeld, 1995; Larochelle, 2007; Maturana & Varela, 1992) and social constructionism (Burr, 2003; Gergen, 1991, 1994, 2009). Our goal is to provide a framework for conceptualizing how people come to experience some things as ethical and others as not, as well as to make clear that ethics – while inevitably relative – is not an «anything goes» proposition. People construct, believe in, and live by ethical systems of their own making. We rely on and supplement terms from personal construct psychology to offer a model of how they do so. Importantly, our goal here is not to specify particular ethical beliefs that are «constructivist». Doing so would fall outside constructivism's range of convenience, which was merely formulated to help articulate how people generate meaningful understandings. To assume that all constructivists share a particular set of values makes little sense. Each person who identifies as a constructivist creates a personal ethical system. Our purpose is to offer insight into how people psychologically develop personal systems of ethics, not to declare a set of «constructivist» ethical beliefs – for in our estimation, just as there is no one set of ethical beliefs all people adhere to, neither is there one set of such beliefs for all constructivists.

#### 1.4.1. *The ethical construct system*

In personal construct psychology, a construct's *focus of convenience* entails the specific situation it was created to account for (Kelly, 1955/1991a). Perhaps the construct «generous-thrifty» was originally devised in childhood to cope with whether to share one's teddy bear with a sibling. However, a construct's *range of convenience* is wider than its focus of convenience, encompassing all situations where it is judged relevant and applicable (Kelly, 1955/1991a). In adulthood, one might use the same «generous-thrifty» construct to make ethical judgments about sound tax policy, even though the construct was not originally created for such a purpose. Therefore, a person's *ethical construct system* consists of *those constructs whose range of convenience pertains to discriminations of «right» and «wrong»*. It is a subset of the broader personal construct system, containing constructs related to differentiating good from evil. Like all other parts of a person's construct system, the ethical construct system consists of a finite number of bipolar constructs that are hierarchically related to one another. These constructs evolve over time as the person encounters successive life events.

#### 1.4.2. *Core vs. peripheral constructs*

As with any hierarchical construct system, some constructs in a person's ethical construct system are core, while others are peripheral. *Core constructs* are those that are most superordinate, taking precedence over other constructs subsumed beneath them (Kelly, 1955/1991a). One's sense of self is intimately connected to one's core constructs. Instead of an essential, preexisting self, selfhood emerges from core construing processes (Burr, Butt, & Epting, 1997). By contrast, *peripheral constructs* are more tangential to one's identity and therefore much easier to examine and revise (Kelly, 1955/1991a).

*A person's ethical construct system is influenced by both core and peripheral constructs.* This explains why sometimes it is easier than others to revise and reexamine one's moral beliefs. For example, let's say Jim holds the construct «loyal-disloyal» and that he places himself on the loyal pole when it comes to his core constructions of himself. Now suppose Jim's boss is accused of dodging her taxes. Jim's core constructs about being loyal result in his deciding to lie about his boss's tax transgression because for Jim, being loyal is central to his sense of himself as an ethical person. Now imagine that Jim also has a more peripheral construct, «honest-dishonest». While Jim mostly casts himself on the honest pole, he is able – without guilt – to tell a white lie to the authorities about his boss because honesty is not as key to his ethical self-understanding as loyalty.

#### 1.4.3. *Guilt and moral crises*

*Guilt* occurs whenever one is dislodged from a core role (Kelly, 1955/1991a, 1955/1991b). If both «loyal-disloyal» and «honest-dishonest» were core constructs for Jim, then he would experience quite an ethical dilemma in relationship to his boss' tax problem, finding it difficult to simultaneously be loyal and honest. Whichever he chose would likely force him to behave in ways inconsistent with where he stands on the other dimension, leading him to violate a central part of his personal ethics. Were this to happen, Jim would experience guilt. Importantly, guilt is not about the action itself, but rather about whether the action forces the person to behave in ways that go against core constructs. Thus, a hardened criminal, whose ethical construct system places him on the «murderer» pole of a «murderer-weakling» construct, may actually feel more guilt when he spares rather than ends the life of someone who has crossed him. In that person's construct system, standing up for oneself by killing others before they cause one harm is the right thing to do. It is actually letting someone survive (and hence being «weak») that results in guilt. This example perhaps illustrates why, odd as it seems to the rest of us, some criminals have codes of conduct that govern when it is deemed fair to use violence in responding to one's enemies. *Guilt occurs in the ethical construct system whenever one behaves in a manner that violates a core ethical construct.* Prior to behaving in a manner that elicits guilt, one may experience a *moral crisis*, which can be defined as *the impending awareness that one is about to violate a core ethical construct.*

#### 1.4.4. *Tight vs. loose ethical construing*

Some people's ethical construct systems are very rigid, while others' display extreme flexibility. *Tight construing* produces unvaried predictions (Kelly, 1955/1991a, 1955/1991b). It is exemplified in the adage, «no matter what, stealing is *always* wrong». By comparison, *loose construing* happens when we entertain alternative predictions for our constructs; they become less reliable but more capable of yielding new and potentially interesting outcomes (Kelly, 1955/1991a, 1955/1991b). Perhaps stealing is wrong when done for the sake of acquiring material possessions, but okay when one does it to obtain a drug that might save the life of one's sick spouse. In order to make the latter prediction, someone who formerly held the tight construction that stealing is always wrong would need to loosen that construction and consider other possibilities.

Tight construing is reliable and leads to consistent outcomes. Systems of justice often depend on tight construing to produce dependable and even-handed results across many different circumstances. This works well in cases where people tend to agree that tight ethical construing is called for («No always means no!» and «Don't drink and drive!» are two tight ethical maxims that come to mind). It is less effective in instances where more nuance is required, occasionally producing assessments one considers unfair (e.g., «three strike» mandatory prison sentences and «zero tolerance» school discipline policies; by being overly tight, they disavow all extenuating circumstances). Given the uniqueness of each person's ethical construct system, we are aware that not all readers will agree with the content of our «good» and «bad» tight construing examples.

Our point, however, is simply that both tight and loose construing are part of ethical meaning-making. For instance, when dealing with cases of academic plagiarism, tight construing insures that all offenders are held accountable. This is why university policies tend to maintain that failing to understand plagiarism is not an excuse for engaging in it. Construed tightly, plagiarism is wrong no matter the circumstances. Similarly, police officers often construe tightly when speeding is at issue; though drivers are quick to offer reasons for exceeding the stated limits, tickets are typically handed out despite such explanations.

Sometimes tightness is seen as rigidity or failure to account for context. In such instances, loosening becomes a much-needed corrective. Loosening ideas about an issue (e.g., the death penalty, abortion, when and whether one's country should go to war, etc.) allows for new options to be considered. Building on our prior examples, even professors and police officers periodically loosen their constructions to make exceptions in responding to plagiarism and speeding, respectively. Yet overly loose construing in such cases makes predicting the authorities' behavior difficult because loose construing yields highly varied outcomes. One plagiarizer might be forgiven, another expelled; one speeder given a warning, another hauled off to jail. In any rule-bound arena, when construing is excessively loose, ethical judgments run the risk of becoming unfairly subjective and inconsistent.

The trouble is that people often disagree about when loosening or tightening of ethical constructions is necessary. When ethical constructs are too loose,

one hears complaints about «arbitrariness», «enabling», «lack of standards» and «anything goes». However, when ethical construing gets too tight, people rail against «legalism», «punitiveness», «lack of empathy», and «moralism». Striking the right balance between looseness and tightness in ethical construing remains an ongoing challenge that people must work out as they successively encounter new situations. As difficult and sometimes contentious as it is, *people are capable of regulating and revising their ethical construct systems by alternating between loose and tight construing.*

#### 1.4.5. Righteousness and forbearance

*Preemptive construing* is «nothing but» construing (Kelly, 1955/1991a, 1955/1991b). If one construes chewing gum as «nothing but» rude and inconsiderate, then one is construing preemptively. *Constellatory construing* is slightly different; instead of implying only one thing, it implies several definite and related things (Kelly, 1955/1991a, 1955/1991b). Maybe chewing gum is not just rude and inconsiderate, but also indicative of low intelligence, low social status, and an oral fixation. Regardless, whether construing in a preemptive or constellatory way, moral judgments are likely to be clear, linear, and decisive. Such construing can prove very handy when a clear-cut moral determination is needed. Sometimes one must make immediate judgments on the spot. For instance, when being «hit on» in a bar by someone who is not one's spouse, preemptive and constellatory construing allow for quick moral judgments and, potentially, a hasty retreat. In our ethical-meaning making model, *righteousness* involves *construing in a preemptive or constellatory manner, allowing one the confidence and certitude to make swift and surefire ethical decisions without requiring extensive self-reflection.*

Compare this to *propositional construing*, which – unlike its preemptive and constellatory counterparts – does not imply anything in particular beyond what is immediately predicted (Kelly, 1955/1991a, 1955/1991b). When construing propositionally, chewing gum might just as easily imply being brilliant or down-to-earth as it does being rude or dumb. No clear implications are attached to it. The advantage of this is that it discourages moralizing. Then again, so long as one construes propositionally it is difficult to make clear and precise assertions, ethical or otherwise, because all judgments are temporarily deferred (Raskin, 2011). This we call *forbearance*, defined as *construing propositionally so that moral judgment is held in abeyance. No wider ethical implications are implied by one's current predictions.* Critics unfairly portray constructivists as engaging exclusively in forbearance, refraining from taking broad ethical stands (Raskin, 2011). Yet constructivists indeed do vacillate between righteousness and forbearance in their construing because, like everyone else, they have no choice in the matter.



#### 1.4.6. *The ethical decision-making cycle*

The *ethical decision-making cycle* builds on Kelly's (1955/1991a, 1955/1991b) original *CPC cycle*. It entails *circumspection*, *preemption*, and *control*. In *circumspection*, one searches for constructs from one's ethical construct system that seem relevant to the situation at hand. Should Andrea find herself being asked to lie for a coworker, she might review her constructs in search of those that might guide her response. *Preemption* entails deciding which constructs best apply. In Andrea's case, she selects «friend-acquaintance», «direct-avoidant», and «honest-sneaky». Finally, *control* is when one opts for one pole or the other of the preempted constructs. Andrea chooses «honest», «direct», and «friend». In so doing, she determines that she cannot lie for her coworker because it is dishonest; further, a friend is someone who should be direct rather than avoidant – therefore Andrea decides that the ethical thing to do is be up front with her coworker and explain why she is unable to lie as requested. The CPC cycle is central to understanding how people use their constructs to make determinations regarding appropriate ethical behavior. *People use the ethical decision-making cycle to circumspect, preempt, and control which constructs ethically apply to a given situation.*

#### 1.4.7. *Moralizing, doubt, and crusading*

A number of other terms from personal construct psychology can be usefully applied to conceptualizing ethical construing. *Hostility* occurs when one tries to impose one's constructs on others even though there is mounting evidence that these constructs are not working (Kelly, 1955/1991a, 1955/1991b). In thinking about the ethical construct system, we define *moralizing* as *hostilely trying to impose ineffective ethical constructs on others in an effort to validate these constructs*. For example, as support for gay marriage has expanded in the United States, moralistic construing against it has become more widespread. Arguments about how gay marriage will destroy the biblical foundations of marriage have become more strident and angry, despite (and perhaps because of?) growing evidence that traditional marriage has seen no negative impact in states where gay marriage has been legalized. Rather than revise or discard ethical constructions opposing gay marriage, moralistic construers opt to extort evidence to support their position. Of course, moralizing can occur in relation to any ethical position – both those we agree with and those we do not. We are aware that those opposing gay marriage may not see themselves in this particular example, just as most of us rarely identify ourselves as moralizers when it comes to iffy ethical constructions we push on others in efforts to validate them.

*Threat* is when one senses that one's core constructs require comprehensive revision (Kelly, 1955/1991a, 1955/1991b). Threat in the context of ethics yields *doubt*, defined herein as *the awareness of a need for imminent change to one's core ethical constructs*. A social liberal who faces the dawning realization that his

government can no longer keep running up massive deficits experiences doubt when he finally grasps that his progressive ethical political stances no longer are working and need to be updated. Of course, he may respond to doubt by revising his views or, if that causes too much upset, engaging in moralizing. If the latter, then he will dig in his heels and loudly proclaim that all the evidence points to the need for more government spending – even though he faces overwhelming evidence that such a strategy alone will not work. If the former, he may begin to loosen his ethical construct system to consider alternative ways to make sense of events.

*Anxiety* occurs when one recognizes that the events one must deal with fall beyond the range of one's constructs (Kelly, 1955/1991a, 1955/1991b). In the realm of ethics, anxiety yields *ethical confusion*. When ethically confused, *the moral conflict one faces lies outside the range of convenience of one's ethical construct system*. When the United States developed the nuclear bomb, initially its repercussions were beyond most people's imagining; the ethical constructs people had developed to that point simply did not provide a way to morally comprehend the implications of this awesome new weapon of mass destruction.

Finally, Kelly (1955/1991a, 1955/1991b) defined *aggression* as actively testing one's constructs and being open to the results. Aggressive people put their beliefs to the test and are amenable to revising said beliefs if necessary. Of course, others do not always appreciate aggressive people because aggression potentially challenges ideas that they would just as soon not reconsider (Kelly, 1965/1969c). When it comes to ethics, aggression takes the form of *crusading*, defined as *actively testing one's ethical constructs by implementing them in practice – with an openness to seeing how well they hold up*. Crusaders are sometimes admired, other times abhorred because their insistence on putting their ethical constructs into service often ruffles others' feathers. The muckrakers of the early Twentieth Century were not always appreciated; by strongly (and often righteously) advocating new social policies, they disrupted the status quo.

For good reason, the term «crusader» has not always held a positive connotation because, in some instances, those identified as such behaved in ways more consistent with our definition of moralizing. Moralizers attempt to impose their views on others, whereas honest crusaders – at least as we define them – are passionate about testing progressive social policies while remaining open to the possibility that things may not work out as planned. There is always a chance that ideological changes may be necessary to prevent an aggressive crusade from morphing into a moralistic inquisition.

#### 1.4.8. *Sociality and transpersonal reverence*

As mentioned previously, *sociality* occurs when one effectively construes the construction processes of others and, in so doing, is able to adopt roles in relation to them (Kelly, 1955/1991a, 1955/1991b). Sociality is critical to the ethical construct system because differentiating good from bad is ineluctably a relational

activity. That is, ethics always has to do with how we conduct ourselves with respect to others. One of the many reasons why «anything» does not «go» when it comes to ethics is because people relationally constrain one another through socially coordinating moral boundaries together (Gergen, 1994).

An important implication of this is that even though people construct idiographic and personal ethical construct systems, this is always undertaken within the parameters of context and relationships. While people may only directly know their own personal meanings, their constructions are developed at a particular time and place, in a world populated by other people. In other words, constructs are always developed within an *integral universe*, one in which everything is inter-related (Kelly, 1955/1991b). According to Kelly (1955/1991a), such a universe «functions as a single unit with all its imaginable parts having an exact relationship to each other. This may, at first, seem a little implausible, since ordinarily it would appear that there is a closer relationship between the motion of my fingers and the action of the typewriter keys than there is, say, between either of them and the price of yak milk in Tibet. But we believe that, in the long run, all of these events [...] are interlocked» (p. 5).

Seeing the universe as integral leads to *reverence* (Leitner, 2010; Leitner & Pfenninger, 1994). In the interpersonal realm, reverence «stems from the intimacy associated with connecting deeply and profoundly with the other» (Leitner, 2010, p. 230). *Transpersonal reverence* occurs when that connection expands beyond individuals to the broader social and physical worlds (Leitner, 2010). As Leitner describes, «the integral universe position means that these ‘meaningful relationships’ include relationships with other people, our culture, humanity in general, and the more-than-human world» (p. 231). The experience of transpersonal reverence – with its explicit inclusion of relationships between people, their cultures, and the wider world – leads to *transpersonal responsibility*, the idea that we have an ethical obligation to the people and the world around us. Ethical meaning-making, therefore, constitutes an undertaking constrained and influenced by our connectedness to one another and our surroundings. People do not develop their ethical construct systems in a vacuum, but rather within the complex context of an integral universe. A great deal of ethical meaning-making springs from the experience of transpersonal reverence and its implied obligation of transpersonal responsibility. While ethical construct systems are personal and private, they are nonetheless carefully calibrated to help people live effectively and ethically within an integral and interconnected universe.

## 1.5. CONCLUSION

Our constructivist approach to ethical meaning-making focuses not so much on generating a standard set of ethical beliefs that all constructivists should be expected to endorse. Instead, operating from an ontological mode that provides a firm basis for confidently articulating theoretical claims, we have outlined a model

of how people epistemologically devise ethical construct systems for themselves, which they use to live and learn together. Our model attempts to balance both personal and social factors in the development of ethical constructions. We hope it generates new conversations about ethics from a constructivist perspective.

## REFERENCES

- Boghossian, P. A. (2006). *Fear of knowledge: Against relativism and constructivism*. Oxford: Clarendon Press.
- Burr, V. (2003). *Social constructionism* (2nd ed.). London: Routledge.
- Burr, V., Butt, T., & Epting, F. (1997). Core construing: Self discovery or self invention? In G. J. Neimeyer & R. A. Neimeyer (Eds.), *Advances in personal construct psychology* (Vol. 4, pp. 39-62). Greenwich, CT: JAI Press.
- Butt, T. (2000). Pragmatism, constructivism, and ethics. *Journal of Constructivist Psychology*, 13, 85-101. DOI: 10.1080/107205300265892.
- Butt, T. (2008). *George Kelly: The psychology of personal constructs*. Houndmills, UK: Palgrave Macmillan.
- Chiari, G., & Nuzzo, M. L. (2010). *Constructivist psychotherapy: A narrative hermeneutic approach*. London: Routledge.
- Cobern, W. W., & Loving, C. C. (2008). An essay for educators: Epistemological realism really is common sense. *Science & Education*, 17, 425-447. DOI: 10.1007/s11191-007-9095-5.
- Dell, P. F. (1987). Maturana's constitutive ontology of the observer. *Psychotherapy: Theory, Research, Practice, Training*, 24(3S), 462-466. DOI: 10.1037/h0085742.
- Efran, J. S., Lukens, M. D., & Lukens, R. J. (1990). *Language, structure, and change: Frameworks of meaning in psychotherapy*. New York: W.W. Norton.
- Fransella, F. (Ed.). (2003). *International handbook of personal construct psychology*. Chichester, UK: John Wiley.
- Gergen, K. J. (1991). *The saturated self: Dilemmas of identity in contemporary life*. New York: Basic Books.
- Gergen, K. J. (1994). *Realities and relationships: Soundings in social construction*. Cambridge, MA: Harvard University Press.
- Gergen, K. J. (1995). Social construction and the education process. In L. P. Steffe & J. Gale (Eds.), *Constructivism in education* (pp. 17-39). Hillsdale, NJ: Lawrence Erlbaum.
- Gergen, K. J. (2009). *An invitation to social constructionism* (2nd ed.). London: Sage.
- Gillett, E. (1998). Relativism and the social-constructivist paradigm. *Philosophy, Psychiatry, and Psychology*, 5, 37-48. DOI: 10.1353/ppp.1998.0006.
- Glaserfeld, E. von (1995). *Radical constructivism: A way of knowing and learning*. London: The Falmer Press.
- Held, B. S. (1995). *Back to reality: A critique of postmodern theory in psychotherapy*. New York: W.W. Norton.
- Held, B. S. (1998). The many truths of postmodernist discourse. *Journal of Theoretical and Philosophical Psychology*, 18, 193-217. DOI: 10.1037/h0091185.

- Held, B. S., & Pols, E. (1985). The confusion about epistemology and «epistemology» – and what to do about it. *Family Process*, 24(4), 509-517. DOI: 10.1111/j.1545-5300.1985.00509.x.
- Held, B. S., & Pols, E. (1987). Dell on Maturana: A real foundation for family therapy? *Psychotherapy: Theory, Research, Practice, Training*, 24(3S), 455-461. DOI: 10.1037/h0085741.
- Jankowicz, D. (2003). *The easy guide to repertory grids*. Chichester, UK: John Wiley.
- Kelly, G. A. (1969a). Man's construction of his alternatives. In B. Maher (Ed.), *Clinical psychology and personality: The selected papers of George Kelly* (pp. 66-93). New York: John Wiley. (Reprinted from *The assessment of human motives*, pp. 33-64, by G. Lindzey, Ed., 1958, Rinehart).
- Kelly, G. A. (1969b). Sin and psychotherapy. In B. Maher (Ed.), *Clinical psychology and personality: The selected papers of George Kelly* (pp. 165-188). New York: John Wiley. (Reprinted from *Morality and mental health*, pp. 365-381, by O. H. Mowrer, Ed., 1966, Rand McNally).
- Kelly, G. A. (1969c). The threat of aggression. In B. Maher (Ed.), *Clinical psychology and personality: The selected papers of George Kelly* (pp. 281-288). New York: John Wiley. (Reprinted from *Journal of Humanistic Psychology*, 5, 1965, 195-201).
- Kelly, G. A. (1991a). *The psychology of personal constructs: Vol. 1. A theory of personality*. London: Routledge. (Original work published 1955).
- Kelly, G. A. (1991b). *The psychology of personal constructs: Vol. 2. Clinical diagnosis and psychotherapy*. London: Routledge. (Original work published 1955).
- Korzybski, A. (1933). *Science and sanity*. Retrieved from <http://esgs.free.fr/uk/art/sands.htm>.
- Larochelle, M. (Ed.). (2007). *Key works in radical constructivism*. Rotterdam: Sense Publishers.
- Leitner, L. M. (2010). The integral universe, experiential personal construct psychology, transpersonal reverence, and transpersonal responsibility. In J. D. Raskin, S. K. Bridges, & R. A. Neimeyer (Eds.), *Studies in meaning 4: Constructivist perspectives on theory, practice, and social justice* (pp. 227-246). New York: Pace University Press.
- Leitner, L. M., & Pfenninger, D. T. (1994). Sociality and optimal functioning. *Journal of Constructivist Psychology*, 7, 119-135. DOI: 10.1080/10720539408405073.
- Mackay, N. (2011). On some accounts of meaning and their problems. In N. Mackay & A. Petocz (Eds.), *Realism and psychology: Collected essays* (pp. 548-596). Leiden: Brill.
- Mahoney, M. J. (1991). *Human change processes*. New York: Basic Books.
- Matthews, M. R. (2002). Constructivism and science education: A further appraisal. *Journal of Science Education and Technology*, 11(2), 122-134. DOI: 10.1023/A:1014661312550.
- Matthews, W. J. (1998). Let's get real: The fallacy of post-modernism. *Journal of Theoretical and Philosophical Psychology*, 18, 16-32. DOI: 10.1037/h0091169.
- Maturana, H. R., & Varela, F. J. (1992). *The tree of knowledge: The biological roots of human understanding* (R. Paolucci, Trans. rev. ed.). Boston, MA: Shambhala.
- Neimeyer, R. A. (2009). *Constructivist psychotherapy: Distinctive features*. London: Routledge.
- Noaparast, K. B. (1995). Toward a more realistic constructivism. In R. A. Neimeyer & G. J. Neimeyer (Eds.), *Advances in personal construct theory* (Vol. 3, pp. 37-59). Greenwich, CT: JAI Press.

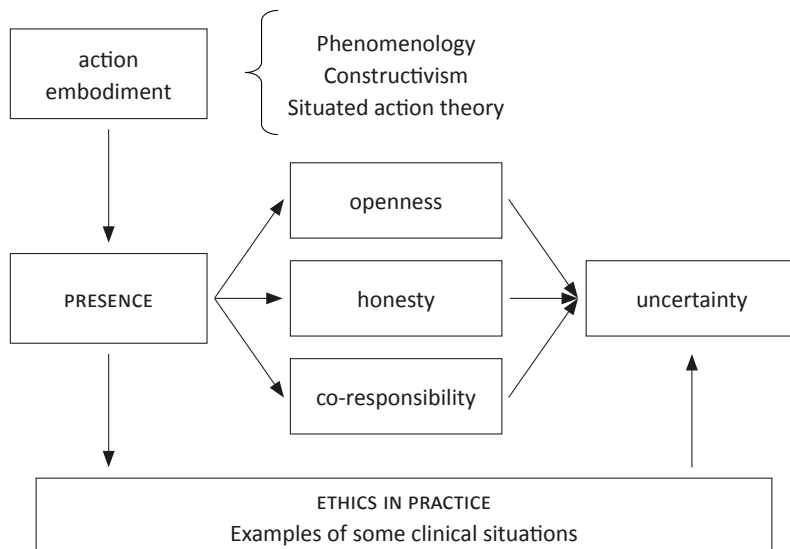
- Noaparast, K. B., & Khosravi, Z. (2006). Mind and mental health based on a realistic constructivism. *Constructivism in the Human Sciences*, 11(1/2), 20-31.
- Quale, A. (2008a). Radical constructivism, and the sin of relativism. *Science & Education*, 16, 231-266. DOI: 10.1007/s11191-006-9038-6.
- Quale, A. (2008b). *Radical constructivism: A relativist epistemic approach to science education*. Rotterdam: Sense Publishers.
- Raskin, J. D. (1995). On ethics in personal construct theory. *The Humanistic Psychologist*, 23, 97-113. DOI: 10.1080/08873267.1995.9986818.
- Raskin, J. D. (2001). On relativism in constructivist psychology. *Journal of Constructivist Psychology*, 14, 285-313. DOI: 10.1080/107205301750433414.
- Raskin, J. D. (2011). On essences in constructivist psychology. *Journal of Theoretical and Philosophical Psychology*, 31, 223-239. DOI: 10.1037/a0025006.
- Slife, B., & Richardson, F. (2011a). Is Gergen's relational being relational enough? *Journal of Constructivist Psychology*, 24, 304-313. DOI: 10.1080/10720537.2011.593470.
- Slife, B., & Richardson, F. (2011b). The relativism of social constructionism. *Journal of Constructivist Psychology*, 24, 333-339. DOI: 10.1080/10720537.2011.593475.
- Stevens, C. D. (1998). Realism and Kelly's pragmatic constructivism. *Journal of Constructivist Psychology*, 11, 283-308. DOI: 10.1080/10720539808405226.
- Vaihinger, H. (1952). *The philosophy of «as if»* (C. K. Ogden, Trans.). London: Routledge.
- Winter, D. A., & Viney, L. L. (Eds.). (2005). *Personal construct psychotherapy: Advances in theory, practice and research*. London: Whurr.

## 2.

# PRESENCE IN THE HEALTH CARE RELATIONSHIP

*Sabrina Cipolletta*

I would like to enter into the field of ethics departing from our experience of being in relation and exploring, in particular, our being present within relationships. To do this I shall propose a journey, which may be synthesized as in Figure 1. Departing from different theoretical perspectives, like constructivism, phenomenology and situated action theory, we shall focus on presence, understood in terms of the acted and embodied subjectivity in the relationship, and we shall explore its implications in terms of openness, honesty and co-responsibility in health care relationships. Presenting some clinical examples we shall look at how these characteristics of a relationship lead to uncertainty and we shall explore how we can move within it when experiencing presence. This will exemplify what we mean by ethics in practice.



*Figure 1. – Outline of the chapter.*

## 2.1. WHAT PRESENCE MEANS

First of all let's see how different perspectives bring to the fore presence by focusing on experience as embodied action. Phenomenological thinkers like Husserl, Heidegger, Schultz and Merleau-Ponty are those who probably focused on embodiment more than everybody else. The central concept of *Dasein* stresses the centrality of «being-in-the-world» and underlines that the way in which we encounter the world is practically like a place in which we act (Heidegger, 1927). Merleau-Ponty (1945) suggests we substitute the Cartesian «I think» with «I can», namely what we *can* do with things. We usually are not aware of what we are doing, as we are not aware of our eyes watching the world until we focus our attention on them, because, for instance, our sight is disturbed by an eye disease. This kind of experience highlights the distinction between «ready-to-hand» and «present-at-hand» introduced by Heidegger (1927). An object is ready-to-hand when we act through it but it disappears from view as an independent object. It exists for us only because of the way in which it can become present-at-hand, i.e. when I act on the object being mindful of it as an object of my activity. This way Heidegger stressed that the world has meaning for us in the ways in which we encounter it and the ways that it makes itself available to us.

Within a constructivist perspective Maturana and Varela (1980) argue that living systems are cognitive systems, and the process of cognition is the actual acting or behaving in the domain of interactions. Action is not necessarily a reflexive process, but rather a sudden and oblivious organization, like the movement of a swarm of bees is. Varela (1999) refers to it as «enaction». Kelly (1955) also points out that our psychological processes are channelized by the way we anticipate events and this anticipation is a «questioning act»: «we know an event through our own act of approach to it. We ask questions about it, not merely academically, but also experimentally» (Kelly, 1979, p. 26). This way he underlines that we encounter the world practically and opens the way to the recent attempts to integrate personal construct psychology with theories and techniques more focused on embodiment (Cipolletta, in press). McWilliams (2010) proposes integrating mindfulness with constructivist psychotherapy and Leitner (2007) proposes integrating techniques originally developed within other theories into experiential personal construct psychotherapy, suggesting an even more interesting integration between theory, technique and person. In particular, he states that «To the extent that my 'techniques' do not spontaneously arise from within me as genuine reactions to the encounter in the therapy room, therapy is shifted from a 'being with' to a 'doing to'» (p. 35). This way he focuses on the present inter-action.

Finally, the concept of presence is used in media and social studies to indicate the ability of a communication medium to make the interlocutors available to one other. Currently it is used to indicate the overall experience of being in a mediated environment, especially in a virtual environment. Spagnolli *et al.* (2003) proposed a situated action-based approach (Suchman, 1987), which considers presence as the ongoing result of the action performed in an environment.



This situated view is very similar to the phenomenological approach, which focuses on existence in the present moment, and teaches upon the Buddhist perspective, which highlights the emptiness (or vacuity) and impermanence of the phenomenal experience. Within this perspective we cannot isolate an essence or identity inherently existing because all the phenomena are impermanent and empty of a pre-defined nature (McWilliams, 2009; Varela, Thompson, & Rosch, 1991). This implies that we cannot attach ourselves to our personal identity or to anything else as if it were something existing *per se*, but we can only consider ourselves and others (things or persons) as being transitory. This leads to the practice of mindfulness as a way of being present through an attitude of acceptance, combining attention and the suspension of judgement.

In mindfulness presence is opposed to mindlessness, «the relative absence of mindfulness», which occurs «when an individual refuses to acknowledge or attend to a thought, emotion, motive, or object of perception» (Brown & Ryan, 2003, p. 823). Then, we may consider presence and absence as the opposite poles of the same construct, but, if being in the present means living, as phenomenologist authors suggest, absence would mean dying. Within the emergent pole we may better collocate the two opposite poles of in-there or out-there, as the pyramidal Figure 2 shows.

It is difficult to transpose in a few words what I mean. It is easier to do it by directly observing a situation which illustrates a shift from being-in to being-out. I chose two pieces from a television series, which you might already know, «In-treatment».

I am not interested in the contents or «the patient problem», but in what happens in the relationship. In the first piece (episode 12 minutes 3-6) you may notice the difference between two distinct moments: when the therapist is in relation (he feels embarrassed and disappointed) and when he goes out (he looks absent, being elsewhere). It is even more evident in the second piece (episode 6 minutes 3-6), where the therapist is absent since the very beginning (he maintains a detached attitude, poses script questions, and finally clears his throat to regain composure in front of a whirl of emotions) and the patient recalls him asking «What?». In this case she is acting the therapeutic role of commenting on what is happening between them. Here I do not mind about why this happens: this is not the topic of this chapter, but I only want to focus the attention on what happens, on the ongoing experience.

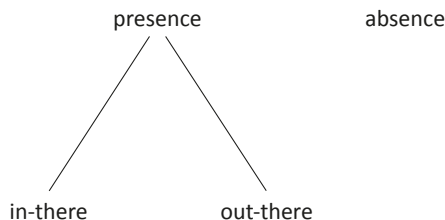


Figure 2. – Pyramiding the construct of presence.

Most of us can recall similar moments, when we were embarrassingly not present in a conversation with a client or a friend or in some other situation. We may have been looking directly into the other person's eye, probably staring at them or even nodding our head in apparent understanding. «Our lights were on», so to speak «but we were not home». «People who know us or are attuned to the subtitles of our presence may call us on such lapses: 'Are you with me?', 'Where are you?', 'Hello, in there ...?'. More often they are polite and say nothing» (Mahoney, 2003, p. 16). Anxiety<sup>1</sup> may prevent the therapist from giving an authentic answer and engaging in the encounter because it might pose him or her in front of an unknown territory and this might be scaring, thus the therapist might prefer to refuge in well known territories.

On the contrary, «the present moment» (Stern, 2004) is a moment of encounter, which goes further than any technique. Presence is at the heart of psychotherapy, as Mahoney (2003) states: «The therapist should be as present as possible and invite a genuine contact with the client as another human being. It is crucial not only for starting the session but also for fostering the continuing human relationship that is the essence of the practice. Sometimes, on my way to greet a client, I intentionally slow the pace of my walk, take a deep breath, and recite the simple phrase 'Be here now' silently to myself. [...] At the beginning of my relationship with clients I try to be attuned to what they are seeking and their level of comfort in being with me. In general, I find that they are more comfortable with me when I am comfortable with myself. Opening is a process that is facilitated by relaxation, and I often concentrate on relaxing» (p. 16). Childs (2007) proposes mindfulness as a way of experiencing presence as it is intended in phenomenological terms, referring in particular to Heidegger (1987).

However, how to explore and practice presence in the clinical context remains an open question. We shall explore it departing from some clinical examples, which will show how presence opens the field to uncertainty and how uncertainty is intrinsic of action, but before we do, let me share with you some considerations about the implications of experiencing presence.

## 2.2. OPENNESS, HONESTY AND CO-RESPONSIBILITY

The first implication, as outlined at the beginning of this chapter is openness. It means to accept into one's own horizon the other's horizon in a hermeneutic perspective (Gadamer, 1960), but also to practice «maternal reverie» (Bion, 1961), the capacity to sense (and make sense of) what is going on inside the infant, similar to Winnicott's maternal preoccupation. I am fond of my patients insofar as I take care of them. Of course this does not mean to relegate them to an infant position of passivity, but to accompany them in their journey as a mother accom-

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<sup>1</sup> Kelly defines anxiety as «the awareness that the events with which one is confronted lie mostly outside the range of convenience of one's construct system» (1955, p. 533).

panies her children in their growth. This implies to convert cure into care, as a lot of narrative medicine scholars suggest and placing understanding at the centre of the therapeutic process. Understanding is not meant as a cognitive explanation of the patient's experience, but refers to subsuming the other person's system under one's own one (Kelly, 1955). This process may be represented as embracing someone. It is a corporal, intuitive process first rather than a rational one. It consists of putting yourself in a position to be taught by, to be affected and changed, to «stand under», as in Mair's words (Mair, 1989). This position requires practising humility, which allows us to consider ourselves only as a part of an integral world (Bateson, 1972; Leitner, 2011). I prefer to recall this aspect honesty.

Honesty refers to the phenomenological acceptance of being present as being thrown into the world (Heidegger, 1927) and not-judgement of mindfulness (Childs, 2007), which allows us to experience emptiness and irrelevance. This implies interacting with the other on the basis of one's own fault, considering fault as a constitutional feature of existence. Some phenomenologists talk about the «injured therapist» indicating the possibility to get more readily in touch with the patients through one's own fault. Jaspers (1986) suggested it as being a useful way for physicians to understand their patients better, too. Also Lacan (1964) suggested that analysis begins when the analyst ceases to be «the subject supposed to know». Then a therapeutic relationship really begins to be a collaborative enterprise, which is founded on co-responsibility, the last implication of presence I introduced above.

Both the participants (the therapist and the patient system, which may be a person, a couple, a family or a group) are responsible for what is happening in the relationship. For instance, if I notice a standstill in the therapy I do not accuse the patient, saying that he/she is resisting, nor do I think it is my fault due to lack of skill or because I made some mistakes. I understand the standstill within the relationship by making the following considerations: what does it mean? What is preventing us from going further? This perspective opens up to reciprocity, but I think it goes even further because it focuses on the personal responsibility of each person: what do I put in this relationship which takes it to this point? Maybe, for instance, the patient is simply reproducing with me his/her usual way of relating to others and is frightened of the possibility of doing something different. Maybe I also am threatened by breaking this pattern because I fear he/she may interrupt therapy and I may feel abandoned or failed. If I can honestly see this option I can probably adopt a different approach.

Courage is an unexpected derivation of the interweaving of these aspects. Let's see how.

### 2.3. UNCERTAINTY

Following the directions opened by presence you may find yourself in front of an open field where you really do not know which way to go, and do not know what is going to happen. You are making a bet and you can only share it with

your client and accept it as a game to play. Stern (2004) refers to these situations as «now-moments», which suddenly happen and question the well known relationship, posing the therapist and the therapy in front of a crisis, which need to be solved. Two situations in particular come to my mind. What they have in common is that in both cases I and my patient were at a point of the therapy where we could only make the leap and accept the bet or else finish the therapy, and this I expressed. In both cases finishing the therapy would have meant to stop at a superficial level of change and in both cases the patients did not want this. Anyway this was not sufficient to guarantee that both would have actually really accepted following this direction. One patient did it with aggressiveness<sup>2</sup> and we could feel it because our sessions became more collaborative and exciting, while before they had moved on a much more rational level that allowed the patient to control the direction of each session. On the other hand the second patient reacted to the new situation with constriction<sup>3</sup> and hostility<sup>4</sup>: in contrast to her usual role of the «good patient», who is «always in movement» and who readily shows her progress to the therapist, as she did in the first phase of the therapy, this time she was paralyzed. A heavy silence fell between us and she could not bear it. Experiencing and elaborating what was happening between us finally allowed us to get in touch in a new and more fruitful way.

