

Thought, responsibility and acting out: the relevance of Ferenczi's criminology

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Abstract

Ferenczi's criminology has historically had little consideration, despite it remains fundamental for the subsequent developments of psychoanalytic theory and clinic applied to the legal field. In this article, we will explore the theoretical implications of Ferenczi for criminology, drawing a lesson on acting out in general. Impulsive behavior appears to be the result of an interrupted or deficient process of subjectivation due to traumatic experiences that have not found elaboration due to a process of freezing and inhibition of the thought function. Two clinical vignettes show the absence of subjective capacity of elaboration of psychic material and unconscious representation, which are linked to acting out. On the other hand, these two cases demonstrate the significance of the psychoanalytic concept of extended responsibility, which also encompasses the unconscious sphere. Some thoughts about the relationship between the socio-cultural Mafia influence on the individual and the individual's subjective responsibility are developed through a psychoanalytic perspective with reference to one of the two clinical cases.

Keywords: Responsibility, acting out, subjectivation, thought, crime

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Thought, responsibility and acting out: the relevance of Ferenczi's criminology

Introduction

With this contribution we intend to reflect about responsibility in psychoanalysis through the Ferenczi's work *Psychoanalysis and Criminology* (1928). It is worth to note does not exist an English translation of this written, yet the text is available in the Italian and French versions of Ferenczi's writings. However, this is a fundamental text, since it allows us to underline the relevance and scope of psychoanalytic theorization on acting out by the *enfant terrible* of psychoanalysis. In this writing the Hungarian psychoanalyst takes up and explores in depth themes already developed on other occasions (Ferenczi, 1913, 1919a). In particular, he supports the use of psychoanalysis in the legal and criminological field, in order to evaluate the most complex cases from a personological point of view and to discover the unconscious motivations underlying criminal conduct, thus also opening up the possibility of "re-education" or "rehabilitation". The psychoanalysis of criminals, in fact, would allow the integration and elaboration of unconscious psychic contents, which - being inaccessible- can be acted out in the external world by means of impulsive conduct.

As other authors have already pointed out (Borgogno, 2004), Ferenczi's theoretical contribution to psychoanalysis is not only still current, but is also fundamental for understanding some phenomena that characterize contemporary clinical practice, especially that of the so-called "limit cases". In particular, in these writings Ferenczi not only clarifies the possible theoretical and clinical implications of psychoanalytic criminology, but also outlines explanations of impulsive behavior.

The fundamental thesis of our contribution is to show through Ferenczi's thought that impulsive behavior, *acting out*, is the result of a deficit in the process of subjectivation, and, therefore, also of a lack of responsibility on the part of the subject. A responsibility that is to be distinguished from the strictly legal one. Indeed, with "legal responsibility" we mean a responsibility for the actions of the individual as closely linked to conscious intentions. In other words, the individual is responsible because their action is connected to conscious mental states. In criminal law, indeed, the subjective element of the offense is essentially based on this very specific conception of responsibility, which evidently has a philosophical significance (Alparone, 2020; Aleo, 2016, p. 270).

Responsibility in psychoanalysis

The application of psychoanalysis in the judicial field can have both a clinical and scientific purpose, since psychoanalysis is not only a treatment practice but also a theory of psychic working. Ferenczi underlines how psychoanalytic treatment is fully applicable to the criminological field, especially to help delinquent subjects understanding the unconscious motivations of their conducts, supporting them in processing the crimes committed. In this regard, the Hungarian psychoanalyst writes:

in the course of analytic treatment, the patient or student must learn to extend the scope of his responsibility to include such unconscious tendencies; in doing so, they will be able to master many involuntary acts previously considered unavoidable fatality. In conclusion, psychoanalysis not only recognizes responsibility as a fact, but attributes to it hitherto unsuspected powers (Ferenczi, 1928a, p. 192, our translation from Italian).

