

The civil hearing of the juvenile court as an activator setting of intrapsychic and relational changes

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ABSTRACT. – The Italian juvenile courts make use of the contribution of external experts, which apply their skills and specializations in the activity they carry out during the hearings, in which both social and health services are heard, as well as minors and parents whose problems are the subject of intervention. This contribution is also provided during the Council Chambers, through which decisions concerning the solution of the needs and difficulties identified during the preliminary activity are made, being directed at both the Services and the citizens. This activity, held during the court hearings, often generates projective dynamics of the Ego-Superego type, which can prove useful in activating processes of change in those summoned to the hearing, if managed with awareness and shrewdness. This useful activating setting could be lost, or cause damage, following the modification of the civil process foreseen in the next few months, therefore a theoretical discussion and explanatory clinical cases of these dynamics are proposed.

Key words: juvenile court setting; logic of the unconscious system; ego-superego dynamics; discourse.

Introduction

The establishment of the Juvenile Court (JC) (*Tribunale Minorile*), in Italy, dates back to Royal Legislative Decree No. 1404 of 1934, which provided for, in addition to the magistrates, also a ‘meritorious citizen of welfare services, expert of biology, psychiatry, criminal anthropology, pedagogy or psychology’, whose contribution was deemed necessary to adequately assess the weight of the immaturity of minors both for the offenses committed and for the educational processes put in place for them. In the years that followed, the legislation introduced changes that concerned the presence on the Panel of Judges (PoJ) (a collegiate body) made up of men and women, of psychol-

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ogists, among the meritorious people able to take on the role of external experts, and a description of the duties that these experts should take on within the JC and in their relations with the Stipendiary Magistrates (SM). Serra (2013), presenting a detailed and articulated examination of the roles and functions of the Juvenile Honorary Judge (JHJ), reports that those summoned to the hearing show aspects of themselves that are often different from those presented to the Services responsible for carrying out the preliminary work (pg. 46-47):

‘[...] also because the judge can induce a kind of reverential fear: in the relationship with the court experiences tied to unconscious and subconscious injunctions of a superegoist order can be transferred. As a result, people can feel more intensely the need for sincerity and can communicate previously hidden truths.

[...] This contradiction can be interpreted, [...] as the outcome of the change of behavior following the change of context.’

Serra also points out that the JHJ leading the hearing is prohibited from activating any specialized techniques, while part of his/her role is that of explaining to those summoned to the hearing the meaning of the procedural activities and the ethical and social reasons for the decisions: indeed, the JC is not a therapeutic institution, there is no request for care by those being summoned, and the timing of the investigations does not allow for therapeutic processes to be activated, which require completely different timings, methods of analysis and regulations than the investigations. This ban, however, cannot prevent the projective dynamics resulting from the superegoist pressures of those summoned to the hearing from manifesting themselves, so I believe that, in light of past experiences, the subject should be discussed.

The superego

In the summary formulated by Laplanche and Pontalis (1967), the Super Ego (SE) is described as a judge or censor of the Ego, which manifests via moral conscience, self-observation and ideals formation, which developed on the basis of experiences of the child during and before the oedipal period, in the course of interactions with significant adults, from which he/she internalizes rules and prohibitions, constituting the psychic instance that embodies law and prohibits transgression, gratifying those who respect it and punishing those who transgress it, and becoming independent of the characteristics and actual prescriptions of the reference adults, therefore based on the experiences also made outside the family. Donnet (2001) specifies that this implies a change in the developmental dynamics of the SE: from the primary and archaic pre-oedipic splitting of the object into good and bad, or rewarding and persecutory parts, identified by Klein (1945) and which became precursors of the

Ego and SE, such structures come to a more defined form through the repression of sexual desires and death toward both parents, which is overcome through identification with these parents, loved and hated at the same time, during the oedipal period, as described by Freud (1923). Post-oedipal development consists of acquiring culture during the latency phase, and autonomy and ability, in adolescence, to properly manage the reactivation of instincts, allowing the function of the SE to be detached from repressing instincts to that of adhering to social rules.

However, these development dynamics do not explain why discrepancies should occur between the images of minors and parents described by the services in charge, and those that those summoned to the hearing may manifest during the hearings held in the JC, which therefore need to be explained.

