

## **Global Psychoanalyst?**

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When we observe the current debate on State regulation of psychoanalytical practice, two issues are raised. First: it is a question arising in many places across the world. It is important to note that the same pressure towards regulation of psychoanalysis is occurring, *at the same time*, in countries with differing socio-political conditions and distinct cultures, in relation to the application of psychoanalysis. In other words, I do not believe the problem can be reduced to the local contingencies of health systems that are quite distinct (for example, compare those in the United Kingdom, Brazil and the United States). Also, they should not be forced into a normative homogenization because of administrative adjustments in countries seeking economic or legislative integration. This temporal simultaneity, in the appearance of the question, cannot be explained entirely by the ideology of the abbreviation of the risk and of the security of the populations. In the end, understanding that there is risk in practicing psychoanalysis is understanding, indirectly, that it is efficient, which is far from being the consensus among those who push for regulation.

### **The Worst Case Scenario**

This is not a question of State expansion into the maintenance of social Well-Being, but the unique point in which the State is interested in the capital, or the sovereign instance of utilizing power as violence, whether military or regulatory.

I would like to propose a little mental experiment, a conjecture that will take our problem to the next step. Consider the following scenario: (1) national criteria are established for educating analysts, (2) a control system for the application of these criteria is established, (3) the practical benefits and scope of psychoanalytic treatment (the ambit of psychotherapy, psychiatry, science, or technology) are delineated, and (4) the conditions for commercialization of this 'service' in a secure and free market are determined. In other words, this scenario, which is quite probably the 'worst possible scenario', allows yet another extension. Even worse: what would come after the State? What will happen when States are forced to unify their regulations in

accordance with the global market? Would we then have a single practical model for psychoanalytical education and application?

The objection could be as follows: no form of control is totally efficacious; there will always be, on the margins, contraveners or pirates that continuously break the rules or boycott what has been established. However, they will be the exceptions: those who have not studied psychology, those who have not received accredited training, and those who have turned against psychoanalytical associations. Probably, we will revive this same segregative debate: how do we regulate the charlatan psychoanalysts and the sub-psychoanalysts?

I hope that this conjecture makes clear how the problem of State regulation of psychoanalysis serves to illuminate how its impact is supported by segregatory logic, *currently happening*, and our place for charlatan psychoanalysts, sub-psychiatrists and contraveners. This place of exception simply cannot be eradicated; it is a structural place when addressing the social implantation of psychoanalysis, as I hope that the 'worst possible scenario' conjecture has demonstrated.

There are, however, two traditional strategies employed to handle this exceptionality. The first consists of reinforcing the barriers, like a small community that is apprehended and securely separated from society so as to maintain the functionality of its regulations. It is the policy of constructing walls inside walls inside walls. We then have a series of small communities with different solutions and varied resistance tactics, including minor compromises and in relation to integration. This is the strategy of continuous negotiation and of resistance groups. This is the spontaneous solution that psychoanalysis encountered, in most countries, for the problem of its social insertion. In this case, the exceptionality is considered in the place of contradiction.

The second strategy consists of finding, within the community, a principle that becomes universal or that allows participation in a universal. This is the strategy employed by science and religion. We find a prevalence of this strategy in countries where psychoanalysis becomes a branch of psychiatry and even in those which it is established as a university discipline. Here, it seeks to transform the exceptionality into a particularity, thus abolishing its structural place. The great risk of this procedure is that it exposes us to the passion functioning as the object of law, in this case reduced to regulating statutes. From many angles, including historical, there seems to

be a consensus that when one becomes a psychoanalyst, one becomes a question of instrumentalisation of means and obedience to the rules of psychoanalysis that are actually unviable. This is evident, and we have in account that something expected of psychoanalysis is the questioning of the conformist attitude or the criticism of obedience to regulation.