As I recount these stories, they seem so easy and predictable, but I assure you that in the exact moment you accept the bet, you really do not know where it will take you. You are there with all your person, experiencing it at first hand, and you do not have, nor do you want to have, any armour or screen in front of you: this is only you and the other person. I am often asked what the difference is when you are with your mum or child, friend or partner, and I answer: «None», you are as naked as you are in bed with your partner or in your mother's arms. That is why it is not so important what you have learned or studied, but what you are. An Italian phenomenologist said that you go to the bottom of the well with the patient (Benedetti *et al.*, 1979), but what takes you back to the top and helps the patient go back with you?

I think it is your professional understanding and I do not mean only the theory you have learned, but the theory you embody, which allows you to stay where the patient cannot stay without being sucked under because it is only a possibility for you among many others and not the only one, as the patient lives it. This idea is similar to the Buddhist concept of impermanence and emptiness and psychotherapy may help the patients to experience it. They often expect that psychotherapy aims to change something in themselves and they look for this. Thus they are excited when they feel they are changing and may also fall in love with the idea of changing. It is often the first step of a change, but inevitably per-

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<sup>2</sup> Kelly defines aggressiveness as «the active elaboration of one's perceptual field» (1955, p. 533).

<sup>3</sup> Kelly (1955) defines constriction as the process of reducing one's perceptual field in order to avoid incompatibilities.

<sup>4</sup> Defined as the «effort to extort validating evidence in favor of a type of social prediction that has already been recognized as a failure» (Kelly, 1955, p. 533).

sons discover that it is not enough: after a first moment when they feel good, they may experience that they are coming back because they are «repeating» an old experience or may feel they are missing something. The first experience derives from the shared and well known western concept of change as linear growth. The sensation expressed in the other case, on the other hand, refers precisely to the partiality and incompleteness of this kind of movement. The successive movement is going beyond a specific goal, beyond good and bad, and simply accepting experience, pleasant or unpleasant, letting it go and accepting it as impermanent.

This may lead to a strong feeling of impermanence and uncertainty because you do not have anything to cling on to anymore, at least nothing solid or unequivocally «true», but you can feel much more rooted, maybe rooted more than ever before. What makes you feel rooted is not any certainty but accepting uncertainty and using more appropriate tools to move within it.

In the medical field, this means to accept uncertainty intrinsic not only of some illnesses (Cipolletta, Beccarello, & Galan, in press) but of every disease. In fact, diagnosis may never be based only on evidence because the evidence based data must be interpreted. Greenhalgh (1999) used as an example a praecox diagnosis of meningococcal meningitis based on the doctor's knowledge of the family to show a possible integration between evidence and intuitive response. Jaspers (1986) argued that when a physician acts on the basis of his or her humanity, he or she becomes similar to God. This does not mean that he or she is omnipotent, but that like a philosopher, he or she embraces other human beings through a process of hermeneutic understanding. Using the term «embracing», Jaspers underlined how the relationship between a physician and a patient is not based on a detached, rational examination, but on an embodied understanding. Care becomes more linked to the contact between the physician and the patient, recalling the original meaning of care as touching the body of the ill person (Gadamer, 1993).

This practical nature that characterizes a medical clinic more than medical research makes medicine similar to a service to the patient, where caution and respect are central to art. Art enriches the rationality of medical science, which is limited to giving medicine such as the vaccine for polio with the wisdom of an ecologic understanding (Bateson, 1972). This super-ordinate understanding deals with the natural and social world (Gadamer, 1993). It is not by chance that Keeney (1983) entitled a book that deals with the application of systemic epistemology *The aesthetics of change*. What characterizes such a perspective? What are its premises?

Without entering in a detailed examination of systemic epistemology, I would only like to underline some of the antinomies that characterize the passage from an objectivist and modern perspective on knowledge and life to a constructivist and postmodern perspective. The first antinomy is represented by the shift from a conception of the relationship between knowledge and reality in terms of match to one in terms of fit (Glaserfeld, 1981). Believing in a unique reality is not possible anymore because reality is defined by the context where it is observed and may change depending on it (as a key function depending on the lock, it must

open). Then it becomes plural. Moreover, knowledge becomes reflexive because it depends on the knower and must be applied to the process of knowledge itself. Consequently, it is not so solid and reassuring as it was, but becomes «fluid» (Bauman, 2000) and risky. At the same time, it becomes more innovative than conservative, open to new questions rather than closed to well known answers. Finally, knowledge is no longer directed to reach an aim but is inserted in a larger system where no part can have unilateral control over the whole. This leads us to abandon the Occidental belief that there is a delimited agent, the «self», which performs a «purposive» action upon a delimited object (Bateson, 1972) and to substitute it with a concept of coherence as coordinated action (Dell, 1982).

So we have come back to the beginning of this chapter and its central topic, our being as being in relation. This issue also takes us to the end of our discussion, which strictly deals with ethics.

#### 2.4. ETHICS GOING FORWARD ...

To go straight toward one of the central themes in the field of ethics and to conclude this chapter, I would like to pose a question: If in the ecologic view of the human being proposed here we cannot isolate an essence or inherent identity, where does responsibility eventuate?

Some argue that in this way personal responsibility is avoided because if we cannot determine anything, then we cannot be responsible for anything. This critique of nihilistic relativism has been discussed by personal construct scholars (Butt, 2000; Raskin, 2001; Stojnov, 1996) and we may respond to it that, even if we do not cause others' reactions, we participate in the inter-action where they are placed. Therefore, even if we can no longer be considered responsible for the «reactions» of others, we are responsible for what we are doing with them. Moreover, if our doing is our being, as Maturana and Varela (1980) propose, we end up becoming even more responsible because responsibility deals not only with our actions, but with our whole being.

Ethics, more than a set of norms and values that tell us what to do (morals), becomes knowing how to do things, a knowledge that organizes everyday actions (Varela, 1992). It orients the immediate and pre-intentional action that makes us choose before deciding. I am not entering into the vast field of decision-making literature (Alfredetti & Cipolletta, 2010; Alfredetti & Gius, 2009), but I want only to highlight the transition from a rationalistic model of the decision making process to a constructivist one that considers choice a way to trace a trajectory of movement by an agentive person positioning him or herself in relation to the environment.

This perspective in the meantime allows and forces us to move within uncertainty because there are no more predefined and certain answers but only different possible ways of moving in the world. There are no truths to discover or reach, but only existential choices. Existence becomes the territory where the

ontological uncertainty proper of human beings joins the uncertainty that deals with choice (Tannert *et al.*, 2007). This territory is more governed by our actions than by pre-determined moral rules as the conception of ethics in practice proposed in this book.

## REFERENCES

- Alfredetti, M., & Cipolletta, S. (2010). Autori di scelte: dall'incertezza alla complessità. In D. Cavanna & A. Salvini (Eds.), *Per una psicologia dell'agire umano* (pp. 28-38). Milano: Franco Angeli.
- Alfredetti, M., & Gius, E. (2009). *Studiare le decisioni nelle organizzazioni pubbliche*. Padova: Cleup.
- Bateson, G. (1972). *Steps to an ecology of mind*. New York: Ballantine.
- Bauman, Z. (2000). *Liquid modernity*. Cambridge, UK: Polity.
- Benedetti, G., Corsi Piacentini, T., D'alfonso, L., Elia, C., Medri, G., & Saviotti, M. (1979). *Paziente ed analista nella terapia delle psicosi*. Milano: Feltrinelli.
- Bion, W. R. (1961). *Experiences in groups*. London: Tavistock.
- Brown, K. W., & Ryan, R. M. (2003). The benefit of being present. Mindfulness and its role in psychological well-being. *Journal of Personality and Social Psychology*, 84, 822-848.
- Butt, T. (2000). Pragmatism, constructivism, and ethics. *Journal of Constructivist Psychology*, 13, 85-101.
- Childs, D. (2007). Mindfulness and the psychology of presence. *Psychology and Psychotherapy: Theory, Research and Practice*, 80, 367-376.
- Cipolletta, S. (in press). Construing in action: Experiencing embodiment. *Journal of Constructivist Psychology*.
- Cipolletta, S., Beccarello, S., & Galan, A. (in press). A psychological perspective of eye floaters. *Qualitative Health Research*.
- Dell, P. F. (1982). Beyond homeostasis: Toward a concept of coherence. *Family Process*, 21, 21-42.
- Gadamer, H. G. (1960). *Wahrheit und methode*. Tübingen: J. C. B. Mohr.
- Gadamer, H. G. (1993). *Über die Verborgenheit der Gesundheit: Aufsätze und Vorträge*. Frankfurt am Main: Suhrkamp.
- Glaserfeld, E. von (1981). The concepts of adaptation and viability in a radical constructivist theory of knowledge. In I. E. Sigel, D. M. Brodzinsky, & R. M. Golinkoff (Eds.), *Piagetian theory and research*. Hillsdale (pp. 87-95). New York: Erlbaum.
- Greenhalgh, T. (1999). Narrative based medicine in an evidence based world. *British Medical Journal*, 318, 323-325.
- Heidegger, M. (1927). *Sein und Zeit*. Tübingen: Max Niemeyer Verlag.
- Heidegger, M. (1987). *Zollikoner Seminare, Protokolle-Gespräche-Briefe Herausgegeben von Medard Boss*. Frankfurt am Main: Vittorio Klostermann GmbH.
- Jaspers, K. (1986). *Der Arzt im technischen Zeitalter*. München: Piper.
- Keeney, B. P. (1983). *Aesthetics of change*. New York: Guilford Press.

- Kelly, G. A. (1955). *The psychology of personal constructs*, 2 vols. New York: W.W. Norton.
- Kelly, G. A. (1979). Ontological acceleration. In B. Maher (Ed.), *Clinical psychology and personality. The selected papers of George Kelly* (pp. 7-45). New York: Krieger.
- Lacan, J. (1964). *Les quatre concepts fondamentaux de la psychanalyse*. Paris: Seuil.
- Leitner, L. M. (2007). Theory, technique and person: Technical integration in experiential constructivist psychotherapy. *Journal of Psychotherapy Integration*, 17, 33-49.
- Leitner, L. M. (2011). An investigation into variables affecting self-change on personal constructs. *British Journal of Medical Psychology*, 57, 7-14.
- Mahoney, M. J. (2003). *Constructive psychotherapy. A practical guide*. New York: Guilford Press.
- Mair, M. (1989). *Between psychology and psychotherapy: A poetics of experience*. London: Routledge.
- Maturana, H., & Varela, F. (1980). *Autopoiesis and cognition: The realization of the living*. Boston, MA: New Science Library.
- McWilliams, S. A. (2009). *Emptying the constructed self: Integrating mindfulness, awareness, and acceptance with constructivist psychotherapies*. Paper presented at the 18th International Congress on Personal Construct Psychology, Venice (Italy).
- McWilliams, S. A. (2010). *Mindfulness and extending constructivist psychotherapy integration*. Paper presented at the 14th Biennial Conference of the Constructivist Psychology Network, Niagara Falls - New York.
- Merleau-Ponty, M. (1945). *Phénoménologie de la perception*. Paris: Gallimard.
- Raskin, J. D. (2001). On relativism in constructivist psychology. *Journal of Constructivist Psychology*, 14, 285-313.
- Spagnoli, A., Varotto, D., & Mantovani, G. (2003). An ethnographic, action-based approach to human experience in virtual environments. *International Journal of Human-Computer Studies*, 59, 797-822.
- Stern, D. N. (2004). *The present moment in psychotherapy and everyday life*. New York: Norton & Company.
- Stojnov, D. (1996). Kelly's theory of ethics: Hidden, mislaid, or misleading? *Journal of Constructivist Psychology*, 9, 185-199.
- Suchman, L. (1987). *Plans and situated actions. The problem of human-machine communication*. Cambridge, UK: Cambridge University Press.
- Tannert, C., Elvers, H. D., & Jandrig, B. (2007). The ethics of uncertainty – In the light of possible dangers, research becomes a moral duty. *EMBO Reports*, 8, 892-896.
- Varela, F. (1992). *Un know-how per l'etica*. Roma - Bari: Laterza.
- Varela, F. (1999). *Ethical know-how: Action, wisdom, and cognition*. Stanford, CA: Stanford University Press.
- Varela, F., Thompson, E., & Rosch, E. (1991). *The embodied mind: Cognitive science and human experience*. Cambridge, UK: The MIT Press.



3.

## ETHICS IN PSYCHOANALYSIS

From the classical model  
to the implications of the «moral pact»

*Donatella Cavanna - Patrizia Velotti*

Themes relating to the evaluation of human behaviour, its characteristic free will and the issue of the meaning of life in its broader sense, pertain to the ethical aspects of our existence, but they also challenge all disciplines dealing with knowledge, and psychoanalysis is certainly one of these.

The conceptual revolution brought about by the Freudian model, with its overcoming of the idea of the «aware» man, and the description of an «unaware» human being, constantly torn between his drives and society's values, rules and customs, offers a valuable contribution on the basis of which it is possible to understand how individuals construct an internal moral world.

This contribution, however, appears at first to have undermined some principles involving the idea of ethics as aiming understanding the rational foundations of our choices, of what is right and what is wrong. Psychoanalysis is in fact widely known for having highlighted the unconscious reasons motivating human behaviour, whilst the ethical dimensions of psychoanalytic theorisation and treatment, that can be demonstrated by an examination of the implicit duties of analyst and analysand, are far less debated in the literature.

The moral responsibility required in the first place to the analysand, who must assume the «responsibility for both sorts [good and bad impulses]» constitutes a first ethical contribution of the Freudian model which, broadening the realm of conscious freedom, encourages the patient to take on responsibility for unconscious motives too: «and if, in defence, I say that what is unknown, unconscious and repressed in me is not my 'ego', than I shall not be basing by position upon psycho-analysis, I shall not have accepted its conclusions» (Freud, 1925/1961c, p. 132).

Finally, the ethical principles guiding the analyst, such as respect for the patient, sincerity, privacy and the pursuit of therapeutic objectives constitute the ethics of treatment which «derives from the application of a method within a practice – that is, from the specific rules of its art. Psychoanalysis does not seek to mould the individual to the demands of the environment – in other words, it is in the service not of 'good', but of the obligation of 'truth'» (Gori, 2002, p. 549).

### 3.1. THE FREUDIAN MAN AND THE CONSTRUCTION OF THE MORAL WORLD: «WO ES WAR, SOLL ICH WERDEN»

An underlying issue in the debate on ethics in psychoanalysis relates to the very nature of the conceptual paradigm of this discipline. If we examine some theoretical passages, heeding Freud's famous suggestion, «the *best way of understanding psychoanalysis* is still by tracing *its origin and development*» (Freud, 1922/1961, p. 235), we may at first form the impression that the issue of individual responsibility of the «Freudian man» has been «seized» or at least not given enough consideration starting from the earliest psychoanalytic formulations.

The concept of psychic determinism, for example, which is at the heart of the so called «classical model», introduces an idea of mental functioning which seemingly denies the component of freedom and self-determination, primary sources of individual responsibility. It indicates how, in the psychic apparatus, similarly to what happens in the physical environment, no phenomena are disconnected (Brenner, 1973). Each event is determined by other preceding events so that there is no discontinuity in our mental life and we are, in some way, the product of our past experiences, almost the result of an inter-linking of events and representations.

This vision, which appears to regard the individual as a hostage of his own history, can be mitigated, however, by a less rigid and literal interpretation of Freud's writings. According to other authors (Wallwork, 2005), in fact, this construct was used by Freud to stress how no behaviour in our daily lives happens by chance but has «reasons» that can be found in our repressed unconscious motivations, which are the driving force of dreams, parapraxes, forgettings and symptoms.

In our mental life nothing is therefore meaningless, and the goal of analysis is that of rediscovering the ties in the chain of meanings until the patient is able to gain a certain degree of awareness and a new freedom in his behaviour through an experience of understanding and relatedness (Freud, 1914/1957b). In this latter interpretation the theoretical principles seem to be less stringent and we can identify in the very goal of therapy an aspect that has to do with individual freedom and responsibility, a fundamental assumption of what we regard as right thoughts and right actions.

However, it is in the drive model especially that many have seen the core of a restrictive vision of individual freedom, resulting from an interpretation of mental functioning borrowed entirely from physiology, which has brought psychoanalysis endless criticism. From such framework derive both the concept of drive and that of reflex arc, as well as the «constancy principle», as Freud fully describes in *Instincts and their vicissitudes*. In particular, it is the underlying assumption of the intentionality postulate applied to the nervous system that makes him affirm: «the nervous system is an apparatus which has the function of getting rid of the stimuli that reach it, or of reducing them to the lowest possible level; or which, if it were feasible, would maintain itself in an altogether unstimulated condition» (Freud, 1915/1957, p. 119).

In this work we find one of the passages where Freud clearly attributes to the psychic apparatus the task of reducing stimulus intensity, whilst the supremacy of the pleasure principle is introduced, associated to the tendency to maintain a low amount of excitement: «the activity of even the most highly developed mental apparatus is subject to the pleasure principle» (*ibid.*); and, in another passage, he adds: «unpleasurable feelings are connected with an increase and pleasurable feelings with a decrease of stimulus» (p. 120).

These considerations, partly already put forward in *Project for a scientific psychology* (1895), are furthered in the *Three essays on the theory of sexuality* (1905) and in *Beyond the pleasure principle* (1920) through theoretical formulations that once again highlight the theme of pleasure/displeasure surrounding the build up of tension but also the capacity to modulate the tendency towards fulfilment through postponement and delay, and the individuation of a wider range of ways to reach gratification, not restricted to sexual activity only. Thus, Freud introduces the perspective of a path along which, through various degrees of disillusionment, the individual moves in the direction of psychological maturation and the integration of the norms and rules necessary to adaptation.

The idea of an individual capable of adapting his behaviour to the demands of reality through increasingly complex organizations under the supremacy of the ego (Freud, 1922/1961) provides a picture of the ongoing negotiation imposed by the need to adapt to the real world, and stresses the use of repression as one of the main psychological strategies used for this purpose. It is in this «hard work» that we seem to detect an ethical dimension, in the sense of *process* more than *contents*; the ego manages to withstand the renunciation of gratifications that were under the direct domain of the pleasure principle in order to obtain new ones. These may take many forms, may be profoundly in tune with the ego's needs and be finalised to adaptation. However, in many passages of Freud's early work, or at least until 1901, what the ego renounces is still a primitive and still non-relational way to obtain fulfilment. But if we consider the concept of drive within the structural model (Freud, 1920/1955) and the psycho-sexual development theory (Freud, 1905/1953), it becomes apparent that the re-consideration of needs in the light of the needs of someone else is a condition to obtain a more articulated and complex pleasure, a pleasure, we could say, that is «under the supremacy of the relationship».

We are therefore dealing with conflicts and compromises through which the individual reaches an adaptation to reality. These somehow convey the existential torment of each of us and the success or failure of our capacity to tune our needs with those of the other person, to experience them in unison, to dress them in many ways, to sublimate them. In *Psychoanalysis* Freud (1925/1959) describes the structural model in detail and stresses the interplay between different forces that inhibit each other and find a compromise; in this dynamic movement we see the gap between the conscious and the unconscious and the ongoing conflict between what we would like to be or do and what we can, instead, become or obtain.

In the *Ego and the id* Freud again deals with the theme of the difficulty to mediate personal needs with the need to adapt to reality. At this regard, he

writes: «moreover, the ego seeks to bring the influence of the external world to bear upon the id and its tendencies, and endeavours to substitute the reality principle for the pleasure principle which reigns unrestrictedly in the id. [...] The ego represents what may be called reason and common sense, in contrast to the id, which contains the passions» (Freud, 1922/1961, p. 25). Further on he proposes the metaphor of the rider: «thus in its relation to the id it is like a man on horseback, who has to hold in check the superior strength of the horse; with this difference, that the rider tries to do so with his own strength while the ego uses borrowed forces», and he continues with this similitude: «often a rider, if he is not to be parted from his horse, is obliged to guide it where it wants to go; so in the same way the ego is in the habit of transforming the id's will into action as if it were its own» (*ibid.*).

So, the torment of man is having to adapt to both other people and reality by following rules and imposing limitations on oneself. This act of mediation is a constant effort which sometimes fails and at other times goes too far, in one way or the other. It is an operation with uncertain and changing outcomes, and the fact that often the rider is forced to follow the will of the horse, obey him and lead him where he wants induces Freud to make the famous statement in the short essay *A difficulty in the path of psychoanalysis*: «The ego is not master in its own house» (Freud, 1916/1955, p. 143).

The metaphor of the man living a conflict and in need to find a balance between the risks of excessive sublimation and those of being at the mercy of uncontrolled drives is a central aspect of psychoanalytical anthropology. When psychological forces «enter into compromise» the person lives a state of well-being; on the other hand, upsetting these forces has the potential to induce pathology and may undermine psychological balance (Lis, Stella, & Zavattini, 1999). We could say that this strategy is successful when we don't have to sacrifice too big a part of our happiness or, in other words, when we can move from a primitive to a more mature morality.

If we try to further our considerations within the theory of object relations, which represent the heart of *psychoanalytic practice*, we can more easily trace the development of Freud's vision of man, evolving as clinical practice poses new questions and new challenges and eventually elicits important changes. Anyway, Freud is fully aware of the appropriateness of his ongoing revision and regards psychoanalysis as thinking «on the move», constantly prodded by practice. He in fact writes: «and it is possible that facts of clinical analysis may be found which will do away with its pretension» (Freud, 1922/1961, p. 42).

As it has been stressed in many critical reviews of Freud's theory, even though in very different ways (Holt, 1989; Sullivan, 1956; Eagle, 2011), Freud clearly moves from a perspective that emphasises the dynamism of the psychological apparatus, fuelled by the energy of the instinctual drive, to a perspective that, still keeping a biological metaphor, contemplates an integration of forces organising themselves and intertwining in relation to external reality and the relational object. We can see an ethical aspect emerging from these revisions, inasmuch as the individual comes to be seen in a dimension of «relatedness», a new perspec-

tive which is also apparent in the shift from the concept of narcissistic libido to that of object libido (Freud, 1914/1957).

As argued by Greenberg and Mitchell (1983), we must not forget that Freud, even though intent on building a scientific psychology, also stressed the «importance to see the theory of drives as a theory of meanings» and that the structural model's metapsychological formulations may also be applied to interpersonal exchanges, affects and fantasies.

We may refer here to the psychic operation described in the *Ego and the id* as the way in which different drives can become mixed. This shift, within the drives model's second formulation, highlights with particular emphasis *Eros* and aggression, no longer regarded as separate forces but seen in their entanglement, that is in the possible mingling of a destructive force of cruelty and conflict with a positive force of energy and passion, to the extremes of tenderness or sadism.

Freud deals with the theme of the aggressive drive regulation and the renunciation of instinctual needs in a famous passage: «one would think that a re-ordering of human relations should be possible, which would remove the sources of dissatisfaction with civilization by renouncing coercion and the suppression of the instincts, so that, undisturbed by internal discord, men might devote themselves to the acquisition of wealth and its enjoyment. That would be the golden age, but it is questionable if such a state of affairs can be realized. It seems rather that every civilization must be built up on coercion and renunciation of instinct» (Freud, 1927/1961, p. 7).

So, it is out of the ego's efforts to contain the drives, the force of the aggressive drive in particular, that selfish and individualistic tendencies may arise. Let's try to sum up the considerations and metaphors used by Freud in order to offer a lively picture of this tiresome work: «helpless in both directions, the ego defends itself vainly, alike against the instigations of the murderous id and against the reproaches of the punishing conscience. It succeeds in holding in check at least the most brutal actions of both sides; the first outcome is interminable self-torment» (Freud, 1923/1961, pp. 53-54); and in another passage he continues: «from the other point of view, however, we see this same ego as a poor creature owing service to three masters and consequently menaced by three dangers: from the external world, from the libido of the id, and from the severity of the super-ego» (p. 56).

The complexity of this task is again stated when he seems to point out that regulating one's behaviour is a fundamental aspect of normal functioning «if anyone were inclined to put forward the paradoxical proposition that the normal man is not only far more immoral than he believes but also far more moral than he knows, psycho-analysis, on whose findings the first half of the assertion rests, would have no objection to raise against the second half» (p. 52).

The ethical relativism of which psychoanalysis has often been accused (Fromm, 1973; Hofmann, 1976) needs therefore to be reconsidered in the light of the long and tiresome process that allows the individual to grow into adulthood and negotiate his needs with those of the object and the social community; in this developmental path a root element is the mechanism of identification, that

forms the foundations of friendship bonds, citizenship, and social organisation as a whole, as Freud remarks in *Civilisation and its discontents* (1929).

In the above mentioned writing the conflict between individual needs and the demands of the social community is analysed in greater depth: «a good part of the struggles of mankind centre round the single task of finding an expedient accommodation – one, that is, that will bring happiness – between this claim of the individual and the cultural claims of the group; and one of the problems that touches the fate of humanity is whether such an accommodation can be reached by means of some particular form of civilization or whether this conflict is irreconcilable» (Freud, 1929/1961, p. 96). Freud's conclusion, as we know, is a pessimistic one; despite his underlining how people strive towards happiness, his conclusion is that: «the intention that man should be 'happy' is not included in the plan of 'Creation'» (p. 76). What is, according to Freud, the essence of happiness? He indirectly points to this when he talks about the goals of therapy being about reaching some capacity for work and enjoyment.

Even in these lines we can identify an ethical issue: one of the components of happiness is seen as dependent upon the creative use of one's capacities and the *lieben*, in the sense of the capacity to find pleasure. Elsewhere in Freud's work this has been identified with the physical and spiritual pleasure of love, but in this different interpretation a component of *reciprocity within relationships* is more highly valued. Furthermore, we believe that Freud's reference to the goals of therapy, even though, at a first glance, minimal, should not be overlooked. An aspect of the maturity that comes with adulthood consists in the objective acknowledgement of the reality of one's own possibilities and the renunciation to the omnipotent childhood illusions. The ongoing reference to the sublimation mechanism, at the heart of what Freud believes to be a «positive happiness» must also be kept in mind. In the capacity to sublimate *to various degrees* the instinctual components lies the possibility for the individual to love and be loved, to feel pleasure in learning, appreciate beauty and work creatively and satisfactorily (Freud, 1929/1961).

Therefore, aiming towards a civilised behaviour, respectful of social requirements, is a necessary pathway to adaptation; the process of psychological development and growth go in this direction, despite various individual differences; the social context, in its turn, fosters this objective within and outside the family: «*education* can be described without more ado as an incitement to the conquest of the pleasure principle, and to its replacement by the reality principle; it seeks, that is, to lend its help to the developmental process which affects the ego. To this end it makes use of an offer of love as a reward from the educators» (Freud, 1911/1958, p. 224).

The reference to education and those renunciations reinforced by the educator's approval allows us to briefly reflect on the theme of relationships. As already noted, the relational dimension, so central to the clinical practice, remains a controversial aspect in the so called drive model. Nonetheless we must acknowledge that the theoretical changes that Freud gradually introduced determined the fact that such model, at some point, could no longer be considered the only deter-

minant of behaviour and experience. The motivational theory changed and in some way Freud moved from phylogenesis to ontogenesis in order to explain the reasons underlying behaviour.

Greenberg and Mitchell (1983) point out these progressive modifications highlighting how in the classical model there is a clear shift from a perspective centred on internal psychic operations fuelled by instinctual drives to a perspective that takes into account the integration of forces arising from the relationship with external reality. The evolutionary step from egocentric selfishness, summed up by the principle *mors tua vita mea*, to arrive at the capacity to think in terms of object relations frees the way to relational and social outcomes that may be found in the quality of romantic relationships as much as in altruistic behaviour.

We could say that the Freudian Man has a foot in biology and is gazing at relationships, even though, in general terms, as it has already been noted, the classical model cannot be considered a theory of affects. The concept of narcissism, for example (Freud, 1914/1957), stands as «one of the main gateways» to a maturational process in which the ego's investment of libido on itself (primary narcissism) gradually moves to the relationship with real objects. This, in a similar way to all the Oedipus related themes (Freud, 1905/1953), with their interplay of ideas and wishes, the renunciation of which becomes a realistic necessity, constitutes a further example of relational experiences that allow real versus hallucinatory wish fulfilment. They also require renunciations and adaptive negotiations in consideration of what is adequate or possible in the relationship with the other person. In this aspect we again find an ethics of relationships, in the sense of the acceptance and pursuit of what can be defined as adaptive reciprocity.

If we reflect in general on Freud's idea of the mind, we may be able to find an ethical dimension in the passages that attribute to the ego a regulating function both in respect of the drives and superego harshness. A *virtuous*, almost *wise* stance can be seen in the capacity to maintain a balance between opposite needs, without sacrificing too much of one's individual fulfilment in order to reach a social adaptation that takes into account other people and their needs. In various parts of his work Freud points out that this effort has peculiar and alternating outcomes which on one hand reflect the happenings of real life and on the other testify a certain Freudian pessimism. Other authors have picked up on this, amongst them is Kohut, with the theme of the tragic man (Kohut, 1978). We are still talking about an ethics that has more to do with process than content, whilst for what concerns the moral it needs to be acknowledged without outrage that psychoanalysis expresses an unavoidable relativism, that is the awareness that every culture across times matures different and specific contents.

What this means is that for Freud the realm of facts is always predominant on that of values, in line with a scientific more than a speculative approach (Freud, 1932/1964). This stance is apparent, at least in its premises, in *Project for a scientific psychology*, where he clearly states the goal of founding a scientific psychology based on objective evidence. Soon, as we know, this observation based approach opens to an intellectual commitment attempting to tie the observational data to a reflection on meanings, on the basis of clinical experience.

Finally, if we move from theory to practice, we find that the reflection on ethics in clinical practice is a live part of Freudian thinking, together with the many references to professional ethical conduct that constitutes one of the fundamental aspects of the reconstructive and reparatory goals of therapeutic action.

We therefore find ourselves, to use Wallwork's words, with the task of facing the «a-moral» implications of the classical theory and the moral aspect of analytical practice (Wallwork, 2005, p. 462). In reality, as we have attempted to demonstrate, accusing psychoanalysis of ethical hedonism is as banal as accusing it of pan-sexualism: «it must also be remembered, however, that some of what this book contains – its insistence on the importance of sexuality in all human achievements and the attempt that it makes at enlarging the concept of sexuality – has from the first provided the strongest motives for the resistance against psycho-analysis. People have gone so far in their search for high-sounding catchwords as to talk of the 'pan-sexualism' of psycho-analysis and to raise the senseless charge against it of explaining 'everything' by sex. We might be astonished at this, if we ourselves could forget the way in which emotional factors make people confused and forgetful» (Freud, 1905/1953, p. 134).

### 3.2. ETHICS IN THE THERAPEUTIC PROCESS: RESPECT, COMPETENCE, HONESTY AND AUTHENTICITY

Freud himself talks of a moral pact with regard to the reciprocal commitment that analyst and patient sign up to within their therapeutic relationship; to start a reflection on this topic we could restrict the clauses of this pact to two essential aspects: «complete candour on one side and strict discretion on the other» (Freud, 1938/1964, p. 174). According to Freud the patient's pledge to talk about himself without submitting his or her discourse to any censorship must be welcomed on the part of the analyst by a steady commitment to protect, we would say today, the patient's privacy. In another passage he reiterates the same point: «analysis is entirely founded on complete candour. Financial circumstances, for instance, are discussed with equal detail and openness [...]. I will not dispute – indeed, I will myself insist with energy – that this obligation to candour puts a grave moral responsibility on the analyst as well» (Freud, 1926/1959, p. 207). In this writing, sincerity refers both to the nature of psychoanalysis and to the overall attitude of the analyst. Freud, in fact, so to say, widens the scope of the analytical relationship itself, and if the patients needs to make a sincerity pledge, together with the commitment to punctuality and payment of the analyst's fee as agreed in the therapeutic contract, the analyst must take upon himself, in the broadest sense, the ethical aspects of the therapeutic process.

The analyst's responsibility includes two main points: the quality of his training (Freud, 1926/1959) and his duty to keep his ambition under check by tailoring the therapeutic objectives to suit the real possibilities of the patient (Freud, 1912/1958). This is a delicate issue linked with an overarching theme both within



the theoretical model and the theory of practice: by this we mean the search of emotional truths as one of the therapy's aims, given which the goal of reducing the severity of symptoms is an almost secondary objective. But how is it possible, then, to conceptualise therapeutic achievements without limiting the parameters to the reported subjective well being? An answer is provided directly and indirectly by the whole theoretical body: self-regulation, the capacity to use one's own mind and experience altruistic relationships whilst maintaining a protective stance towards oneself, authenticity and awareness are the dimensions of psychological health and well being that are found throughout the psychoanalytic paradigm. It becomes apparent how the concept of psychological well being cannot be devoid of ethical considerations about ourselves and the quality of relationships that we are able to form (Di Chiara, 1985; Ferro, 1996). After all Freud himself refers in general terms to this topic when he states that the therapist, in his clinical practice takes upon himself a wide range of «duties not only towards the individual patient but [...] towards the many other patients who are suffering or will some day suffer from the same disorder» (Freud, 1901/1955, p. 8). In this argumentation Freud also points to the duty to render public psychoanalytic insights arising from clinical practice: a duty of the analyst-researcher towards science.

A topic that has been thoroughly debated within in the discussion on psychoanalytic technique, and that is relevant to many aspects of the relationship with the patient, is that of neutrality. As we know, Freud, by this word, meant to refer to the appropriateness of keeping a free floating attention in the face of the patient's communication, free of prejudice, stereotypes, long held beliefs (Freud, 1912/1958, p. 112). It is clearly a reference to an impartial attention, or a benevolent neutrality, that seems to us a requirement to «do the best for the patient» in the light of his or her psychological possibilities and the overall conditions of his or her existence. In another passage Freud (1918/1955) is more explicit and clearly states the double commitment to pursue what can be beneficial to the patient, setting aside any objective or perspective concerning his or her psychological health which may be too closely linked to the therapist's personal vision.

We can link these reflections to a brief reference to the theme of substitutive satisfaction that the patient may seek when facing the option of renouncing his symptoms with the consequent subjective suffering that this could entail: «the patient looks for his substitutive satisfactions above all in the treatment itself, in his transference-relationship with the physician; and he may even strive to compensate himself by this means for all the other privations laid upon him. Some concessions must of course be made to him, greater or less, according to the nature of the case and the patient's individuality. But it is not good to let them become too great. Any analyst who out of the fullness of his heart, perhaps, and his readiness to help, extends to the patient all that one human being may hope to receive from another, commits the same economic error as that of which our non-analytic institutions for nervous patients are guilty. Their one aim is to make everything as pleasant as possible for the patient, so that he may feel well there

and be glad to take refuge there again from the trials of life. In so doing they make no attempt to give him more strength for facing life and more capacity for carrying out his actual tasks in it. In analytic treatment all such spoiling must be avoided» (Freud, 1918/1955, p. 164).

We are facing a call to avoid offering patients an immediate relief in view of more consistent and longer lasting therapeutic objectives. It also emerges an exhortation to give up an immediate sense of efficacy – improper from the point of view of the psychoanalytic technique – in order to maintain a technically correct therapeutic approach.

The range of factors tying analyst and patient together in a relationship characterised by shared reciprocity within which the analyst holds responsibility for the treatment is, however, very broad and has been variously illustrated in many IPA<sup>1</sup> documents. The principles put forward by the IPA concern professional competence, respect towards the patient, absence of prejudices towards his personal convictions, maintaining confidentiality, honesty in professional relationships and conforming to the research based scientific principles in the communications with colleagues and third parties. Such general principles are then specified in the Standards, even if we must notice that the explicit rules and the detailed clinical accounts cannot replace criteria arising from an ethical education; we refer, here, to the implicit rules that may inform the individual practitioner facing conflictual or difficult situations.

The psychoanalytic method, in any case, is capable of «fostering a maturation in the therapist as well as in the patient» (Lis, Stella, & Zavattini, 1999, p. 17) and leads towards «the acknowledgement of wholeness, uniqueness and singularity of the patient's history» (*ibid.*). Therefore, it inevitably points to ethical choices, that is choices in which the respect of the person, the consideration of his or her benefit in the light of his or her sensibility and emotional world are deeply ingrained (Barnà-Cono, 1994).

Currently, in Italy, the debate on the ethical aspects of psychological treatment started from the realisation of the pitfalls present in the legal regulation of the profession (Law no. 56/89); awareness of these limitations allowed the broadening of the debate to include ethical and value-related principles considered as the heart of psychologists' code of conduct. Alongside this, a wider discussion has started concerning the ethical side of each act making up the professional conduct within various disciplines and various fields, regarded as «a structural aspect of the identity of a profession or scientific discipline, particularly within the field of psychology» (Quattrocchi, 1984).

It is clear that we are talking here of an issue pertaining to the very foundations of the ethics of the profession of psychology. The application of the method as a set of principles and rules belonging to a science necessarily requires combining the objective aspects, namely knowledge and praxis, with the subjective ones, namely the subjectivity of the technician and that of the client. Within the clinical

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<sup>1</sup> The International Psychoanalytical Association (IPA), founded in 1910 by Sigmund Freud, is the largest psychoanalytic institution throughout the world.

field, which is the focus of the present reflection, the therapeutic acting occurs within a relationship constituting both a working and a meeting place. As argued by Gius and Coin (2000) «with the inclusion of the actor in the act, there is a shift to a complex and articulated vision opening up a relational dimension, a reciprocal interdependency between the whole and its parts, the principle of plurality, relativity and freedom of choice» (p. 29).