Ferenczi describes a new and innovative way of understanding criminology for the time. Regarding the concept of responsibility, which implies the notion of freedom of human being, he states that psychoanalysis is certainly a deterministic science, and therefore the impulsive behavior is causally connected with unconscious motivations and representations not elaborated by the subject. Furthermore, in his famous writing on lay psychoanalysis, Freud noted that the subject of law does not coincide at all with the psychoanalytic conception of the neurotic individual (Freud, 1926, pp. 221-222) and/or with the subject of the unconscious. However, as recent contributions on the matter also point out (Alparone, 2020), the causal connection between unconscious psychic content and conduct, i.e. the psychic determinism of psychoanalytic theory, does not exclude the responsibility of the subject at all, far from it. In fact, the path of analysis pushes the individual into a process of interpretation and elaboration of the unconscious, therefore, to broaden the field of responsibility, and not to narrow it (Acke & Meganck, 2024). From this point of view, what Freud states in this regard appears interesting:

Dr. Ferenczi reports that he was a distracted person himself, and was considered peculiar by his friends on account of the frequency of his falling. But the signs of inattention have almost all disappeared since he began to practice psychoanalysis with patients, and was forced to turn his attention to the analysis of his own ego. He believes that one renounces these failings when one learns to extend by so much one's own responsibilities. He therefore justly maintains that distractedness is a state which

depends on unconscious complexes, and is curable by psychoanalysis. (Freud, 1901, p. 156, note added in 1910).

In this sense, the acquisition of a sense of responsibility also extended to those actions, which individual does not recognize voluntariness, could be considered the objective of the analysis: wanting to take up the classical legal definition in a broad sense, “A responsible individual is someone who can be held accountable for their actions”.

From this perspective, it is possible to reread the famous Freudian phrase “*Wo Es war, soll Ich warden*” (Freud, 1933, p. 111) in the sense that the acquisition by the Ego of new territories of the Id implies precisely the expansion of the responsibility. In other words, we could therefore say that a subject in the strict sense is someone who can be responsible for one’s own actions, therefore the subject of psychoanalysis is a subject who has also made herself responsible for unconscious intentions, possibly following a course of analytical treatment. It is precisely from this point that Ferenczi can think in a pioneering way about the possibility of analyzing the “criminal” subject, although he still keeps in mind the possible deadlocks of this practice.

In fact, some declinations of criminal conduct, with certain psychic or psychopathological structures, in particular those not attributable to neurotic types, cannot necessarily be analyzed:

there is also an area that criminal psychology and the theory of neurosis contend with: the so-called “sexual perversions”. The latter, in fact, if on the one hand give rise to illicit acts prosecuted by law as they constitute a threat to the safety of society and the individual, on the other hand they are sometimes subject of analytical treatment. I say “sometimes” because most of the so-called “perverts”, and indeed, the most dangerous, have completely agreed with their situation and their actions, and the last thing on their minds is to see a doctor to remedy it (Ferenczi, 1928a, p. 185).

In these criminals, in fact, there would be a sort of coincidence between the conscious will and the repressed instinctual drives. If in the case of neurotic criminals, there were instinctual drives that push the subjects to carry out actions, for which they will later experience remorse of conscience (ibid. p. 188), in the case of “perverse” criminals, instead, there would be a coincidence between instinctual drive and conscious will. In this sense, we could say that the habitual criminal puts into practice what the neurotic only allows himself to dream (Assoun, 1993, p. 156).

In this case, it is clear that the subject cannot have access to a sense of guilt, therefore not even a real assumption of responsibility in the strict sense. Therefore, this type of criminal cannot always be analyzed, as in the case of drug addiction and it is necessary to also refer to other therapeutic techniques in addition to the psychoanalytic one (Ferenczi, 1928a, p. 185). There is a difference between neurotic and “perverse” criminality which will return in all subsequent criminological elaborations by psychoanalysts, as in the case of the “normal criminals” or

“organic type psychopaths” of Alexander and Staub (1929), or the “neuropathic criminal” by Weiss (1932, p. 93). Furthermore, consider that many current researches still reveal the difficulties in treating so-called “psychopaths” from a psychodynamic point of view and not only (Dragone et al., 2022).

Thinking and acting out

Summarizing what has been said so far, it is possible to affirm that the subject is not a natural given, nor a transcendental emanation or an ontological figure, it is not even a matter of a universal substance that is always the same as itself. As emphasized by several authors elsewhere (Alparone, 2021, p. 209 ss.), the legal subject is an abstractly responsible entity, capable of understanding and intending at the time of committing the unlawful act. However, in psychoanalysis, this discourse is not valid; the responsibility of the subject must not only be assessed concretely but also considered for the actions that are not directly linked to conscious control. In psychoanalysis, the subject is the result of an evolutionary and developmental process, during which specific abilities and skills are acquired at the intellectual and affective level. According to this thesis, the individual does not have a sense of autonomy and responsibility by nature or metaphysical grace, but develops it starting from environmental stimuli of a symbolic, socio-cultural and affective dimension, without ignoring one’s own individual variability (ibid.).