The role of the law

West (1986) analyses the relationship between people and the Legal System (LS), taking into consideration Freudian writings with an anthropological and social orientation, she points out that, in this perspective, it is regulated by archaic unconscious dynamics, that are mainly traced back to an episode in the early stages of human development, during which a primal horde murdered their father, exercising enormous power of control and limitation of sexual relations between the components of the horde under its control. After the assassination, however, the horde members became aware of the value of the presence of that father for their survival, and then set up, due to a sense of guilt, Totems with which they prescribed the Taboo of incest and murder, so other laws that regulate the coexistence of people in large groups.

According to Freud's proposal (1913), therefore, mythological symbolic productions were to be considered similar in content and structure to neurotic symptoms, the origin of which was to be found in conflicts of an aggressive and sexual nature that humanity as a whole would go through, depositing them in the genetic code. Such a symbology would reproduce conflicts similar to those that a child goes through during his/her childhood with his/her parents, to then remove them, leaving them latent for a period of time, and then see them reappear, in the form of psychopathological symptoms in adulthood. The same oedipal structure would also be the basis of monotheistic religions (Freud, 1939), in which the assassinated leader would reappear, after a period of latency, in mythical symbolic productions, due to inherited genetic components, which translate into well-defined psychic experiences.

However, West (1986) notes that, although the Freudian proposal is accompanied by empirical, empathic and phenomenological evidence, which confirms the perception of the person's image and function as a higher authority than the individual of the LS, this can also be explained through empathy,

love and a sense of belonging, that is to say, female, rather than male, regulatory principles. Adding that in many early societies, such regulatory modalities are prevalent, and therefore do not require the establishment of Totems. Moreover, the structure of the LS results from the dynamic of continuous change in society, so from political activity and legislative and cultural transformations, rather than from the automatic resurgence of archaic experiences lived through by primordial hordes.

That is the process of transforming experience into genetic code and vice versa, as suggested by Freud, would not be adaptive, since it could not provide adequate responses to changing contexts, condemning people to repeat experiences, originating in the past, that have no relation to current contexts: indeed what the human genetic code conveys, as far as the somatic and psychic apparatus is concerned, is the ability, adaptive at the highest level, to successfully adapt, through a series of adjustments and arrangements, into different environments, rather than the ability to automatically conform to a predetermined and immutable context, which cannot exist in reality (Bateson, 1963).

Ragland (1997), explains the aforementioned empathic, phenomenological and empirical evidence by overcoming Freudian theoretical limits, and adopting the model proposed by Lacan: in the Lacanian perspective, the infant has his first experience of the law at a time when the sexual interest of the father toward the mother is presented as a prohibition to the infant of his enjoyment of being at one with the mother, thus as a ban on his symbiotic identification with the mother. As a result, the infant perceives this loss of identification as a castration produced by the prohibition of the father, with the consequent structuring of the desire by the 'phallic signifier', which acts as an injunction to differentiation derived from the movement of dialectic identification between the mother and the father, toward the infant, which gives rise to a 'lack in being'. This lack of being structures the subject of desire: the impossibility of automatically satisfying needs entails the need to reach satisfaction by means of a question to be addressed to others, thus the use of an instrument *other*; even compared to the other to which the question is addressed, from which the trans-personal and superordinate dimension of the linguistic signifier, which for this reason is therefore phallic and castrating toward whoever uses it. The paternal ban is presented by the 'No!' addressed to the desire of the infant, thus via Language (L), which opposes the drives. Since L, as a structure, is trans-personal, thus pre-existing to the birth of individual persons and continues to exist after their death, the introjection of the first prohibition represents the archetypal form of law ('Ur – Form of law'), which is therefore punctually experienced through the use of language, as an Authority above individuals. For males, however, the paternal ban implies a clear separation, whereas for females, this separation is partial, since, by identifying with the mother, the child perceives the father's desire toward the

mother as also addressed to herself, mitigating the injunction for differentiation, thus, encouraging the development of family belonging codes, and the care of relationships connected with them.

Moreover, according to Lacan (1949; 1953a; 1953b), the acquisition and presentation of human identity and subjectivity is subject to the acquisition of Language itself, or the Symbolic Order (SO) established by it, which can never be fully acquired, as it is the result of a collectively used instrument, and therefore subject to continuous transformation. The establishment of the SO by L is made possible, in addition to the rules of opposition, which define the vocabulary of the signs of each language, and by the grammatical rules, which define the correct way of articulating them, by the system of relations established between signs, these include both opposition rules, which allow for differentiation of meaning, and grammatical rules, which allow for articulation. As a result, the Subject itself, the identity of people, acquires meaning in the same way as other linguistic signs, *i.e.*, by opposition to other signs, and via relationships with other signifiers. For this reason, the Subject can never find a stable representation, because the SO, which defines it as a linguistic sign, pre-exists it and does not have a stable and predetermined representation that is valid for all contexts.