An action's adherence to ethical principles can be verified by the observable professional conduct. Such adherence, though, needs to be placed within the fundamental principle of freedom, determining each individual's ethical choice, as well as his or her professional and personal identity. We can also assume that every clinician experiences, on a daily basis, perhaps even with tiresome doubts, a dialectic between an «objective» and a «subjective» ethics. There is therefore a potential conflict between general values and rules and the commitment to demonstrate an ethically informed professional attitude as an intentional dimension which may determine one's professional conduct in the face of the great number and complexity of practical situations (Gius & Coin, 2001).

The above mentioned authors, in an earlier work (Gius & Coin, 1999) extensively develop the theme of the therapist's subjective ethics, focussing their research on the professionalisms of psychoanalysts belonging to the Italian Psychoanalytic Society. «The choice of this sample was due to psychoanalysis being the longest established approach, with a profound influence on all modern psychological culture» (Gius & Coin, 2000, p. 29).

Various authors (Szpilka, 2002; Garella, 2008) deal with the therapist's subjectivity within their reflection on treatment techniques: if within the psychodynamic approach the quality of the relationship with the patient constitutes the most important therapeutic factor, the therapist's responsibility lies in the monitoring of his or her own subjectivity. The therapist must therefore constantly reflect on transference and countertransference phenomena and on the meanings and projections that are thus communicated (Blass, 2003). Confronting the patient's «deeply seated» and often disguised truth, against which there is resistance, concerns both the analysand and the psychoanalyst in his countertransference, since therapeutic work revolves basically around the theme of psychic pain within the respective present and past relationships, re-activated by the analytic relationship.

### 3.3. CONCLUSIONS

In the present essay, without claiming to be exhaustive in relation to how motivational theories in the psychodynamic paradigm have evolved and have become more complex (Eagle, 2011) we treated the issue of ethics in psychoanalysis with particular reference to what emerges from the classical Freudian paradigm and what, in our opinion, is still present in the Freudian tradition at international level.

Freud's work met with many oppositions on a scientific level, partly justified by the humanistic resonance of his theoretical model, which has to be seen, as we said, as a psychology of meaning. On the other hand, the accusations of pan-sexualism or excessive emphasis on an individualistic dimension have been considered, at least from a certain point onwards, less valid and founded.

In reality Freud was pursuing on the level of ethics a pervasive theme in the European culture at the turn of the nineteenth century: the understanding of *truth* and how human beings are constantly operating a kind of self deception through the creation of *fictitious truths*. Fictitious truth emerges as the outcome of defence strategies against what can be defined «psychic reality», that is the psychological meaning *underlying* facts and conscious behaviours. The works of Musil, not to mention Kafka and Thomas Mann, witness the depth reached in the excavation of the inner psyche and the understanding of subjectivity in the golden age of the European novel, starting from Kant's reflections on moral up to the theme of rights and the consideration of man in his complexity in the period following the French revolution.

For what concerns ethics and therapeutic actions we must point to two levels of analysis: the first concerns the psychoanalyst and, in general, any psychotherapist that aims to grasp subjective meanings. The guiding principle is trying to avoid the risk of *wild psychoanalysis*. By this we mean throwing in the patient's face his or her own contradictions and the meanings hidden behind his actions and thinking which are often of an embarrassing nature. It is not only an issue of technique and timing, or an opportunity of an interpretation, but it means taking upon oneself the responsibility of *holding* and *containing* in the difficult path towards psychological truth.

The works of Donald Winnicott and Wilfred Bion are perfect examples of this ethics of responsibility when, as Freud would say, we face the ghosts living in the deep layers of our psyche. Winnicott in particular, when he talks of real versus false self, delves into one aspect of the understanding of truth, namely the understanding of the «distortions» that may lead a person to conform to someone else's conscious or unconscious wishes and desires. Furthermore, he also points to the responsibility of parents, and therefore also caregivers, education professionals and psychotherapists, in fostering the growth of the child or the person towards which one holds therapeutic responsibilities along the lines and inclinations of their own developmental trajectory (Winnicott, 1970).

The second level of analysis revolves around the theme of «psychic pain» – which acquires even more relevance with the understanding of the roots of one's own needs – and the responsibility that this understanding entails. «Who I am», therefore, stands aside the «what I truly wish». We think we can state that an ethics inspired by psychoanalysis is extremely strict because it points to the commitment to consider the profound *reasons* of one's wishes rather than simply justifying or heeding them. It should suffice to witness the degree of suffering and emotional upheaval reported by Musatti (1949) in various examples of dream interpretation in which the patients progressively measure themselves against the hidden layers underlying the *real meaning* of a certain dream. The same holds

true for what concerns the repressed and masked aspects of the self emerging in the behaviours characterising the «psychopathology of everyday life».

Ethics, therefore, for what concerns psychoanalytic work, must be measured by the capacity to face the «pain of psychic reality» and this requires great personal strength. In other words, to «understand» the profound reasons of our needs and contemplate how to avoid them leading to self deceit is what analysts and analysands are required to do in their reciprocal if asymmetric collaborative effort. This commitment calls for courage in order to face the «blind» aspects of self awareness and, for psychoanalysts, a constant control of the reasons behind inner emotional responses to the patient's narrative both in the case of sympathy, tiredness, irritation or the risk of collusive stances tied to the difficulty of understanding deep-seated reasons motivating human behaviour. It is also necessary, as acutely argued by Bollas, to guarantee the defence of a need and a right: «The psychoanalyst is not simply custodian of psychoanalysis. For better or for worse, wished for or not, the psychoanalytical profession is guardian of a social right – the right to speak one's mental life assured that such disclosure will be held in strictest confidence – that will need continuous representation within the dynamic vicissitudes of a free society» (Bollas, 1999).

#### REFERENCES

- Barnà-Cono, A. (1994). Etica e psicoanalisi. *Rivista di Psicoanalisi*, 40, 717-728.
- Blass, R. B. (2003). On ethical issues at the foundation of the debate over the goals of psychoanalysis. *International Journal of Psychoanalysis*, 83, 929-943.
- Bollas, C. (1999). On the loss of confidence in psychoanalysis. *International Psychoanalytical Association (IPA), Newsletter*, 8(2), <http://www.academyprojects.org>.
- Brenner, C. (1973). *An elementary textbook of psychoanalysis*. New York: International Universities Press.
- Di Chiara, G. (1985). Una prospettiva psicoanalitica del dopo Freud: un posto dell'altro. *Rivista di Psicoanalisi*, 31, 451-461.
- Eagle, M. (2010). Theoretical and clinical shifts in psychoanalysis. *American Journal of Orthopsychiatry*, 57, 175-185.
- Eagle, M. (2011). *From classical to contemporary psychoanalysis. A critique and integration*. New York: Routledge.
- Ferro, A. (1996). *Nella stanza di analisi*. Milano: Raffaello Cortina.
- Freud, S. (1953). Three essays on the theory of sexuality. In *The standard edition of the complete psychological works of Sigmund Freud*, 14 vols. (Vol. 7, J. Strachey, Trans.). London: Norton & Company. (Original work published 1905).
- Freud, S. (1955a). Fragment of an analysis of a case of hysteria. In *The standard edition of the complete psychological works of Sigmund Freud*, 14 vols. (Vol. 7, J. Strachey, Trans.). London: Norton & Company. (Original work published 1901).
- Freud, S. (1955b). A difficulty in the path of psychoanalysis. In *The standard edition of the complete psychological works of Sigmund Freud*, 14 vols. (Vol. 17, J. Strachey, Trans.). London: Norton & Company. (Original work published 1916).

- Freud, S. (1955c). Lines of advance in psychoanalytic therapy. In *The standard edition of the complete psychological works of Sigmund Freud*, 14 vols. (Vol. 17, J. Strachey, Trans.). London: Norton & Company. (Original work published 1918).
- Freud, S. (1955d). Beyond the pleasure principle. In *The standard edition of the complete psychological works of Sigmund Freud*, 14 vols. (Vol. 17, J. Strachey, Trans.). London: Norton & Company. (Original work published 1920).
- Freud, S. (1955e). Two encyclopaedia articles: Psychoanalysis and the «Libido Theory». In *The standard edition of the complete psychological works of Sigmund Freud*, 14 vols. (Vol. 18, J. Strachey, Trans.). London: Norton & Company. (Original work published 1922).
- Freud, S. (1957a). On narcissism: An introduction. In *The standard edition of the complete psychological works of Sigmund Freud*, 14 vols. (Vol. 14, J. Strachey, Trans.). London: Norton & Company. (Original work published 1914).
- Freud, S. (1957b). Instincts and their vicissitudes. In *The standard edition of the complete psychological works of Sigmund Freud*, 14 vols. (Vol. 14, J. Strachey, Trans.). London: Norton & Company. (Original work published 1915).
- Freud, S. (1958a). Formulations on the two principles of mental functioning. In *The standard edition of the complete psychological works of Sigmund Freud*, 14 vols. (Vol. 12, J. Strachey, Trans.). London: Norton & Company. (Original work published 1911).
- Freud, S. (1958b). Recommendations to physicians practising psychoanalysis. In *The standard edition of the complete psychological works of Sigmund Freud*, 14 vols. (Vol. 12, J. Strachey, Trans.). London: Norton & Company. (Original work published 1912).
- Freud, S. (1959a). Psychoanalysis. In *The standard edition of the complete psychological works of Sigmund Freud*, 14 vols. (Vol. 20, J. Strachey, Trans.). London: Norton & Company. (Original work published 1925).
- Freud, S. (1959b). The question of lay analysis. In *The standard edition of the complete psychological works of Sigmund Freud*, 14 vols. (Vol. 20, J. Strachey, Trans.). London: Norton & Company. (Original work published 1926).
- Freud, S. (1961a). The two classes of instincts. In *The ego and the id*. In *The standard edition of the complete psychological works of Sigmund Freud*, 14 vols. (Vol. 19, J. Strachey, Trans.). London: Norton & Company. (Original work published 1923).
- Freud, S. (1961b). The dependent relationships of the ego. In *The ego and the id*. In *The standard edition of the complete psychological works of Sigmund Freud*, 14 vols. (Vol. 19, J. Strachey, Trans.). London: Norton & Company. (Original work published 1923).
- Freud, S. (1961c). Some additional notes on dream interpretation as a whole. In *The standard edition of the complete psychological works of Sigmund Freud*, 14 vols. (Vol. 19, J. Strachey, Trans.). London: Norton & Company. (Original work published 1925).
- Freud, S. (1961d). The future of an illusion. In *The standard edition of the complete psychological works of Sigmund Freud*, 14 vols. (Vol. 21, J. Strachey, Trans.). London: Norton & Company. (Original work published 1927).
- Freud, S. (1961e). Civilization and its discontents. In *The standard edition of the complete psychological works of Sigmund Freud*, 14 vols. (Vol. 21, J. Strachey, Trans.). London: Norton & Company. (Original work published 1929).

- Freud, S. (1964a). The technique of psychoanalysis, an outline of psychoanalysis. In *The standard edition of the complete psychological works of Sigmund Freud*, 14 vols. (Vol. 23, J. Strachey, Trans.). London: Norton & Company. (Original work published 1938).
- Freud, S. (1964b). New introductory lectures on psychoanalysis. In *The standard edition of the complete psychological works of Sigmund Freud*, 14 vols. (Vol. 22, J. Strachey, Trans.). London: Norton & Company. (Original work published 1932).
- Freud, S. (1966). Project for a scientific psychology. In *The standard edition of the complete psychological works of Sigmund Freud*, 14 vols. (Vol. 1, J. Strachey, Trans.). London: Norton & Company. (Original work published 1895).
- Fromm, E. (1973). Freud's model of man and its social determinants. In P. Roazen (Ed.), *Sigmund Freud*. Englewood Cliffs, NJ: Prentice-Hall.
- Garella, A. (2008). Ethics in the termination of analysis. *International Journal of Psychoanalysis*, 89, 313-330.
- Gius, E., & Coin, R. (1999). *I dilemmi dello psicoterapeuta. Il soggetto tra norme e valori*. Milano: Raffaello Cortina.
- Gius, E., & Coin, R. (2000). Alla ricerca dell'etica dello psicologo: valori, norme e soggetto. *Giornale Italiano di Psicologia*, 27(1), 25-39.
- Gius, E., & Coin, R. (2001). L'etica dello psicologo; una formazione possibile? *Giornale Italiano di Psicologia*, 28(4), 291-299.
- Gori, R. (2002). Ethics. In A. De Mijolla, *International dictionary of psychoanalysis* (pp. 549-551). Paris: Calmann-Lévy.
- Greenberg, J. R., & Mitchell, S. A. (1983). *Object relations in psychoanalytic theory*. Cambridge, MA: Harvard University Press.
- Hoffman, M. L. (1976). Empathy, role taking, guilt, and development of altruistic motives. In T. Lickona (Ed.), *Moral development*. New York: Holt, Rinehart & Winston.
- Holt, R. R. (1989). *Freud reappraised. A fresh look at psychoanalytic theory*. New York: Guilford Press.
- Kohut, H. (1978). *The search for the self. Selected writings of Heinz Kohut: 1978-1981*. New York: International Universities Press.
- Lis, A., Stella, S., & Zavattini, G. C. (1999). *Manuale di psicologia dinamica*. Bologna: Il Mulino.
- Musatti, C. (1949). *Trattato di psicoanalisi*. Torino: Bollati Boringhieri.
- Quattrocchi, P. (1984). *Etica, scienza, complessità. Etica della scienza e filosofia della natura nell'epistemologia della complessità*. Milano: Franco Angeli.
- Sullivan, H. S. (1956). *Clinical studies in psychiatry*. New York: W. W. Norton.
- Szpilka, J. (2002). Some thoughts on psychoanalysis and ethics. *International Journal of Psychoanalysis*, 83, 1037-1049.
- Wallwork, E. (1991). *Psychoanalysis and ethics*. New Haven, CT: Yale University Press.
- Wallwork, E. (2005). Ethics in psychoanalysis. In E. S. Person, A. M. Cooper, & G. O. Gabbard (Eds.), *Psychoanalysis: Theory - practice - pesearch*. Washington, DC: American Psychiatric Association.
- Winnicott, D. W. (1965). *The maturational process and the facilitating environment*. New York: International University Press.





## 4.

# DIAGNOSING VIGOREXIA

When normative ideology  
becomes value judgment

*Alessandro Salvini - Elena Faccio*

All too often, one fails to perceive how stringently a psychological and psychiatric diagnosis reflects judgment based on normative and cognitive-ideological criteria. In dealing with the recently-defined condition known as «vigorexia», for example, experts consider the individual's dissatisfaction and excessive attention toward his/her physical appearance, their insecurity and the ritualistic nature of their physical training regimes, to be symptoms of the «disturbance», while to one experiencing the condition – the body-builder – such attitudes and behavior may merely be corollary to fitness-oriented activities. Such activities may involve control over one's body and self-image, as well as gratification from peer approval. The gymnasium may also represent an extreme locus serving to endow one with a new identity, as occurs today in the cyberspace of role-playing or second-life games; it may imply the overcoming of old experiences and self-images in order to challenge the anonymous forms of identity which may seem imposed by destiny. Body-building, then, might be an emerging cultural expression comparable to others linked to the need of «taking care of oneself».

### 4.1. LINGUISTIC RICHNESS VS. SEMANTIC POVERTY IN THE VIGOREXIA CONSTRUCT

They call it «bigorexia», «muscle dysmorphia», or quite often, «vigorexia»; or even «reverse anorexia». It is supposedly a new psychiatric disturbance, said to be typical and widespread among those who frequent body-building gyms and are committed to meticulous training practices and obsessive control over their diet and lifestyle, in hopes of developing a highly-sculpted, hypertrophic musculature (Pope, Katz, & Hudson, 1993; Pope, Gruber, Choi, Olivardia, & Phillips, 1997; Pope, Phillips, & Olivardia, 2000). The disturbance is supposedly sustained by specific personality traits, in particular those of a dysmorphophobic nature, or an «obsessive» one. The various symptomatic indicators of vigorexia are said

to include dissatisfaction and «excessive attention» towards one's appearance (but who is free of that?), insecurity (but who is free of that?), and the ritualistic nature of training activities (but may they not be necessary?). In the entire discussion, nothing clearly explains whether vigorexia is an effect or a cause of body-building practices. Female vigorexia differs from the male, both as to motivation and result. It affects women who undergo training in order to develop an androgynous body, a strong, muscular one in imitation of the male body. Both common opinion and single analysts view this goal as «unnatural» and subversive with respect to the «normal», prototypical connotations of femininity.

#### 4.2. THE EXPERTS SAY ...

In discussing the opinion of several experts, Giorgetti (personal communication, 2012), a science journalist, writes: «Called 'vigorexia', it manifests itself when care for one's physical appearance becomes a true obsession. The University of Bologna has sounded an alarm: more than 670.000 individuals suffer from it in Italy [...]. Obsessed, deeply obsessed. Sick over muscles. And that is no joke. When care over one's physical appearance becomes an obsession it turns into an illness. Vigorexia is the most recently classified food behavior disorder, taking its place alongside anorexia, bulimia and obesity; but it was described as early as 1993 by Pope, Katz and Hudson in an article published in *Comprehensive Psychiatry*, entitled 'Anorexia nervosa and reverse anorexia among 108 male bodybuilders'. Contrary to what occurs among anorexic girls, who see themselves as being fat even when they weigh less than 40 kilos, men who suffer from vigorexia always see themselves as being too thin and not adequately muscular; this explains the expression 'reverse anorexia', or Adonis complex» (Pope, Phillips, & Olivardia, 2000). In his urgent summons, Giorgetti also cites the rather apocalyptic opinion of a clinician, an expert in the field and convinced believer in the existence of this new malady, and of the danger threatening male and female body-builders. However, the evidence of what might justify a diagnosis of vigorexia seems cut out by the normative scissors of a preconceived judgment.

#### 4.3. FROM THE DIANA COMPLEX TO THE SYNDROME OF ADONIS

Observes the expert: «Vigorexia, or the Adonis complex, is the obsessive attention toward one's physical form and muscular development which *strikes*, above all, males between the ages of 25 and 35, followed by those between the ages of 18 and 24, who are dedicated to intense physical activity [...]. The principal markers for those affected are: 1) spending hours and hours in the gymnasium, dedicated to muscle-strengthening exercises; 2) continually examining themselves in the mirror in order to assess the development of single muscles; 3) submitting themselves to hyper-protein diets, weighing themselves continually, using dietary supplements

and, in the most serious cases, anabolic steroids. Difficulty in obtaining anabolic steroids may drive them to the black market, where such substances are not only harmful per se but are often produced in the absence of any health safeguards. This may cost the client considerable sums of money, causing severe financial problems. Despite his muscular hypertrophy, the vigorexic continues to feel dissatisfied with his muscles, which he perceives as being weak and flaccid. Such psychological problems as low self-esteem, social isolation and depression may be joined by physical problems caused by a poorly balanced diet, too rich in protein; if it continues for long, it may lead to alterations in kidney functions; bone or articulation disorders may arise from excessive muscle strain and a diet poor in calcium, given the near total abolition of dairy products; impotence may result from the use of anabolic steroids. The hardest thing may be to convince a person suffering from vigorexia that such excesses are a symptom of profound insecurity. In order to deal with it, a psychotherapeutic program combined with medical treatment may be of help; the physician should prescribe pertinent examinations and suggest therapy [...]. The diagnostic categorizing of vigorexia is uncertain; it can be classified among dysmorphophobias, alimentary disturbances not otherwise specified (NAS), or obsessive-compulsive disturbances» (<http://www.iltuopsicologo.it>).

#### 4.4. ONE MIGHT ASK ...

1. What might drive an individual to exaggerate in his frenzy to train in order to develop increasingly shapely muscles?
2. What type of personality might a male or female affected by vigorexia have?
3. Again, is the person affected aware of the problem or does he/she have trouble recognizing it? Why would the vigorexia-affected woman desire to have an androgynous body (though many body-builders deny that they do)?

#### 4.5. HYPOTHESES

The self-representations which persons apply to their sense of identity reflect the sexual gender assigned to them, socially situated roles, affiliated groups with which the individual identifies, autobiographical narrative memories, and self-image, understood as both experience and project. As linguistic and proprioceptive constructs, as well, such representations also embrace the history of the fragments accumulating in one's various areas of self-awareness (diachronic and synchronic); these fragments emerge through the interaction between biographical experiences and personal choices. In such situations, one's body and physical appearance play an important role in light of their communicative, symbolic and esthetic function, and the set of values which they may incorporate.

The configuring and the experiencing of such representations may lead to outcomes which are not always positive. In fact, when such a process is disturbed

or frustrated, it may open the way to solutions that prove inadequate, such as frenzied sports activity; in turn, such solutions tend to engender modes of being, thinking and acting which prove dysfunctional on the long term. In other cases, problem-solving efforts do not aggravate the problem, but are transformed into positive re-adaptations. When they function (for a speleologist, for example, or a body-builder, or a member of Greenpeace), they have no need for diagnosis or therapy, and so are not considered pathologies. We find a different situation when clinicians' patho-phile suspicion becomes excessive, leading them to over-value the field of application for their diagnostic competencies, even when these are not requested. While the clinician may feel certain of his/her diagnosis, we must also bear in mind that any «abnormality» attributed to the client or patient is always influenced by the normative eye of the attributor.

In the early 1970s, analogous prejudices to those dogging «vigorexia» burdened the athletic identity of sportswomen, even throwing doubt on the fullness of their identity and normalcy as women. The psychoanalytic psychiatry dominating the field in those days offered detailed explanations; e.g. it was thought that «male radicals» acted within the athletic woman's personality, or that women dedicated to sport were the «bearers of a virile protest»; or else that women's motivation to participate in sports was a «form of compensation for penis envy»; or again, that the choice to compete was «a form compensating for women's sense of inferiority», or even a «sublimation of homophile/homosexual needs». All such attitudes were in line with the suspicion of «sapphism» or «lesbianism» wafting throughout the puritanical psychiatric jargon of the times. Some believed that women athletes might be affected by a «latent dysmorphophobia and the refusal of their female body». In clear-cut cases, psycho-pedagogical solutions were proposed, or even psycho-diagnostic and psychiatric ones, along with medical tests, starting with testing necessary to exclude genetic inter-sexuality. Historic prejudices towards women's athletics then seemed relegated to the attic, together with a certain number of scientific publications harboring them. Without changing our basic attributive schema, we have passed from the «Diana complex» to the «Adonis complex»; from the sports field to the gymnasium. However, as has been said before, one who is ignorant of history is obliged to repeat it.

#### 4.6. LEGITIMATE DOUBTS

All «interpretations» recurring to psychiatric or psycho-analytic categories in order to explain phenomena which are undoubtedly socio-cultural in origin, may be open to question. Such explanations are not verifiable using the instruments of empirical research, although even Adorno and his colleagues attempted such an operation by tracing an «authoritarian personality» in order to explain the case of Fascism. We might say that *he who has only one hammer risks treating all things like nails*. Such a tendency seems to emerge repeatedly in the clinical sciences of the psyche; a tendency accentuated by a sort of sententious *ipse*

*dixit* («thus it is») unmitigated even by the use of subjunctives or conditional verb forms. A pathological condition of the mind is described using an adjective which magically allows us to explain any type of social behavior deemed negative, undesirable or worrying. The procedure, we might say, goes back to the early nineteenth century, to the post-enlightenment, pre-positivistic era: a period when reason was expected to prevail over passion. Esquirol, in his *Mental maladies; a treatise on insanity* (1845) committed himself to this cause, claiming to speak on behalf of all burgeoning or future sciences of the psyche. From that moment on, the «passions» were suspected of indicating mental illness; all alienists expected to keep watch on them, on both an individual and collective level. Toward the end of that century, the scene remained the same. In the early twentieth century, instead, Cesare Lombroso (1876), to the joy of the public power structure, thought he could descry in any form of political dissent, trade union ideology or social utopianism opposing the status quo, the preliminary signs of a psychiatric disturbance which he defined as «paranoid social reform delirium». This formulation was so successful that it reappeared in Russia in the 1950s, and was used as justification for committing political dissidents to insane asylums (Lombroso, 1876). As late as forty years ago, more or less, Franco Fornari wrote two well-known books on the «psychoanalysis of the atomic war» (1974), explaining such war as a possible expression of collective minds affected by an unresolved «paranoid elaboration of mourning». Even today, a psychiatric-dynamic fable reappears claiming to explain certain social and collective events, such as the coming to power of Hitler, World War II, or the Holocaust, as the result of the dictator's unhappy relationship with his father, or of his supposed undescended or missing testicle: this would explain his need for compensation, or even the passage of his paranoia into the collective mind of the Germans.

This is a bit like explaining the aggressiveness of stadium violence by examining violent sports fans' personality with a Rorschach test, or attributing juvenile delinquency in Naples to the psychopathic personality of several thousand proto-delinquent boys. We may recall that until around twenty years ago, the collective, endemic phenomenon of prostitution was explained via short, acute exercises in psychiatric diagnosis, both inside and outside convention halls.

How can we fail to be skeptical when told that 670,000 body-builders (and how were they counted?) are all suspected sufferers of vigorexia? And how can we keep a straight face when someone says that body-building is the epi-phenomenon of a mental illness? If that were true, it would make every gymnasium the waiting room of a mental health clinic.

#### 4.7. A WORLD OF ALIENS?

Never has one's self-image been more crucial than it is today. A good portion of one's efforts and income may be absorbed in cultivating one's public appearance, involving not only the body, but a variety of identity and status symbols. There

are many agencies and markers of identity; intimately linked to their symbolic and relational functions, they may deal with modes of dress, expression, posture, gesture and phonetics; or they may involve the issuing of diplomas, types of employment, friendships and social milieu, conspicuous consumption, interior design in the office and house, the choice of partner, and many other factors. As early as 1899, Thorstein Veblen, an extraordinary precursor of the times, noted the pervasive growth in Western societies of an ethics of conspicuous waste, as an indicator of the individual's worth. As «symbolic animals» (Ernst Cassirer), human beings seem to overlook nothing in «taking care of themselves», whether in a physical, religious, moral, political, or generically social sense. For example, to nourish or to famish, to modify or to maintain one's self-image in relation to the prevailing esthetic models, is an imperative increasingly felt and shared by the younger middle-class generations (Faccio, 2006). Of course, this may cause serious problems: in which case the choice to go to the gym in order to improve one's physical appearance may turn out to be the least conflict-ridden and the most highly motivating. Those who frequent a gym do so for various reasons; therefore, to suggest that the «extreme body-builder» is a representative prototype of an entire category may lead to erroneous generalizations. Body-builders, like those who practice any other sport, are made up of a heterogeneous population, both on the socio-biographic and motivational level. The needs of such persons – legitimate ones, we might add – may arise from dissatisfaction with their physical appearance, the simple desire to improve appearance, the will to develop physical strength, or the desire to construct a sexually attractive body.

Some gym-users may aspire to well-being, eurythmics or greater physical strength; some may go to the gym in order to conform their body to emerging body paradigms. Given the sharing of values among body-builders, of sense and meanings, of esthetic criteria, goal-oriented behavior rules and knowledge, we may consider them as highly socialized, and not the converse, as certain pathophile experts assert. In doing so they use the psychological term «socialization» improperly, confusing it, perhaps, with «sociality» and «sociability».

Since body-builders do not belong to a single social or somatic category, they could be assigned a generalized psychological prototype only if seen and classified from a distance. Only in this case could their «alien» world be explained by a presumed insidious psycho-pathology.

As clinicians observant of subjective experience, we should also note the sense of physical well-being which body-builders experience when they are training. We often hear: «Whenever I'm in the gym for training, it's harder to start than to stop. At a given point during training I start to feel good». Thus a particular form of bodily self-awareness arises (interpreted, of course, as positive, and therefore sought-after and emphasized). Sports physiologists have described such well-being as the athlete's «high state»; corresponding to «endorphic well-being» activated by the peptides of endogenous opiates, it spreads to the dopaminergic system stimulated. The body-builder is not prisoner to any sort of obsessive-compulsive constriction, but enters into a condition of euphoric calm, of omnipotent serenity, in a neuro-chemical state of grace and analgesia against fatigue. The

more one has trained, the more easily one slips into this state of fulfillment, which reverberates onto one's personal sense of self-efficacy. Thus arises a sort of subjective memory of well-being which increases one's enthusiasm for frequenting the gym. This explanation shall keep us from attributing a person's attachment and constancy of commitment to any obscure neurotic drive of an obsessive sort, or to any masochistic gratification produced by stress and fatigue. One's going to the gym in virtue of intrinsic motivation and physical reward is in contradiction to the rather widely-supposed link between sports practice and obsessive traits; many clinicians make an illusory correlation, assuming the existence of such a link in order to explain behavior.

Moreover, body-builders generally do not tend to perceive themselves as unhappy, depressed, insecure, psychically disturbed or in search of psychological diagnosis and therapy. Instead, they are gratified by what they do, even in terms of their increased self-esteem, sense of self-efficacy, mild euphoria and mental relaxation. One may gain a similar experience by regularly frequenting a swimming-pool or tennis court.

#### 4.8. PATHOLOGY OR FASHION?

If we bear in mind the above observations, it would be strange to think that over half a million individuals are «stricken by» or «affected by» or «at risk of incurring» vigorexia. Are we seeing, here, a new generational pathology? If we could abolish body-building and close gyms, would vigorexia actually disappear? We know that the diffusion of certain practices – and body-building is no exception – may be understandable in light of «fashion», which calls onstage the potent mechanism of imitation, mimesis, identification, conformism. In any case, fashions change rapidly; every season and every generation has its own. At this point, the explanation of body-building as a social phenomenon would call on sociologists and semiologists, alongside mental health experts: but only providing that the concept of «health» is logically pertinent to the concept of «mind». Recently, several researchers have expressed doubt over this point.

The clinical sciences of the mind, as well, are subject to the dictates of fashion; for example, today they tend to define certain issues using words which abolish differences and restore a reassuring vision of similarities. Thus, we discover that St. Catherine of Siena suffered from anorexia («nervous» anorexia), or that Hitler and Padre Pio were both affected by a histrionic disturbance of the personality, or that our neighbor, who has an «immoderate» passion for bicycling and each week commits himself to two hundred kilometers of toil, presents «obsessive traits based on masochism». No one can deny our diagnosis, least of all those directly targeted; and if we need any confirmation, we can get it only from those sharing our special lexicon, our reasoning process, and the underlying system of attributive inferences. Many nosographic schemas have succeeded one another over the last two centuries. This was due simply to the progressive expansion

of classification criteria and vocabulary: the system of thought, as founded and codified during the nineteenth century by Esquirol, Grisinger and Kaepelin, and taken up by later researchers (including Freud), has never fallen into crisis. It is defended by the positivistic naturalistic paradigm, and by a professional identity – and identity of interests – based on that same system of thought. The various treatises on descriptive psycho-pathology clearly exemplify this fact. The obsession of psychiatrists during the late nineteenth century and the first half of the twentieth, as we know, was «sexuality», together with its many deviations, peculiarities and pathologies. Successively, attention or fashion focused on the so-called «infantile psychoses»: their structures, their therapies, their attendant «schizophreno-genetic» mothers, absent fathers, and pathogenic families. Lately, attention has veered toward personality disturbances and borderline conditions; and most recently, it has been difficult for anyone dependent on illegal drugs to escape a double diagnosis, while «bipolar» and dietary disturbance are in fashion among clinicians.

#### 4.9. VIEWED FROM UP CLOSE: THE DIAGNOSED AND THE DIAGNOSTS

Looking to certain culturally widespread esthetic models, some body-builders try to develop an exceptional musculature partly in order to exhibit it in competitions, or use it in other activities, such as professional wrestling (a largely free-style type of combat, often rigged for the sake of show). They may aspire to become actors in action-movies, in mythological or adventure films; to a lesser degree, and less dramatically, they may hope to appear in advertising for fitness products or in women's fashion magazines, or vaguely bisexual ones. The training programs introduced by body-building, initially viewed with suspicion by traditional competitive sports participants, today are part of basic training for many sports disciplines; they are necessary for stamina sports, those combining speed and strength.

In order to achieve striking results, top body-builders must train intensely for many years in a scientifically programmed manner, like many other types of top-level athletes, including marathon runners, cross-country skiers or gymnasts. Until today, no one seriously thought to accuse the ongoing, stoical training of marathon runners, gymnasts or skiers of harboring an obsessive-compulsive disturbance, or any other mental disorder. Other individuals, who show the same commitment and meticulous passion, may train for years to become expert musicians of the voice, violin or double bass. There are many ways to mold oneself, one's aptitudes and potential skills, but in order to achieve certain exceptional goals, intense training is fundamental. For example, mathematicians by the thousands have dedicated themselves during millions of hours of study; shut up in their mental gymnasiums, they attempt to resolve unsolved enigmas; many have spent long years trying to demonstrate the basis for the theorem of Fermat; many have tackled problems arising from the trans-finite numbers of Cantor. Other indi-



viduals, instead, may dedicate themselves body and soul to training their nervous system, in hopes of gaining access to transcendental, ecstatic and contemplative experiences. For those who do not know them, nothing, more than Zen practices, could be diagnosed as the «compulsive exaltation of an obsessive ritual». Sooner or later – and several attempts have been made in this direction – we can expect athletes, artists, contemplatives, mathematicians, engineers and Zen monks to end up diagnosed helter-skelter as suffering from some form of neurosis, their lifestyles considered the result of some psycho-pathological disorder whose cause is yet to be discovered. To define such persons as «ill» because of their passion, meticulousness and disciplined commitment, is not only reductive and presumptuous, but also denigrating and unjustified, on any general assessment level.

Adopting the normative, preoccupied common-sense viewpoint, experts of the psyche often feel authorized to wield their diagnostic categories beyond the pale of their true competencies. We hope that vigorexia does not become a construct created by expert observers, over and above its being a realistic photograph of body-builders' mental condition: women body-builders' in particular. Sometimes, indeed, whoever is unusual, strange, eccentric, different, creative, marginal, excellent or deviant becomes vulnerable to unrequested psycho-pathological judgments and explanations concerning their way of living. The hidden driver of the nosographic/diagnostic approach may be a man-on-the-street socio-cognitive conservativeness which has been delegated to the experts. Through their authority, the criteria and assumptions are established for normatively assessing any condition held to be non-conforming (Faccio, Centomo, & Mininni, 2011; Faccio, 2010).

#### 4.10. FORGETFULNESS AND DISTRACTION

The effort to give meaning and value to oneself and to one's life, in contexts and with intentions different from those of body-building, may become worrying, especially if it involves individual and social costs. Remaining in the field of so-called food disorders, we may point to the example of girls affiliated with «Ana», a sort of widespread telematic sisterhood. This network unites groups of girls, ideologically organized, who pursue and cultivate the esthetic myth of extreme thinness, risking death by cachexia. This challenging of death, this brush with death should worry us much more than the vigorexia attributed to body-builders. Experts would do well to focus on other contexts, where the danger of dying, or of harming the body, is part of a show. In the face of risk or harm which is commonly accepted, the diagnosing psycho-pathologist remains silent: only consider the case of race car drivers or extreme mountain climbing; of boxers, scuba divers, sports parachutists, divers from diving boards ... The atrocious stress of competitive canoeing and bicycling may have consequences noted only by the cardiologist once middle age is reached, just as boxing shows its neurological trauma once it is too late.

In certain university libraries specialized in the clinical sciences of the psyche, you may find shelves full of books and final theses on autism or bulimia, but little or nothing concerning the senso-perceptive and cognitive stress affecting flight control personnel or – even more commonly – truck drivers. Why, then, target body-builders – a minority in the world of athletic practices – rather than the risks and problems arising in globalized competitive sports, whether on a professional or Olympic level? In their observations, experts in the clinical sciences of the psyche should include everything having to do with anabolic steroids, recourse to various forms of doping, psycho-active substances, pathogenic training regimes, the constricted living conditions for communities of young athletes and champions raised and destined for success. Nor should they neglect the socio-psychological effects of the pervasive media-driven urge to embrace sports models and values of an aggressive, competitive nature. Such elements do not seem to arouse any particular diagnostic or nosographic excitement, nor ring any alarm bells. Perhaps such aspects are little studied because it is not «scientifically correct» to worry about things which the psychiatric and psychological reviews intentionally ignore.

#### 4.11. WHY ALL THE ALARM? THE HYPOTHESIS OF COGNITIVE CONFORMISM: WHEN THE PAST RE-EMERGES

How can we justify the worry and alarm expressed by so many clinicians over vigorexia? Perhaps it occurs because body-building disturbs an esthetic order to which the body of men and women are expected to conform? By judging body-builders as «mentally disturbed», we can defend ourselves from their exuberant muscularity which, in turn, reproaches us over the imperfect state of our own body. A muscular «femininity» disturbs a cognitive order in which there is no room – in the male/female polarity – for an androgynous image which might throw into crisis the traditional mythos of femininity. The perception of maleness, and with it, the complementary sense of male identity, may be harshly disturbed and disoriented by a female body which no longer seems to be such. We live in a world of signs, where even the body – the body, above all – has symbolic, semantic value. And from a socio-cognitive viewpoint, we are conservative. We hardly need to recall, here, how the dress, lifestyles, music, gesture and sexuality introduced by the counter-culture of dissent in the 1970s deeply disturbed the cognitive and moral order of people living in that period.