In this regard, the social philosopher Axel Honneth (2011), taking up the psychoanalytic theory of Winnicott (1940, 1965), conceives the acquisition of moral autonomy as the result of social interactions of recognition, both primaries affective and relational, and secondary social and institutional. Even in the psychotherapeutic process, the therapist’s recognition of the patient’s mental states allows the acquisition or strengthening of the subject’s sense of self as capable of autonomously implementing effective actions (Fonagy & Allison, 2014).

In this sense, we must speak of the process of subjectivation, taking up the contribution of some psychodynamically oriented authors (Richard & Wainrib, 2006), referring precisely to the thought of Ferenczi (1933). They point out how the process of emotional and intellectual development can be prevented, interrupted and hindered by traumatic events, or even by unelaborated transgenerational unconscious contents (Perpete Berger et al., 2018, p. 114).

Yet what is the nature of the unconscious motivation that pushes the subject to acting out? What is the mechanism that underlies the working of impulsive behavior? About this question, it is worthy to take up the following passage from Ferenczi’s text, in which the author speaks in a very illuminating way about the function of thought:

we must not forget that thought is a kind of rheostat inserted between feeling and wanting; when the activity of thought has reached such a degree of completeness as

to generate a belief, then the dams of motility spontaneously open and we feel emotions, impulses to act and speak which correspond to the conviction we have formed (Ferenczi, 1928a, p. 190).

The metaphor used by Ferenczi about “thought” as a “rheostat between feeling and wanting” is very significant for the topic we are addressing. Of course, Ferenczi does not use this image to explain a pathological or criminal functioning, but rather to talk about what happens daily in each of us, and in particular in psychoanalyst’s mind when she reflects on her own clinical experience. This is an aspect that makes the definition even more interesting and acute, especially if we consider that it is placed within a writing on criminology. One wonders, therefore, what happens at the subjective level when this “rheostat” fails or does not exist at all.

Freud (1890) already identified “thought” as an important function in the connection between the so-called “psychic life” and “somatic processes”, noting how «it is quite an everyday experience that the generation of affect inhibits the normal passage to thought» (Freud, 1895, p. 357). In the subsequent development of Freud’s work, thought increasingly takes on a central place in structuring the subject’s ability to adapt to the needs of reality:

the ego controls the approaches to motility under the Id’s orders; but between a need and an action it has interposed a postponement on the form of the mnemonic residues of experience. In that way it has dethroned the pleasure principle which dominates the course of events in the id without any restriction and has replaced it by the reality principle, which promises more certainty and greater success (Freud, 1932, p. 76).

In other words, for Freud, thought is something that lies between the instinctual need of the Id to be satisfied and the motor action capable of satisfying it. In this sense, thought inscribes the action within a project, comparing the current situation with previous experiences and introjected rules, and thus inscribing the action in a trajectory in which the purpose and possible consequences are projected: «a new element is inserted between impulse and action: a lapse of time that makes room for the possibility of thinking» (Solms, 1996, p. 357).

Returning to Ferenczi (1928), the “rheostat” is an artefact that is inserted inside an electrical circuit, decreasing the voltage and avoiding overheating of the elements. Thought, therefore, would act as an intermediary between incoming stimuli (feeling) and the drive to action (wanting). It is well understood that when it is missing, the psychic apparatus gives in and there is the drive to action without mediation, the impulse without brakes. Regarding the term “conviction”, Ferenczi already uses this concept in another writing, in which he states that conviction, as opposed to simple belief, is the result of a process of acquiring an idea or opinion after a subjective elaboration that involves the entire personality of the individual, in a conjunction of the affective and intellectual dimensions (Ferenczi, 1919b, p. 448).

The “conviction” is the result of the subject’s ability to

project herself into a medium-long term project, an indication of the ego’s good integration skills, possibly developed in psychoanalytical therapy (ibid., p. 450). In this sense, “conviction” is a thought that thinks itself, allowing the subject to access his deepest feelings through language. At this regards, Solms (1996) points out that it is through words and their grammatical rules, which we inherit from others, that we can communicate our deepest experiences, therefore transforming primary processes through the reality principle (ibid., p. 342).