In the first strategy, psychoanalysis adopts a *para-political* route; in the second, it adopts a *meta-political* route, if we take into account the categories proposed by Žižek (1999) and Rancière (2007). *Para-politics* is characterized by the reduction of politics in a system of alliances and agreements. *Meta-politics* is characterized by a reduction in politics to the level of demand administration. I argue that what we need, at this time, is really a policy that we express (*proper-politics*) that would be at the height of the response against the segregatory, which is expected from psychoanalysis in extension. Therefore, instead of these two strategies, I suggest a third that is loosely based on Lacan's thesis that there is no universal that does not contain in itself a negative existence. Facing this debate to regulate or not to regulate, we need a third alternative, and I propose that this could be based on a kind of rule that would be intentionally paradoxical.

This would be the pragmatic paradox we encounter in proclamations such as: let us establish as a fundamental rule that no fundamental rules should be established. I do not know if there are many examples of this as, generally, when one considers regulation or any type of norm; one becomes obsessed with the idea that it has to work both theoretically and practically. A good rule is usually one that includes the greatest possible number of exceptional cases and responds to the greatest number of political interests. My proposal is that we turn our thinking upside-down. I invite you to try this exercise, like the ones that Jorge Luis Borges and Ítalo Calvino had us try, that is a kind of rule premeditatedly designed to reveal its innate paradox.

We have learned with the clinic that facing the super-ego and the sadistic maxim of the law, humour and irony are two important alternatives. We have also learned that witticism is not without consequences and that the interpretation of the structure is similar. However, I do not know if it would be possible to defend a regulation that contained a clear structural paradox. Why then, would we not be able to consider a route that was intentionally and explicitly deduced from this perspective?

## **A Real Case**

I will now relate a real case concerning the question of State regulation of psychoanalysis that happened at the dawn of the new millennium in Brazil. You should know that psychoanalysis in Brazil is comparatively rather widespread. There are hundreds of associations, groups and schools connected to a wide variety of institutions and theoretical orientations. Their presence in university courses, both in psychology and social sciences is truly expansive. According to the State regulatory agency, of the ten primary scientific psychology reviews, five concern psychoanalysis. Brazil has already been defined as a high-consumption country for psychoanalysis, with the critical exception that this applies to the middle-class, which is far from the majority of the population. However, in the mental health services and our principal hospitals, there is a significant psychoanalytical presence, without having any expressly educational or controlling system by medical practice.

Despite the extensive consumption of psychotropic drugs, such as antidepressants, which is growing at an alarming rate, there does not seem to be a great symbolic opposition to the practice of psychoanalysis. As in the case of France, both practices live in harmony in contradiction to the major reports that insist that there is great rivalry. However, unlike the case of France and more like the situation in America during the 1970s, the wide-spread use of psychotropic drugs, sexual potency stimulants or psychoactive weight-loss formulas, occurs 'within the law'. I hope that the example serves to demonstrate that regulation does not always protect the population against risk, but often is calculatedly created to 'administer' contraventions to the law.

In Brazil, social assistance, both governmental and through private insurance companies, in the area of psychoanalysis is quite limited. The widespread and liberal practice of psychoanalysis is, therefore, probably influenced by the fact that it is often practiced outside the normal canons, such as four times per week, and that it does not follow the European or American fee structure standards.

In other words, our psychoanalysis fits in with our peripheral status in the current geo-political environment: wide-spread but difficult to qualify, probably interpreted by common sense as a type of psychotherapy. This wild psychoanalysis

would be the perfect example for the regulatory furore, an easy victim to the need for regulation. However, the diversity and proliferation of associations makes this endeavour, internally, if not undesirable, then impractical. There is not a group sufficiently strong to impose itself upon the others, and the alliances, in general, are weak, whether because of inherent contingencies or unstable ties with international psychoanalysis associations or groups. The psychoanalytical associations are small and, in general, with no real national voice. The most recent initiatives in this area are, curiously, led by psychoanalysts.