Body-building, with its muscle-strengthening techniques and its new esthetic criteria, passed from being a marginal phenomenon, to participation in transformational identity based on models alternative to the female conformism of show-girls, calendar girls and bodies exhibited on billboards. The new models differentiate themselves from the world of ornamental female TV assistants and dancers. Even the esthetic and behavioral model of the woman as wife and mother, falls into crisis the day after the wedding.

#### 4.12. A CONCEPTUAL HODGE-PODGE

By coining the term «vigorexia», observers invented a conceptual expedient implying «thingness», as if the word existed regardless of who uses it; and as if, by analogy, it implied a physical illness. Here, once again, by way of word use, a linguistic game transforms a normative prejudice – the discourse of an observer – into something actually existing. The strange fact is that body-builders, whether men or women, have not asked experts of the psyche for their attention, nor for their psychological labeling; they have not complained of their condition, nor do they manifest any psychic suffering, although muscular women harshly violate common-sense normative criteria. The term «vigorexia» implies the suspicion that there is something abnormal in the typical behavior of body-builders, even before one can ascertain and demonstrate such a fact; to claim sufficient authority in the matter, a clinician need only refer to another clinician. In order to claim diagnostic legitimacy, one might invoke the authority of «nature», mentioning what deviates from so-called «normalcy». Unfortunately, however, it is not clear at what point the normative value judgment regarding a psychological entity – vigorexia – can be transformed and assimilated into a medico-biological diagnosis. We are dealing here with a conventional construct, an interpretative web, and not a «fact», as occurs with a physical malady, which exists independently of the observer. If a woman's longing to create a muscular body for herself is *caused* by a psychic disorder called «vigorexia», it is not clear how a term used to designate a way of acting and behaving can be considered the *cause* of such behavior.

#### 4.13. MUTANT IDENTITIES

The search for a *different* esthetic and symbolic perfection, subjective and micro-cultural, reminds us that new possible versions of female identity are advancing across the world stage. The elasticity of culturally-influenced epigenesis is so great that our ideas about femininity can hardly accommodate it. We might begin, however, by agreeing that some women – out of choice, imitation, mimesis, imagination or desire – may choose various pathways and new ways of being (Faccio, Cipolletta, Romaioli, & Ruiba, 2011; Cipolletta, Faccio, & Berardini, 2010).

Such activities as hang gliding, mountain climbing, body-building, sailing around the world alone, careers as manager, etc. relate to the new identity needs as the old needs related to beauty contests, frivolous television appearances, fashion shows or classical ballet. It remains to be seen why a woman would abandon the «normality» of high heels for the shoes of a long-distance runner: might we suppose that her psyche, or brain, contains an explanation for behavior so unnatural and out of the ordinary?

#### 4.14. A MATTER OF VIEWPOINT

A body-builder's androgynous body does not exist independently of the socio-cognitive discourse and schemas which lead us to accept it or reject it. If the prevailing criterion is the image of the sexualized female role, we shall probably see something unusual in the body-builder's body, something deviant, rather than an improved eurythmia. The model of a sexually attractive femininity is a social construct, and historically mutable. No evaluation of a woman's physical appearance can be exclusively correct and realistic, since judgments may depend on different criteria. Such criteria are often in conflict, applied to women when their way of being and acting is subject to a double set of rules: that induced by implicit cultural norms accumulated through history, and that dictated or proposed by social expectations. The sexualized feminine role currently accepted as a canon, is incapable of hosting different values as criteria for femininity. That is why even today, we see clear resistance against substituting the image of a woman athlete who lifts weights, for that of a woman conforming to a sexualized female ideal. This remains true even though women athletes often wear sports clothing frankly declarative of their femininity. Only in the last thirty years or so has the woman athlete not been considered strange and suspect; her androgynous form, with its needs and actions of a kind once attributed to men alone, may still disturb the conservative normative eye of psychiatrists and psychologists, in whom whatever is unusual, different, «unnatural», arouses the immediate suspicion of some psychic anomaly. We might say that when we think we can describe someone using a psychological judgment or diagnosis, in reality we are confessing our incapacity to understand the *person*. Attributes selectively dictated by our normative eye come to correspond to as many nouns, traits or predicates of the person judged. All women who distance themselves from the criteria of natural femininity may fall suspect of not being women in the full sense of the word; to raise children is natural, while to raise a weightlifting bar is something only men do. If a woman looks at herself in the mirror at home to see the effect of a slimming diet, or a bathing suit, she is normal; but if she looks in the gym mirror to see the effects of muscle build-up, she is suspected of harboring some mental disorder. The term «vigorexia» transforms a judgment, which is artificial, into a clinical datum. The second passage, as we have seen, is to transform this judgment (or interpretation) of behavior into a psychic trait, thus creating a transitive effect; the term may be extended in a denigrating manner to motivations, personality traits, convictions and actions, so that it expands in semantic valence. Any attribution of meaning remains discourse based on an observer's own value criteria. In the case of vigorexia, and other psychologized constructs as well, this process has little to do with science or medicine. Going to the gym in order to create out-of-the-ordinary musculature according to one's personal esthetic criterion, is one of the personal freedoms. No one should presume to possess pedagogical authority in the matter.

Many studies focusing on athletes have found that self-esteem is closely linked to the sense of «self-efficacy» (in sports persons that may tie in to physi-

cal efficiency, in other individuals to intellectual prowess, professional success, hierarchical or political power, and so on). By extension, we may suppose that even a «top-level» woman body builder, by overcoming the normative bonds of conventional female beauty and choosing others, may use the new criteria in order to build up a sense of physical self-efficacy (and therefore of self-esteem), experiencing it through the acquisition of an emancipating muscular strength and dexterity, and through the approval and appreciation of her peers. The same may occur in other contexts, such as classical ballet, gymnastics or competitive swimming. In body-building, as in others activities, the woman changes her mirror and the rules used in mirroring herself, in order to enhance her particular «androgynous» esthetic. Moreover, women who participate in sports also develop a personal sense of fulfillment, strength and physical autonomy freeing them of the self-image due a muscularly «weaker» body. The woman emerging from strenuous, prolonged gym training consciously pursues a particular esthetic ideal, a eurythmia, the pleasure of building a new «self» whose femininity is, so to speak, reinvented. Month after month, the body-builder experiences not only a change of body, but also a change in the criteria underlying the way she sees and judges herself: criteria confirmed in her proprioceptive sensitivity. To say it in a more difficult but synthetic manner, a strong bond combines semiosis, proprioception and appearance, as if she were choosing to move into a different body, guided by a new esthetic and symbolic sentiment. Her experience is analogous to that of a woman who turns herself over to a plastic surgeon: no one, a priori, would suspect that second woman of dysmorphophobia. The woman body-builder, even more than her male colleague, remodels not only her body, but also her proprioceptive representations, i.e., her sensorial ones; increasingly, she entrusts her sense of identity and belonging to the expressive muscular appearance to which she is committed. We can well understand why the woman body-builder looks to the esthetic values of a traditionally male athletic practice and adopts them as her own: as may occur with the woman enrolling in a military academy, a parachutists' club, a karate course, the micro-cultural systems proper to the discipline demand that she teach her body/mind a new expressive language.

The gymnasium may be compared to a seamstress' shop where a woman can discover a new pattern or model for her identity. That is why the woman body-builder does not perceive her physical «diversity» as being something anomalous and unusual: as long as she remains in her own environment she is immune from the perplexity or judgment of others. If the construction of her physical identity, diverse though it may be, is sustained by self-esteem and a sense of self-efficacy, we may view it as a sort of deformity or malady, but it is very difficult to convince this body-builder to perceive herself as strange or ill.

#### 4.15. ASCETIC PRACTICE OR OBSESSION? WHAT ARE THE ADVANTAGES OF VIGOREXIA?

In order to understand the female world of the body builder, and the male world as well, we must explore them using the anthropologist's methods more than the psycho-diagnostic criteria of the clinical psychologist or psychiatrist. Therefore, we should view them as particular, separate communities, as we would the followers of Zen Buddhism. This will not hamper us from expanding our scope, to take in the psychological dimension and its effects. Given the dedication it requires, body-building, like other extreme activities and like ascetic practices, may also become a refuge, a moment of liberation, a total existential space in which to pursue a creative obsession: the sculpting of oneself; a place allowing small, daily moments of transcendence. For those who succeed, and are endowed with perseverance and motivation, the ultimate goal may also traverse a need for public recognition and competition; it may follow the pathway of multiple competitions, as may occur with musicians, boxers, rock stars, trapeze artists or ski jumpers; and all such activities involve risks. The same could be said, however, of those dedicated to writing novels, who spend ten hours a day confronting the physical risks of «hypokinesia». To those who know them, body-building gyms are places frequented not by vigorexics, but by persons widely assorted as to psychological makeup. For some individuals, body building becomes the constant, absorbing practice of an auto-celebrative rite, an experience in mental well-being, and as such, an effective sort of psychotherapy. For others, it may be an attempt at problem-solving, by which one hopes to escape a sense of inadequacy; an expedient for solving personal problems linked to self-acceptance, the acceptance of one's body and self-image: an attempt to shore up one's self-esteem and ward off a sense of existential impotence, of inadequate social self-efficacy and scarce affective success. Female and male body-building, like any other human activity, may become a *raison d'être*, an aim in itself, a sort of compensating resource making up for disappointment in love and social relations, for a sense of inferiority and existential alienation. The situation may be similar for those dedicated to art, religion, science, philanthropy, numismatics or floriculture. The gymnasium may host and give value to certain existential modes, in a functional manner. The obsessive meticulousness, the perfectionist frenzy to which many architectural works owe their grandiose splendor, or to which a little Zen garden owes its sublime sense of ecstatic order, may also flourish and manifest themselves in the tile arabesques of a mosque, or in the human bodies present in a gym. As an attempt at problem-solving, body-building may offer its most «religious» practitioners a sort of mystic solitude, far from the conflicts and ambiguities of the outside world: a pacified place of existence. Long-distance running, the rhythmic lifting of weights, extreme sports and other activities in which rhythm – the repeated, monotonous act – accompanies prolonged fatigue, create intense pleasure: not only because of the endorphins released by the effort, but also because of the ascetic isolation, convent-like and contemplative which, in certain gymnasiums, annuls the very difference between men and women united in celebrating a rite.

Why, then, should we send them into therapy as affected by vigorexia? Perhaps they are already following a therapeutic pathway, and with success.

This becomes all the more evident if we consider that the result, a strong, muscular body, pertains to an esthetic unencumbered by the sinister shadow of a body esthetic pursued as a commercial value, in utilitarian commodification of one's appearance. James Hillman would say that in certain cases, the implicit, undeclared goal which is religiously pursued in many gyms is a way of «caring for the soul». Such types of care pursue the subjective sense of beauty which, though destined to be defeated, struggles against decay, the ephemeral, and impotence; that is, against the obligation to live in a form which is not one's own. The mutant identity strives toward a life in that space of freedom and invention in which we are denied existence.

#### 4.16. WIDENING THE PERSPECTIVE: THE «IPSE DIXIT» PROBLEM

The term «vigorexia» is ambiguous. It may be either an adjective or a noun. In the latter case, it sounds like a «cause»: i.e., like the attribute of a certain set of behaviors which are considered symptomatic, or else like a characteristic of the psyche/personality which explains the behavior. The term's linguistic function, thus configured, seemingly makes it exist independently of the person coining the term or using it to describe reality. This ambiguity leads us to forget its origins, its underlying clientele and the conceptual matrix from which it stems. It is the effect and the result of a normative judgment: i.e., of an evaluating categorizing procedure within which someone claims the authority to establish what is normal and what is not, in a given way of acting or being. The concept «vigorexia» replicates the same conceptual stratagems present in psycho-diagnostic languages, in which word is identified with thing, forgetting that word springs from a normative judgment differing from medical judgments based on physiology. It is through this stratagem that the attributed mental disorder assumes the conceptual and linguistic connotations of a physical illnesses. When evaluating a given behavior, the diagnostic and nosologic terms used to discuss the psyche end up considering mental illness as a physical illness; that is, something neither deserved nor chosen, but which demands therapy (whether or not the individual requests it). Physical illness allows a certain freedom of choice which is, instead, denied to mental illness. A conceptual construct, «mental illness», is treated as if it were an empirical datum, thanks to the word «illness». Paradoxically, this expedient also denies any subjective psychological valence to human behavior.

It is, indeed, paradoxical that for more than two centuries, the psychological professions seemingly have striven to deprive human action of any subjective, inter-subjective or socio-cultural motivation. Starting with their chosen lexical expedients, such «liberal» professions have committed themselves to transforming any non-conformist type of action into «illness». As a result, an analogy forced beyond any reasonable limit is used in a literal sense, transforming – for

example – any diverse or deviant person into a «patient»; transforming a biographic history into a set of «anamnesic data», and hypothesizing the existence of a causal concatenation between the two (narrative truth as historic truth) which is etio-pathogenic. From being an awkward cognitive expedient (though highly useful in legitimizing the role of the professions involved), the «illness», the «psychic pathology», has become a way of imagining, of thinking and of speaking, both for the experts and for the man on the street. In the case of vigorexia and of other, analogous terms, we need to call on the indisputable opinion of Authority. In the case at hand, Authority is thought to reside in the editorial staff of an English-language psychiatry journal, who implicitly transfer Authority to the authors of an article; who in turn, implicitly transfer Authority to their Italian interpreters. Today, the fact that an article is written in English is supposed to indicate the truthfulness of the article's contents: truth upheld by the Almighty. In order to ward off any objection, as many may recall, Pythagoras himself would often exclaim that a given assumption was not his, but dictated by the gods.

What is worrying here is *ipse dixit*, the assertion «thus it is», authoritarian and «divinely» inspired, where conjunctives and conditionals no longer exist. The delegated Authority asserts and establishes that «that's the way it is». No doubt about it: from the Diana complex to the Adonis complex, or from the asthenic personality disorder to numerous other, similar disorders, one can use the objective datum to pass toward «generalization». Experts in the clinical sciences of the psyche have always insisted on generalizing their nosographic assumptions and their psycho-diagnoses. Nothing seems to have changed since the neo-Lombrosians declared that the burgeoning trade union movements in the late nineteenth century were constituted by «paranoid» subjects, «affected by social reform delirium». In this case, the *ipse dixit* assertion was Lombroso's word. In the 1960s Giovanni Jervis, a critical psychiatrist/analyst who later became famous (though he is forgotten today), generically explained *tarantismo* and the *tarantate* of Salento as products of a «neuroti-form disturbance» (Jervis, 1962). In doing so, he implicitly presumed that he and his professional identity authorized him to make such an *ipse dixit* affirmation, thus liquidating one of the most complex, fascinating phenomena brought to us from the remote past. In the 1970s, authors Disertori and Piazza did not hesitate to diagnose gamblers, idlers, beggars and vagabonds, usurers, prostitutes, sexual perverts, libertines and chronic Don Juans, masturbators and numerous other types whose conduct was morally reproachable, as having «character-pathic, sub-morbid, teratologic personalities» (traits united under the entry «psycho-pathic»; Disertori & Piazza, 1970). A bio-typological parameter seemingly justified this generalization, and the *ipse dixit*, in this case, appeared thus: «That of nosography is a cross that we cannot refuse to bear, if we want to be and remain medical doctors» (Disertori & Piazza, 1970, p. 777). On the same pages the authors also shamelessly declared that it was the need to legitimize their professional qualification that established forms of knowledge, for them.

Something similar occurs among psychologists who always feel bound to seek out in the psyche, in the personality or in the parents, the explanation for



any type of behavior. The same can be said of neuro-what-have-you eager to state that even a soccer game can be explained – as can its rules – according to the metabolic activity seated in the brain and observable with neuro-imaging techniques. Thus, over the last hundred years, psycho-analytic psychiatry has lost no occasion to diagnose the presence of a «madman» behind every artistic creation, speculating, of course, about the artist's childhood and family. Things are the same today. The more knowledge seems to confirm one's professional identity, the more authentic it is considered to be; and such knowledge must be defended, even in its most disputable forms. Thus, in order to continue feeling like medical doctors, psychologists imitatively seize on any nosographic system at hand, and on its relative psycho-diagnostic testing regimes. Such action is of little use in responding to the rueful query, «and now what shall we do»? One generally chooses to respond pharmaceutically, recurring to a symptomatic «therapy» (when the symptom can be clearly defined) and delegating «change» to psychotherapy. Apart from the use of conventional terminologies, many therapy models might well do without the literalism of nosography and psycho-diagnosis. Many psychiatrists and psychologists actually agree to preserve their respective professional identities by legitimizing the international authority of DSM IV. Independently of all advice concerning its proper use, this source continues to be used in order to establish the objective «reality» of its nosographic configurations. The reality of a profession seems proven by the apparent realism of its affirmations.

We expect that in the new editions of the most widespread nosographic compendium, the word «vigorexia» will soon appear. We expect this despite the many voices claiming that we have come to an insuperable paradox, today: the impossibility of diagnosing «normalcy». If we consider the more than four hundred pathologic typologies listed, we see that no type of human behavior remains unencumbered by the suspicion of «illness». Actually, if we were to use the same parameters and cast suspicion over our observed object, we might apply the dominant trait of such nosographic literalism to its authors as well, and to those who employ it. With a trace of irony, we might say that if the nosographic criterion together with its diagnostic method were applied to those who cultivate it and expand it, we might diagnose such individuals as being affected by a pervasive «paranoid obsession with patho-phile connotations».

#### REFERENCES

- Cipolletta, S., Faccio, E., & Berardini, S. (2010). Body piercing: Does it modify self-construction? A research with repertory grids. *Personal Construct Theory and Practice*, 7, 85-95. Retrieved from <http://www.pcpnet.org/journal/pctp10/cipolletta10.pdf>.
- Disertori, B., & Piazza, M. (1970). *Trattato di psichiatria e sociopsichiatria*. Padova: Liviana.
- Esquirol, É. (1845). *Mental maladies; a treatise on insanity*. Philadelphia: Lea and Blanchard. (Original French ed. 1838).

- Faccio, E. (2006). *Anorexia and bulimia. Research and therapies*. Central Milton Keynes, UK: AuthorHouse.
- Faccio, E. (2010). What works with individuals in a clinical setting? *Frontiers in Psychology for Clinical Setting*, 1(2), 1-2. DOI: 10.3389/fpsyg.2011.00002.
- Faccio, E., Centomo, C., & Mininni, G. (2011). «Measure up with measure». Dismorphophobia as a language game. *Integrative Psychological and Behavioral Science*, 45, 304-324. DOI: 10.1007/s12124-011-9179-2.
- Faccio, E., Cipolletta, S., Romaioli, D., & Ruiba, S. (2011). Control in bulimic experience at the beginning and at the end of therapy. *Personal Construct Theory and Practice*, 8, 24-37.
- Fornari, F. (1974). *The psychoanalysis of war*. New York: Garden City - Anchor.
- Jervis, G. (1962). Il tarantismo pugliese. *Il Lavoro Neuropsichiatrico*, 30, 297-360.
- Lombroso, C. (1876). *L'uomo delinquente*. Milano: Hoepli.
- Pope, H. G. Jr., Gruber, A. J., Choi, P. Y., Olivardia, R., & Phillips, K. A. (1997). Muscle dysmorphia: An underrecognized form of body dysmorphic disorder. *Psychosomatics*, 38, 548-557.
- Pope, H. G. Jr., Katz, D. L., & Hudson, J. L. (1993). Anorexia nervosa and «reverse anorexia» among 108 male bodybuilders. *Comprehensive Psychiatry*, 34, 406-409.
- Pope, H. G. Jr., Phillips, K. A., Olivardia, R. (2000). *The Adonis complex: The secret crisis of male body obsession*. New York: Free Press.
- Salvini, A. (1982). *Identità femminile e sport*. Firenze: Nuova Italia.
- Veblen, T. (1899). *The theory of the leisure class*. London: Penguin Classics.

5.

## DREAM ENACTMENT AND VIOLENT BEHAVIOUR DURING REM SLEEP

A new forensic and psychophysiological issue

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Until a few decades ago sleep was considered a «passive» state, namely a physiological condition for resting and recovery from the fatigue accumulated in the previous period of wake, without signs of cognitive activity except the sporadic occurrence of dreaming. Today a wealth of laboratory, neurophysiological and behavioural data indicates that sleep is a considerably «active» state of the brain associated with various cognitive, autonomic, endocrine, and motor fluctuations (Mong *et al.*, 2011).

A complex and continuous cognitive activity has been documented during all stages of sleep in laboratory studies since the discovery of rapid eye movements (REM) sleep (Aserinsky & Kleitman, 1953) and cyclical architecture of sleep (Dement & Kleitman, 1957). In particular, mental activity with more or less dream-like (i.e., vivid, bizarre and dramatic) features is reported after about 50% of awakenings from non-REM (NREM) sleep and about 80% of awakenings from REM sleep (for review, see Nielsen, 2000). Moreover, a period of sleep following training further enhances and stabilizes memory consolidation of new items of declarative and non-declarative knowledge. Conversely, changes in the duration and/or circadian location of sleep (consequent to an experimental manipulation mimicking the everyday condition of shift-workers) impair the consolidation process during sleep and thus reduce memory performance in subsequent waking.

In addition, motor events (such as gross body movements, leg and arm movements and vocalizations) occur during REM and NREM sleep in normal (i.e., healthy) subjects, as documented in laboratory studies (for review, see Montagna, 2003). Some of these events may be complex and potentially aggressive and violent in patients with NREM and REM sleep parasomnia (namely disorders of arousal, and REM sleep behaviour disorder – RBD), and nocturnal epileptic seizures (Plazzi *et al.*, 2005).

Clinical observations and laboratory data (collected using polygraphic techniques) from the 1950s have convergently indicated that aggressive and violent behaviours occur quite frequently during sleep, albeit with different characteristics, in patients with NREM and REM sleep parasomnias. These findings have

raised the problem of the potential coexistence of sleep and violence in a larger proportion of the general population than is usually supposed on the basis of dramatic media reports of (nearly always) somnambulistic homicide or attempted homicide (Broughton *et al.*, 1994; Cartwright, 2004). This issue has several aspects relevant for sleep medicine (diagnosis and therapy of the motor dyscontrol during sleep), forensic medicine (lack of individual responsibility for physical harm to other people during sleep: Filley *et al.*, 2001), and psychophysiology of sleep and dreaming (role of the physical and social environment as a «trigger» for arousal disorders and dream enactment: Siclari *et al.*, 2010).

Here we report some epidemiological data on violent behaviours during sleep, and then focus on a specific type of aggressive-violent behaviour occurring in RBD cases. The sleep medicine interest in RBD consists in evaluating the effectiveness of both behavioural strategies and sleep habits to prevent violent behaviours, and of drug therapy for their treatment and/or inhibition. The forensic interest in RBD consists in identifying sleep-related variations (up to the loss) of individual responsibility for the consequences of violent and potentially dangerous behaviours (the coexistence of sleep and violence being known since the middle ages – for review, see Cartwright, 2004). The psychophysiological interest in RBD, as enacting contents of the concomitant dream experience, consists in the possibility to observe the motor characteristics of behaviours, and hence the reciprocal influence of environmental stimuli and dream experience.

### 5.1. VIOLENT BEHAVIOURS IN NREM SLEEP PARASOMNIAS

The most widely applied definition of «violence» in the context of sleep-related forensic medicine is of an aggressive act inflicting unwarranted physical harm on other people or him/herself (Filley *et al.*, 2001). This act can be considered as not «premeditated», namely purposeful and goal-directed, but rather «impulsive», that is a response to a frustrating or threatening event that induces anger and occurs regardless of any potential goal (Siever, 2008).

It is currently well-documented that several sleep disorders, including parasomnias and nocturnal epileptic seizures (mainly in the context of nocturnal frontal or temporal lobe epilepsy), may have a potential for violent behaviours during sleep (for review, see Schenck *et al.*, 2009), even if the association of violence and sleep is not an essential feature of any sleep disorder. In NREM sleep, violent behaviours have been reported during sleepwalking, sleep terrors and confusional arousals and within the context of frontal lobe and temporal lobe seizures. In REM sleep, violent behaviours have been reported in association with RBD.

The prevalence rate of sleep-related violent (namely, directed to oneself, other individuals or to objects, without awareness of the action and with complete amnesia of the episode upon awakening) behaviours in the general population is not negligible. It has been estimated at about 2% in a large population study carried out using telephone interviews (Ohayon *et al.*, 1997). The prevalence rate

is obviously much higher in samples of patients with sleep disorders who consult sleep clinics: for example, patients responsible for harmful behaviours among those consecutively recruited at a sleep clinic for sleep terrors and sleepwalking (59%; Moldofsky *et al.*, 1995) and those with nocturnal wandering of different etiologies (70%; Guilleminault *et al.*, 1995).

The disorders of arousal, which are common in childhood (20%), but may persist in adulthood (4%), consist of incomplete awakenings from NREM sleep, usually slow wave sleep (SWS) and in the first half of the night. They are characterized by reduced vigilance, impaired cognition, retrograde amnesia for the motor event and various motor activities (from repetitive and purposeless movements to complex behaviours such as eating, driving and aggression: American Academy of Sleep Medicine, 2005). The most frequent disorders are confusional states upon awakening (e.g., sleepwalking and sleep terror, with intense autonomic activation and unresponsiveness to external stimuli) and rarely recur over the same night or arise from daytime naps. When reported, mental activities associated with episodes of sleepwalking or sleep terrors are usually unpleasant, with aggression on behalf of the sleeper (24%), misfortune (54%) and apprehension (84%) (Oudiette *et al.*, 2009b).

The diagnosis of sleepwalking and related disorders is largely based on clinical history, as they rarely occur during standard sleep recordings for diagnostic purposes. Thus, sleep recording data (except the possible occurrence of one or complex behaviours during the night of sleep recording) cannot by themselves constitute definitive evidence for the diagnosis of sleepwalking. This contrasts with forensic practice, where defence experts and attorneys usually seek to find some piece of evidence able to convince the court that the client was likely to have been sleepwalking when the criminal act was committed. It is apparent that more reliable indications could be provided by a multi-night observation of possible nocturnal episodes by means of infrared-videocamera recordings at home, as recently made for the purposes of differential diagnosis (Derry *et al.*, 2009; Nobili, 2009).

Aggressive/violent behaviors accompanying disorders of arousal seem to occur in different ways across confusional arousals (after awakening provoked by someone else), sleepwalking (when the individual is approached by another person or incidentally encounters someone else during the sleepwalking episode) and sleep terrors (a reaction to a dreamed or hallucinated frightening image that the individual can subsequently describe). Physical contact and proximity seem to play an important role as triggering factors of sleep-related violence in confusional arousals (about 100%), sleep terrors (about 80%) and sleepwalking cases (from 40 to 90%) associated with «provocations», including noise, touch and/or close proximity of the victim (for review, see Pressman, 2007).

Functional neuroimaging studies on normal subjects have shown that during NREM sleep the prefrontal cortex is hypoactive compared with the resting wakeful state (Maquet *et al.*, 1996, 1997; Braun *et al.*, 1997; Kaufmann *et al.*, 2006). These findings have suggested that arousal disorders share some characteristics of both sleeping and waking states, as confirmed by observations on patients

with arousal disorders and nocturnal frontal lobe epilepsy (Bassetti *et al.*, 2000; Vetrugno *et al.*, 2005; Terzaghi *et al.*, 2009). However, even if violent behaviours are facilitated by the hypoactivity of prefrontal associative cortices (being functionally related to planning, attention and judgement), their occurrence on a particular night depends on a balance between SWS pressure and arousing factors. Arousing factors are environmental (auditory and tactile) stimuli and perhaps some contents of mental activity itself, which are however rarely reported accurately after awakening (Oudiette *et al.*, 2009b), as patients are often in a confusional state. A dysfunctional coexistence of local cortical arousal and local cortical sleep has been recently documented in a patient with arousal disorder who incidentally underwent an intracerebral stereo-electroencephalographic study (Terzaghi *et al.*, 2012).

It is also noteworthy that episodes of sleepwalking-related violence against other individuals almost never occur more than once (Schenck & Mahowald, 1995). The majority of cases describe close proximity or direct provocation before violent behaviours. The functional deactivation of the frontal lobes during SWS may be similar to changes in frontal lobe size and activity that has been reported in individuals prone to waking violence. It thus seems plausible that incomplete gating of afferent impulses by the thalamus may allow sleepwalking episodes to be triggered and sleepwalking violence to occur. Since there is no evidence of substantial neurophysiological and polysomnographic differences between violent sleepwalkers and other sleepwalkers, it may be supposed that the casual presence of physical contact or proximity with other individuals could be the most frequent (and perhaps important) factor distinguishing violent from nonviolent sleepwalkers.

## 5.2. VIOLENT BEHAVIOURS AND REM SLEEP PARASOMNIAS

Since the first description (Schenck *et al.*, 1986), RBD, which is characterized by a loss of normal muscle atonia and increase in phasic muscle activity during REM sleep, is the REM sleep parasomnia most often associated with enactment (i.e., acting out) of content of the concomitant mental activity. Violent behaviours have been posited to be an enactment of aggressive contents of the concomitant mental activity. This enactment may occur during all periods of REM sleep, but more frequently in those of the second half of the night in all patients except those with narcolepsy. RBD is more prevalent in males after the age of 50 (again except patients with narcolepsy-cataplexy; see below) and in at least 60% of cases represents an early (often the first) manifestation of a synucleinopathy (including Parkinson's disease, multisystem atrophy and dementia with Lewy bodies: for review, see Iranzo *et al.*, 2009) or is associated with brainstem lesions or limbic encephalitis.

Dream enactment also occurs in idiopathic RBD, a chronic progressive disorder toward a neurodegenerative disease (with a conversion rate of 46% within

5 years), with increasing complexity, intensity, and frequency of expressed behaviours. Although irregular jerking of the limbs may occur nightly in RBD patients, the major movement episodes appear intermittently. Vocal behaviours range from short vocalizations to long articulated speech. Most patients complain of sleep injury but rarely of sleep disruption, being awakened by the, often persistent, yelling of the bed-partner rather than by their own violent activity.

The contents of mental activity of patients with idiopathic and secondary RBD are more aggressive than those of normal subjects, regardless of their level of daytime waking aggressiveness (Fantini *et al.*, 2005).

Violence with RBD may result in injury to the patient him/herself (generally occurring when the patient hits the furniture or wall, or falls out of bed) or bed-partner, sometimes with severe injuries (in about 3% of cases: Boeve, 2010; Olson *et al.*, 2000; Schenck *et al.*, 2009). In RBD patients arousal from sleep to alertness and orientation is usually immediate and accompanied by fairly detailed recall of dream content (unlike the confusional arousals observed in the disorders of arousal such as sleepwalking or sleep terrors). After awakening, behaviour and social interactions are appropriate, again contrary to disorders of arousal, or delirious states, and the autonomic activation is always low or absent, contrasting with the frightened awakening from NREM parasomnia. Moreover, the motor activities during REM sleep, although complex and violent, are briefer than those seen in disorders of arousal.

The polygraphic evidence of increased phasic muscle activity and loss of normal muscle atonia (RWA) during REM sleep (the cut-off scores having been provided by Montplaisir *et al.*, 2010, and by Ferri *et al.*, 2008, respectively) is considered the hallmark for diagnosis of RBD (American Academy of Sleep Medicine, 2005). The presence of dream recall is not considered sufficient to reliably differentiate RBD from arousal disorders (Schenck & Mahowald, 2005; Mahowald *et al.*, 2011). Appropriate medication can suppress both the most vigorous sleep behaviours and the abnormal dreaming of RBD patients (Pelayo & Deepti, 2010).

Dream-enacted episodes usually do not play out customary dreams, but rather distinctly altered, stereotypical repetitive, and «action-packed» dreams. A «typical RBD nightmare» experienced by RBD patients consists of an attack by animals or unfamiliar, sometimes bizarre people (Olson, 2000; Boeve *et al.*, 2007; Schenck & Mahowald, 2005). In response to this attack the dreamer would either fight back in self-defence or else attempt to flee. The often contradictory behavioural correlate (e.g., a man fighting to defend his wife from an aggressor whereas is actually striking her in bed) of the dramatic event experienced during an RBD episode is clearly indicative of the functioning of several cognitive processes (multimodal perception and attention, memory and imagery) during REM sleep.

The potentially great interest in RBD for the general understanding of dreaming relies on the «interactive» components (such as physical and verbal contact and environmental stimuli) of several RBD episodes. Indeed, both clinical reports and laboratory observation have suggested that two distinct processes, namely an initial «acting out one's dream» and a subsequent «dreaming around

one's action», may co-exist in an RBD episode (Boeve *et al.*, 2007). This means that convergent indications of how a dream is developed in concomitance with an RBD episode may be gathered from PSG indicators, behavioural (video)recordings, and dream reports (Arnulf, 2010, 2012).

### 5.3. RBD IN PATIENTS WITH NARCOLEPSY-CATAPLEXY

Violence during an RBD episode has usually been interpreted as due to enactment of aggressive contents of dream experience (Schenck *et al.*, 1993). Accordingly, RBD has been considered to reflect an individual «acting out one's dream», namely dream content dictates the vocalizations and motor behaviours that are exhibited. Less attention has been paid to the other possibility (RBD as reflex of individual «dreaming around one's actions»), according to which dream content could evolve secondarily around what is initially exhibited. This means that even in the cases of a seemingly striking discrepancy between the «dreamed» aggressor and victim and the real ones (with the dreamer provoking harm or injury to the bed-partner) the mechanisms involved in «acting out one's dreams» and «dreaming around one's actions» could have worked in concert.

This possibility clearly relies on the sequential, rather than alternative, nature of the two processes described by Boeve and coworkers (2007). In its favour lies the fact that RBD patients often report dreams that seem to «incorporate» specific environmental stimuli. This possibility deserves attention, given the wealth of evidence from normal subjects that current environmental stimuli may be incorporated (namely, reproduced with some transformation) as contents into the concomitant dream experience. Stimulus incorporation has been investigated by delivering one (auditory, olfactory or tactile) stimulus during a given stage of sleep and assessing the outcomes of its on-line processing, usually through the analysis of dream contents reported after an awakening provoked a while after the stimulus delivery (Bastuji *et al.*, 2002; Perrin *et al.*, 2002).

In favour of the sequential nature of the two processes outlined above are several theoretical arguments and some items of indirect evidence collected on patients with narcolepsy-cataplexy (NC). Indeed, RBD episodes in patients with narcolepsy also occur in adolescence and adulthood and with onset after clinical manifestations of the disease (Schenck & Mahowald, 1992; Nishino & Kanbayashi, 2005; Nevsimalova *et al.*, 2007), generally when accompanied by cataplexy (the estimates ranging from 40 to 57%: Mattarozzi *et al.*, 2008). In general terms, REM sleep of NC patients is characterized by a number of dissociated REM-sleep events (cataplexy, sleep paralysis, hypnagogic hallucinations), besides a partly altered architecture of night-time NREM and REM sleep relative to normal subjects (AASM, 2005). The indicators of REM-sleep related phasic – such as the density of rapid eye movements and the number of muscle twitches – and tonic activities – such as the proportion of REM sleep without atonia (RWA) – have higher values in NC patients than in normal subjects (Dauvilliers *et al.*, 2007).



At a theoretical level, REM sleep maintains a high responsiveness to external stimuli of distinct modality (acoustic, tactile, olfactory, visual: Koulack, 1969; Burton *et al.*, 1988; Trotter *et al.*, 1988). The behavioral response to external stimuli is not necessarily an awakening (as disruption of sleep), but may be (a) the encoding of stimuli into working memory, with the possibility to persist for several seconds (as accessible to post-awakening retrieval: Shimizu *et al.*, 1977); (b) the re-activation of related (as previously associated in a more or less recent waking period) items of information stored in long-term memory (Smith, 1995; Hennevin *et al.*, 1995, 2007); (c) the activation of a possible previously conditioned behavioral response (Burton *et al.*, 1988); (d) the incorporation of the stimuli as contents within the frame of the ongoing mental activity during REM sleep (Dement & Wolpert, 1958; Schredl *et al.*, 2009). Interestingly, the processing of external stimuli (which is not limited to REM sleep: Perrin *et al.*, 2002), also has the possibility of multiple (for example behavioural and cognitive) outcomes (Burton *et al.*, 1988).

The phenomenon of stimulus incorporation into dream content makes it plausible that initial motor behaviors enacting concomitant dream content (for example, vocalizations or limb movements) may be perceived, *per se* or in combination with current tactile (e.g., sheets or furniture) or auditory stimuli (e.g., yelling of bed-partner), as dangerous or threatening. As such, they may be processed and converted into contents of a fight or dramatic event, in response to which the aggressive/violent imagery activated may be also enacted as aggressive/violent behaviors.

We recently collected some (albeit indirect) evidence supporting this «interactive» hypothesis. We examined the physiological and behavioural features of RBD in patients with NC for two reasons.

First, several clinical and behavioural features of RBD exhibited by NC patients are compatible with the possibility of a distinct form (associated with hypocretin-1 deficiency: Knudsen *et al.*, 2010) with respect to both the idiopathic form and that accompanying or heralding neurodegenerative diseases (such as Parkinson, multiple system atrophy and Lewy-body dementia). In particular: (a) RBD is not an every-night phenomenon in NC patients unlike other types of patients (e.g., those with multiple system atrophy display RBD nearly every night); (b) RBD onset in NC patients may overlap other typical heralding symptoms of the disease (namely, cataplexy and sleepiness) in young adults and children, contrary to other RBD patients; (c) RBD episodes in NC patients often show less violent motor characteristics (Schenck & Mahowald, 1992; Mayer *et al.*, 1994; Oudiette *et al.*, 2009a).