Therefore, the function of thought appears fundamental for the subject’s decision-making space to be constituted with respect to the implementation of a conduct. A space for processing the roughest and most primitive mental elements that does not allow their direct expulsion through action (Bion, 1972). It is in the moment of thought that the subject cannot only curb the impulse, but also become aware of some contents of her own and others’ minds, a fundamental moment for the acquisition of a sense of responsibility, underlining the correlation, in both clinical and social contexts, between the mentalization process and agency (Schimansky, 2010; Fonagy et al., 2019).

Two cases from prison

Two cases of two subjects incarcerated to have committed crimes will allow us to demonstrate the link between thought deficiency and impulsivity, thus emphasizing the importance of the subjectivation process for acquiring responsibility. Specifically, the second case will also allow us to illustrate what we mean by psychoanalytic responsibility. Haut du formulaire

D. is a forty-year-old inmate with several experiences of incarceration and a conviction for murder which he is serving time for. The event took place several years ago, and now he speaks about it with a certain clarity. D. and his criminal gang had recovered a significant haul from a robbery. During the division, one of the group members insisted on a larger share for himself. This led to a quarrel that resulted in the killing of that group member. Re-counting the tragic episode, not without some emotion, D. states:

“You see, doctor”, he said, addressing me, “it was anger. Anger, when it rises, often becomes uncontrollable”. “We had pulled off a robbery with a group of guys. It was just fooling around with friends. Then one of them wanted to keep more for himself... and well, it ended up in an argument”. He concludes by saying, “It was a moment of recklessness, that’s all”. “Then maybe you think, ‘What have I done?’ when you’re calm, but then perhaps at that moment, an argument erupts, and you make a mistake”.

In describing the violent criminal act, here a homicide, D. frames the act in terms of “uncontrollable”, “recklessness”, with a general sense of “loss of control”. At that moment, the subject’s mental state is characterized by a

complete absence of thought. There is no planning in consciousness, no representation of the consequences of actions. The “rheostat” mentioned by Ferenczi is absent. Therefore, the impulse manifests directly in motor discharge, muscular action (Freud, 1911, p. 221) without the mediation of consciousness, thought, or speech. Even Ferro highlights how criminal behaviour is characterized by a very low level of thinking, specifically emphasizing how criminal behaviour provides a pacifying effect for the individual of unthinkable mental states that are discharged through a motor (muscular) activity (Ferro, 2007, p. 34). Through Ferenczi’s perspective on criminology, one could say that in D.’s case the thought rheostat does not function at all, so the subject in blackout of thought acts without mediation of the mental function. Haut du formulaire

Clearly, the individual in question does not suffer from a form of psychopathology that would render them unable to understand his actions at the time of the crime. It is simply a typical case of acting out linked to the absence of thought mediation, with a general deficit of subjectivation process. Nevertheless, psychoanalysis, as Ferenczi asserts, still acknowledges implicit responsibility of the subject. A responsibility for acting out, and so unconscious elements of personality. With Lacan, we could say that: «psychoanalysis simultaneously resolves a dilemma in criminological theory: in unrealizing crime, it does not dehumanize the criminal» (Lacan & Cénac, 1966, 110). In other words, thanks to psychoanalysis, it is possible to understand how the subject, in such cases, is moved by an unconscious fantasy in the criminal act, the role of discharge that the act serves for him as lacking in thought. On the other hand, however, this also allows us to recognize a form of responsibility, namely humanity. It is clearly a paradoxical theoretical position. Psychoanalysis acknowledges both the lack of subjectivation in the acting out and simultaneously an implicit responsibility. From this perspective, it is as if the subject unconsciously (and paradoxically) chooses to act instead of thinking. This is the teaching of Freud, Ferenczi, Lacan, and psychoanalysis in general on the responsibility of the criminal.

The second case is of another subject with a much longer and more eventful criminal career than D., but author of fewer violent crimes, demonstrates this aspect of unconscious responsibility of the subject and appears from this point of view more interesting.

T. is a sixty-year-old men. He is an inmate who has been arrested multiple times throughout his life for crimes of theft, robbery, and extortion. He reports a series of anxiety disorders and widespread psychological discomfort, with difficulty falling asleep. When talking to me about his sleep disturbances, he spontaneously mentions some of his recurring dreams. The most significant of these, as it is very distressing and frequent, is that of being arrested. This nightmare particularly recurs when he is in a state of freedom, that is, outside of prison. The anxiety that accompanies this nightmare is accompanied by the idea that he will soon be arrested in reality. Indeed, he is convinced that the dream always comes true afterwards.