This implies that the experience of differentiation, resulting from that of separation from the mother, is also alienating, as it results from the identifications with the images of L and society, placing repression and denial at the center of L itself. Therefore, people try to build, through discourse, interactions aimed at reconciling the search for enjoyment necessary to satisfy one's own needs, with the limitations imposed by L, the purposes of the context of interaction, and the comparison with the symmetrically proposed discourse with which one interacts. Consequently, as Ragland (1997) points out, in discourse, the subject constructs, by articulating around the deficiencies underlying the desires of the various subjects in interaction, a social bond, which develops around the unbiased view of L and images, the ideals of the Ego and Ego ideals of the interacting subjects, and representations of the talking subjects, reconstructed retrospectively on the basis of the symbolizations produced during the interactions, together with an ideal of the Ego built on the imaginary axis, that is, based on the images reflected by significant objects in relation to the subject, which give the subject a unitary image of himself, which is nevertheless alienating, as it contrasts with that fragmented self-perceived one (Lacan, 1949). This construction of bonds, as structured by L, is therefore derived from the archetypal form of the law ('Ur – Form of Law'), an expression of the father's original prohibition. With repression and denial at the heart of L, it is inevitable that speech among speakers contains allusions to something else that is not explicitly said, omissions of content that should be communicated, overlaps and condensations of images, metaphors, metonymies, and so on.

The Lacanian proposal, therefore, allows us to overcome the hypothesis of phylogenetic inheritance postulated by Freud: what is inherited, would be the ability to acquire L, an instrument that cannot exist and develop outside social relations although it makes them possible, from which derives the formation of the subject, its own Oedipal structure, and, in the end, also the Political and LS.

However, this emptiness and indeterminacy of speech is common to any interpersonal and social relationship, so the experience of the archetypal form of the law derived from the paternal prohibition is present in every linguistic interaction, and therefore cannot explain the peculiar emotional activations detectable by empirical, empathic and phenomenological evidence within the LS itself. Nor can it be said that the judicial activities of the JCs are entirely different from those that structure social links via the daily speeches woven by individuals: the laws serve the purpose of protecting rights and ensuring that duties are carried out, thus, prevent and address the lack in being situations that may affect citizens in time and space, and, as variables, do not differ from the activity of building social bonds underlying the implementation of *discourses*, other than for establishing rules, procedures and spaces, superordinate and independent of the people who use them. However, although this establishment offers guarantees of objectivity, unbiased view and independence of judgment, it cannot exclude the operational subjectivity of the JHJs during the investigation, which is aimed at clarifying facts and circumstances, faults, responsibilities and needs, thus seeking the truth, or at least, something plausible.

Moreover, the coherence between the perception of the archetypal form of the law and the contents of the laws in force is by no means obvious, so the peculiarities of the emotional perception of the LS by those summoned to the hearing cannot be explained on the basis of the level of such consistency. In fact, when hearings concern individuals or family groups that are frankly criminal, or when they are filtered by defense statements by lawyers, especially if these are present at the hearing, the emotional activations, indicative of the action of the SE, are rather scarce or almost absent, depriving the hearing also of its value for collecting important information: in such situations, language is flat and unconnected with emotions, with rather simple articulatory characteristics, as it originates from cultural contexts that are distant from those embodied in the legal establishment, or because it expresses a version of the facts and contexts artfully constructed, so as to appear legitimate to the judge, making it difficult for restitutions to be made which might lead to changes in those summoned to the hearing. This means that language, although it can be the basis of perception of the archetypal form of the law and overcome the hypothesis of the phylogenetic inheritance of the Oedipal structure, cannot explain, on its own, the emotional activation that often occurs in those summoned to the hearing, that is, the necessary, albeit insuf-

ficient, condition for the initiation of processes of maturation and change, in minors and their families.