Second, there is a wide discrepancy between the low proportion of aggressive and potentially harmful behaviours documented in video-PSG laboratory recordings compared with that estimated on the basis of retrospective reports obtained in clinical interviews of NC patients (Scaglione *et al.*, 2005). This discrepancy could be accounted for mainly in terms of the different amount of environmental stimuli (the patient always being alone in the laboratory bed and usually without heavy blankets or covers hampering movements) potentially triggering harmful

behaviors or in terms of different characteristics of the dream experience concomitant to the RBD episode. The latter may depend overall on the time of night of RBD occurrence. Indeed, in normal subjects the contents of REM dreams are usually more emotionally charged, dramatic and violent in the second half of the night (Pivik & Foulkes, 1968; Foulkes & Schmidt, 1983). To decide in favour of either hypothesis, we examined the motor and PSG characteristics of RBD episodes and their temporal location over the night in a sample of NC patients with clinically documented RBD (Cipolli *et al.*, 2011). The rationale of the study was that if the contents of REM-dreams are less violent in the first compared with the second half of the night in NC patients as well as in normal subjects, then the motor features of RBD episodes, as enacting REM-dream contents, should also be less frequently violent-aggressive in the first than in the second half of the night.

The findings obtained (Cipolli *et al.*, 2011) have shown that the occurrence of RBD episodes in NC patients does not depend on the time of night (RBD episodes being distributed equally in periods of REM sleep of the first and second halves of the night), unlike all other RBD patients, in whom RBD episodes occur mainly in REM sleep of the second half of the night (Iranzo *et al.*, 2009). Additionally (and importantly), aggressive-violent behaviours – usually observed in patients with idiopathic or secondary RBD – resulted mostly in RBD episodes of the second half of the night, whereas vocalisations and mimics/pantomimes were comparable in RBD episodes of the two halves of the night. This picture is consistent with time-of-night variation in the features of dream content enacted in RBD episodes. Finally, vocalizations were found to occur nearly always at the beginning of RBD episodes in both halves of the night, in keeping with the possibility that they constitute an environmental stimulus able to alarm the bed-partner and raise his/her attempts to awaken the patient and, thus, involuntarily provide further tactile and/or auditory stimuli to process.

It also seems worth pointing out that the occurrence of an RBD episode per night was less frequent in NC patients (2/3) than in patients with idiopathic or secondary RBD, thus confirming that it is not an every night phenomenon even though the number of REM periods over the night is about twice that of other RBD patients. The lower occurrence of RBD episodes per REM sleep period in NC patients compared with other RBD patients mirrors the difference in the Atonia Index (AI), which is lower in NC patients (80%) than in controls (90-95%), but substantially higher than in idiopathic and secondary RBD cases (less than 60%: Ferri *et al.*, 2008).

Taken together, these findings provide some support for the hypothesis that the presence of aggressive/violent behaviours is not an essential feature of RBD, but depends on a delicate balance between the «intrinsic» characteristics of dream experience (more dramatic and emotionally charged in REM periods of the second half of the night) and the environmental (physical and interpersonal) stimuli. This inference obviously needs to be supported by more direct laboratory evidence, which could be expected primarily from multi-night studies with video-PSG recording and dream reporting after awakening from periods of REM sleep with and without RBD in NC and other RBD patients.

Behavioral evidence may also be found in the cases where the balance between the «intrinsic» characteristics of dream experience and environmental stimuli are abruptly modified, for example by marriage, as happens in NC patients, who may have had RBD episodes since adolescence. A typical example of a potentially dangerous experience of dreaming of a married patient may be that of a grabbing and attacking an individual when in fact his wife is grabbing the patients' arms in an attempt to suppress the fighting behaviour during a dream. This event, which is not rarely reported (for review, see Boeve, 2010) by bed-partners of patients with idiopathic and secondary RBD, is particularly traumatic in newly-married women. Indeed, when RBD suddenly occurs in people who have been married for decades before the onset of symptoms, their partners realize that these often violent behaviours conflict with the waking personality of their spouses and become more worried about the safety of their spouses than the potential danger to themselves. This explains the scarcely reported marital discord and adverse psychological consequences even when RBD results in injury to the bed-partner (Schenck *et al.*, 1993). On the contrary, the young bed-partners of NC patients may be unexpectedly faced with the disruptive behaviour of RBD, and the potential for sleep-related violence. Moreover, the strong negative reaction of young NC patients to a wife's attempt to disrupt sleep when RBD occurs may cause them to feel severely anxious and depressed. Ingravallo and coworkers (2010) described a case of repeated sleep-related violence from RBD in a young NC patient causing injuries to his wife and resulting in a criminal charge of assault, followed by a divorce trial, as the wife was not convinced of the non-intentionality of assaultive behaviours. This case raises the question of the forensic implications of RBD, besides the psychosocial burden of NC in partners and in patients, and, thus, the need to consider the possibility of «parasomnia pseudo-assaults» whenever the violence occurs during the night and the victim requires medical assistance.

#### 5.4. CONCLUSIONS

In 1995 the medical-legal category «parasomnia with continuing danger as a noninsane automatism» was proposed (Schenck & Mahowald, 1995) on the assumption that the risk of recurrent sleep violence is not related to the legal concept of «insanity» (which would require psychiatric confinement), but rather to a «noninsane» condition, that is a physiologic disorder of sleep (which would require intervention by a sleep medicine specialist). The forensic aspects of the parasomnias have received growing attention, particularly in relation to inadvertent (attempted) murder or suicide associated with sleepwalking, a NREM sleep parasomnia. Likewise, RBD should be considered a noninsane automatism, as individuals with RBD are acting within the bounds of the dream, and are unaware of their surroundings – and therefore could not form intentions or appreciate the potentially criminal nature of the acts.

As RBD carries well-documented, potential forensic consequences, it is apparent that future reports of clinical cases need to detail aggressive and violent RBD behaviors, their longitudinal course, extent of severity and resulting injuries (including risk of lethality to self and others), video-PSG findings, comorbidities, and victim vulnerabilities. The extension of the database of potential forensic RBD cases can assist in the advancement of medical and legal education and assistance and in scientifically informed judicial decisions. It is also apparent that the legal implications of sleep disorders (sleep-related behaviors, errors, and accidents can seriously affect individuals and society in terms of harm, cost, and efficiency) imply an ethical obligation on the part of sleep researchers to protect the safety of patients, bed-partners or other people accidentally encountered in sleepwalking episodes.

*Acknowledgments:* This study was supported by two grants awarded to C. Cipolli (Project n. 2010.0132) and G. Tuozzi (Project n. 2005.2445) by the Fondazione Cassa Risparmio of Bologna (Italy). The Authors are indebted to Anne Collins for her linguistic assistance in the preparation of the manuscript.

## REFERENCES

- American Academy of Sleep Medicine (2005). *International classification of sleep disorders: Diagnostic and coding manual* (2nd ed.). Westchester, IL: American Academy of Sleep Medicine.
- Arnulf, I. (2010). La motricité redevient-elle normale en sommeil paradoxal? Le trouble comportemental en sommeil paradoxal. *Revue de Neurologie*, 166, 785-792.
- Arnulf, I. (2012). REM sleep behavior disorder: Motor manifestations and pathophysiology. *Movement Disorders*, 27, 672-689.
- Aserinsky, E., & Kleitman, N. (1953). Regularly occurring periods of eye motility, and concomitant phenomena, during sleep. *Science*, 118, 273-274.
- Bassetti, C., Vella, S., Donati, F., Wielepp, P., & Weder, B. (2000). SPECT during sleepwalking. *Lancet*, 356, 484-485.
- Bastuji, H., Perrin, F., & Garcia-Larrea, L. (2002). Semantic analysis of auditory input during sleep: Studies with event related potentials. *International Journal of Psychophysiology*, 46, 243-255.
- Boeve, B. F. (2010). REM sleep behavior disorder: Updated review of the core features, the REM sleep behavior disorder-neurodegenerative disease association, evolving concepts, controversies, and future directions. *Annals of the New York Academy of Sciences*, 1184, 15-54.
- Boeve, B. F., Silber, M., Saper, C., Ferman, T., Dickson, D., Parisi, J., Benarroch, E., Ahlskog, J., Smith, G., Caselli, R., Tippman-Peikert, M., Olson, E. J., Lin, S., Young, T., Wszolek, Z., Schenck, C. H., Mahowald, M. W., Castillo, P. R., Del Tredici, K., & Braak, H. (2007). Pathophysiology of REM sleep behaviour disorder and relevance to neurodegenerative disease. *Brain*, 130, 2770-2788.

- Braun, A., Balkin, T., Wesensten, N., Carson, R. E., Varga, M., Baldwin, P., Selbie, S., Belenky, G., & Herscovitch, P. (1997). Regional cerebral blood flow throughout the sleepwake cycle: An H2150 study. *Brain*, *120*, 1173-1197.
- Broughton, R., Billings, R., Cartwright, R., Doucette, D., Edmeads, J., Edwardh, M., Ervin, F., Orchard, B., Hill, R., & Turrell, G. (1994). Homicidal somnambulism: A case report. *Sleep*, *17*, 253-264.
- Burton, S. A., Harsh, J. R., & Badia, P. (1988). Cognitive activity in sleep and responsiveness to external stimuli. *Sleep*, *11*, 61-68.
- Cartwright, R. (2004). Sleepwalking violence: A sleep disorder, a legal dilemma, and a psychological challenge. *American Journal of Psychiatry*, *161*, 1149-1158.
- Cipolli, C., Franceschini, C., Mattarozzi, K., Mazzetti, M., & Plazzi, G. (2011). Overnight distribution and motor characteristics of REM sleep behaviour disorder episodes in patients with narcolepsy-cataplexy. *Sleep Medicine*, *12*, 635-640.
- Dauvilliers, Y., Rompré, S., Gagnon, J. F., Vendette, M., Petit, D., & Montplaisir, J. (2007). REM sleep characteristics in narcolepsy and REM sleep behavior disorder. *Sleep*, *30*, 844-849.
- Dement, W., & Kleitman, N. (1957). Cyclic variations in EEG during sleep and their relation to eye movements, body motility, and dreaming. *Electroencephalography and Clinical Neurophysiology*, *9*, 673-690.
- Dement, W., & Wolpert, E. A. (1958). The relation of eye movements, body motility, and external stimuli to dream content. *Journal of Experimental Psychology*, *55*, 543-553.
- Derry, C. P., Harvey, A. S., Walker, M. C., Duncan, J. S., & Berkovic, S. F. (2009). NREM arousal parasomnias and their distinction from nocturnal frontal lobe epilepsy: A video EEG analysis. *Sleep*, *32*, 1637-1644.
- Fantini, M. L., Corona, A., Clerici, S., & Ferini-Strambi, L. (2005). Increased aggressive dream content without increased daytime aggressiveness in REM sleep behavior disorder. *Neurology*, *65*, 1010-1015.
- Ferri, R., Franceschini, C., Zucconi, M., Vandi, S., Poli, F., Bruni, O., Cipolli, C., Montagna, P., & Plazzi, G. (2008). Searching for a marker of REM sleep behavior disorder: Submentalis muscle EMG amplitude analysis during sleep in patients with narcolepsy/cataplexy. *Sleep*, *31*, 1409-1417.
- Filley, C. M., Price, B. H., Nell, V., Antoinette, T., Morgan, A. S., Bresnahan, J. F., Pincus, J. H., Gelbort, M. M., Weissberg, M., & Kelly, J. P. (2001). Toward an understanding of violence: Neurobehavioral aspects of unwarranted physical aggression. Aspen Neurobehavioral Conference consensus statement. *Neuropsychiatry, Neuropsychology, and Behavioral Neurology*, *14*, 1-14.
- Foulkes, D., & Schmidt, M. (1983). Temporal sequence and unit composition in dream reports from different stages of sleep. *Sleep*, *6*, 265-280.
- Hennevin, E., Hars, B., Maho, C., & Bloch, V. (1995). Processing of learned information in paradoxical sleep: Relevance for memory. *Behavioral Brain Research*, *69*, 125-135.
- Hennevin, E., Huetz, C., & Edeline, J. M. (2007). Neural representations during sleep: From sensory processing to memory traces. *Neurobiology of Learning and Memory*, *87*, 416-440.
- Guilleminault, C., Moscovitch, A., & Leger, D. (1995). Forensic sleep medicine: Nocturnal wandering and violence. *Sleep*, *18*, 740-748.

- Ingravallo, F., Schenck, C. H., & Plazzi, G. (2010). Injurious REM sleep behaviour disorder in narcolepsy with cataplexy contributing to criminal proceedings and divorce. *Sleep Medicine*, 11, 950-952.
- Iranzo, A., Santamaria, J., & Tolosa, E. (2009). The clinical and pathophysiological relevance of REM sleep behavior disorder in neurodegenerative diseases. *Sleep Medicine Reviews*, 13, 385-401.
- Kaufmann, C., Wehrle, R., Wetter, T. C., Holsboer, F., Auer, D. P., Pollmächer, T., & Czisch, M. (2006). Brain activation and hypothalamic functional connectivity during human non-rapid eye movement sleep: An EEG/fMRI study. *Brain*, 129, 655-667.
- Knudsen, S., Gammeltoft, S., & Jennum, P. J. (2010). Rapid eye movement sleep behaviour disorder in patients with narcolepsy is associated with hypocretin-1 deficiency. *Brain*, 133, 568-579.
- Koulack, D. (1969). Effects of somatosensory stimulation on dream content. *Archives of General Psychiatry*, 20, 718-725.
- Mahowald, M. W., & Schenck, C. H. (2005). Non-rapid eye movement sleep parasomnias. *Neurologic Clinics*, 23, 1077-1086.
- Mahowald, M. W., Schenck, C. H., & Cramer Bornemann, M. A. (2011). Violent parasomnias: Forensic implications. *Handbook of Clinical Neurology*, 99, 1149-1159.
- Maquet, P., Degueldre, C., Delfiore, G., Aerts, J., Péters, J. M., Luxen, A., & Franck, G. (1997). Functional neuroanatomy of human slow wave sleep. *Journal of Neuroscience*, 17, 2807-2812.
- Maquet, P., Péters, J., Aerts, J., Delfiore, G., Degueldre, C., Luxen, A., & Franck, G. (1996). Functional neuroanatomy of human rapid-eye-movement sleep and dreaming. *Nature*, 383, 163-166.
- Mattarozzi, K., Bellucci, C., Campi, C., Cipolli, C., Ferri, R., Franceschini, C., Mazzetti, M., Russo, P. M., Vandi, S., Vignatelli, L., & Plazzi, G. (2008). Clinical, behavioural and polysomnographic correlates of cataplexy in patients with narcolepsy/cataplexy. *Sleep Medicine*, 9, 425-433.
- Mayer, G., & Meier-Ewert, K. (1993). Motor dyscontrol in sleep of narcoleptic patients (a lifelong development?). *Journal of Sleep Research*, 2, 143-148.
- Moldofsky, H., Gilbert, R., Lue, F. A., & MacLean, A. W. (1995). Sleep-related violence. *Sleep*, 18, 731-739.
- Mong, J. A., Baker, F. C., Mahoney, M. M., Paul, K. N., Schwartz, M. D., Semba, K., & Silver, R. (2011). Sleep, rhythms, and the endocrine brain: Influence of sex and gonadal hormones. *Journal of Neuroscience*, 31, 16107-16116.
- Montagna, P. (2003). Physiologic body jerks and movements at sleep onset and during sleep. In: S. Chokroverty, W. A. Heining, & A. S. Walters (Eds.), *Sleep and movement disorders* (pp. 247-259). Philadelphia, PE: Butterworth-Heinemann, Elsevier Sciences.
- Montplaisir, J., Gagnon, J. F., Fantini, M. L., Postuma, R. B., Dauvilliers, Y., Desautels, A., Rompré, S., & Paquet, J. (2010). Polysomnographic diagnosis of idiopathic REM sleep behavior disorder. *Movement Disorders*, 25, 2044-2051.
- Nevsimalova, S., Prihodova, I., Kemlink, D., Lin, L., & Mignot, E. (2007). REM behavior disorder (RBD) can be one of the first symptoms of childhood narcolepsy. *Sleep Medicine*, 8, 784-786.

- Nielsen, T. A. (2000). A review of mentation in REM and NREM sleep: «Covert» REM sleep as a possible reconciliation of two opposing models. *Behavioral and Brain Sciences*, 23, 851-866.
- Nishino, S., & Kanbayashi, T. (2005). Symptomatic narcolepsy, cataplexy and hypersomnia, and their implications in the hypothalamic hypocretin/orexin system. *Sleep Medicine Reviews*, 9, 269-310.
- Nobili, L. (2009). Can homemade video recording become more than a screening tool? *Sleep*, 32, 1544-1545.
- Ohayon, M. M., Cautlet, M., & Priest, R. G. (1997). Violent behavior during sleep. *Journal of Clinical Psychiatry*, 58, 369-376.
- Olson, E. J., Boeve, B. F., & Silber, M. H. (2000). Rapid eye movement sleep behaviour disorder: Demographic, clinical and laboratory findings in 93 cases. *Brain*, 123, 331-339.
- Oudiette, D., De Cock, V. C., Lavault, S., Leu, S., Vidailhet, M., & Arnulf, I. (2009a). Nonviolent elaborate behaviors may also occur in REM sleep behavior disorder. *Neurology*, 72, 551-557.
- Oudiette, D., Leu, S., Pottier, M., Buzare, M. A., Brion, A., & Arnulf, I. (2009b). Dreamlike mentations during sleepwalking and sleep terrors in adults. *Sleep*, 32, 1621-1627.
- Pelayo, R., & Deepti, S. (2010). Pharmacotherapy and parasomnias. In M. J. Thorpy & G. Plazzi (Eds.). *The parasomnias and other sleep-related movement disorders* (pp. 301-311). Cambridge, UK: Cambridge University Press.
- Perrin, F., Bastuji, H., & Garcia-Larrea, L. (2002). Detection of verbal discordances during sleep. *Neuroreport*, 13, 1345-1349.
- Pivik, T., & Foulkes, D. (1968). NREM mentation: Relation to personality, orientation time, and time of night. *Journal of Consulting Clinical Psychology*, 32, 144-151.
- Plazzi, G., Vetrugno, R., Provini, F., & Montagna, P. (2005). Sleepwalking and other ambulatory behaviours during sleep. *Neurological Sciences*, 26, Suppl. 3, 193-198.
- Pressman, M. R. (2007). Disorders of arousal from sleep and violent behavior: The role of physical contact and proximity. *Sleep*, 30, 1039-1047.
- Scaglione, C., Vignatelli, L., Plazzi, G., Marchese, R., Negrotti, A., Rizzo, G., Lopane, G., Bassein, L., Maestri, M., Bernardini, S., Martinelli, P., Abbruzzese, G., Calzetti, S., Bonuccelli, U., Provini, F., Coccagna, G., & Bologna, Genova, Parma and Pisa Universities Group for the study of REM sleep behavior disorder in Parkinson's disease (2005). REM sleep behaviour disorder in Parkinson's disease: A questionnaire-based study. *Neurological Sciences*, 25, 316-321.
- Schenck, C. H., Bundlie, S. R., Ettinger, M. G., & Mahowald, M. W. (1986). Chronic behavioral disorders of human REM sleep: A new category of parasomnia. *Sleep*, 9, 293-308.
- Schenck, C. H., Hurwitz, T. D., & Mahowald, M. W. (1993). REM sleep behavior disorder: A report on a series of 96 consecutive cases and a review of the literature. *Journal of Sleep Research*, 2, 224-231.
- Schenck, C. H., Lee, S. A., Bornemann, M. A., & Mahowald, M. W. (2009). Potentially lethal behaviors associated with rapid eye movement sleep behavior disorder: Review of the literature and forensic implications. *Journal of Forensic Sciences*, 54, 1475-1484.

- Schenck, C. H., & Mahowald, M. W. (1992). Motor dyscontrol in narcolepsy: Rapid-eye-movement (REM) sleep without atonia and REM sleep behavior disorder. *Annals of Neurology*, 32, 3-10.
- Schenck, C. H., & Mahowald, M. W. (1995). A polysomnographically documented case of adult somnambulism with long-distance automobile driving with frequent nocturnal violence: Parasomnia with continuing danger as a noninsane automatism. *Sleep*, 18, 765-772.
- Schenck, C. H., & Mahowald, M. W. (2005). Rapid eye movement sleep parasomnias. *Neurologic Clinics*, 23, 1107-1126.
- Schredl, M., Atanasova, D., Hörmann, K., Maurer, J. T., Hummel, T., & Stuck, B. A. (2009). Information processing during sleep: The effect of olfactory stimuli on dream content and dream emotions. *Journal of Sleep Research*, 18, 285-290.
- Shimizu, A., Takehashi, H., Sumitsuji, N., Tanaka, M., Yoshida, I., & Kaneko, Z. (1977). Memory retention of stimulations during REM and NREM stages of sleep. *Electroencephalography and Clinical Neurophysiology*, 43, 658-665.
- Siclari, F., Khatami, R., Urbaniok, F., Nobili, L., Mahowald, M. W., Schenck, C. H., Cramer Bornemann, M. A., & Bassetti, C. L. (2010). Violence in sleep. *Brain*, 133, 3494-3509.
- Siever, L. J. (2008). Neurobiology of aggression and violence. *American Journal of Psychiatry*, 165, 429-442.
- Smith, C. (1995). Sleep states and memory processes. *Behavioral Brain Research*, 69, 137-145.
- Terzaghi, M., Sartori, I., Tassi, L., Didato, G., Rustioni, V., Lorusso, G., Manni, R., & Nobili, L. (2009). Evidence of dissociated arousal states during NREM parasomnia from an intracerebral neurophysiological study. *Sleep*, 32, 409-412.
- Terzaghi, M., Sartori, I., Tassi, L., Rustioni, V., Proserpio, P., Lorusso, G., Manni, R., & Nobili, L. (2012). Dissociated local arousal states underlying essential clinical features of non-rapid eye movement arousal parasomnia: An intracerebral stereo-electroencephalographic study. *Journal of Sleep Research*, Feb. 14 Epub ahead of print. DOI: 10.1111/j.1365-2869.2012.01003.x.
- Trotter, K., Dallas, K., & Verdone, P. (1988). Olfactory stimuli and their effects on REM dreams. *Psychiatry Journal of University of Ottawa*, 13, 94-96.
- Vetrugno, R., Mascaldi, M., Vella, A., Della Nave, R., Provini, F., Plazzi, G., Volterrani, D., Bertelli, P., Vattimo, A., Lugaresi, E., & Montagna, P. (2005). Paroxysmal arousal in epilepsy associated with cingulate hyperperfusion. *Neurology*, 64, 356-358.



6.

## LIE, LIE DETECTION AND THE BRAIN

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One of the most common human behaviors is deception. Despite the wide use of deception in everyday life there seems not to be a uniquely recognized and accepted definition of deception. This problem is increased by the necessity of defining different types of lies (from an easy yes/no answer to a complicated constructed lie; e.g. Ganis, Kosslyn, Stose, Thompson, & Yurgelun-Todd, 2003).

St. Augustine defined deception as an «intentional negation of a subjective truth» (Augustine, 1949). Mitchell defined deception as «any phenomenon which fulfill these three criteria: i) an organism R register (or believes) something Y from some organism S, where S can be described as benefiting when (or desiring that) iia) R acts appropriately toward Y, because iib) Y means X; and iii) and it is untrue that X is the case» (Mitchell, 1986). Mitchell distinguishes between 4 levels of deception (Mitchell, 1986):

1. at the first level the organism «acts» deceiving because he/she cannot do otherwise;
2. at the second level the organism deceive «doing p given that q»;
3. at the third level deception is the result of an open program and this program can be modified by the result of the action of the organism;
4. at the fourth level there is an open program that is able to programming and reprogramming itself based upon the past and present actions.

From Byrne's (1996) point of view: «intelligence is an adaptation to deal with the complexity of living in semi-permanent groups of con-specifics, a situation that involves a complex tricky balance of competition and cooperation». Social interactions involve an element of deception, thus the possibility of deceptive, well-calculated communications and the necessity of detecting such machinations and manipulations provided a major impetus for the evolution of primate and human intelligence (Byrne, 1996). Byrne and Corp (2004) also showed that the use of deception within the primates is well predicted by the neocortical volume. This social function of intellect may be considered a primary context for his ontogenesis as well (LaFreniere, 1988).

Johnson and colleagues (Johnson, Barnhardt, & Zhu, 2003) highlighted the common substrate to all definitions: «regardless of the nature and extent of the cognitive/emotional processes that precede and accompany a decision to deceive, all deceptions require the execution of a response that is incompatible with the truth» (p. 219). This definition highlights the core problem related to deception: the «incompatibility» with the truth.

Given the wide use of deception in everyday life and the importance of deception from the ontogenetic and the phylogenetic point of view, deception detection is drawing the attention of the scientific community. Here it is important to underline that, until now, no lie detector has been shown to be 100% effective. Follows a brief description of the techniques used to spot lies and liars.

## 6.1. LIE DETECTION METHODOLOGIES:

### BELIEFS ABOUT VERBAL AND NON VERBAL CUES TO DECEPTION

Commonly, we think it is possible to easily identify deception, we think that liars usually exhibit some signal that they are lying: they avert their gaze, move their hands and fingers, show nervousness, verbal and vocal uncertainty.

According to Zuccherman, De Paulo and Rosenthal (1981), three factors could influence the presence of cues to deception: (i) emotional reactions, due to experiencing negative emotions or excitement; (ii) cognitive effort, due to the cognitive demand of formulating a lie, suppressing the truth and remembering earlier statements; (iii) and the attempt of monitoring the interviewer's behavior. It seems that those behaviors that are the most difficult to control allow the identification of the lie (Ekman & Friesen, 1974). However, the previously described factors may lead to opposite behaviors. Arousal typically leads to an increase in eye blinks, whereas cognitive load to a decrease in it. The emotional and cognitive effort results in an increase in speech hesitations, errors and nervousness, but the attempt to control one's behavior and speech disturbances should make one sound flat.

Fabricating a convincing lie may be difficult and, as a result, verbal cues may occur. Some researchers have examined the extent to which truth tellers and liars can be correctly classified on the basis of individual verbal cues, resulting in successful classifications in 67 to 80% of the cases (Vrij, 2010). For example, consistently with the *motivational impairment effect*<sup>1</sup>, in their study De Paulo and Kirkendol (1989) found that highly motivated liars give shorter answers than highly motivated truth tellers, whereas no difference emerged for not-motivated participants. Also, liars who had some time to prepare themselves tended to talk less than truth tellers who had some preparation time, whereas no difference was found with a short preparation time. In addition, people can not control their

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<sup>1</sup> The *motivational impairment effect* (De Paulo & Kirkendol, 1989): the more liars are motivated in avoiding getting caught, the more likely is the presence of cue to lies.

speech if they don't notice changes in it. They can be aware of what they are conveying, but less aware of their exact wording.

The idea that liars show nonverbal cues associated with nervousness is prominent in the popular media and, strikingly, in police manuals (Vrij & Granhag, 2007) but in deception literature it is not possible to find a single behavior emerging as a diagnostic cue to deceit.

Unfortunately, once incorrect beliefs have been established they are difficult to reject. People perceive supporting evidence that in fact doesn't exist (Levine, Asada, & Park, 2006), tend to seek information that confirms their beliefs (the *confirmation bias*, Darley & Gross, 1983), and disregard examples that disconfirm them (the *belief perseverance*, Anderson, Lepper, & Ross, 1980).

The best way to counteract these beliefs is becoming more comfortable with uncertainty. Knowing that lies commonly occur in so many contexts, we should employ a *falsehood bias* (Feldman, 2010): maintaining the awareness that everything we are told could be a lie and searching for factual evidence if we care enough about a piece of information.

Analyzing tens of thousands individual performances, Charles Bond and Bella De Paulo (Bond & De Paulo, 2006) found that people can differentiate truth from lies only 47% of the time. Moreover, many studies investigated the idea that it is easier to do so with friends, family and romantic partners than with strangers. In most of the studies, indeed, accuracy rates between 49 and 59% were obtained (Vrij, 2010). But how reliable are professional lie catchers? Their performances with strangers resulted in an average total accuracy rate of 55,91% (Vrij, 2010), only slightly better than non-professionals.

Lie detection without using specialized «techniques» doesn't seem, therefore, to be reliable.

## 6.2. LIE DETECTION «TECHNIQUES»

Veracity assessment techniques used by professional lie catchers and scientists can be classified into three major categories: (i) techniques that examines behavioral cues to deception, (ii) techniques that are used to analyze speech content, and (iii) techniques that examine people's physiological responses or brain activity.

### 6.2.1. *The Behavior Analysis Interview*

Behavior Analysis Interview (BAI) (Inbau, Reid, Buckley, & Jayne, 2004) is believed to be one of the two most commonly taught questioning methods in the United States (Colwell, Miller, Lyons, & Miller, 2006) and can be useful for screening purposes in order to establish when it is worth further interrogating a suspect. This interview includes the presence of open-ended questions asking the description of the suspects' activities during a specific period of time and a series

of standardized questions. Truth tellers and liars are thought to respond differently to questions. Crossing legs, shifting about in the chair or performing anxiety-reducing behaviors are examples of non-verbal responses that guilty subjects resulted more likely to exhibit. Regarding verbal responses, suspects are thought to be more evasive about their activities, less immediate in their denial of having committed a crime and so on. A field study was conducted by Horvath *et al.* (1994) to empirically test the BAI protocol, resulting in evaluators achieving a total accuracy rate of 86%. Despite this impressive rate, the study has two important limits: a very small sample of highly trained and experienced administrators and evaluators and a poor definition of ground truth. Indeed, criteria to establish ground truth were confessions and a «systematic factual analysis» in which evaluators looked at factors such as biographical information, opportunity/access and motivation.

Nevertheless, the available laboratory and field studies where the ground truth was clearly established reveal that truth tellers display more signs of discomfort and appear less helpful than liars, as a result investigators may base their impressions on the outcome of the BAI interview submitting an innocent suspect to a persuasive interrogation and leading them to false confessions (Vrij, 2010).

#### 6.2.2. *Statement Validity Assessment*

Statement Validity Assessment (SVA) has been designed to determine the credibility of child witnesses' testimonies in trials for sexual offences and is accepted as evidence in criminal courts in several West European countries and in some North American courts (Vrij, 2010). The four stages of this tool are: a case-file analysis, a semi-structured interview, the Criteria-Based Content Analysis (CBCA) and the Validity Checklist, and an evaluation of the CBCA outcome.

The CBCA, a list of 19 criteria, is the core phase of the SVA. It is based on the hypothesis that a statement based from memory of an actual experience differs in content and quality from a statement based on invention or fantasy (Steller, 1989). Each of the 19 criteria is thought to be more likely to occur in truthful than in deceptive statements. In an attempt to validate CBCA, two types of studies have been conducted: field studies, in which statements made by interviewees in actual cases of alleged sexual abuse were examined; and laboratory studies, in which statements of participants who lied or told the truth were assessed.

The accuracy of CBCA in real-life investigations is unknown since the ground truth has not been established in many field studies, while the known error rate in the laboratory studies reached 30%. Such outcomes do not meet the *Daubert*<sup>2</sup> guidelines for admitting expert scientific evidence in criminal courts.

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<sup>2</sup> Daubert criteria for establishing the validity of a scientific methodology: (1) empirical testing (the theory or technique must be falsifiable, refutable, and testable); (2) subjected to peer review and publication; (3) known or potential error rate; (4) the existence and maintenance of standards and controls concerning its operation. Degree to which the theory and technique is generally accepted by a relevant scientific community.

The Validity Checklist research has concentrated on the impact of three issues on CBCA scores, demonstrating that total CBCA scores are age dependent, related to the interviewer's style and subject to countermeasures (coaching of the interviewee). In addition, research into the use of Validity Checklist in real-life cases are rare.

Because truths and lies can be detected above the level of chance with CBCA in a variety of setting, professional lie catchers could use SVA assessment in their investigations, if adequately trained. Despite this, allowing SVA as evidence in criminal courts, requires that problems and limitations associated with the assessment must be presented (Vrij, 2010).

### 6.2.3. *Reality Monitoring*

Reality Monitoring (RM) investigates the difference between memory characteristics of actually experienced events and imagined events, basing on the assumption that they differ in quality. Memories of real experiences are obtained through perceptual processes, thus are likely to contain sensory, contextual and affective information, whilst memories about imagined events are likely to contain cognitive operations (Johnson & Raye, 1981). To test people's memory for events, Johnson and colleagues developed a 39-item Memory Characteristics Questionnaire (MCQ).

From 1990 scientists have examined whether RM analyses could be used as a lie detection tool. A review of the literature revealed an average total accuracy rate of 68,80% (Vrij, 2010), demonstrating that RM can detect truths and lies above chance level. Moreover, it can be used in combination with CBCA. Research also showed restrictions and limitations in the use of RM as a lie detection tool. The restrictions are that it cannot be used with young children and probably cannot be employed when people talk about events that happened a long time ago, because differences between experienced and imagined events decrease as a function of time (Johnson, 1988). One limitation is that the RM criteria are poorly defined in deception research. Memory Characteristics Questionnaire may have potential to distinguish truth from false memories, but more research into this issue is needed.

### 6.2.4. *Scientific Content Analysis*

Scientific Content Analysis (SCAN) is being used worldwide by federal, law enforcement and military agencies, but, to date, little research has been carried out with it.

The underlying assumption is that a statement derived from memory of an actual event differs in content and quality from a statement based on imagined events (Smith, 2001). Written statements are used for SCAN analyses. Examinees are requested to write down their activities during a certain period of time in

enough detail either during the interview (Adams, 1996), or prior to the interview by filling out a questionnaire (Sapir, 1987, 2000). The investigator is not present when the examinee fills out his questionnaire and could then decide whether he is likely to be lying or could further discuss in a subsequent interview with him the elements that raised suspicion.

Only a few studies examining the SCAN technique have been published. Two of them found that many truth tellers and liars could be correctly classified with the method, but in both the ground truth could not be established. Other studies, mainly CBCA researches, revealed that some SCAN criteria did not differentiate between truth tellers and liars in the way predicted by SCAN (Vrij, 2010). As a result, SCAN can be seen as an interview guidance tool bringing structure to the interview, but there is no guarantee that its outcomes are a safeguard for innocent suspects, and research needs to demonstrate that there is overlap in different investigators' use of the method.

#### 6.2.5. *The polygraph*

The polygraph is a scientific measuring device that can display, via ink pens on to charts or via computer's visual display unit, a direct and valid representation of various types of bodily activity (Bull, 1988). It records changes in electrodermal activity (EDA), blood pressure and respiration, etc.

Polygraph examiners use different questionnaires; they assume that truth tellers and liars respond differently to different types of questions. One of the psychological premises is that the heightened physiological responses displayed by examinees during «key-target» questions are the result of increased concern and anxiety.

The three concern-based polygraph tests that are currently used are: the Relevant-Irrelevant Test (RIT), the Control Question Test (CQT) and the Directed Lie Test (DLT).

The rationale behind the RIT is that the observed physiological responses are caused by anxiety (Raskin & Honts, 2002). Therefore, larger responses to the crime-relevant questions than to the crime-irrelevant questions are interpreted as signs of lying to the crime-relevant questions. The problem with this type of test is that the crime-irrelevant questions do not provide an adequate control for the emotional impact the crime-relevant questions can have on examinees (Iacono, 2000). There is agreement amongst proponents and critics of concern-based polygraph that the RIT should not be used (Honts, 1991; Lykken, 1998; Raskin & Honts, 2002).

In the Control Question Test an attempt is made to control for intrapersonal differences by introducing comparison questions (e.g. probable lie questions: Did you ever lie to your parents?) that are an adequate control for the emotional impact the crime-relevant questions may have on examinees.

The use of the CQT is controversial. There are five main points of criticism: the weak theoretical foundation; the lack of incorporation of psychological know-

ledge in the protocol; the lack of standardization in either conducting the test and scoring the charts; the vulnerability and illegality of using deceptive procedures and vulnerability to countermeasures (Vrij, 2010).

The DLT has been an attempt to standardize the CQT: probable lie questions were substituted by directed-lie questions that are standardized and can be asked in all situations. Guilty suspects are thought to be mostly concerned with the relevant questions, while innocent suspects are thought to be most concerned with the directed lie questions. However, this procedure does not address any of the other criticisms related to the CQT.

#### 6.2.6. *Voice Stress Analysis*

The basic assumption of Voice Stress Analysis (VSA) is that liars experience more psychological stress than truth tellers. This would result in minor changes in the blood circulation, which subsequently influences various characteristics of the voice (Gamer, Rill, Vossel, & Godert, 2006). Therefore, Voice Stress Analysers use the microphones attached to computers to detect and display voice indices.

This tool has severe limitations: it may detect truths and lies inaccurately, there is no attempt to control for intrapersonal and interpersonal differences, and a CQT cannot be administered if VSA has to be carried out covertly.

#### 6.2.7. *Thermal imaging*

Thermal imaging detects changes in temperature patterns (and thus blood flow) around the eyes via special cameras. The assumption behind this technique is that liars will show instantaneous warming around the eyes as part of a fight-or-flight response. One thermal imaging lie detection study in particular has attracted media attention (Pavlidis, Eberhardt, & Levine, 2002), because, according to its claims, thermal imaging seemed to have potential application in remote and rapid screening, such as airport screening. Unfortunately, not all potential terrorists would fail and all honest passengers would pass the test. No attempts were made to control for interpersonal and intrapersonal differences and the National Research Council (2003, p. 157) concluded against the use of facial thermography for lie detection.