The case I wish to relate occurred within this scenario. It concerns groups linked with evangelical religions currently spreading across Brazil. As with other groups, their enterprises include radio stations, universities, cinemas, newspapers, editorial houses, and even television channels. Two of these groups have become quite famous: the *Associação Nacional de Psicoanálise Clínica* and the *International Refoundational Psychoanalysis Association*, which adopted the ridiculous rubric IRPA purposely to create confusion with the IPA. Adopting a strategy integrating conversion procedures and religious teaching, such groups have spread, primarily in the poor periphery of the major urban centres and in the remote regions of the country. Their declared mission is to bring psychoanalysis to the masses; their goal plan is to 'create' 5,000 analysts per year.

The didactic material for this work is bizarre: exact measurements for the construction of divans, methods to cure homosexuals, the use of psychoanalysis in exorcism rituals, the insertion of theological content in psychoanalytical theory, etc.<sup>1</sup> This psychoanalytical 'education' may be done by correspondence course, including multiple choice testing. A 'diagnostic' procedure which has become a tragic joke among the critics of this project is the following: to discover if a patient is possessed by the devil or is suffering from psychosis, the analyst should say the word 'Jesus'. If the patient reacts indignantly, he is possessed; if not then he should receive treatment for psychosis.

Even here, the initiative does not seem to be new and has many precedents that we do not hesitate to place in order of difficulty, fraud, and manipulation of psychoanalytical discourse with ulterior motives. However, this is exactly the type of case that can be raised to demand regulation of psychoanalysis in the name of protecting consumers, the public health and psychoanalysis itself. This type of

scenario induces paranoid reasoning and incites demands for laws that would put an end to this type of barbarity and organize jouissance. In other words: against this terrorism, we need stricter laws and ways to efficaciously enforce them. A true reflection on the regulation of psychoanalysis cannot adhere to this conspiratorial logic.

However, the story continues. One of these religious groups, so common in Brazil, has representatives in government. It is a relatively important group known as *Bancada Evangélica*, and has member in many parties and constitutes a significant force in the House of Representatives. Recognising the lack of a formal designation for psychoanalysis, that it had no defined required educational format, nor governmental regulation, this religious movement proposed itself as a regulatory agency for the state, governing the practice of psychoanalysis.<sup>2</sup> A Federal Representative, connected with these churches, composed a bill that was discussed in a commission especially created to address this subject.

Many psychoanalysis societies and associations united following the clear consensus that we do not know what would be the best form of regulation, not even if regulation would be desirable, but that we do know that 'this is not the way'. The bizarre and unusual character of the bill was able to achieve the improbable: a consensus among the disparate psychoanalytical factions in a vast country marked by much dissent in this field. The meeting of the discontents succeeded in blocking the bill. On the day scheduled for the decisive debate, in the House of Representatives, the representatives of evangelical psychoanalysis did not appear. The project was set aside but, importantly, we did not go back to the point of the game. Now, the game begins marked by a double problem: the shadow of real peril and the questioning of internal self-regulation by psychological associations.

Having prevented the bill that was sent to Congress from being passed into law, we all believed that the problem had been resolved. However, we were surprised to find that variations of the same bill appeared two more times, proving that what we had initially believed to be a one-time opportunistic drive was, in fact, a long-term strategy.

We could add to this real case a conjecture: what if, instead of a religious lobby, we faced a psychiatric-pharmaceutical lobby? This verifies for us that the situation appears problematic. Would the word that I chose to demonstrate the other

side of the problem, concern then the establishment of a psychoanalytic lobby? This is an alternative as dangerous as the previous one, which could be seen in the case of France, where it appears an invitation for psychoanalytical societies to devour themselves. Even more dramatic would be verifying that this lobby is already constituted and functioning, when we consider the British scenario, emphasizing certain idiosyncrasies, such as trying to acquire a patent or control over the use of the word 'psychoanalysis'. In other words, I am suggesting that the demand for governmental regulation of psychoanalysis does not introduce new problems, but only exploits and accentuates the segregatory reasoning and parasitism between psychoanalysis and psychotherapy that we already currently see.