Symmetric and asymmetric logic

The proposal by Matte Blanco (1975, pg. 43-44), allows us to frame the presentation of relevant information-bearing emotions in those summoned to the hearing in a different way, also allowing us to appropriately target the changes necessary to ensure that the conditions that led to the opening of child proceedings can be easily overcome, where there are deficiencies in the Ego or SE, in those summoned to the hearing. According to this author, emotions can be incorporated into languages by means of the principles of logic of the Unconscious System, from which they are produced: The Principle of Symmetry (PS) ‘... treats the reverse relationship of any relationship as if it were identical to the relationship. In other words, it treats asymmetric relations as if they were symmetrical’, while the Principle of Generalization (PG),

‘... treats an individual thing (person, object, concept) as if it were a member or element of a set or class containing other members; it treats this class as a subclass of a more general class and this more general class as a subclass or subset of an even more general class and so on (infinitely). ... In the choice of increasingly broad classes, the unconscious system prefers those propositional functions which on the one hand express an increasing generality and in others retain certain particular characteristics of the individual thing from which they originated.’

Mental activity, however, can only be produced by integrating these principles with Conventional Logic: the PG does not allow sufficiently defined differences to be represented, and the PS does not allow causal relations to be articulated, making it impossible to pursue actions and aims, which, on the other hand, cannot be defined only by Conventional Logic. The emotions manifesting themselves during hearings can therefore be considered as an expression of the relationship between the Ego and SE because the function of judging, punishing or rewarding exercised by the JC is treated emotionally, according to the PG, as belonging to a class having a similar function of the SE, therefore the emotion, conscious or unconscious, relating to the condition ‘I am subject to trial, and may be rewarded or punished’, is expressed in the language used in court before the Judge, who perceives it and recognizes it in the content because the PS considers the inverse relationship to be identical to the one from which it originated: that is, if the person summoned for the hearing expresses a conflict with his/her SE due to the inclusion of the SE in classes with the judging function of the JC, the JHJ can understand the problematic aspects and restate them, at the same time helping the person summoned to a hearing to recog-

nize the inconsistency or inadequacy, without playing, therefore, a role that is different from those intended for his/her role. The difference between the perception of the archetypal form of the law inscribed in the general use of L stems from the fact that, unlike that used in other contexts, during hearings L is articulated in a context that, 'rather than symbolizing the function of judging, rewarding and punishing the individual SE, embodies it, as a social SE'.

Forms of speech in juvenile courts

According to the Lacanian perspective, Ragland (1997) describes the four forms of discourse, extracted from psychoanalytic experience, through which social ties can be built, in any context:

- 1) Master (Head of the institution). Through this form, meaning, themes and identity are imposed on the recipient. The shortcoming that is sought to be bridged is assimilated and integrated into orders or arrangements given by the top of a hierarchy. This form denies any shortcoming, and therefore any desire, in the language it uses, and therefore intentions or purposes that go beyond the literal meaning extractable from grammar, syntax and semantics, although the underlying shortcoming can be unveiled via other forms of speech.
- 2) University/Academic (Obsessive). This type of discourse is typical of Institutions that use a structured set of knowledge and rules, such as medical, engineering, psychological, sociological or legal to make up for the shortcoming that was the subject of the discourse.
- 3) Hysterical. This type of discourse, rather than regulating itself on scientific knowledge and rules like the previous one, seeks to anchor the underlying lack of desire to a certainty possessed by another, so that the meaning produced by discourse is a result of the certainty attributed to it.
- 4) Analytical. In this last type of discourse, 'meaning is caused by the suspension of the cause of desire, which is highlighted as an element or symptom that involves impairment of enjoyment', that is, a limitation on the pleasure that one might obtain from life if things were different.

In the context of the investigation of the JC, these forms are developed according to typical patterns:

Form 1) is based on the integration, by the PoJ, between knowledge, purpose, and strategy. It manifests itself in the language of the measures that the JC issues at the end of the investigation, with the aim of bridging the shortcomings that the recipients of the measures show with regard to the purposes of the laws. The social link-building activity of this form is therefore superordinate and transpersonal, with respect to both the members of the PoJ and the recipients of the measures, as it derives from laws

and regulations independent of the people who put them into practice. However, this discourse, by issuing provisions, cannot reconcile its own decisions with those of its recipients: in fact, sometimes such measures are disregarded, while they manage to pursue their own aims when there is an identification between the recipients and the content of the decisions. Conversely, there could also be hysterical adhesion, where the pursuit of the aims of the measure occurs without acquiring knowledge of the shortcoming that it proposes to bridge, thus without achieving any substantial change in the people to whom the measure is addressed.