#### 6.2.8. *The orienting reflex approach*

The orienting reflex occurs when someone is confronted with a personally significant stimulus that attracts his/her attention. The Guilty Knowledge Test (GKT, also known as the Concealed Information Test) is a polygraph test based on the orienting response. In a typical GKT examination, examinees while undergoing the polygraph testing are shown a series of stimuli, including a salient one, related

to the crime. For each presentation the examinee is asked whether he or she recognizes a stimulus and is instructed to always answer «No». When the stimulus related to crime is shown the subject can easily recognize it. Thus, producing an orienting reflex (e.g. higher heart rate).

This tool has some criticism: lack of applicability, theoretical concerns, difficulty in formulating proper questions, leakage of GKT items and vulnerability to countermeasures. The known error rate in laboratory and field studies is acceptable for innocent examinees (respectively, less than 6% and between 2 to 6%), but high for guilty examinees (12 to 24% and 24 to 58%) (Vrij, 2010).

These error rates do not meet the *Daubert* guidelines for admitting expert scientific evidence in criminal courts.

#### 6.2.9. *Event-related potentials: the P300 brain wave*

Event-related potentials are brain waves that are recorded via electroencephalograms (EEGs) (Rosenfeld, 2002). Several laboratory studies used P300 brain waves to detect deception because it occurs in response to personally significant stimuli, resulting in accuracy rates of 51 to 100% for guilty participants, and 72 to 100% for innocent participants (National Research Council, 2003). Unfortunately, using P300 instead of traditional GKT polygraph examinations does not solve any of the problems emerged.

#### 6.2.10. *Functional Magnetic Resonance Imaging*

Activity in brain areas is associated with changes in blood flow and oxygen consumption that can be measured with a functional magnetic resonance imaging scanner.

Functional Magnetic Resonance Imaging (fMRI) lie detection publications (Vrij, 2010) are laboratory studies that provide detailed information about the structures and areas of the brain that were activated when lying. Despite some similarities in the findings, there were considerable differences, indicating that a pattern uniquely related to deception does not exist in the brain (Abe *et al.*, 2006). Moreover, telling spontaneous lies resulted in different brain activity than telling rehearsed lies, and the stakes of being caught in influencing brain structure and area activity (Ganis *et al.*, 2003).

In general terms, deception activates higher centers of the brain, suggesting that people find it somehow more difficult to lie than to tell the truth. Despite this, interpersonal and intrapersonal differences were found and research has not yet shown that the fMRI technique does produce more accurate results than traditional polygraph testing (Vrij, 2010).



### 6.3. A NEW METHOD FOR IDENTIFYING AUTOBIOGRAPHICAL EVENTS

As highlighted in the previous section, there is not a unique tool or technique that can help to spot liars and lies with 100% accuracy, for this reason there is a growing literature on new lie detection methods. A new technique uses implicit associations in order to identify a true memory.

The Implicit Association Test (IAT) (Greenwald *et al.*, 1998) is at present one of the most used instruments, in psychology, to measure automatic implicit associations. In accord to Greenwald (Greenwald *et al.*, 1998) the IAT measures the association strength between two concepts and a bipolar attribute. Participants have to classify stimuli, as fast as possible, in four different categories: two target concept categories (e.g. insects vs. flowers) and two attribute categories (pleasant vs. unpleasant) using two keys, one on the right and one on the left of the keyboard. In one block, two categories (one from the target concept and one from the attribute dimension) are mapped on the same response key (e.g. flowers and positive with the same key vs. insects and negative with the other key). In a reversed combined task participants have to classify the same four categories reversely paired (e.g. flowers and negative with a key vs. insects and positive with the other key), so that both target concept categories are paired with both attribute categories. The IAT effect is expressed as the difference between these two combined tasks: in the task where two associated concepts require the same motor response, reaction times (RTs) will be slower than in the task where the same two concepts require different motor responses. Thus, the IAT assumes that strong associated concept-attribute pairs (e.g. flowers and positive/congruent block) should be easier to categorize than weakly associated concept-attribute pairs (e.g. insects and positive/incongruent block). The IAT has been extensively studied in the social field to assess implicit beliefs, attitudes and prejudices, to measure self-esteem and self-concept (Nosek, Greenwald, & Banaji, 2007).

The use of the IAT (Greenwald *et al.*, 1998) could provide an important step forward for identifying lies when used in the forensic setting. For instance, Gray and colleagues elegantly illustrated how the IAT can be fruitfully applied in a forensic setting to psychopaths and pedophiles (Gray, Brown, MacCulloch, Smith, & Snowden, 2005; Gray, MacCulloch, Smith, Morris, & Snowden, 2003). They showed that it could correctly identify implicit beliefs in psychopathic murderers as well as pedophilic attitudes.

An adaptation of the IAT, which has the potential to be used in forensic setting is the Timed Antagonistic Response Alethiometer (TARA) (Gregg, 2007). By means of response incongruity, TARA may be used to classify the respondent as a truth-teller or a liar on the basis of a speeded classification task of sentences.

The autobiographical Implicit Association Test (aIAT) (Sartori, Agosta, Zogmaister, Ferrara, & Castiello, 2008) is a variant of the IAT (Greenwald, Mc Ghee, & Schwartz, 1998) that might be used to establish whether an autobiographical memory trace is encoded in the respondent's mind/brain. The aIAT is a reliable method, validated in both forensic and clinical settings (Sartori *et al.*, 2008; Sartori, Agosta, & Gnoato, 2007), which has the ability to reveal factual knowledge

regarding autobiographical events that are presented in a verbal format. More specifically, with the aIAT it is possible to evaluate which of two autobiographical events is true.

The aIAT differs, for example, from the standard race IAT as the evaluative dimension (Good/Bad) is substituted by a logical dimension (True/False) which is represented by items describing certainly true (e.g. I am sitting in front of a computer) and certainly false sentences (e.g. I am climbing a mountain). Furthermore stimuli are sentences describing events rather than single words or pictures.

The aIAT, as any IAT, includes stimuli belonging to four categories. Two of them are logical categories and are represented by sentences, which are always true (e.g. I am in front of a computer) or always false for the respondent (e.g. I am climbing a mountain). Two other categories are represented by alternative versions of an autobiographical event (e.g. I went to Paris for Christmas or I went to New York for Christmas) only one of the two being true. The true autobiographical event is identified because in a combined task it gives rise to faster RTs when it shares the same motor response with true sentences. The aIAT/IAT effect is expressed in terms of difference between the two double categorization blocks: the congruent block (pairing the two associated categories) and the incongruent block (pairing the non associated categories).

Used as a memory detection technique the aIAT has a number of unique features when compared to traditional psychophysiological techniques of lie detection (e.g. Ben-Shakhar, & Eyal, 2003) or more recent fMRI based lie detection strategies (e.g. Langleben, Loughhead, Bilker, Ruparel, Childress, Busch, & Gur, 2005). For instance, it can be administered quickly (10-15 minutes), it is based on an unmanned analysis (no training for the user is necessary), it requires low-tech equipment (a standard PC is sufficient) and it can be administered remotely to many participants (e.g. via web).

### 6.3.1. *Description of the technique*

The autobiographical IAT consists of five separate blocks of categorization trials. In each trial, a sentence describing a potentially autobiographical event is presented at the center of a computer monitor. Subjects have to classify each stimulus as fast and accurately as possible by pressing one of two response keys. Reminder labels in the form of category names remain on the monitor for the entire duration of each block and an error signal appears after an incorrect response.

An example of IAT items is presented in Figure 1.

An example of aIAT method is now presented. The following experiment was designed to verify the applicability of aIAT in identifying which one of two cards the participant had previously chosen (Sartori *et al.*, 2008).

In block 1, certainly true and false sentences referring to the time of the test are presented. Subjects have to press the «A» key when a true sentence appears (e.g. I'm in front of a computer) and the «L» key when a false one does (e.g. I'm in front of a television). In the second block, sentences refer to the event under investigation.

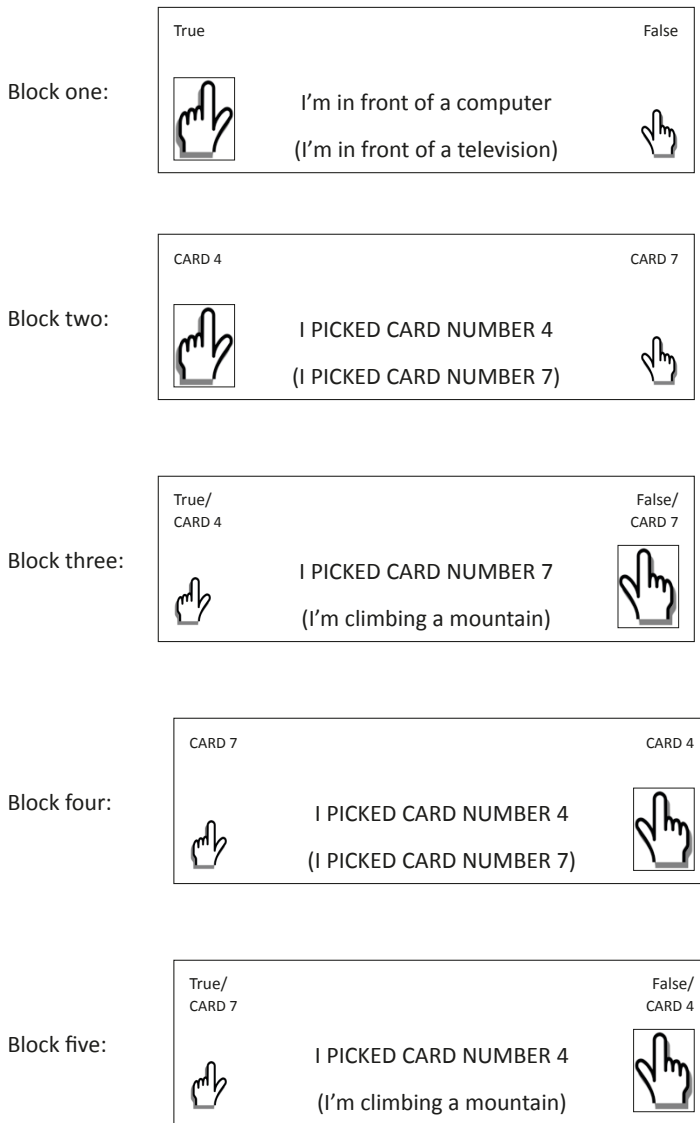


Figure 1.

The figure shows the structure of the aIAT. The aIAT is divided in 5 blocks; each one requires the classification of sentences (in the form of descriptions of autobiographical events) in two/four different categories using only two keys of the keyboard. Certainly true and false sentences, referring to the experiment, are mixed with autobiographical sentences referring to the event under investigation (e.g. having picked a card, either 4 or 7). In the two combined blocks (third and fifth) certainly true sentences are associated once with the true autobiographical event (e.g. CARD 4, for card 4 choosers and CARD 7 for those participants who choose card 7) and once with the false autobiographical event (CARD 7 for those who choose card 4 and CARD 4 for the group who choose card 7). The analysis of RTs revealed facilitation when certainly true sentences are associated with true autobiographical event sentences.

Back to the example, the «A» key corresponds to the category «CARD 4» and the «L» key to the category «CARD 7». Participants had to press the «A» key when a sentence describing having chosen card 4, in case a sentence describing having chosen card 7 appeared, they would have to press the «L» key (congruent block for those participants who actually choose card 4 and incongruent block for those subjects who choose card 7).

Third block is one of the two double-categorization blocks. True sentences and sentences describing having picked «CARD 4» were classified with the «A» key, whilst «L» key categorizes false sentences and sentences belonging to the category «CARD 7».

In block four, stimuli are the same as in second block, but response keys are reversed.

Fifth block is the second double-categorization block. Stimuli are the same as in third block but response keys are differently assigned: participants had to press the «A» key when true sentences and sentences referring to the category «CARD 7» appear, and they have to press the «L» key when false sentence and sentences referring to category «CARD 4» appear (congruent block card 7 choosers and incongruent block for card 4 choosers).

Reaction Times (RTs) in the congruent block are expected to be faster than reaction times in the incongruent block, this facilitation is due to the strict relation of the two associated categories (certainly true sentences and true autobiographical sentences).

### 6.3.2. Applications

The aIAT has investigative, clinical and forensic applications (Sartori, Agosta, & Gnoato, 2007). Indeed, experiments were conducted where aIAT examined drug abuse, driving under the effect of alcohol and mock crime (Sartori *et al.*, 2008). Moreover, it can be applied as a memory detection technique in court cases.

### 6.3.3. Rules for a correct implementation of the test

A recent study (Agosta, Mega, & Sartori, 2010) examined the effect of using negative sentences in the aIAT. It emerged that test accuracy is significantly reduced when using negative sentences or labels. Negative and false sentences are assumed to have higher saliency. Thus, the salience effect may be stronger than the association effect when negatives are used, leading to unreliable results and, consequently, to an enhanced classification of innocent subjects as guilty.

Another precaution must also be taken into account. A study conducted with trained participants (Agosta, Ghirardi, Zogmaister, Castiello, & Sartori, 2010), demonstrated that the IAT effect can be reduced when respondents are given the chance to practice in the classification task. Practice effect must therefore be prevented.

#### 6.3.4. Neural basis of the aIAT

A study conducted by Agosta, Castiello, Rigoni, Lionetti and Sartori (2011), for the validation of the autobiographical IAT in investigating prior intentions<sup>3</sup>, showed that P300 brain wave amplitude is reduced when the subject is performing the incongruent block.

Twenty-five participants were examined. Before attending the experiment, they answered a questionnaire aimed at investigating their prior intentions towards the upcoming night (sleeping in Padua or in Milan). An autobiographical IAT was created for all subjects and 16 of them, who showed a clear association between intention and true sentences, took part in the second phase of the study. Two components were analyzed in the event-related potentials analysis: a LPC (Late Positive Component, P300) is recorded on the parietal lobe with a latency of 300 milliseconds from the stimulus onset and corresponds to the deep elaboration of the information. This component presented decreased amplitude when sentences referring to the intention were paired with false ones (incongruent condition).

N400, a negative brain wave, was recorded 400 msec after the stimulus onset and has its amplitude peak on the parietal lobe. This brain wave is related to semantic congruency (Sartori *et al.*, 2005) and reflects the discrimination between true and false sentences, rather than between intentions and non-intentions.

#### 6.4. CONCLUSIONS

In this chapter we have focused on deception and in particular on deception detection, describing the mechanisms and tools that have been studied and invented in order to identify liars and lies. An incredible amount of literature, on this topic, is growing and further researches are needed.

The debates over the use of lie-detection technologies in the courtroom are becoming more and more heated. In the future, lie detectors will become more accurate and correspondingly more intrusive.

If these lie detection technologies will be admitted in court, they will raise a number of questions of self-incrimination and privacy. In fact, prosecution and defense witnesses might have their credibility questioned if they refuse to take a lie detection test. Witnesses could also be compelled to have their brain scanned while undergoing a guilty knowledge test (GKT).

To the extreme point that lie detection and memory detection technologies could also pose a serious challenge to our freedom of thought: they open up the possibility of punishing people for what they think and not for what they do.

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<sup>3</sup> Prior intention: mental representations that appear in the mind of the agent before the action (Searle, 1983).

Will it be possible to make specific prediction about people's behavior? And if this were possible, would it be ethical to use these technologies to make us safer? In this respect lie detection technologies could even jeopardize people for acts that they haven't committed, but predicting violent tendencies and marking someone to further surveillance might be appropriate in certain situations (Canli & Amin, 2002).

As the new lie-detection technologies grow and improve, lawyers, neuroscientists and experts should be prepared for facing the underling question we started to pose in this chapter.

## REFERENCES

- Abe, N., Suzuki, M., Tsukiura, T., Mori, E., Yamaguchi, K., Itoh, M., & Fujii, T. (2006). Dissociable roles of prefrontal and anterior cingulated cortices in reception. *Cerebral Cortex*, *16*, 192-199.
- Adams, S. H. (1996). Statement analysis: What do suspects' words really reveal? *FBI Law Enforcement Bulletin*, October, 12-20.
- Agosta, S., Ghirardi, V., Zogmaister, C., Castiello, U., & Sartori, G. (2011). Detecting fakers of the autobiographical IAT. *Applied Cognitive Psychology*, *25*, 299-306.
- Agosta, S., Mega, A., & Sartori, G. (2011). Detrimental effects of using negative sentences in the autobiographical aIAT. *Acta Psychologica*, *136*, 269-275.
- Anderson, C. A., Lepper, M. R., & Ross, L. (1980). Perseverance of social theories: The role of explanation in the persistence of discredited information. *Journal of Personality and Social Psychology*, *39*, 1037-1049.
- Augustine, S. (1948). De mendacio. In *Opuscles* (Vol. 2: *Problemata moraux*, pp. 244-245). Paris: de Brouwer.
- Ben-Shakhar, G., & Elaad, E. (2003). The validity of psychophysiological detection of information with the Guilty Knowledge Test: A meta-analytic review. *Journal of Applied Psychology*, *88*, 131-151.
- Bond, C. F. Jr., & De Paulo, B. M. (2006). Accuracy of deception judgements. *Personality and Social Psychology Review*, *10*, 214-234.
- Bull, R. (1988). What is the lie detection test? In A. Gale (Ed.), *The polygraph test: Lies, truth and science* (pp. 10-19). London: Sage.
- Byrne, R. W. (1996). Machiavellian intelligence. *Evolutionary Anthropology*, *10*, 172-179.
- Byrne, R. W., & Corp, N. (2004). Neocortex size predicts deception rate in primates. *Proceedings of the Royal Society*, *271*, 1693-1699.
- Collwell, L. H., Miller, H. A., Lyons, P. M., & Miller, R. S. (2006). The training of law enforcement officers in detecting deception: A survey of current practices and suggestions for improving accuracy. *Police Quarterly*, *9*, 275-290.
- Darley, J. M., & Gross, P. H. (1983). A hypothesis-confirming bias in labeling effects. *Journal of Personality and Social Psychology*, *44*, 20-33.
- Ekman, P., & Friesen, W. V. (1974). Detecting deception from the body or face. *Journal of Personality and Social Psychology*, *29*, 288-298.

- Feldman, R. S. (2010). *Liar: The truth about lying*. London: Virgin Books.
- Gamer, M., Rill, H. G., Vossel, G., & Godert, H. W. (2006). Psychophysiological and vocal measures in the detection of guilty knowledge. *International Journal of Primatology*, 2, 237-248.
- Ganis, G., Kosslyn, S. M., Stose, S., Thompson, W. L., & Yurgelun-Todd, D. A. (2003). Neural correlates of different types of deception: An fMRI investigation. *Cerebral Cortex*, 13, 830-836.
- Gray, N. S., Brown, A. S., Mac Culloch, M. G., Smith, J., & Snowden, R. J. (2005). An Implicit Test of the Associations between children and sex in pedophiles. *Journal of Abnormal Psychology*, 114, 304.
- Gray, N. S., Mac Culloch, M. G., Smith, J., Morris, M., & Snowden, R. J. (2003). Violence viewed by psychopathic murderers. *Nature*, 423(29), 497-498.
- Gregg, A. I. (2007). When vying reveals lying: The timed antagonistic response alethiometer. *Applied Cognitive Psychology*, 21, 621-647.
- Greenwald, A. G., McGhee, D. E., & Schwarz, J. L. K. (1998). Measuring individual differences in implicit cognition: The Implicit Association Test. *Journal of Personality and Social Psychology*, 74, 1464-1480.
- Greenwald, A. G., Nosek, B. A., & Banaji, M. R. (2003). Understanding and using the Implicit Association Test: I. An improved scoring algorithm. *Journal of Personality and Social Psychology*, 85(2), 197-216.
- Honts, C. R. (1991). The emperor's new clothes: The application of the polygraph tests in the American workplace. *Forensic Reports*, 4, 91-116.
- Horvath, F., Jayne, B., & Buckley, J. (1994). Differentiation of truthful and deceptive criminal suspects in behavioral analysis interviews. *Journal of Forensic Sciences*, 39, 793-807.
- Iacono, W. G. (2000). The detection of deception. In J. T. Cacioppo, L. G. Tassinary, & G. G. Berntson (Eds.), *Handbook of psychophysiology* (2nd ed., pp. 772-793). Cambridge, UK: Cambridge University Press.
- Inbau, F. E., Reid, J. E., Buckley, J. P., & Jayne, B. C. (2004). *Criminal interrogation and confessions*. Sudbury, MA: Jones and Barnett Learning.
- Johnson, M. K. (1988). Reality Monitoring: An experimental phenomenological approach. *Journal of Experimental Psychology: General*, 117, 390-394.
- Johns, M. K., & Raye, C. L. (1981). Reality Monitoring. *Psychological Review*, 88, 67-85.
- Johnson, R. Jr., Barnhardt, J., & Zhu, J. (2003). The deceptive response: Effects of response conflict and strategic monitoring on the Late Positive Component and episodic memory-related brain activity. *Biological Psychology*, 64, 217-253.
- LaFreniere, J. P. (1988). The ontogeny of tactical deception in humans. In W. R. Byrne & A. Whiten (Eds.), *Machiavellian intelligence: Social expertise and the evolution of intellect in monkeys, apes, and humans* (pp. 238-252). New York: Clarendon Press - Oxford University Press.
- Levine, T. R., Asada, K. J. K., & Park, H. S. (2006). The lying chicken and the gaze avoidant egg: Eye contact, deception and causal order. *Southern Journal of Communication*, 4, 401-411.
- Lykken, D. T. (1998). *A tremor in the blood: Uses and abuses of the lie detector*. New York: Plenum Press.

- National Research Council (2003). *The polygraph and lie detection*. Committee to Review the Scientific Evidence on the Polygraph. Washington, DC: The National Academic Press.
- Pavlidis, J., Eberhardt, N. L., & Levine, J. A. (2002). Seeing through the face of deception. *Nature*, 415, 35.
- Raskin, D. C., & Honts, C. R. (2002). The comparison question test. In M. Kleiner (Ed.), *Handbook of polygraph testing* (pp. 1-47). San Diego, CA: Academic Press.
- Rosenfeld, J. P. (2002). Event-related potential in the detection of deception, malingering, and false memories. In M. Kleiner (Ed.), *Handbook of polygraph testing* (pp. 265-286). San Diego, CA: Academic Press.
- Sapir, A. (1987/2000). *The LSI course on Scientific Content Analysis (SCAN)*. Phoenix, AZ: Laboratory for Scientific Interrogation.
- Sartori, G., Agosta, S., & Gnoato, F. (2007). *High accuracy detection of malingered whiplash syndrome*. Paper presented at the International Whiplash Trauma Congress, Miami (Florida).
- Sartori, G., Agosta, S., Zogmaister, C., Ferrara, S. D., & Castiello, U. (2008). How to accurately detect autobiographical events. *Psychological Science*, 19, 772-780.
- Smith, N. (2001). *Reading between the lines: An evaluation of the Scientific Content Analysis technique (SCAN)*. Police research series Paper 135. London, UK, Home Office, Research, Development and Statistic Directorate.
- Steller, M. (1989). Recent developments in statement analysis. In J. C. Yuille, *Credibility assessment* (pp. 135-154). Boston, MA: Kluwer.
- Vrij, A. (2007). Deception: A social lubricant and a selfish act. In K. Fiedler (Ed.), *Frontiers of social psychology: Social Communication* (pp. 309-342). New York: Psychology Press.
- Vrij, A., & Granhag, P. A. (2007). Interviewing to detect deception. In S. A. Christianson (Ed.), *Offenders' memories of violent crimes* (pp. 279-304). Chichester, UK: John Wiley & Sons.
- Zuckerman, M., De Paulo, B. M., & Rosenthal, R. (1981). Verbal and nonverbal communication of deception. *Advances in Experimental Social Psychology*, 14, 1-57.



## 7.

# ETHICS IN THE FIELD OF LAW

## Some reflections

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### 7.1. INTERIOR ADHESION TO NORMS

Since the dawn of the Enlightenment and the affirmation of German idealism, the legal universe has been inhabited by a plurality of intermediate instances between the citizen (subject) and the State (sovereign), permitting the law to adapt itself and be flexible enough to identify the rights and wrongs of a particular case, trying to identify in the concrete resolution of single conflicts the general principles raised by legal systems to the status of norm *erga omnes*. This complex movement, which had also ensured harmony between the particularity of the communes and the power, *in universum*, of the Empire, by passing from the private profile to the public law one, not only enabled the great season of European common law to flourish, but also resulted in an effort to adapt the formal principle of the obligation to respect norms to the need for the highest possible degree of inner adhesion to them. Indeed, this is the lesson generally shared with the philosophy and sociology of law, whereby the efficiency of a legal system depends to a high degree on the interiorisation of its precepts by the subjects to which it addresses itself (Weber, 1922).

In this context, canon law had supplied European juridical culture with support of primary importance, if not with a role model. In the nomopoietic projection of a shared religious experience, a declared and convinced adhesion to a system of values placed at a higher level in the metajudicial sphere becomes the prerequisite for the interiorisation and the observation of behaviours guided or influenced by the cogency of the law (Weber, 1922; Durkheim, 1893).

So law takes on an importance only insofar as it mirrors another, spiritual reality, without which it can but reveal the flimsiness and aridity of its architectures. This is the awareness that leads Cino of Pistoia, principal figure of that alliance between poetry and law which made medieval juridical science so great, to confess that human laws are all «useless and vain, without yours that is inscribed in the heart» (Zaccagnini, 1915, p. 13), almost as if he were confiding directly with the divinity. If this so, it means that there is a hidden force which supports

and legitimizes adherence to the norm: this derives not from the balancing of interests sanctioned by a command, but from the conviction that this order is justice borne by a higher principal.

So, since the inception of canon law there has a close tie between morality and law, without, what is still more admirable, any loss of the purely technical content of *jus Ecclesiae* or blurring of the distinctions between these two aspects. Indeed, thanks to a kind of retaliation law, it is actually the most distinguished scholars of canon law that point to this pole star: that is to say the peremptory and absolutely lay distinction between the inner and the external tribunal, an end achieved as early as the XII century thanks to the work of Graziano (Caputo, 1987).

It is in inner tribunal that relations between God and man are regulated, that infra-subjective conflicts addressing the moral sphere are rooted and resolved; it is in the external tribunal that strictly juridical solutions are found, capable of sacrificing one interest to another and inter-subjective conflicts are resolved. It is in this distinction that Western history grounds its ability to generate a high degree of independence from the dominion of the sacred, whilst at the same time maintaining a bond between the moral and the legal profile of behaviour, guided by the intimate conviction of belonging to two cities, both God's and man's.

## 7.2. LAW AND JUSTICE

Throughout the long centuries of Western Christianity, using the law to obtain justice has been a prerequisite and acquired conviction of all legal systems. In the secular sphere, the purpose represented by the temporal *supremum bonum* temporale of the citizen contained that sort of divine spark to which San Tommaso, following in the footsteps of Aristotle, referred when speaking of man as a social animal: as far as the Church was concerned, the law was always one level below the commandment of charity in the resolution of conflicts within the community of believers.

Anyway, it was clear that the sphere of law was not self-referential but that it was open to definition only in relation to the values of the metajudicial world of Justice.

Traditionally, the Law does not say exactly what justice is. As far as the Church is concerned, the source of justice is God. This guarantees an almost immutable concept of distinction between just and unjust, whereas the state has a political idea of justice, which by its very nature is changeable. Over a long period of time, this has certainly not prevented many concurrent aspects, interacting and coinciding and to no small degree with criteria proclaimed by the Catholic Church, from forging a secular, albeit changeable, idea of justice according to the religion and the culture with which European peoples gradually came into contact.

Thus the relationship between morality and law became the keystone of the entire system, acting as a powerful guarantee in accrediting the inner adhesion of each subject of the law to the norms even prior to obliging them to submit to the law, thus constituting the basis for a common idea of justice (Senn, 1927).

Within this framework, the previous references to the Enlightenment and to German idealism imply two principles of subversion of the pre-existing order: the idea, firstly, of founding the law on a principle of quality rather than on the idea of diversity which had thus far nourished not only *jus Ecclesiae* but the entire social order; and the conviction, secondly, whereby subjectivity is identified with the State – just as being is identified with thought – are the propositions destined to place the relationship between morality and law in a greatly different light (Fassò, 1970).

The idea of equality gives rise to a general and abstract legal system: in other words, a code; the idealistic conception of the absolute State fosters the idea that there can be no intermediary between citizen and State, the law becoming the command which alone can legitimately demand obedience from everyone without distinction.

Within this evolutionary line, the Law ends up by separating from its meta-juridical ground of reference to become an abstract paradigm, no longer the embodiment of anthropology of reference in normative terms.

An inner adhesion to the norm and coincidence of moral and juridical profiles no longer appear necessary, since these are substituted by the power that the State exercises in having the law respected which derives from itself alone.

Justice in its turn loses its status as a value superordinated to the legal system, to become invoked as a value within the system. It is politics which, from case to case, decides what it is right to pursue through the emanation of norms. Not infrequently do the inspirational principles of the legal system end up coinciding with the idea of justice. One need only recall how the idea of legal equality is still often naively confused with the idea of justice.

### 7.3. LAW AS SCIENCE AND SCIENCE AS POWER

In the afore-mentioned transition, which draws on the final outcomes of secularization, the State, until the XVIII century, ends up by embodying the metaphysical idea of an absolute which was next to the throne of God. The advent of totalitarianism is announced, in the juridical universe, by the affirmation of that pure theory of law, albeit influenced originally by Kantian thought, which culminated in the work of Hans Kelsen (1960). Here the State justifies its own existence and the legal system which emanates from this has the reflected force to impose itself, without deriving its own originality from any other body. In this dogmatic purity, where one breathes so rarified an air that it seems to be formalin, law tends to be isolated from history, on the one hand, and, on the other, from any horizon of values, defining itself as a science capable of organically structuring the commands of the State and of dispensing to the citizens, subjects of its empire, both its own sanctions and the services it delivers and controls.

It is in this kind of laboratory culture, where dogmatic construction, rather than juridical construction, is the real driving force, that law is not only com-

pletely separated from morality (to such a degree that those Nazis responsible for mass extermination could say «we only obeyed orders») but also gradually becomes self-referential. The law is transformed from being an essential for seeking and realizing justice to being an end in itself, preoccupied in an almost obsessive manner with its own foundations (Kelsen, 1960).

Between the nineteenth and twentieth centuries, juridical knowledge and culture become a science to all effects, articulated in branches and subdivided into specializations which become increasingly detailed and exacting in an attempt to include an ever more urgent present in a network of largely historical institutions. This science becomes indispensable to the construction of the State, beginning with the definition of that theory of the sources that lends it legitimacy and strength. The power of law thus becomes «constitutive» and then «constitutional», and generally entrusts to the timeless words engraved in the Preamble of a Constitution that moral dimension by which the theory if its sources will coherently be expected to inspire when emanating norms. As the penetrating thinker Niklas Luhmann believes (Luhmann, 1981), the adaptation of the legal structure to an evolving reality thus reveals, the vocation of the law to favour the evolution of democratic power, which is power nevertheless: this fact characterises the profile of a science which is no longer functional to the idea of justice but to the need to guarantee its own privileged position in the construction of new equilibrium, at an ever increasing pace. Until just a few decades ago, the legal sphere was the emanation of a powerful scientific idea which has now been definitively dismissed both in general terms, by philosophy, and in specific terms by its ethical partitions. This science of law, aware of its own strength, was thus able to dialogue on equal ground with politics, which, concerning itself with both, continued to draw upon the principle of responsibility grounded in the idea of imputability which despite a long process of emancipation underpins the conception of *actio humana* elaborated by San Tommaso<sup>1</sup>.

#### 7.4. GLOBALISM OF TECHNO-SCIENCE AND FRAGMENTATION OF THE JURIDICAL UNIVERSE

The acceleration undergone by our civilization after the Second World War has definitively brought to the forefront a new role of the techno-sciences, whose evolution has been determined by the needs of the world of mass production. Today, directives for investment in research come from industrial conglomerates; large enterprises, as final users, are now able to determine objectives which are useful for a science which – to quote Heidegger (1954, 1976) – is more accustomed to a calculative thought than a thinking thought. This movement is consolidated thanks to two decisive forces: one on the one hand the power of the information network globalizes all contributions to the progress of know-

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<sup>1</sup> San Tommaso, *Summa Theologica*, 1-2, q. 1, a. 1 ss.

ledge and at the same time pulverizes traditional market boundaries. On the other hand invested capital becomes increasingly anonymous and widespread, so fragmented as to make it impossible to trace its ownership. The acceleration of the system due to these strongly interdependent variables determines an upheaval of the previous situation, in which politics (and law) mapped out the direction for economics, technology and science. As far as the above-described trend is concerned, politics reveals all its limits and its incapacity to place itself at the head of what was once called a «system», which also tends increasingly to become a planetary and technical government of resources. This is illustrated by the present political misadventures of a Europe that is no longer able to face spontaneous change. Indeed, old-style politics proves to be totally inessential, if not obtrusive; a burden to be cast off, left to plummet into its sea of corruption and iniquity. The law, in this instance, reveals a double fragility: the increasingly evident crisis of the State is inevitably reflected in the gradual opalescence of the legal systems to which they give rise (Ferrajoli, 1997; Cassese, 2002); then the affirmation of supranational sources of production norms raises questions of connection (not to mention sovereignty and jurisdiction) which are far from being resolved (Cassese, 2006; Cerrutti, 2010). The fragmentation of the juridical universe seems to be further increased by the aforementioned dissociation of law and morality, exposing people-citizens to an undifferentiated opportunity for choice between behavioral models, in such a way as to integrate an ethical relativism which is far from including the profile of liberty; or at least the values of that liberty which the Western tradition had consigned into our hands (Ruffini, 1992).

Life and death, the phases of sexual and family life, under a private profile; the assumption of responsibility regarding conduct which affects the public dimension (for example the environment); the financial sphere of the universe of communications seem to be increasingly evasive terms, difficult to identify and demarcate from point of view of moral and juridical imputability. By dislocating decisional processes and collocating them in economic and technological centres, the post-industrial era in fact subtract them from the control of politics which, on the other hand, is no longer able to emanate legislation with a shared significance regarding areas which once fell unequivocally under its public jurisdiction: above all, to name just one example, that of the family and the beginning and end of life.

#### 7.5. PROGRESSIVE DISTANCE BETWEEN INNER AND EXTERNAL TRIBUNAL: THE SPECTACULARISATION OF ETHICS AND THE CRISIS OF THE LAW

As described above, the separation between morality and law becomes not only total but necessitated. If the state (States) refuse to establish reasonable norms in spheres which it tends to «deregulate», simply leaving them for private individuals to resolve (in the field of criminal law, for example, the gradual reclassification of administrative offences or damages under private law, as well as a

whole series of behaviours which are still classified as crimes against the person or against property), how is it possible for citizens/people to interiorize in the inner tribunal the contents of a norm belonging to the external tribunal which by definition renounces a moral grounding of its own? The distance between inner and external tribunal becomes inevitable, indeed, spectacular. The lack of coherence between conscience and behaviour becomes a kind of constant in both private and public daily life. Indeed, the representation in the mass media of a sort of comparative «market of moralities» becomes one of the favourite ingredients of *talk shows* and far-teached *trash* reviews which tend to invade and annihilate both the sphere of ethics and aesthetics, which are closely linked. And so the total disarticulation of interior universe – including (above all) the most mysterious layer represented by sexuality and its manifestations and, more generally, by that affective and sentimental intimacy that should remain inviolate – is on the other hand represented as a prime conquest of human self-determination. In this cannibalization of human sentiments which by virtue of its very obscenity is broadcast by the media circus, the ancient instruments of a culture which was aware of the dialectic between guilt and redemption return to fashion in a completely fashion.

This is the case of that emblematic place which the catholic culture named as the «confessional» and which represented, even in its physicality, the distinction between inner and external tribunal. It is certainly no coincidence that if the competitors in the well-known programme «Big Brother» ritually repair to the «confessional» to communicate, without being seen by the other participants, their own instincts, guilt, passions and pettiness, to a wide, anonymous public which will not be able to reconcile them with themselves, as traditionally the priest did in the shadowy discretion of a hassock. And so it is normal that there are some people, especially politicians, who mistake the law court for a confessional and on the other hand, begging pardon of the citizens and voters for possible failings of a moral order, as occurred in the Marrasso case, or, viceversa, that they declassify alleged crime to mere morally reprehensible facts, as has occurred during investigations or procedures against men in public positions for sexual abuse or involvement of minors in affairs from which they should, be law, be extraneous. Such a spectacularisation of ethics can but be a prelude to its final liquidation; but the confusion between inner and external tribunal represented on a daily basis would seem to repropose, in another guise, an ancient barbarism, which will soon prevent us from distinguishing between one behaviour and another, judge a conduct as right or unjust, identify and defend, within an action or an omission, a value to be promoted or lack thereof to be censured. If the spectacularisation of ethics is but the prelude to its end, law must be in a state of deep crisis, cast loose from a metajuridical horizon and at the same time deprived of any principle of responsibility or the strength of which the nation state was interpreter until recently (Barbera, 2007).