I am referring to the parasitic relationship between psychoanalysis and psychotherapy because this is a typical example for the thesis that there is no universal that cannot be negated by an inherent element. The recurring argument is as follows: take psychotherapies as a universal field definable by certain criteria of homogeneity and congruence. Introduce this universal as a subset of the professional practices regulated by the State and legal system. Next, verify that there is a contingent case within the psychotherapies, which is the case of psychoanalysis, that contradicts, by its own existence, the universality of the universal from which it comes. In other words, it is a form of psychotherapy (and it would be difficult to argue against this historically) that is not governed by the universal of psychotherapies. It is an exception, an exception that falls in the necessary vacuum between ethics and the law.

The immediate movement is to force a reintegration of the exception, making it either a particular case of this rule or opening a new universal rule. It happens that the universal of psychotherapies is already, in itself, a false universal, in actuality only a summation of contingent variants, as my first example (the 'worst case scenario') hoped to demonstrate. In other words, it is enough to take a step forward to see how the exception function reappears in a displacement mode. The example shows, additionally, how the distinction between psychotherapy and psychoanalysis is a positional distinction and not an essential one.

One could counter argue that this is irrelevant, that the regulation of psychoanalysis manifest only the progress of juridical forms and the transformation required by these modern, 'market segment' times of global economics. This

consideration does not apply. Psychoanalysts maintain that this exceptionality is intrinsic and a constituent of psychoanalysis, and here the arguments are many: transference relativises the universality of the diagnostic practice; the subject relativises the necessary objectification of 'practical' scientific criteria; the demand for personal experience in psychoanalysis (for one who wants to become an analyst) relativises the impersonality of the production technique of this 'service'; finally, the disparity in criteria impedes the universalisation of the criteria of efficacy and the 'product guarantee'. In other words, contrary to other practices, psychoanalysis appears to place itself, intentionally, within exceptionality. We should, therefore, consider a form of regulation that has the same positioning. In other words, a problematic inclusion designed to resist its own success.

### **A Proposal**

One of the objectives of this collection is to produce proposals that may contribute to the debate on regulating Psychoanalysis. I will present, therefore, five points in the spirit of the premises I have previously discussed:

(1) We may presume that regulation should be the duty of a council composed by direct vote by all psychoanalysts in a determined region or country. 'Psychoanalyst' should be understood as meaning any and all who declare themselves as such. The council would be provisional and change periodically as well as the arrangements it would make. Its only compositional criteria would be self-declaration. I understand that the principal merit of this point is that it presumes the lack of utility of the rule that it should constitute. If the regulation must ultimately say who is and who is not a psychoanalyst, who can legitimately practice and who is excluded as a charlatan, then the criteria of self-declaration nips the problem in the bud. There is no rule that obliges anyone to declare him or herself as such, nor is there any rule preventing such a declaration. At heart, it is a kind of practical but unnecessary incorporation, following the principle that the psychoanalyst does not authorize him or herself without being one.

(2) Psychoanalysis is a form of psychotherapy that does not require a specific university education and is not restricted to criteria from any particular association or institution. Regulation of psychoanalysis by the State must be understood as referring to regulation of psychoanalytical associations by the State. In this case, the psychoanalytical associations should be treated as Non-Governmental Organisations (NGOs) and not as autarchies or agencies specifically regulated by the State. NGOs are characterised by their plurality of membership, both juridical and political, and primarily, they are not necessarily tied to the workings of any specific State. As such, they work to secure the diversity between the psychoanalytical associations and their educational models, or to institute as multiple that which must be a single, following the intentions of its own regulations.

(3) Consider the Brazilian example of an attempted religious coup. It is clear from this that there is no strong interest or desire by psychoanalysts to regulate psychoanalysis themselves, but there is a decided consensus that it not be done by others. Then of course, it is much easier to define what *is not psychoanalysis* than what *is psychoanalysis*. Negative definitions, in general, are segregatory in nature but, in this case, are important. Why not elevate the object to the dignity of the Thing? The proposed principle is then that the only rule with which we all agree is that no psychoanalytical association is prepared to rise to the hegemonic position of governing the regulation of the others. The primary function of a regulating agency of this type would be to designate the actual case where a psychoanalytical association is not, in fact a psychoanalytical association. We know that a psychoanalytical association is, above all, secular. As such, with this movement the question is dislocated from ‘what is a psychoanalyst and how should one be?’ to ‘what is a psychoanalytical association and how should one be?’ and ‘what does secular psychoanalysis entail?’ In actuality, this question has been historically insoluble in its extension. We are thus left with the proposition of regulating an object that cannot be defined.