Form 2) seeks to achieve adherence to the aims and strategies through the explicit rules such as 'if ..., then ...', but this explication, which is also superordinate and independent compared to the speakers, cannot establish the sense of responsibility necessary to take decisions consistent with the aims and strategies that are inferable by the aforementioned rules. However, this form works when there is a sharing of ethical values and goals between the explainer and the listener. It is, therefore, a type of discourse that can be used during investigations, to regulate the course of the investigation according to preordained principles and procedures, or even to offer efferent explanations and clarifications from various scientific disciplines, in order to clarify the content of decisions or instructional attitudes to those summoned to the hearing: knowledge and rules, therefore, take on the role of a regulating principle of the discourse between JHJs and those summoned.

Form 3) seeks to achieve cohesion and order of relations through the subsumption of the recognition and satisfaction of the various desires emerging from the various shortcomings, to those of a single entity, from which cohesion and the desired order is derived, however, it cannot reconcile the satisfaction of the individual's desire with that of the others involved, and therefore works when there are emotional ties that are sufficiently rewarding for the various parties involved. It can be presented when the person summoned to a hearing is asked to give an opinion on a subject, so in the space specifically dedicated to the contradiction between the parties: the answer, in hysterical discourse, remains undetermined, and anchored, both allusively and explicitly, to the supposed will of the questioner. It sometimes betrays the influence of the lawyers' directions by means of verbal replies from the person summoned to a hearing which are contradicted by other languages or by subsequent additions and clarifications. A response to this type of discourse can be found in the technique, often used by social services or family counseling centers, built on the whole of the deficiencies underlying various desires, oriented so as to 'regulate the course of the discourse according to the deficiencies underlying the desires of the people involved'. Another possible evolution of this technique could be the Socratic

method, in which the certainty attributed by the person summoned to a hearing to the other with whom he/she is interacting, is dismantled by the professional 'knowing that he/she does not know', returning to the sender the question of certainty, and helping him/her to build his/her own certainty.

Form 4) causes changes in those summoned to the hearing resulting from the acquisition of a previously unknown truth concerning them, resulting in a re-signifying of the Image and Self-concept governing one's behavior. It works, however, as long as a certain discomfort is experienced and wanted to be overcome, and therefore there is some form of demand for change in the person summoned to a hearing, expressed explicitly, through L, and/or implicitly, through the symptom produced by the action of the PG and PS. This type of discourse is developed in the analysis setting, but it can also be produced by the restitutions of the JHJ regarding the content that emerges from the person summoned to a hearing, who then acquires a new truth about himself/herself.

In all cases, whatever form of speech the SM and JHJs interact with, there is a subconscious risk of identifying with a sadistic SE, by becoming too rigid regarding the laws and regulations of the PoJ. Thus, precluding the possibility of recognizing nuances and errors that may affect decisions made in court, and/or becoming dulled on the service relationships, 'forcloding' the possibility of accessing new information and perspectives indicated by specific dynamics of the setting, as illustrated by the following cases.

Case 1: the dirty archangel

One minor had to repeat the school year because of numerous absences from school, which continued to manifest even after referral to the JC. Summoned to a hearing, the parents, who were elderly, and had a rather secluded life, showed both awareness of the gravity of the situation, and difficulty in understanding the motivations that their child put forward, to justify it. The boy did not exhibit deviant behavior, he did not keep bad company, and spent most of his time at home, complaining of stomach and intestinal problems as a reason for his absence from school.

At the hearing, the child did not hide his difficulties of integration with his group of classmates, stigmatizing their deceptive and 'dirty' behavior toward teachers. He reported that his classmates sometimes fooled the teachers with lies about the homework to be done and the behavior they had in class. I told him that the hearing was about him, and not his classmates, who nevertheless behaved in a rather customary manner for their age. After clarifying the reasons and purposes of the proceedings that concerned him, I asked him what he was going to do about school attendance. He replied:

'I will get dirty,' (in Italian language: *'mi sporcherò'*, and *'mi impegnerò'*). I asked him to repeat the answer, which he corrected to: *'I will make an effort'*. I then changed the subject, noticing that he bore the name of one of the Archangels of the Christian tradition, which he confirmed. So, I asked him if he listened to music, in particular a song called *'Vita'* (Life), by Lucio Dalla and Gianni Morandi. He did not know it, so I explained to him that the song was a hymn to life, quoting the beginning of the song: *'Life in you I believe, you so pure, ...'* and the words of the refrain: *'Angels, too, sometimes you know happen to get dirty, but suffering draws the limit and so cancels everything, and a flower is reborn over an ugly fact'*, explaining that from things that seem ugly can be born beautiful things, such as friendship. Following this restitution, the child's eyes filled with tears above the mask he was wearing, during the COVID-19 pandemic.