## 7.6. NEED FOR NEW SYNTHESSES

It is highly unlikely that there will be a return to the past, a sort of realignment between ethics and law: almost as if the reference to common metajuridical norms were a fact depending on an editorial technicality or, still less, on an act of faith in an unlikely destiny rather than the mature and conscious fruit of a culture – the Western one – which has been completely derailed from the tracks it has followed for more than two thousand years and which has constructed a picture of civilisation today, in its final dusk (Galimberti, 1999). In the meantime this has not been definitively substituted by the civilisation of technology, whose marvels we are aware of but not of the ethical implications for human lives. Hence we are wading through a largely unsounded deeps, where we glimpse and experience elements of deconstruction and crisis rather than proactive and constructive ones.

What we can certainly avoid is the application of old schemes to new realities, thus running the risk of employing obsolete tools which are now too distant from our own culture of origin. However, we can reflect upon and make decisions about some discriminators to which we intend to apply some reasoning in the future.

For example we might begin to understand whether or not in the new world diversity is a positive value to be sacrificed on the altar of a probably inevitable standardization, if dragged in the wake of a violent and thoughtless globalisation (Gius, 2004). If human government becomes global and supranational, norms and commands will no longer reflect their origins as metajuridical principles on a higher plane, but they will be nurtured by a mere calculation of convenience marketed as the fruit of ethical choices by the spectacularisation put on display by the media circus. If, on the other hand, the approach to a new world is capable of taking with it the wealth of our diversities – which with their narrations have been able to make sense of life – creating an ethical frame of reference with the associated and consequent creative capacity to draw from then those juridical universes known as legal systems – the orientation of our reasoning will follow other pole stars.

The principal challenge to be put to the test is in fact legislation on the origin and the end of life, the practice of sexuality and marriage: that is to say, those area where symbolic meanings become most relevant and which embrace a mystery which makes up each of us: intrinsically diverse and not in the least equal to anyone else before the law.

## REFERENCES

- Barbera, A. (2007). Il cammino della laicità. In S. Canestrari (Ed.), *Laicità e diritto* (pp. 33-91). Bologna: University Press.
- Caputo, F. (1987). *Introduzione allo studio del diritto canonico moderno. Lo jus publicum ecclesiasticum*. Padova: Cedam.

- Cassese, S. (2002). *La crisi dello Stato*. Roma - Bari: Laterza.
- Cassese, S. (2006). *Oltre lo Stato*. Roma - Bari: Laterza.
- Cerruti, T. (2010). *L'Unione Europea alla ricerca dei propri confini. I criteri politici di adesione e il ruolo dei nuovi Stati membri*. Torino: Giappichelli.
- Durkheim, E. (1893). *De la division du travail social: étude sur l'organisation des sociétés supérieures*. Paris: Librairie Félix Alcan.
- Fassò, G. (1970). *Storia della filosofia del diritto* (Vol. 3: *Ottocento e Novecento*). Bologna: Il Mulino.
- Ferrajoli, L. (2002). *La sovranità nel mondo moderno. Nascita e crisi dello Stato nazionale*. Roma - Bari: Laterza.
- Galimberti, U. (1999). *Psiche e techne. L'uomo nell'età della tecnica*. Milano: Raffaello Cortina.
- Gius, E. (2004). *Teoria della conoscenza e valori. Prospettive psicologiche*. Milano: Giuffrè.
- Heidegger, M. (1954). *Vorträge und Aufsätze*. Neske: Pfullingen.
- Heidegger, M. (1976). Nur noch ein Gott kann uns retten. *Der Spiegel*, 30, 193-219.
- Kelsen, H. (1960a). *Reine rechtslehre* (Trans. it. M. G. Losano, *La dottrina pura del diritto*. Torino: Einaudi, 1966).
- Kelsen, H. (1960b). *What is justice? Justice, law, and politics in the mirror of science*. Berkeley: University California Press.
- Luhmann, N. (1981). *Politische Theorie im Wohlfahrtsstaat*. München: Olzog.
- Ruffini, F. (1992). *La libertà religiosa come diritto pubblico subiettivo*. Bologna: Il Mulino.
- Senn, F. (1927). *De la justice et du droit, explication de la définition traditionnelle de la justice*. Paris: Recueil Syrei.
- Weber, M. (1922). *Wirtschaft und Gesellschaft*. Tübingen: J. C. B. Mohr.
- Zaccagnini, G. (Ed.). (1915). *Le rime di Cino da Pistoia*. Genève: Olschki.



## 8.

# BETWEEN NORMS AND PSYCHOLOGY

The well-being of the person  
and the social community

*Patrizia Patrizi*

This chapter deals with the ethics of action according to psychology & law and how the impulse towards innovation within this discipline and its professionals revolves around the promotion of individual and collective well-being. Focussing on some critical aspects of the current debate, the chapter identifies the need for a more focussed and consistent interaction between scientific research, legal contexts and institutional practices. The knowledge gained within each area should be part of collective awareness and not only a resource that a small number of professionals can draw upon (Quadrio & De Leo, 1995; Patrizi, 1996; De Leo & Patrizi, 2002).

### 8.1. THE IDENTITY OF PSYCHOLOGY & LAW

Psychology & law is the branch of psychology that applies to the processes regulating social living, and more specifically, those processes that are formalised in law, including their declinations into the justice system. Indeed, psychology & law gravitates around two core bodies of knowledge: (a) the symbolic interactions and social dynamics in the relations between the individual, the law and the community; (b) the processes of interpretation and application of the laws, the organisation and administration of justice, the actions stemming from judicial decisions, the impact of laws and justice on individuals and social groups. With respect to these two core fields of knowledge, areas of interest may be classified according to the issues analysed or the research or professional activity (De Leo & Patrizi, 2002):

- the psychology of the law, or legal psychology, is concerned with the set of psychological notions that are involved in the application of the law, the psychological dimensions contained in the law, the contributions of psychology to the development of the law;
- the psychology of judicial activity, organisation, functions, dynamics and strategy;

- the psychology of provisions and interventions associated with judicial decisions (both civil and penal);
- the psychology of training for professionals and service providers in application of judicial decisions;
- the psychology of children at risk, with the protection of children as its main objective;
- the psychology of deviant and criminal behaviour.

The historical roots of psychology & law, its developments and its current physiognomy, all highlight its applicative nature, which is to say that its primary object of study are the domains of law and justice.

Its origins lie within social psychology, and this orientates the discipline to approach its object of study from a systemic perspective, aware of the processes linking the psychological with the social dimensions. On the other hand, considering the fields of study listed above, one can see that the toolset used by psychology & law also draws from other areas of psychology (Quadrio & Catellani, 1995; De Leo, 2003): clinical psychology (the study of crimes, of the analysis of legal categories requiring personality assessments, or the treatment models); community psychology (consider preventive and inclusive actions, or the involvement of the community in the enforcement of external penal measures); developmental psychology (juvenile deviance, problem behaviour such as bullying, children's custody when parents are separating, etc.); organizational psychology (let us remember how relevant this matter is for the organisation of justice, for operators' training); general psychology (the functions of perception and memory implicit in witness statements). However, in order to be usefully employed in the sector we are dealing with, this important knowledge needs a specialist filter. This is in fact one of the basic functions of psychology & law: the knowledge and skills deriving from other branches of psychology ought to be specialised and contextualised with reference to the characteristics, the issues and the requirements of the field of application.

When it comes to witnessing, for example, the knowledge of the mental processes that oversee the mnemonic reconstruction of events must be squared not only with personal characteristics and conditions, with the methods of collection of the testimony, but also with a number of other elements linked with the acquisition of evidence, the reliability and credibility of the witness, his/her protection, especially if s/he is a child, the psychological consequences of the contribution given to justice. In order to evaluate the psychological components of the imputability of a young offender, one needs not only a clinical assessment with reference to the alleged offence, but also an analysis of how that assessment interacts with and how it complements the conventional dimensions of the legal category, the effects on the response of the law and the provisions applied by law. In any event, and at a level which is superior to those contents – an example of the complexity characterising every issue and problem that puts together justice and psychological knowledge – that knowledge needs to include not only the discipline's scientific debate, but also the juridical, legal and operative debate, as well as the inter-disciplinary debate (law, psychology, other non-legal disciplines) over the issues under study and their evolution over time.

Within this background, the discipline is moving towards a new and focussed reflection on its relationship with its scientific reference (psychology) and its contextual reference (laws and any situation of normative relevance) as well as on the matters related on the interactions between the person, the law and the society (De Leo & Patrizi, 2002). This kind of reflection can be based on psychological and social awareness, which is today a valuable asset for psychology & law not only from a knowledge standpoint, but also insofar as its ability to interact with law and social restitution. Here, the two main elements are:

- (a) the context (the law and its application systems), in order to be defined as one of psychology's action domains, this has to be considered an essential reference. The laws (the Codes), its makers (the legislators), its interpreters (the court actors, the administration of justice), their beneficiaries (the whole society, including those subjects that are explicitly mentioned by the law for protection/safeguard of their rights, for regulation of behaviours that are problematic or in breach of the rights of others), they all define the meaning and the actual possibilities of psychology, its very presence in the domain of the law;
- (b) psychology does not accept an auxiliary role with regard to the questions and issues of the law, to the formal and informal interactions activated within it, acquiring from its scientific reference the criteria needed for autonomous thinking, including the contribution to the application of the law and its ability to evolve with the social change and with the development of the knowledge used to interpret these.

Starting from this awareness and considering the role played by psychology & law as inter connector between social problems and their legal/regulatory relevance, it is possible to highlight some critical aspects that depend, on one hand, on the complex nature of the issues under study – especially regarding the relation between individual and community interest (or well-being) – and, on the other hand, on the ability of psychology to return its results to the social sphere and the application context. At the same time these critical aspects depend on how much law and justice allow psychology to put in place its observation/analysis of law and justice.

## 8.2. PSYCHOLOGY & LAW FOR PEOPLE'S WELL-BEING

Concerning the first of the two issues – the relationship between individual and community well-being – we can see that many of the issues analysed by psychology & law contain elements of conflict where the well-being of one side (be it individual or a community) seems to contrast with the ill-being of another side (individual or community).

Let us think of some of the traditional domains of this discipline: the relationship between rehabilitation/inclusion of an offender, including the expectations of his systems (family, children), and the social representation of security through

incarceration, the dual purpose of protecting an adolescent and his/hers development needs, when s/he encounters the justice system and of sanctioning his/her deviant behaviour. And also the objectives of curing sex offenders, between the indignation of the community and the scarce or no investments made to train prison operators; the dual objective of guaranteeing continuity in parental relationships to the children who are victims of abuse within their family and that of prosecuting the abusing parent.

We only mentioned some of the domains to which psychology & law has paid attention for a long time. The results of the cooperation mentioned in the opening paragraph have impacted to some extent both lawmaking and social awareness, but cooperation requires today a more focussed commitment, to ensure that the critical issues can be re-examined in light of the most recent scientific developments and professional skills matured until now. We report here two examples of this: the protection of children involved in judicial proceeding is a case of positive development of such cooperation; the responses to criminal behaviour and treatment of offenders is a critical area that highlights the need for a continuous exchange between all interested parties: scientific, institutional and social community.

#### 8.2.1. *Protection of the child involved in judicial proceedings*

For a long time, the judicial system considered children in its care as the object rather than the subject of legal rights. The difference between the right *for* and the right *of* the child (Lucidi, 2002) may be an especially useful development of the prior transition from the rights *over* the child to the rights *for* the child. A right *over* somebody refers to the object of that right (the child, over whom adults have rights as well as obligations), the right *for* refers to a beneficiary and an objective (his/her protection and safeguard, considering his/her specificity and the structural situation of indirect representation). The right *of* is centred around the subjectivity that needs to be guaranteed when exercising those rights – through the rights recognised by the law – in age specific and suitable ways. Subjectivity, specificity and suitability may be considered recent acquisitions of the debate around children, where the law has acknowledged the evolution of social sciences, not only psychology & law but also social and developmental psychology.

The traditional concept that considers infancy and adolescence as a sort of incomplete adulthood (in sense that they are the object of protection intended to direct their development) has been progressively re-examined in light of that evolution, which has contributed to the assertion of a new legal – social representation of both the individual in evolving age and the best possible forms of intervention regarding problematic or risky situations which the law is called to regulate. The first set of rules for the safeguard of a child were characterised by a *defensive model* with respect to the very same individual (if engaged in transgressive behaviour) or his/her family (if guilty of violence or denied education). For a long time, the main criteria has been that of segregation, in order to defend

society from dangerous children or to defend the latter from inadequate families. The administration of the law has proceeded with sanctioning and corrective objectives, pursued within a perspective of separation from the subjects' everyday life (children removed from their families, imprisonment for deviant adolescents). Even preventive measures tended to favour (and to some extent they still do) actions aimed at identifying the risk of maladjustment and harm, isolating its constituting elements, which were taken as predictors of a pathology, and attempting to remove them so as to prevent their acting as causes.

The results of psychological research have highlighted (Caprara & Fonzi, 2000; De Piccoli & Quaglino, 2004): (a) the reductionist nature of this model of linear causality; (b) the relevance of protective factors acting as modulators of risk factors; (c) the inclusion of both strategies and response modes (including those from the law) among the variables that can impact on the dynamics and processes that the law plans to regulate; (d) the greater effectiveness of treatments that are oriented towards the development of individual resources, of social contexts, of the community, that are aimed at the expected objectives rather than being directed by the conditions identified. Such conditions represent a critical starting objective of knowledge, but can only be the endpoint of actions in view of the changes that the same people and their systems are able to anticipate as necessary, opportune, useful in terms of well-being, for themselves in relation to the expectations/requirements of the community they belong to.

The present orientation of the law appears to have acknowledged the indications of scientific research. A key characteristic of the most recent laws is founded upon the considerations illustrated above: the promotional perspective. In Italy we encounter this perspective in the proceedings against adolescents, where together with the assessment of responsibilities (typical of penal court cases), the primary objective is the development of the adolescent. We find this perspective in the Law no. 285 dated 28 August 1997 *Disposizioni per la promozione di diritti e di opportunità per l'infanzia e l'adolescenza* [*Provisions for the promotion of rights and opportunities for children and adolescents*], which can be considered one of the first legal texts to be oriented towards the promotion of well-being and the development of positive actions towards its achievement.

### 8.2.2. *Modes of response to crime and treatment of offenders*

We will not venture into the details of the concept of punishment and its evolution, which go beyond the aim of the present paper. We shall simply recall its present meaning and purpose: responding to harm done with a corresponding retribution (which in our Penal Code is identified with the taking away of freedom) and, at the same time, activating processes for the care of the imprisoned person. Such processes must be able to contain the risk of second offences and to produce a significant change from the perspective of the established rules of social living (the re-educational purpose of punishment enshrined in our Constitution is reflected in the treatment/education model established by our prison

system: Law no. 354 dated 26th July 1975). Still today the meaning of punishment and the most effective sanctions to prevent second offences are the subject of a wide debate. It seems that prison cannot be a response capable of inducing individual (or social) change that may realistically impact on security (De Leo, 2000; De Leo & Patrizi, 2002). Despite the fact that the re-education model has marked a crucial historical step in the way crime is dealt with, it has also revealed a number of limitations in its application: due to the structural deficiencies of the prison regime (from logistical inadequacy to the scarcity of skilled professionals), due to the unlikelihood of starting any evolutive process within an artificial situation (prison), due to the similarly artificial separation of the person from his/her life system, due to the inability of this solution (imprisonment) to take the victim into consideration and restate the sense of security.

The current debate highlights the need for a new and different mode of managing/preventing crime, which should be motivated by aims of security, individual well-being (the victim, the inmate, the former inmate), of the professional system involved (operators, services) and of the community, through a more reasonable inclusion within the community of all the issues pertaining to crime and its prevention, to security and its promotion. Such vision entails a fundamental social awareness of the systemic complexity of all these issues, the recognition of the role played by all social stakeholders in the active construction of those problems as much as in the participative identification of the strategies to tackle them. The most recent trends in this respect consider the de-institutionalisation of the intervention, in order to maintain continuity between the system of penal responses and the mechanisms of social responses. They are aimed at identifying the criteria with which one can discriminate between situations that require incarceration and those that would be better tackled with interventions of a social nature (Palomba, 2007; Margara, 2007; Turco, 2007). This perspective, which is shared by this author, entails however some difficult challenges representing the domain in which penal justice (including the prison system) and scientific as well as operative contents are confronted with the requests emerging from society.

The difficult balance between social calls for security – which frequently drive the reintroduction of a restrictive climate, erroneously considered the only way to combat crime – and the need to implement effective solutions for active rehabilitation and further crime prevention, raise the issue of how to communicate a promotional and pro-social culture of responsibility. This would be in accordance with the most recent psychology & law literature and with the EU and international orientations in matters such as reparative justice, penal mediation, non-custodial treatment, which are viewed as especially important instruments for the prevention of crime and the promotion of social security (Patrizi & De Gregorio, 2009).

Within this background, the reduction of the use of jail has been advocated and calls have been made for the implementation of the principles of minimum criminalization (AA.VV., 1985; Ferrajoli, 1989), passing through a substantial reformation of the entire penalty system. Minimum criminalization is to be taken as paradigm and as a normative model aimed at three main objectives: preventing

offences breaching fundamental rights, protection of the subjects harmed by the offences, prevention of punitive excesses or arbitrariness. To quote Luigi Ferrajoli (2002, p. 10), minimum criminalization is «the law of the weakest against the law of the fittest that would apply in its absence: that which would safeguard the weakest subject, who during the crime is the offended party, during the court proceedings is the accused, at the time of penal enforcement is the prisoner. [...] We can [...] say that its effectiveness is equivalent to the extent to which a given penal system safeguards civil rights and liberties». This systemic vision of safeguards, protection and non-violence includes non-custodial sanctions and the use of social mediation of conflicts originated by the crime (Ponti, 1995; Palma, 1997; Tigano, 2006).

Within this view, the emerging model of reparative justice – supported by many international declarations and recommendations – drives one to revisit the penal systems with novel attention to the victim of crime and, at the same time, to the development of new forms of treatment that can reduce the conflict within social dynamics. If committing a crime creates a fracture between the offender and the society in which the offence took place, the action/penalty needs to also worry about that relation and repair the social fracture that took place (Wright, 1995; Bazemore, 2000; Ceretti, Di Cidò, & Mannozi, 2001; Gius, 2004; Patrizi & Lepri, 2011).

### 8.3. INTER-DISCIPLINARY EXCHANGE AND COMMUNITY BASED APPROACHES

The two domains illustrated above – and their synthesis has been given priority over the discussion of their complexity – show the fertile (the first one) and problematic (the second one) nature of the practice of knowledge exchanges between scientific research and institutional legal contexts that can relate to the social realities they both address. To this end, practical communication channels must be activated (or developed) so that specialist knowledge (for example, the functionality and efficiency of the treatment implemented, especially if different from custodial sentences) may turn from sector-specific knowledge to community knowledge.

This brings us to the second profile highlighted above, that is, the ability of the psychology and the law (justice) to interact: the former yielding the results of its research and the latter making itself receptive to those results, and, before that, offering itself to observation.

We believe that further research in this sector should follow these general guidelines:

- (a) Active involvement of the contexts/subjects addressed by the research, from the definition of its objectives, at the outset and in all phases of its research.
- (b) Researchers with specific competence/knowledge of the context, so that the themes and objectives of the research may derive from the observation of

needs/wants and so that the results remain relevant for the operation and the context, thus generating new working assumptions.

- (c) Sharing results with the participants and directly transferring the results as a way to develop/change the same contexts/subjects who participated: this is a fundamental phase of the research (especially qualitative) which strengthens its quality, credibility, usability (Seale, 1999).
- (d) Transferring the results of research generates new demand for knowledge and is an essential part of constant and continuing cooperation between the research and the context of the study, so as to guarantee verifications over time and non improvised dialogue between the developments of scientific research and the evolution of knowledge, procedures, professional practices.
- (e) Including the agreement on access to the sources of the research (questioning, court and prison files, expert examinations etc.) – which is the norm in other countries (e.g. the UK) but limited access to data in Italy causes serious gaps not only as far as studying/thinking is concerned, but also as far as improving operative practices and the administration of justice.
- (f) Constant rather than improvised monitoring of the best practices that can enhance strengths and acquire new methodologies.
- (g) Dissemination both in the domains of the completed research and in the social contexts, of the thinking/observations made during the research, so that new knowledge is no longer an exclusive benefit of those involved but becomes an asset for the promotion of new social knowledge and awareness.
- (h) Within this framework, the national and international scientific debate becomes the focus of discussions among researchers, who use the debate as a starting point to commit towards promotion/participation in operative pluri- and inter-disciplinary discussions, bringing to the table theoretical knowledge and research methodologies to enable systematic monitoring and verification of issues and assessments coming from legal work.

One may consider it an ethical commitment of psychology & law to achieve this kind of discursive interaction not only in research, but at every level and context of work, in academic teaching, in the training of professionals and service providers, in the scientific as well as operative multi- and inter-disciplinary debate. It's also an ethical commitment: to promote the opportunities to meet, the circulation of one's own thinking, a new culture of contact with the community.

## REFERENCES

- AA.VV. (1985). Il diritto penale minimo. *Dei Delitti e delle Pene*, 3.
- Bazemore, G. (2000). Community justice and a vision of collective efficacy: The case of restorative conferencing. *Criminal Justice*, 3, 225-297.
- Caprara, G. V., & Fonzi, A. (2000). *L'età sospesa. Itinerari del viaggio adolescenziale*. Firenze: Giunti.



- Ceretti, A., Di Ciò, F., & Mannozi, C. (2001). Giustizia riparativa e mediazione penale. In F. Scaparro (Ed.), *Il coraggio di mediare* (pp. 307-354). Milano: Guerrini e Associati.
- De Leo, G. (2000). Le prospettive del sistema sanzionatorio. *Rassegna Penitenziaria e Criminologica*, 1-3, 189-198.
- De Leo, G. (2003). Le istituzioni giuridiche e politiche. In G. Mantovani (Ed.), *Manuale di psicologia sociale* (pp. 225-249). Firenze: Giunti.
- De Leo, G., & Patrizi, P. (2002). *Psicologia giuridica*. Bologna: Il Mulino.
- De Piccoli, N., & Quaglino, G. P. (2004). *Psicologia sociale in dialogo*. Milano: Unicopli.
- Ferrajoli, L. (1989). *Diritto e ragione. Teorie del garantismo penale*. Roma - Bari: Laterza.
- Ferrajoli, L. (2002). Crisi della legalità e diritto penale minimo. In U. Curi & G. Palombarini (Eds.), *Diritto penale minimo* (pp. 9-21). Milano: Donzelli.
- Gius, E. (2004). Etica dell'empowerment in contesti di prevenzione. In E. Gius & S. Cipolletta (Eds.), *Per una politica d'intervento con i minori in difficoltà* (pp. 103-112). Roma: Carocci.
- Lucidi, M. (2002). Vorrei che il Parlamento ripristinasse la specificità del minore. *Dike*, 3, Suppl., 58-60.
- Margara, A. (2007). Introduzione alla parte prima «Carcere e continuità sociale». In P. Patrizi (Ed.), *Responsabilità partecipate* (pp. 19-27). Milano: Giuffrè.
- Palma, M. (Ed.). (1997). *Il vaso di Pandora. Carcere e pena dopo le riforme*. Roma: Istituto della Enciclopedia Italiana.
- Palomba, F. (2007). Dal penale al sociale. In P. Patrizi (Ed.), *Responsabilità partecipate* (pp. 72-85). Milano: Giuffrè.
- Patrizi, P. (1996). *Psicologia giuridica penale*. Milano: Giuffrè.
- Patrizi, P., & De Gregorio, G. (2009). *Fondamenti di psicologia giuridica*. Bologna: Il Mulino.
- Patrizi, P., & Lepri, G. L. (2011). Le prospettive della giustizia riparativa. In P. Patrizi, *Psicologia della devianza e della criminalità* (pp. 83-96). Roma: Carocci.
- Ponti, G. (Ed.). (1995). *Tutela della vittima e mediazione penale*. Milano: Giuffrè.
- Quadrio, A., & Catellani, P. (1995). La psicologia politica e giuridica. In L. Arcuri (Ed.), *Manuale di psicologia sociale* (pp. 503-526). Bologna: Il Mulino.
- Quadrio, A., & De Leo, G. (Eds.). (1995). *Manuale di psicologia giuridica*. Milano: LED.
- Seale, C. (1999). *The quality of qualitative research*. London: Sage.
- Tigano, S. (2006). Giustizia riparativa e mediazione penale. *Rassegna Penitenziaria e Criminologica*, 2, 25-60.
- Turco, A. (2007). Carcere e territorio: scenari di comunità penitenziaria. In P. Patrizi (Ed.), *Responsabilità partecipate* (pp. 52-70). Milano: Giuffrè.
- Wright, M. (2010). *Towards a restorative society: A problem-solving response to harm*. London: Make Justice Work.



## 9.

# THE DYNAMICS OF POWER, AUTHORITY AND FREEDOM

*Giancarlo Trentini*

This text is the synthesis of a personal interpretation of the dynamics that exist – within the overall human psycho-social relationships – between the psychological need for Power compared with and in conjunction with that of Authority and Freedom<sup>1</sup>.

### 9.1. A PSYCHO-SOCIAL VIEW OF INSTITUTIONS

An appropriate starting point is Papagno's lapidary statement (1979): «There is no society without institutions». However, as «institutions» can be of two basic types, we must first agree on the meanings to be attached to this term. The validity of the opening statement, intended to express a necessary truth, remains unchanged (or is actually enhanced) but, correspondingly, it also acquires two different meanings. There are – and we may refer to these only – institutions of a formal nature that are explicit, manifest, and codified, even from an external standpoint, taking the form of a body of laws and regulations, more or less complex, but always stated and defined and not merely taken for granted. But there are also institutions of an informal nature that are, on the contrary, implicit, indeed taken for granted and hidden from view, and the effects of such institutions come from within, from the most concealed and deepest levels of man's intrapsychic activity and his interpersonal and social relations.

The fact of being formal members of a social group, i.e. *socii* of any given *societas*, implies, first and foremost and even more important than the observance of the rules that objectively govern any form of association, an involvement in the subjective dynamics resulting from a sense of belonging. In other words, it implies *membership*, a phenomenon characterized by complex and variable

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<sup>1</sup> This contribution has already been published in 1989 (a date that is by no means coincidental) by the Ateneo Patavino, in its highly regarded periodical *Science and Culture*.

vicissitudes reflecting the pressures not only for, but also against participation in the particular form of association in question. Also, we must never lose sight of the fact that we are considering a form of social interplay always fraught with ambivalence and conflict. For example, the fact of being and considering oneself Italian – both for individuals and groups – is, at one and the same time, part of and/or pertains to both the formal and informal levels of «Italianness» as a having institution.

What we have just said fits in well with the observation that the limits of an approach based on criteria that are more relevant to constitutional or legal studies – or, if we may be permitted to say so, that reflect an objectivistic, sociologically oriented world-view – are inherent in the identification of institutions with society, and viceversa. Such an identification, if taken literally and interpreted radically, can lead only to more or less banal, unsophisticated histories of the «corridors of power», characteristically oblivious of human sciences in general and of anthropology and social psychology in particular.

The foregoing also implies, significantly, a correspondence or logical correlation with Gramsci's ideas on the difference between polity and society, the legal and the real state of a nation, without its necessarily implying, we should add, a process of identification or overlaying of the two distinctions. In effect, the dichotomy mentioned between formal/informal institutions may apply to both sides of the demarcation line between polity and society, albeit with a different level of probability. In other words, both polity and society are regulated and function (or become unregulated and cease to function) both at the level of the explicit and formalizing processes of interaction between the people forming part of them and at the level of the implicit processes involving the same people, which are none the less real even though they refer to communication and are without formalizing implications.

The phenomenon may be summarized as shown in Table 1.

*Table 1. – Society and institutions as inter-relation processes.*

	POLITY	SOCIETY
FORMAL INSTITUTIONS	Contents of values and norms codified by power	Contents of values and norms rationally shared, accepted and observed by individuals and groups
	LEGAL COMPACT	SOCIAL COMPACT
INFORMAL INSTITUTIONS	Types of accepted and shared communication process between citizens (or subjects) and power	Types of accepted and shared communication process between individual and individual, individual and own group, group and group, etc.
	CIVIC COMPACT	PSYCHOLOGICAL COMPACT

From this discussion, it is also quite clear that, contrary to what is generally thought, we must consider not just the link between polity and society, but rather two (if not four) problems of congruence: firstly, the one we have just mentioned and, secondly, the one that, correspondingly, can be assumed between the formal and informal levels of the two sides. In addition, there is also the problem of the overall congruence of the system but, at least for the time being, we shall avoid going into that aspect. As can be observed, the various problems can, to a large extent at least, be put in relation with the way in which power is wielded and, therefore, in an ongoing two-way causal relationship, with the sources of legitimation of power itself or, rather, using terms more suitable to include the informal institutional level as well, the way in which this power was generated and formed.

Returning to our main subject, therefore, we may rephrase the opening quotation and say: There are no institutions without power. This applies of course to the formal level and, perhaps even more so, to the informal level as well. In this sense, an examination and an analysis of the anthropological meaning of power, its cultural and psycho-social scope, is inextricably bound up with a similar examination and analysis of the term «authority», its meaning and scope. It should also be borne in mind that, from the viewpoint of this study, «mental» scope or representations have precedence over the social or historical-cum-institutional dimensions of the problem.

## 9.2. THE FALSE SYNONYMY BETWEEN POWER AND AUTHORITY

To understand the relationship between the terms «power» and «authority», a linguistic digression may be useful to analytically demonstrate first of all why these two words cannot be considered synonyms, contrary to what is generally thought.

The words are not synonymous for the simple reason that the terms «authority» and «power» do not refer to concepts that necessarily coincide. Without the pretension of undertaking a fully fledged linguistic study, which would go beyond the limits of this essay and the competence of its author, we shall nevertheless try to examine the meaning of these terms and their semantic origins, i.e. what they have expressed and continue to express in the minds of men throughout the course of history.

To do this, we must use the tools provided by semiotics, which (using Morris's terminology) includes syntax, semantics and pragmatics, with particular emphasis on semantics, which deals with the meanings conveyed by messages. As is well known, even when transmitted with the maximum syntactic accuracy, signs and symbols make no sense unless there is a prior agreement between the sender and the receiver on their conventional meaning. The emphasis given to semantics is not enough, however, as the three components or factors mentioned are interdependent. In the case we are considering, the study of the meanings

of power and authority and the relationship between them (not forgetting the unavoidable implications and links with liberty) is a problem which concerns, both semantics and pragmatics, jointly and separately, for those aspects which fall within their respective fields of application. To examine the relationships existing between power, authority and liberty, we must therefore closely examine both the meaning acquired by a whole range of signs used in the innumerable messages exchanged by people and the bidirectional influence of the behaviour stemming from them, i.e. the pragmatic aspect.

### 9.2.1. *Power*

«Power» means «faculty» (as in «mental, or physical faculty», for example), «legally assigned might», «possibility and capability of acting». All these concepts are well expressed – in our European linguistic and cultural area – by the Latin term *potestas*, which means both the ability to realistically use some form of might to assert one's own will, and the legitimate actualization of such will. (We shall later see, however, that there are in fact two kinds and sources of legitimation: «republican» and «imperial»). These meanings are reflected in the Latin verb «posse» and its derivatives in the Romance languages (*potere, pouvoir, poder*, etc.) which have two complementary, albeit quite distinct meanings: «being capable of» («can») as opposed to «being allowed to» («may»).

A person with power is, therefore, by definition a doer, one who is allowed and able to act, one who has the pragmatic right to do something, a performer, an achiever, a controller of things, a person who gets things done. It is interesting to note, for example, that the German noun *Macht* (which corresponds to English «might», both from the Common Germanic *mabtiz*, a derivative of the verbal root *mag-* to be able or powerful, cf. Old English, Old High German and Gothic *magan*, meaning «to be able») is identical in form with the third person singular present indicative of the verb *machen* (deriving from Old High German *mabhōn*, akin to Old English *macian*, both deriving from a Common West Germanic root, meaning «to make» or «to do») and is sometimes used, in cases where the English word «force» would be used rather than «might», to indicate the concrete nature of the power involved, (e.g. the term *Wehrmacht* literally means «defence-force», i.e. army, but etymologically the two words mean «war-might», or «war-makes» if we interpret *macht* as a verb, in other words, a force that «makes war», «is able to make war», «may and therefore can, i.e. has the power to make war»).

The term «power» thus refers to a situation of factual and legal capability and is applicable to the situation not only of «magistrates» in all societies of the «republican» type (from Ancient Rome to the Republic of Venice), but also to that of «prefects» or whatever the title may be of those responsible for various activities in societies of the «imperial» type. The difference between the two meanings of the same word – and also between the two ways in which *potestas* or power is exercised – derives from the two constellations of meanings, which are radically different from each other.

### 9.2.2. Authority

The word «authority» etymologically implies «authorship», i.e. generating something or someone, being the source or origin, the author and creator, all concepts that are well expressed – once again in our European linguistic and cultural area – by the Latin term *auctoritas* (cf. Greek *auxánein*) from which the English word derives. The key word in this case is the Latin verb *augere* which has the following meanings: generate, increase, enlarge, extend, accelerate, cause to grow, propose, support, develop, authorize and allow.

«Authority» thus means (Benveniste, 1969) the conferring, both conceptually and on the level of values, with precedence and in addition to the social dimension, of the possibility and capability of being and doing. Similarly, the term «author», in this context, means a creator, a promoter or inventor of opportunities, a person who lays foundations and extends possibilities, a protector and a guarantor. The role of an authority figure, or of a person temporarily endowed with authority, a situation in which anyone may find himself, is always identifiable both at the level of individuals and of those supra-individual entities that we may generically term groups: this function is present wherever and whenever someone supports and advises while, at the same time, assisting another, i.e. acts within the framework of a helping relationship with someone else.

The most paradigmatic case is that indicated by the word «council» (from the Latin *consilium*) indicating a body, however termed, endowed with authority of some kind or another. Normally and institutionally (in all cases at the informal level and often at the formal level too), it has the function not of wielding power but rather of being the source (author) of such power. A Council – including in this term bodies such as the national controlling body of a political party, the board of directors of a company, the Cabinet, the council of a youth association, or the United Nations' Security Council – simply has the task (which may not be at all simple) of deciding what has to be done and of giving the power to do it to someone – from inside or outside the Council itself – judged to be trustworthy, fit and capable. In substance, the Council is the author of the power we discussed in the previous paragraph.

The authority function is generally considered very respectable and venerable, indeed honourable (*colenda* as the Ancient Romans used to say) for the very reason that, through an interlocutory role, it involves generating, developing and increasing power, while at the same time controlling and guiding its exercise. It is no accident that the role of authority also evokes a situation of «accepted dependence» (Horkheimer, 1936), rather than a condition of «power deriving from prestige» (Geiger, 1959).

For all the reasons stated so far, authority and power can and must be thought of as two separate and non-synonymous terms: they represent two different concepts which refer to two quite distinct roles and functions. If, as we shall see, there are cases or situations in which someone may attempt to superimpose the two roles, this does not happen in consideration or in virtue of semantic synonyms (the functions of authority and power remaining quite distinct, even when

they are merged, or in some way combined in the same person or entity), but because of particular anthropological and cultural or psycho-social situations. The two words, concepts, or dimensions always and in all cases remain separate.

### 9.2.3. *Liberty*

Everything depends therefore, totally independent of any inexistent synonymy, on the actual workings of the authority/power inter-relationship.

Before going into this point, however, it is useful to complete our linguistic digression to achieve a better overall understanding of the question we are considering.

«Liberty» means individual spontaneousness not conditioned by any cause or, more precisely, limited only by «universal necessity» as the «cause of causes»; the possibility of accomplishing the activities or tasks implicit in one's role and functions as a person and a citizen (*civis*) without infringing on the rights and interests of others (or even of oneself!); the absence of arbitrary constraints; choice conditioned by existing possibilities (Plato). To complete our review of Latin terms, so relevant in our European cultural area, the word *libertas*, which has descendants in all the Romance languages (*libertà, liberté, libertad*, etc.) as well as in English, comes from an Indo-European word (reconstructed as *leudh*), from which the Greek *eleuthería* also derives. In the Germanic languages, there is another family of words stemming from the Indo-European root *pri-* through the Common Germanic *frijo* (from which the words *freedom, Freiheit* and so on derive). The Old English word for liberty was *frīols* (akin to Gothic *frēihals*, Norse *frēlsi*, Old Frisian *frihelse*, Old High German *frihalsi*) which derives from the word for freeman, literally a man whose neck is free (cf. Old High German *frīhals*, Norse *frjǫls*), an allusion to freedom from slavery.

A «freeman» (or woman) is therefore (Benveniste, 1969) one who is emancipated, independent, liberated, not subject to others, master of himself, immune, exempt, in short, free; one who is not subject to constraints imposed by others, who is not in a condition of slavery or bondage and is not conditioned by ties and commitments in his mutual dealings with other human beings. It should be noted that this concept is nearly always definable in negative terms (not subject, not bound, not constrained, etc.). The theoretical possibility of referring to the territorial concept, as defined in ethology and biology, and to its ramifications to achieve a better understanding of the importance and limits of reciprocal behaviour should also be noted.

## 9.3. REPUBLICAN MAN

Psycho-social anthropology, the standpoint from which we are considering this problem, allows us to comprehend, in both denotative and connotative terms,



what being a «citizen» (*civis*) means in a situation we have described as «republican», as opposed to what being a «subject» (*subiectus*) means in a situation we may generically describe as «imperial». We crave the reader's indulgence if, in outlining these situations, we sometimes overstate the case, but such an approach can be useful above all in a presentation and as an illustration of paradigmatic models, even though such situations may not always be easily and consistently identifiable in real life.