(4) The theses in favour of regulation have insisted that the importance of regulation arises from a need to protect the lay public, in other words, the question is: who will defend the candidate for analysis from the unskilled analyst? Who will defend the

general public from both the self-declarations of charlatans and the risks represented by the suggestion and by the manipulation of patients? If psychoanalysis is a healing and investigating method, then who will defend us from misuse of this method for ulterior motives? I suggest that the State employ the resource, virtually mobilized to regulate in mass clarifying campaigns for the population on the risks, indications, contra-indications, limits and restrictions relating to psychoanalytical treatment. If they address the potential for abuse in a practice that may offend the consumer, if they address the relative question of lack of information, then, as such, they would become a psychoanalytic 'decree' and amply promote it.

(5) The fifth point that I would like to present, as a general principle for all possible regulation of psychoanalysis, regards the aforementioned Brazilian experience. When we speak of regulation of psychoanalytical associations, this presupposes that analysts are trained in their personal analysis, in practices and studies supervised by the associations. However, this type of direct and total oversight in the education of psychoanalysts is rare. In Brazil, as in other parts of the world, education is increasingly becoming a blending process wherein the aspiring psychoanalyst progresses through various psychoanalytical associations, joins different and differing groups, enters many specializations, and progresses in his or her clinical, university and psychoanalytical studies combining a wide variety of references, at times within a single theoretical orientation. For example, an aspiring analyst might undergo various analyses with different supervisors along a sinuous route among diverse psychoanalytical associations. These associations, in turn, spread out in innumerable intersections, accords and collaborations. It is in the middle of this diversity of paths and experiences that suggest a horizontalisation of analytical education, that the demand for regulation gains impetus. It only becomes necessary when it is no longer possible. How can one measure and weigh this diversity of experience in a homogenous way when it is quantitatively and qualitatively so different? A solution that would respect this new configuration would correspond to a regulating model so elastic that it would, in the end, become ineffectual.

## **Conclusion**

The object of this presentation is to demonstrate how the issues that arise from the question of regulating psychoanalysis should not be seen as foreign intrusions into psychoanalysis, but as integrals. We should recall that Lacan (1995) thought of the transmission of psychoanalysis as a paradoxical relationship between psychoanalysis in intension (the experience of treatment) and psychoanalysis in extension (psychoanalysis in culture). What would articulate these two forms would be transference, which, in this case, operates as a kind of Moebius strip. Following this structure, the exterior and interior are separate at any single point but merge when the whole is considered.

I have demonstrated that psychoanalytical education should not be considered as a universal, able to be summed up in a regulated and unified system. The concept of a global psychoanalyst is thus a contradiction in terms, and this contradiction should be what constitutes our point of consensus. Throughout my presentation, I approached this contradiction by means of exception and proposed, in an experimental and merely speculative way, the application of this principle to the formulation of certain rules. I think I have made it clear that, both in the analysis of the real case of the evangelical-psychoanalysis in Brazil and notes on psychoanalytical self-segregation, that our problem is not only about defending ourselves from exterior forces, presumably the State, but also finding a non-terrorist solution to psychoanalytical terrorism.

## References

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<sup>1</sup> See, for example <http://www.psyque.org/modules.php?name=Forums>

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<sup>2</sup> The manifesto related to this Bill is available at:

[http://www.estadosgerais.org/gruposvirtuais/manifesto\\_conselho\\_federal\\_psicanalise\\_clinica\\_do\\_brasil.shtml](http://www.estadosgerais.org/gruposvirtuais/manifesto_conselho_federal_psicanalise_clinica_do_brasil.shtml)