At the next checks, the minor had returned to school with excellent results, he had joined the class group despite repeating the year and had taken to leaving the house with friends and attending recreational activities organized outside the house, although he continued to have gastric and intestinal disorders, treated by a specialist, and so still had a few sick days.

Case 2: the non-European-union citizen fighting for integration

A mother petitioned the JC because of the behavior of her daughter's father, from whom she was separated, and who was engaged in aggressive and highly conflicting behavior towards her even in the presence of her daughter, who was nevertheless devoted to him. She was an autonomous woman, well integrated in the world of work, and her activity had led her, in the past, to work abroad, where she had met her father. They then moved to Italy, where the father found a regular and well-paid job, although the first hardships between the couple had already manifested themselves abroad. Following the separation, a heated conflict began to manifest itself, whose underlying tensions the father brought to the hearing, letting loose dramatic claims for his role as a father, which according to him the mother did not recognize.

I made it clear that the JC followed many similar cases, in which the couples' relationship was over, and its members continued to behave like kids, rather than taking notice of the changed conditions of the couple and adjusting accordingly. The father replied, disoriented: *'Uuhh? What? ... Thank you!!!'*

At the next hearing, the father thanked me, saying: *'Thank you for making me understand that the problem was at the base, and not at the extremities'*: the relationships with his daughter had in fact normalized, and the conflict with the mother had disappeared, as she had always tried to preserve the bond of the father with his daughter.

Case 3: the past parent and the present parent

A father was in a rehab where he had voluntarily gone to get clean for drug abuse. His partner had also made the same decision, and was in another rehab, along with their children. The two met regularly and often, and yet did not discuss their possible future together. The mother showed a profound processing of her previous experiences, having embarked on a conscious and determined path of redefining her identity, which excluded the possibility of a return to coexisting as an entire family, without having first completed this path.

The father, in this regard, replied that he was committed to '*conquering... buying back*' his family. When asked to clarify the reasons for using two different terms, he replied that he wanted to '*buy back his family*'. When I asked, if he considered his family to be something to buy at the supermarket, he said that the term 'conquer' had been used because it referred to his past identity, when he had made many mistakes, with his partner, with his children and with himself, finally recognizing, that his past experience was still part of himself, and that he could not overcome it by side-lining it or forgetting it, since it needed to be processed, in line with the commitments he had made in his rehabilitation path (commitment to make an effort in rehab, attendance of a vocational training course, restoring ties with his children and their mother).

Case 4: the parent/minor

During a hearing on a case that had been open for years, regarding a minor, her parents and lawyers, the SM and JHJ emphasized the length and stalling of the case, despite the interventions of the social services and family counselling centre and indicated that the time for the final decision was approaching, and that it could have caused sorrow. The parents had had their daughter when they were minors, and had lived a few years with the maternal grandparents, before a very heated conflict began, which led to a separation, with the minor being left with her mother to live with her grandparents. The mother had another partner who was already known to the police, and planned to move out of her parents' home, so a change of residence was foreseen, which involved a decision on the placement of the child.

The father worked as a driver-employee for a company, and he had difficulties with the regularity and predictability of visits to see his daughter, as well as keeping up with regular maintenance payments. He complained of the lack of understanding, support and complicity of the maternal grandparents for such shortcomings, which were not indicative of the inadequacy of his feelings, of which he sought to emphasize the adequacy by providing footage

to the Judges in which during the holidays with the maternal grandparents, he 'played piggyback' with his daughter, who, during the hearing, asked her father *'to stop being a clown'*. The implicit request from the father to intervene towards the maternal grandparents was therefore configured, by showing his symmetrical identification with the 'adolescent moratorium' condition that the JC recognizes for minors.

It would have been inappropriate to intervene on the parent, given the presence of his daughter and other strangers, so I asked everyone present to imagine what form the proceedings would take if it had been held in an adult court, aware that the correct legal name of this institution is 'Trial Court'.