Be as it may, the central core of the situation we are considering may be outlined as follows: the citizen of a «republic» in his acts and in his participation, both active and passive, in the life of the community of which he is a member observes fairly clear «rules» which (for the aspects we are considering) are marked by a radical, clear-cut and well-defined separation, once again forming part of the informal rather than the formal «compact», between the holder and role of authority and the holder and role of power.

In any case, at the minimal level, the existential aspect of power is always clearly separated – whenever it is wielded by or incarnated in the same person – from the existential and practical aspect of the authority role. In other, more down-to-earth, terms, the person holding and wielding authority does not hold and wield power, and viceversa. The logical points of reference and the time-space loci of the two aspects of authority and power are and have to remain separate. This is not because of ethical, constitutional, moralistic, or other reasons, but because of other factors that have precedence over them. It is simply not possible to hold authority and power, because this is not allowed by the informal institutions of a «republic».

The best example that can be called to mind in this connexion, quite appropriately as we referred previously to the Latin terms *auctoritas*, *potestas* and *libertas*, is the Roman Republic. Under that regime, all institutional «compacts» (psychological, civic, social and legal as it came to be expressed in the constitution) were based on a very clear separation between authority and power. This, in the author's view, is the very essence of republican society and was present at all levels and in all forms and activities, whether concrete or otherwise, in which the daily life of Rome was played out (from the family to the dynamics of politics).

The classical philologist Richard Heinze (who died in 1929 and to whom, after Mommsen, we owe according to Eschenburg, 1965, a part of the explanation of the semantic development of the word *auctoritas* in Ancient Rome), considers this term to be something that was specifically Roman and that became consolidated «to such an extent that it not only imposed legal or quasi-legal obligations, but it also gave rise to a stable institution [...]. A Roman's private and public life was governed in its entirety by the rule that no important decisions could be taken without first consulting those he considered to be competent in the matter. What was the basis of *auctoritas*? [...] It was the idea that no one is capable of understanding everything, particularly if left to fend for himself; it was the respect for a person embodying greater experience, competence, or sense of responsibility, linked with the desire to proceed at all times with the greatest

prudence possible [...]. *Auctoritas* was acquired by a man who had demonstrated the worthiness of his whole personality; it was used in the service and for the well-being of fellow citizens and, in its highest and purest expression, in the service and for the well-being of the commonwealth (*res publica*)» (Heinze, quoted by Eschenburg, 1965, pp. 22-23). The situation is quite clear, even though the emphasis of this conceptual outline by Heinze, which goes back to about 1925, may seem too emphatic for modern readers.

It is important to note that the existence of the citizens' liberty is actually guaranteed – in a «republican» society and, obviously, *within the context of what is allowed by the social, historical and economic situation*, i.e. within well-defined historical limits, which in this case have no bearing however on the «qualitative» thesis we are developing – by the separation between the time-space aspect of authority-holding by an individual or by a social group and the corresponding and complementary time-space aspect of power-holding. In short, it is guaranteed by the separation between the holder of authority and the holder of power.

It is useful to repeat that this state of affairs, appearances notwithstanding, is in no way conditioned by the legal framework (whether constitutional or otherwise), which comes *after* the anthropological and psycho-social realities outlined. This means that, in «republican» society, all three aspects take shape first of all inside individuals and groups, i.e. also within the type of interpersonal and social relationships established between one individual and another as well as between the individual and the various groups of which he is a member. We may refer to such institutions as subjective and inter-subjective institutions, present in the psychic activities of «republican man».

As regards the Roman Republic, this situation corresponds to what was formally and precisely described by Cicero in the first century before Christ. According to Cicero, the Roman constitutional system rested on three interdependent pillars: *auctoritas*, represented by the Senate, *potestas*, represented by the magistrates of various kinds operating at different levels and with different tasks, and *libertas*, shared by all citizens as active members of the super-individual community which constituted the Roman city-state (*urbs*).

Consultation of authority by power was a right and a duty constantly and concretely exercised through habit and practice. At the top of the power structure there was the Consul, whose title derived from the fact that he was the person who consulted the People and the Senate. The latter, in turn, was a *Consilium* or council (a word which also corresponds to the Greek term *symboúlion*, from *syn* «with» and *boulé* «council, will»). Thus, whenever any *magistratus* (official) was called upon to answer for the consequences of a measure adopted or an action taken by him in the exercise of his power, the first question put to him was whether and how he had convoked a *consilium*. Similarly, a *pater familias* who wanted to take one of those grave decisions for which his power has become notorious (the repudiation of his wife, the expulsion of a son, etc.) had, first of all, to convoke the *consilium* of his relatives and clan, i.e. the *auctores* of his *potestas* (the source of his power). This does not mean that he was necessarily obliged to follow the advice of these *auctores*, but the exercise of

his power was in any case subject to their judgement and consequently strongly conditioned by it. In substance, the freedom to make decisions was accompanied by the requirement of prior consultation in a kind of group dynamics that is quite unique.

The overall balance of the republican system, although historically only relative, is the guarantee of liberty on the basis of a separation of the roles endowed with power. In other words, a given balance between the three aspects authority, power and liberty, as outlined above (Figure 1), allows a given type of expression of each of them and of liberty, in particular.

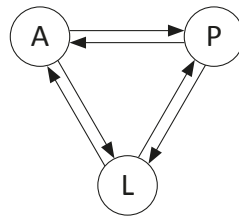


Figure 1. – Representation of psycho-social republican anthropology.

#### 9.4. IMPERIAL MAN

We may now consider the basic meaning, again denotative and connotative, of the term «subject» (*subiectus*) in a situation we have described as «imperial». The basic core of a situation of this kind is the absence of a separation between the holder or role of authority and the holder or role of power, which in practice coincide. In other words, in this case, *potestas* has the peculiarity of being self-generating: its *auctor* is indistinguishable from *potestas* itself. The focal point of the transformation of «republican anthropology» (and its institutions) into «imperial anthropology» (also with its institutions, both formal and informal) is the different source of legitimation of power, once again using legalistic terminology to describe anthropological realities. In short, the holders and wielders of power are also firmly endowed with authority. The logical and time-space loci of the two institutions are and must continue to be unified, thus giving rise to a continuous loop process.

Once more taking Ancient Roman society as an example, we can follow the development of «imperial man» by studying the historical changeover from the Republic to the Empire. The crossing of the Rubicon is generally and rightly taken, both factually and symbolically, as the real turning-point. However, the transformation of republican society into imperial society did not actually take place at that moment, but it is unquestionable that this was the crisis that marked the breakdown of the former balance, thus opening up the way for new anthropological and psycho-social structures (Figure 2).

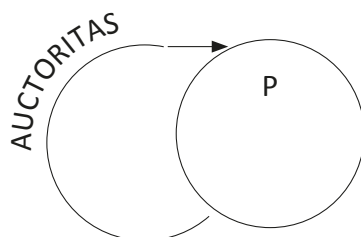


Figure 2. – Representation of psycho-social imperial anthropology.

The «crossing» of this little stream could perhaps be better termed – with greater historical and anthropological accuracy, or at least more incisively – the «metamorphosis» of the Rubicon. It is by no accident that the tragedy of Julius Caesar has been so vividly analysed, discussed and felt to be personally relevant in both history and literature. Caesar was in fact the last major figure of the Republic and the first standard bearer of the Empire, but he was personally unable, both historically and formally, to impose the new order, as he was prevented from doing so by the punishment for his crime of «betraying» the Republic. From that historical «crossing» onwards, however, power – including military *might*, formerly characterized by its submission and obedience to the civilian establishment – increasingly tended to lose all respect for authority.

The actual transformation was successfully carried through later and with greater flexibility by Octavian, who, in the year 27 B.C., received from the Senate the title of Augustus (meaning «generated»). This title in actual fact was just a screen, an apparent and showy confirmation that the republican anthropological tradition had been maintained and preserved. The novelty was represented by the fact that Octavian was to keep that title for good, making it practically hereditary. The Senate was thus deprived of its prerogative of being the *auctor* or generator of *potestas*. Consequently, with Octavian, *potestas* and *auctoritas* began to be merged within the same person and tended to become one and the same thing. By keeping the title and making it substantially transmissible to his heirs, he also took de facto possession of the *functions* previously identified with the Senate, i.e the body that had bestowed the title upon him. In short, he took upon himself the role and functions of the Senate which, consequently, lost its authority, a situation that is well described by the Latin verb *exautorare* (whence the Italian *esautorare*).

In the ancient Roman Republic, the lasting and overwhelming power of any single individual was unknown. In the person of Augustus, power (*potestas*) was thus combined with an extraordinary authority (*auctoritas*). The Emperor, who after the civil war governed wisely and not as a tyrant, had unlimited decisional power, but despite this he continued to consult the Senate. We may say he advised the Senate on how it should advise him. Consequently, from then onwards, the authority of the Senate derived from the authority of Augustus and the roles played respectively by the *princeps* (Prince) and the Senate were gradu-

ally reversed. In the times of the Roman Republic, *auctor* indicated the person presenting a motion, but the Latin expression (using the ablative absolute construction) *auctore principe* later came to mean more than just «on the Emperor's proposal». In actual fact, this expression acquired the meaning «by order of the Emperor» which, in those times, was interpreted as a formula with magical overtones having the same force as an order.

Obviously, as always happens in such cases, Octavian and his behaviour were also in large measure the effect and not just the cause of the complex psychosocial changes that had taken place in many facets of Roman society: economic, cultural, political, etc. We say this notwithstanding certain interpretations that have come to be considered classical both of the situation and of the personality of the man Augustus. In effect, if such interpretations were true, this changeover could have taken place even earlier. Thus, even before Augustus, similar charismatic personalities had appeared on the Roman scene who would also have been capable of mobilizing military forces of equal (if not greater) effectiveness and numbers. Octavian referred to himself as *princeps* (prince) and added the word *civium* (of the citizens), thus giving a new meaning and value to this word from a formal standpoint. Under his successors, who from then onwards were to be descendants of his own family, thanks to the hereditary nature of the title, *auctoritas* definitely acquired a new aspect. After Octavian, we can observe further changes on the linguistic level as his successors adopted titles such as *dominus*, *divus* and even *deus*. It should be noted that *dominus* was the only term formerly used by slaves when addressing their masters, and this explains why this word, because of its tyrannical connotations, was avoided by Augustus and by his first successor Tiberius. It should be observed rather that, while the term *princeps* was an expression of the formal equality of the Emperor with other citizens, the term *dominus* expressed his superior position and the formal subjection of the person writing or speaking to him. The word *dominus*, moreover, often indicated the divinity of the Emperor, embracing in a single concept the meanings of both *dominus* and *deus* (lord and god). As noted by Mommsen, it is precisely this terminological transformation from *princeps* to *dominus* that allows us to gauge and follow with the greatest accuracy the internal development of the imperial regime from principedom to despotism.

Starting with the Emperor Septimius Severus (193-211 A.D.), who surrounded himself with important jurists, the expression *auctoritas principis* (the authority of the Prince) acquired harsh and absolutistic overtones. Ulpianus, one of the great men of law active during the reign of Septimius Severus, is the author of the maxim: «Quod principi placuit, legem habet vigorem» («What is pleasing to [literally: has pleased] the Prince has the force of law»). It was thus the jurists who condensed the meaning of sovereignty into one word, thereby transforming it into an instrument for imperial domination.

*Auctoritas imperialis* and later *auctoritas maiestatis* are periphrases indicating the unlimited power of the Emperor, who was both legislator and judge. Thus, *auctoritas* no longer flowed from below up to the *princeps*, but came to him from above and then proceeded downwards «through all his members» (Gmelin, 1937).

## 9.5. THE REPUBLIC OF VENICE

Apart from those «republican» situations that were present or at least traceable in the ancient *poleis* or city-states and in particular, as we have seen, in the Roman Republic, which was an exemplary case, a more recent instance – and one which is equally fit to be used as a model – is the Republic of Venice. In Venetian society, intra-individual, inter-individual and group dynamics – as well as the anthropological situation on the one hand and the institutional situation on the other – unfolded for more than a thousand years against a backdrop of norms that can unquestionably be defined as «republican».

It is no accident that, in the period when princely states were consolidating their power throughout Europe and in Italy in particular, Venice continued to represent an exception. It is no accident that the power of the Doges was limited by numerous and significant checks and balances entrusted to various community structures, with the result that the nomination to this office was more often «feared» than coveted by the candidates. It is no accident that, as we can still see today, Venice lacks (even from an architectural standpoint) a whole series of signs and signals characteristic of the situation we have defined as «imperial»: there are no statues or images of «founding fathers» or national heroes, there are no feudal keeps or towers (obviously excluding bell-towers), etc.

It may be useful to briefly evoke how Venetian society was born and to describe its first period of aggregation and development. Bands of refugees, who had fled from the mainland during the «barbarian» invasions, made their home in the Lagoon and began to establish stable roots there more or less at the time when the Lombard kingdom was being consolidated in other parts of the Italian peninsula. Quite soon, the six main islets, that were later to form the territory of the city of Venice (the *sestieri*), formed a community able to express from within itself government structures and functions constituting the *organized projection* of the psychological and civic relationships existing between the components of the new *societas*, even before they were constitutionally fixed and publicly codified. Each of the islets (a *sestiere*) designated two or three electors to choose the citizens judge to be most worthy to meet in Council with the function not only of selecting from among their number the Doge and other magistrates of the Republic, but also of assisting (and checking) them during their mandate.

The six *sestieri* thus constituted the territorial basis of a Council of twelve or eighteen electors whose task was to choose the 480 citizens forming the Grand Council (*Consiglio Maggiore*). It is interesting to note that the Grand Council designated – through very complex and intricate mechanisms that we cannot go into here – all magistrates from the highest, the Doge, down to the lowliest official of the Republic. It is also extremely significant and interesting to note that – in virtue of rules that were applied from internal conviction, even before they were socially codified – the twelve or eighteen primary electors of the Grand Council could not themselves form part of that body.

This is not the place to go into detail on the complex network of psychological and civic, social and legal-cum-constitutional compacts that regulated

the life of the community. What is important is to underline that, in every case, the system was designed to *guarantee* – with anthropological and psycho-social aspects having as usual precedence over legal and normative aspects – the de facto separation existing between those holding power and those holding authority or, as it would once again be more accurate to say, between power-holding by various citizens and authority-holding by various (other) citizens.

It is extremely indicative that of the first seventeen Doges only three were deposed without some form of physical or moral punishment (one was assassinated, four were first blinded and then exiled, two were banished after being excommunicated, etc.). Each of these seventeen individuals suffered a more or less tragic fate for the simple fact that, through the exercise of their power, they were tempted to repeat the «metamorphosis of the Rubicon»: i.e. to overthrow the republican status quo and introduce an «imperial» situation. In each case, the bone of contention was the problem of succession: instead of leaving the task of «authorship» of the new Doge to the Council, and therefore to the community at large, each of the Doges in office regularly tried to make the title hereditary, thereby appropriating the function of authority, notwithstanding their having been elected by the Grand Council and their having sworn never to resort to such modifications of the civic and social compact.

We may conclude even from this summary description that Venetian society was particularly vigilant of the informal institutions by which it was governed and regularly and severely «punished» any transgressors. Moreover, as this approach was adopted from the very beginning of the Republic's history, it was bound to channel, organize, structure and condition the subsequent development of the Venetian commonwealth in a republican sense. The Grand Council – which was in turn, it should be noted, subject to a whole series of checks and balances – was to be the sole depositary of authority able to express from among its members the power of the Doge with an absolute and mandatory separation of the two functions.

The history of the numerous and notorious, or lesser known, Venetian conspiracies very expressively confirms what we have been saying: Marino Bocconio in 1299, Baiamonte Tiepolo in 1310, Marin Faliero in 1355, and other minor figures regularly tried to change the nature of the relationship between authority and power from a «republican» to an «imperial» model, by attempting to establish a princely regime and to make the title of Doge hereditary. In each case, the conspiracies failed, sometimes «by chance» (as certain historians naively maintain) and at others thanks to the guaranteeing mechanisms provided by the Constitution and the institutions of Venetian society. In both cases, we refer to mechanisms insuring the «self-regulation» of the system and acting at the formal and/or informal levels. The final result was however that, during a period when elsewhere princely states were being structured and consolidated, «imperial» conspiracies in Venice regularly failed and were always followed by the dramatic punishment of the culprits as a lesson to whoever might think of trying the same thing.

The case of Marin Faliero is exemplary. He was a Doge unquestionably endowed with many positive personal qualities, he had great charisma and, more-

over, had earned great merits in the service of the community, which had benefited from the achievements of his period of office. But he too was unable to resist the temptation to make himself Lord of Venice. His conspiracy was uncovered after only two days. He was arrested, tried, sentenced and beheaded – between the two well-known columns still to be seen at the front of St. Mark's square – without any regard for the merits he had previously earned. All members of the community were required to file past his headless body, as a moral warning, as we read in the chronicles of the time.

It is unquestionable that the psychological guarantees and the multiple social checks that the Venetian Republic was forced to introduce and «invent» over the centuries, as its development progressed, with the object of maintaining a stable «republican» status quo, had to be numerous and complex. The various Councils, many of which are still famous today (the Council of Senators – *Consiglio dei Pregadi* –, the Lesser Council – *Minor Consiglio* –, the Council of Ten, etc.), had the basic function, in addition to the specific tasks of each, of mutually guaranteeing each other by ensuring that no individual could prevail over the others and establish «imperial» rules for structuring the balances within the community.

It may be legitimately objected that this kind of community, with its drastic separation between authority and power, was only able to develop and last for centuries within the framework of a situation of relative oligarchy. The families that could claim full membership of Venetian society numbered only 2,000 or slightly more, even in the periods of the oligarchy's greatest extension. This is a quantitative problem, however, and as such has been deliberately left out of this study. Moreover, it may be observed that the situation we have outlined also led to a sort of social pathology, due to the excessive number and qualitative and quantitative intricacy of the various Councils and of the checks that each of them had to exercise over the others. Thus, in the later periods of the life of the Republic, we observe a process of ever increasing bureaucracy and an excessive accentuation of the role of the Councils, factors which – together with others – led to substantial lengthening of times and complication of the procedures governing the acts of the State machinery and to a net decrease in operating effectiveness, if not to a more or less complete paralysis of community functions.

However, this too is a problem that goes beyond the limits of this essay and concerns, if anything, the definition of the correct and optimal positioning, or rather the correct balance of elements, required to achieve the maximum efficiency and effectiveness of any «republican» system.

This subject could be further developed with appropriate examples.

We could analyze, for example, the relationships between power, authority and liberty in the Roman Catholic Church, in the various phases of the French revolution, or even in various real-life situations – when examined in depth – as they exist at the present day. We might thus discover, for example, that many so called «republics» are in reality «empires», while other formally monarchical systems are really «republics». Such an exercise may be left, however, to the reflexions of the reader.



REFERENCES

- Benveniste, E. (1969). *Le vocabulaire des institutions indo-européennes*. Paris: Minuit.
- Canetti, E. (1981). *Massa e potere*. Milano: Adelphi.
- Eschenburg, T. (1965). *Über autorität*. Frankfurt am Main: Suhrkamp.
- Ferrarotti, F., Tamburrano, G., Fornari, F., Borgna, G., Oliverio, A., Baget Bozzo, G., & Magli, I. (1983). *In nome del padre*. Roma - Bari: Laterza.
- Foucault, M. (1977). *Microfisica del potere*. Torino: Einaudi.
- Galasso, G. (1974). *Potere e istituzioni in Italia*. Torino: Einaudi.
- Geiger, T. (1959). Führung. In A. Viefkandt (Ed.), *Handwörterbuch der Soziologie* (p. 137). Stuttgart: Neudruck.
- Gmelin, U. (1937). *Auctoritas – Römischer princeps und päpstliches Primas*. Stuttgart: Kohlhammer.
- Horkheimer, M. (Ed.). (1936). *Studien über Autorität und Familie*. Schriften des Instituts für Sozialforschung (Band V). Paris: Librairie Félix Alcan.
- Hung Ng, S. (1980). *The social psychology of power*. London: Academic Press.
- Jaynes, J. (1984). *Il crollo della mente bicamerale e l'origine della coscienza*. Milano: Adelphi.
- Legendre, P. (1975). *Jour du pouvoir*. Paris: Minuit.
- Lindgren, H. (1982). *Leadership, authority, and power sharing*. Malabar: Krieger.
- Lobrot, M. (1973). *Pour ou contre l'autorité*. Villars: Gauthier.
- Marramao, G. (1985). *L'ordine disincantato*. Roma: Editori Riuniti.
- Mastropaolo, M. (1979). *Le motivazioni psicologiche al rapporto autoritario*. Salerno: Edisud.
- Oppenheim, F. (1982). *Dimensione della libertà*. Milano: Feltrinelli.
- Papagno, G. (1979). Istituzioni. In *Enciclopedia Einaudi*, 15 vols. (Vol. 7, pp. 1083-1119). Torino: Giulio Einaudi editore.
- Rawls, J. (1971). *A theory of justice*. Cambridge, MA: Belknap of Harvard University Press.
- Ricoeur, P. (1967). *Philosophie de la volonté*. Paris: Montaigne.
- Sennet, R. (1981). *Autorità subordinazione e insubordinazione: l'ambiguo vincolo tra il forte e il debole*. Milano: Bompiani.
- Simmel, O. (1978). *Il dominio*. Roma: Bulzoni.
- Spaltro, E. (1984). *Sentimento del potere*. Torino: Boringhieri.
- Trentini, G. (1980). Potere/autorità. In *Enciclopedia Einaudi*, 15 vols. (Vol. 10, pp. 1041-1053). Torino: Giulio Einaudi editore.
- Turk, H. (1973). *Autorität*. Mainz: Matthias Grünewald.



10.

## WORK, SPIRITUALITY AND POLITICAL ACTION

*Cesare Kaneklin*

People who in their work can feel the vital spark of desire and spirit, who love it and *think of the problems and novelties* that constantly present themselves in our social and work itineraries today – these people I consider lucky.

However, what seems obvious to me in the real contexts where I conduct scientific research is the risk of a divide between spirituality and work. Therefore, the first part of my intervention will be devoted to the illustration of such a possibility; I will then try to show how, in the attempt to limit such a risk, it is indispensable that each of us work at their best rediscovering the «political value» of action, be it the individual's or the social subject's: organizations and work organizations in particular.

### 10.1. THE RISK OF A DIVIDE BETWEEN SPIRITUALITY AND WORK

Let us begin with work. I think labouring and suffering are, to a certain extent, even intrinsically, part of work; it is thus illusory to think of organizations as places of well-being purified of these conditions.

However, it seems to me that today much suffering at work can be construed as efforts that are disproportionate to the resources available or, more precisely, as frustrations and lacerations of one's self-image linked to impositions and demands of sacrifice, the sense of which is lost or whose aim is not at all shared. This fosters a feeling of non-involvement in work and in the contexts in which one works.

Recurrent proclamations and statements to the opposite seem abstract, and far from the *theories in use*:

- «Human and cultural resources are the most important resource of our corporate assets» (a factory manager).
- «Italy is a democratic republic founded on work» (Italian Constitution).
- «Thus work bears a particular mark of man and of humanity, the mark of a person operating within a community of persons. And this mark decides its

interior characteristics; in a sense it constitutes its very nature» (Opening of *Laborem Exercens*, Ioannes Paulus II, 1981).

As I have already pointed out in a recent conference (14 March 2011) held at the Catholic University, a conference on «Citizenship», «if we think of the subject, at least of the subject appeared in Athens in the early fifth century BC, it has since been considered a cornerstone in social dynamics. It is a human and social subject that historically becomes first a legal person, and much later, is acknowledged as a psychic subject, i.e., is recognized and respected also in terms of its inner space, of its own spirituality: a dynamic space for its affective and cognitive contents and for cultural aspects, for the experiential events internalized by the individual over the entire arc of one's history».

We cannot dwell here on the reconstruction of the history of the «subject», because we also want to focus on the years of so-called modernity.

Let us start by recalling that this triple subject, which is historical-political, legal and psychic in nature, is aware of the fact that in contemporary developed communities, society as well as organizations need it as a producer, as a consumer and as a citizen (these are the social roles that pertain to each of us). Paradoxically, if we did not work, if we no longer consumed, if we deserted the polls, society would break up.

Since the times of Athens, the combination of these three social roles has constantly changed, in the different eras and in the different societies. Societies that, with their institutions, their values, their concepts and languages come before their members, who become men and women through education and adaptation to society itself. This adaptation is not at all passive, automatic nor mechanical. And, if on the one hand everyone has to adapt in order to live in society with others, on the other, man does not embody a vocation to live, as Freud said, as a community of termites. It is within this perspective that I now approach our times, trying to show how modernity is marked by the effort to transform citizens into consumers (Enriquez, 2006) by means of continual, explicit but above all implicit, pressures to conform. Looking at it from a historical perspective, once, at the time of the polis, there was the citizen. It was modern times that invented the manufacturer, as an entrepreneur or as a salaried worker; it is the First Industrial Revolution, it is the long wave of the Hegelian Left that confronted us with this reality.

More recently, after the Second Industrial Revolution, one sees that our contemporary world is increasingly betting on the consumer only. It is only if one consumes, works and has money, that one becomes a citizen too. This is proven by some recurring statements: «we must increase consumption in order to boost the economy»; «those who do not consume are not good Italians», or «those who do not consume are not good French». This is also effectively shown by some newspaper articles of the most recent months on the controversy «working or not working on May 1». And some articles, which I believe hardly shareable, proclaim «hooray for consumption; we all have to consume more». This also applies to immigrants, to non-EU immigrants: in general, we can say that the individual who does not buy, does not have the latest product – be it useful or not – cannot experience the feeling of existing (De La Boétie, 1978).

Even children learn to claim the latest video game ... What a change in such few years! Until twenty or thirty years ago, craving for the latest type of product, for designer clothing, was a phenomenon reported especially among youngsters – and this could be understood – during adolescence, a time of evolutionary crisis in one's personal and professional identity. Nowadays it is children who, as early as four years of age, know perfectly well the latest edition of their electronic game, and want it, take it with them to kindergarten, and show it to others.

On the other hand, it can be seen how easily, in these «globalized» contexts, individuals rebel when they cannot have what they would like to have. And so we observe phenomena of looting, for example at supermarkets; of car fire-setting in the suburbs; a surge in suicides among young people due to the increasing difficulty of giving sense to existence and preserving it; a rise in sadistic attacks against women and children, etc.

If we take a closer look at the world of work, we see that one is required to be up-to-date and savvy in using the latest technologies; to be, as they say, «highly-performant», a good consumer, particularly reactive, making good decisions quickly, in order to survive and remaining «on the crest of the wave»: But what happens to those who cannot make it?

Well, the risk is to be eliminated, fired, and often condemned to spend one's life going from odd job to odd job. People in these conditions return to a state termed «useless to the world» in the Middle Ages: people to whom we – as a society – must give some help (no one is denied a little sympathy) but who are substantially cumbersome. Above all, what is evident is that if these people disappeared, nobody would notice, all caught up as we are in wanting to be like others, in «conforming» and being efficient, and in preserving our haven of affections within the sphere of family and friends; such a defense being protected by some sort of apathy<sup>1</sup> in our relations with an enlarged world.

I cannot delve here into the risk run by the relation of vital tension between a person – existing in itself – and what appears of a person, the subject *in situ*. If this tension is broken – and what I have just outlined goes exactly in this direction – the person is no longer able to personalize itself in its actions, in its socio-relational roles; the person cannot express itself, and what appears is a good mask for carnival yet is essentially useless to oneself and the world.

To better emphasize my thoughts, I will at this point pose a question that may seem rhetorical, but is today fascinating for its enigmatic nature. Does the risk of conformism, and of intellectual conformism in particular, aimed at desiring and wishing that others may think for us, that others may give meaning to events in our place, rise from a desire for subjugation typical of the individual<sup>2</sup>? Or is this risk the product – and this is my belief – of a gradual abandonment of

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<sup>1</sup> It is right to respect and care for oneself, but to what extent is it economic from the psychic and psycho-social point of view? For more information, see Green, 1985.

<sup>2</sup> The topics set forth in the following pages are fascinatingly expanded upon in Jung, 1968. The Swiss psychiatrist formulates, as if he were alive today, the «moral conflict», the clash between ideals and behaviors dictated by interests and conditioning.

«sovereignty»? The latter hypothesis is sustained by a French colleague, Eugène Enriquez, in an interesting essay (Enriquez, 1983) which looks for the origins of social ties on the edge of several disciplines, and shows the relevance, for the psyche, of the role concretely assigned to the subject within a given society. Let us focus then, albeit briefly, on the analysis of the person-context relationship.

## 10.2. THE POLITICAL VALUE OF ACTION IN ORGANIZATIONS

Reconsidering the theme of spirituality and «of ethics in action», we note that these have many ways in which to manifest themselves and inspire our behavior. However, if I think of work situations, all too often in concrete daily events do I have to acknowledge a sort of divide – obviously not overtly stated yet certainly practiced – between the «logic of the spirit» and «the logic of necessity». In decision-making, in problem-addressing, in everyday behavior, far too often is the flag of necessity – inflated by the ever blowing wind of the rapidity of changes continually hitting work contexts, thus individual workers – the logic of necessity, not helpful and supportive of the virtuous art of the possible, as it transforms itself into a filter for a simplified reading of problems fostering a climate of «flabby consensus» for which in the name of flexibility, resilience and neurotic haste, independent thinking in work contexts stops, and a nameless fear freezes the spirit which no longer feeds the imagination, or feeds it elsewhere. Also, decisions made are often *acts* rather than *hypotheses designed* and formulated to influence reality. Falling into activism, which, as it lacks finalization, is inertial, actually serves the aim of avoiding thinking about the complexity of problems: especially the problems which are less tangible and less visible.

This malady of the imagination, which forces our psyche to live in a perpetual hasty present, nurtured by an inertial past but lacking a real re-signification of the past as well as a vision of the future, can be cured, or at least treated by beginning to identify new meanings in politics, and by discovering the political value of action in social and work organizations<sup>3</sup>.

In these times, says Orsenigo (2009), «I think it is critical to try emphasising the fact that politics is done not only by the ‘professional politicians’ but also by work organizations, by people who work there, by each of us» (p. 14). In the current situation criticizing the political class seems obvious; it would lead to nothing and would only add to the feelings of discomfort, mortification, and anger shared by many. This means taking a share of responsibility for the life of the polis, for political developments in the different contexts, towards the others and ourselves, having the feeling of being co-authors of the worlds in which we live.

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<sup>3</sup> To this topic is devoted an entire issue of the journal *Spunti* (12, 2009) edited by Studio di Analisi Psicologica (APS), Milan, <http://www.studioaps.it>.

As the Encyclical Letter recites (*Laborem Exercens*, 25): «This Christian spirituality of work should be a heritage shared by all. Especially in the modern age, the spirituality of work should show the maturity called for by the tensions and restlessness of mind and heart». This becomes realistically possible if we recognize, each for one's own share, that politics is increasingly done, consciously or not:

- by work organizations;
- by those who work in these organizations;
- in day-to-day activity;
- by little though meaningful actions.

Otherwise, how can one influence a world that poses new issues, large and small, capable of arousing a widespread loss of meaning, widespread disorientation to which the institutions, the political class and the social movements do not seem able to provide interpretive keys and maps that may guide us effectively?

We have already noted how this creates disorientation and a vicious circle of violence, and/or dependence on idealized subjects or entities: on a «guru», for example, or on any possible truth, as recently proven by the success of sects, including religious ones (Lenoir, 1998). From a psychological point of view, when considering the individual, it is important to remember that in order to be a subject, one has to continually re-personify oneself; has to be able to see and imagine the world, our institutions, and ourselves as part of a story that can be different; and has to be able to aspire to it, unless, of course, one wishes to slip, even unknowingly, into a mutual sense of impotence which, by emotional contagion, spreads melancholy, depression and/or social hatred.

Differently, one may stop and think about today's risks and insecurities; one may get into contact, even emotionally, with a horizon in which we no longer see safe havens, nor roads already mapped, but «la hiérarchie bousculée»<sup>4</sup> of the powerful who are no longer even familiar with a sense of guilt! Such people testify to an education which seems founded instead on a *sense of disgrace*, a spirit's sickness which, when a crime is publicly revealed, displays, at its best, shame.

This is perhaps the first, critical, political action; it has to do with trying to build something else, otherwise, within systems and boundaries in which we can exert some influence.

Obviously, if I limited myself to considering the individual subject, my words would sound a little illusory. In fact, I'm actually referring to the individual subject and simultaneously to those formal and informal social subjects which show signs of the awakening of the possibility of thinking and making a difference: in particular work organizations, contexts where we, also emotionally and affectively, connect and bond with others, and that exert such a powerful influence on the relationship between person and subject.

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<sup>4</sup> On this topic, see the slides by Sergio Manghi who teaches Sociology of Cultural and Communicative Processes at the University of Parma, published in the website of Studio APS, <http://www.studioaps.it>.

With respect to work organizations, I pose two questions: the first concerns the possibility of construing work organizations as *poleis*, the second the possibility that work organizations be political subjects.

Let us begin with the first question. In a sense, as claimed by Orsenigo (2009), work organizations may be seen as *poleis*, thus as contexts where policies are shaped and implemented; obviously, work organizations are not democracies, and it is important to bear this distinction in mind. Nonetheless, I believe that work organizations can be seen as political laboratories, contexts in which we «practice» politics.

And it is my strong belief that such «practicing politics» is visible in the fact that work organizations are education agencies that shape and nurture individuals and groups, also as citizens. Work organizations are places where one builds and co-builds visions of the world, of others and of oneself; where reading-maps for contexts are formulated; where are produced not only goods and services but also individual identities, both personal and professional, and collective identities. Work organizations are systems of recognition and appreciation; thus, they familiarize people with the perception of what gives honor and is rewarded, and what is disapproved of. In work organizations are interpreted roles and patterns of relating to others which may be more or less synergistic. The technical system, an optimal and a-conflictual model of combination of resources, and the social system, consisting of the bonds between individuals and groups, influence each other in the everyday work world; thus, they are contexts of confrontation and connection between different people; they are places of mediation, negotiation, conflict, diplomacy; they are spaces where patterns of relation with power and authority operate daily. The ways in which are used polarizations, unique classifications, divisions (good-bad, cost-benefit, Catholic-Muslim, public-private, politics-economy, nature-culture, psychology-sociology) are ways to cope with complexity, as well as simultaneously forms of influence, manipulation, domination: they are useful, but also have the great disadvantage of removing one from reality, thus becoming sources of confusion in the long run.

These brief observations intend to highlight the fact that these elements seem to us to be ingredients of political action. Thus, at this point, I ponder: if we reflect on the spirituality of work, cannot we but inquire into the kind of citizens we are, and the kind of *poleis* in which we live?

Approaching the conclusion of my intervention, I propose the second issue mentioned above, namely whether work organizations are political subjects. The hypothesis that I have tried to prove is that work organizations are not only places where – as seen above – politics is practiced (for example, in running an organization with its colonies), but also political subjects. Nowadays, organizations, and work organizations in particular, are commonly felt and generalized as being subjected to – when not, victims of – state, regional, trade union, municipal policies, and the like.

This common feeling and notion has a corollary, namely the fact that it becomes then inevitable to construe the political world and the Italian context as negative, as hindering the positive action of work organizations. Simplistically,



one would rather have a state that refrained from legislating or, even better, that de-legislated; that would be almost like thinking that organizations would operate better in the absence of institutions and norms: «Were there no politics, one could live in a healthier world»; one might think, for example, that it is the government that prompts corruption.

Differently, one may consider that organizations are part of the milieu, and contribute to create the context in which they operate, the task environment and the broader context, for better or worse. Work organizations are political subjects; they are co-authors of the policies of the world in which they operate. We have pointed out above how organizations affect their context indirectly, for instance by educating citizens; however, organizations also directly affect their context, in the way they manage people and the resources needed to produce:

- they exert an influence by products and services provided;
- they exert an influence by relations established with their customers (it is not by chance that I mentioned corruption: one could examine comparative data on corruption in various European and non-European countries<sup>5</sup>;
- they directly affect contexts, in the relations they establish with their suppliers, with institutions and politicians.

Thus, just as work organizations can be homologous to context internally, they can also adopt repetitive behaviors with the outer world in the hope to reap advantages. However, work organizations might also differentiate themselves; and at this point, one may wonder to which extent businesses, services, third sector, and university can construe the potential – not only of an economic nature – of their action in the market and in the world around them; or, if, without splitting the organization's economy and life, they can frame stories which are beautiful and, above all, worthy of being heard and being told.

## REFERENCES

- De La Boétie, E. (1978). *Le discours de la servitude volontari*. Paris: Payot.
- Enriquez, E. (1983). *De la horde à l'État*. Paris: Gallimard.
- Enriquez, E. (2006). L'existence plutôt que la vie. *Penser/rêver: Revue de Psychanalyse*, 10, 153-171.
- Green, A. (1985). *Narcissisme de vie, narcissisme de mort*. Paris: Minuit.
- Jung, C. (1968). *Collected works of C. G. Jung* (2nd ed., Vol. 9, Part 1). Princeton, NJ: Princeton University Press.
- Luca, N., & Lenoir, F. (1998). *Sectes*. Paris: Bayard.
- Orsenigo, A. (2009). La valenza politica dell'agire nelle organizzazioni lavorative. *Spunti*, 12, 13-42.

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<sup>5</sup> On this topic, see *Transparency international* (<http://www.transparency.org>).



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