Clearly, the functioning of the subject is now characterized by a habitual pattern of criminal behaviour, albeit of mild or moderate severity. Indeed, T. is historically linked to the criminal mafia association and therefore detained in a high-security prison. His entire life, since adolescence, has been marked by arrests and detentions. T. sometimes claims to have spent practically half of his life behind bars. However, the traumatic aspect of the arrest experience, although habitual, persists in his psyche.

The arrest takes on traumatic characteristics that the subject cannot process. The repetitive dream of the traumatic experience is merely an attempt by the subject to attribute meaning to it, to process it, as Ferenczi (1934) has also emphasized. Furthermore, it is not insignificant that the dream of arrest occurs while the subject is in a state of freedom and is fantastically imbued with a certain importance and significance, almost superstitiously. Through the dream, the subject expresses and realizes a deep unconscious sense of guilt for something much more primal and profound than the actual action committed. From a Freudian perspective, T.’s entire life could be interpreted as a typical case of a criminal driven by guilt (Freud, 1916), that is, a criminal who needs to engage in criminal behaviour to be punished in order to alleviate a much more severe unconscious guilt.

In the case of T., responsibility extended to the unconscious sphere of personality becomes evident through the recurring dream of arrest, indicating a subject with evident difficulty in accessing the function of thought. In his case, the deficit in symbolization relates to the unconscious guilt left unprocessed and unthinkable. The moment of arrest thus represents a traumatic moment for him because it is laden with meaning and enigmatic at the same time. Laden with meaning because it refers to a sense of guilt already present in his psychic experience, but enigmatic because the unconscious origin of the guilt remains unthinkable. There is a process of subjectivation which remained unachieved, uncompleted for T. It is blocked to a moment of his past, a moment of his own development, which he repeats with his captures and dreams.

T.’s affiliation with the mafia association is also a real, factual membership, but not intellectually (and therefore symbolically) recognized, not subjectivized. In that case as well, the ties of his criminal actions to a network of relationships are quite evident from a judicial standpoint, but the subject does not assume responsibility from this perspective. This is an indication not so much that the subject is lying, but rather of a psychic functioning aimed at the denial of subjective responsibility, which is much broader than that related to simple intentional acts (Acke & Meganck, 2024). The case of S. is really important to clarify this point of view, namely the paradoxical position of responsibility in psychoanalysis. The real affiliation, albeit denied by the subject, to the mafia is the clearest demonstration of this paradoxical concept of psychoanalytic responsibility. He is certainly responsible for his ties to the criminal association, even though he subjectively denies them, describing them instead as simple family

connections. His criminal attitude is acted upon rather than thought out, yet he is still responsible for it. In other words, S. denies his own responsibility thanks to a perverted superego, so we could say that the recurring dream of being arrested reminds him of his own responsibility, and is linked to a healthy part of this perverted “rheostat”. We could say that this is a “contextual responsibility”, a responsibility very similar at the ethics of responsibility in the Weberian sense (Weber, 1994, p. 360).

Conclusions

In this contribution, we have attempted to show the relevance of the concept of responsibility for psychoanalysis through Sandor Ferenczi’s thought. In particular, we have highlighted the relationship between acting out, thinking activity, and the process of subjectivation starting from his writings on criminology. To do this we tried to show how the paradoxical concept of responsibility in psychoanalysis is very useful, as long as it is distinguished from the strictly legal concept of responsibility. It is an undoubtedly useful and fundamental concept if we consider that it is essential in order to talk about “subjectivity”, even in a psychoanalytic sense. Psychoanalysis, in fact, does not exclude responsibility, but rather expands it, precisely because it supports the process of subjectivation, allowing the patient to rediscover the authenticity of his own Self by integrating its split parts.

In this sense, thought becomes a substitute for the transition to action, representing an integrated psychic functioning or a process of subjectivation even of the unconscious aspects of personality. From this perspective, psychoanalysis offers a different conception of responsibility from the legal one, since the individual is responsible for their entire personality and not just for their conscious intentions. Haut du formulaire A paradoxical concept of responsibility.

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