The most obvious effect was with the Judges, whose movements and gazes betrayed a surprised insight, when the lawyers admitted that there could be factors in the handling of the proceedings, factors that were beyond their competence and understanding, which concerned the relationship of those summoned to the hearing. The hearing concluded with the proposal of an individual psychotherapy course for both parents, although the mother had remained almost silent throughout the duration of the hearing.

Case discussion

The PS and the PG do not operate on the basis of differences, so their action, within the JCs, affects all figures involved, to varying degrees and in varying ways. Indeed:

- a) In case 1, the child was torn between the attraction felt by the possibility of socializing with his classmates, and the injunctions of his SE, which forbade him to behave in what it deemed a 'dirty' manner by the direction imposed by his Ego Ideal, heir to the imaginary unitary representation of the self, resulting from the relationship with significant family objects ('name of an Archangel', incompatible with the 'dirty' behavior of his classmates);
- b) In case 2, the father claimed a right to paternity which he considered to be broken, addressing a SE, represented by the JC, which should have punished the offender of the infringement of his rights, namely the mother of his daughter, without realizing that the problem was his own immaturity, and that it had to be solved by recognizing for the mother, and himself, the right to live an independent and free life;
- c) In case 3, the Father had experienced the awareness and self-evaluation in a split manner, toward the JC/SE: on the one hand, the permanence in rehab reflected an image of a person engaged in a morally and religiously well-oriented discourse, to which he adapted, recognizing its value (buying back his family), while, on the other hand, the awareness of his past mistakes was associated with the perception of the self as a person orient-

ed toward a discourse (conquering the family) probably different from that to which he had adapted to in rehab;

- d) In case 4, there was a father's immaturity similar to that in case 2, whose behavior, rather than laying claim to a father's role which it felt was not recognized, was aimed at obtaining from the JC/SE an injunction towards the maternal grandparents to restore support and complicity, offered to him during his cohabitation with their daughter, when they were both minors. The father therefore presented inadequacies of both the Ego and the Ego Ideal, with consequent difficulty in recognizing the need to separate from the aforementioned family nucleus and develop his own autonomy.

In all cases, the hearing was filled with superegoist projections of those summoned to the hearing, which, by assigning the JHJ an auxiliary SE function, made it possible to offer what Strachey (1934) called the 'first stage of interpretation', consistent with a change in the SE that allows the changes necessary to overcome the discomfort, which often, in minors, results in cathartic narratives of the highly conflicting family situations experienced.

Conclusions

This proposal considers the empathic, phenomenological and empirical evidence that can be found during the relations between JHJ and those summoned to the hearing, as an effect due, on the one hand to the social SE, embodied by the JC, and on the other hand to the combined action of the two principles regulating the action of the Unconscious System, identified by Matte Blanco (1976). This effect can occur in any type of person summoned to a hearing or interacting professional in hearings and in the PoJ, as involvement is inevitable in the development of discourses aimed at creating social bonds necessary to modify the shortcomings that led to the opening of the proceedings. Such a setting is therefore a powerful transformative factor, if it is properly managed as such, and yet the future orientation of the reference legislation risks significantly weakening it. In this regard, although from a different perspective, Maggia (2022), SM President of the JC of Brescia, notes that listening to social services, family support and conciliation activities may be delegated to the JHJs and that it will be very difficult to integrate the contribution of this professional figure, since it cannot be delegated to deal with the first, interim and last hearings leading up to the adoption of urgent measures, since on average 2 or 3 hearings are required before integrating the figure of the JHJ. In addition, the author adds, even listening to the child cannot be delegated to the JHJ (although the listening aid provided by the SM is provided for), while:

‘It is incomprehensible that the special curator, ..., a lawyer who often has no communication skills with the minor, always has to listen to the child. I cannot overlook how, ..., there has been no appreciation on the part of the legislator of possible conflicts of loyalty ..., of the possible conditioning suffered by parents, of the way in which they react ... of a minor traumatized by an abusing family, ... the effort for a child to tune in to the language of lawyers and the anxiety that such an event can produce, if managed by people without the necessary expertise.’

That is to say, contrary to the measures proposed by the subsequent reform, specific training programs for the JHJs should be developed to prepare them to properly manage the transformative potential inherent in the setting of the civil hearing of the JC, which is inevitably affected by the SE projections of those summoned to the hearing: such projections cannot be prevented, and the discourses that the JHJ, the SM and the PoJ must necessarily make in such circumstances, whether knowingly or not, have an effect on those summoned to the hearing, which can be both progressive and regressive.

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