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A Law Regulating Psychoanalysis in France: An Historic Turning Point for Psychoanalysis (1)

Summary:

This interview traces a brief history of the relationship between French psychoanalysis, public institutions and other institutionalized professions. The author condemns France's recent legislative attempts to control psychotherapy, and in the long run psychoanalysis, as part of a strategy, common to several Western countries, which aims at turning psychoanalysis into a psychotherapy and at gaining a general control over subjects' souls and bodies, through a generalized assessment. If such a project were to be fulfilled, the end of psychoanalysis itself as a specific approach towards the psyche would be at hand.

Journal *Cultures en mouvement*: The French Congress is now [March 2004] discussing a new law (Accoyer Amendment) regulating the practice of psychotherapy-which implies probably even a sort of regulation of the psychoanalytic practice. Have there been similar initiatives in the past?

Elisabeth Roudinesco: In all the other countries of the Western world, including the US and Latin America, it didn't happen this way. Psychoanalysts gradually became psychotherapists or psychiatrists. The governments required them to be accredited and they easily slipped into the mold of psychiatry and official degrees. In Europe there is a break, since in the two large countries that were victims of fascism, Germany and Italy, psychoanalysis was rebuilt after the war without its founding fathers, and Germany has thus gradually arrived at a system of accreditation. In the end, psychoanalysts in Germany have somewhat lost their spirit(2). They've become the managers of mental health, forced to do a little bit of everything.

In France, there was Serge Leclaire's(3) plan for creating an association of psychoanalysts.

Serge Leclaire had seen the danger and, by way of opposing it, had immediately proposed an association of psychoanalysts, a project that's now been taken up by Jacques-Alain Miller(4). But Leclaire went about it the wrong way, organizing it under a little too much secrecy at a time when it no longer had a sufficient following. But his intention was to propose a plan to the government that would allow psychoanalysis to remain its own master.

Were there proposals on behalf of the French government?

No, instead there were proposals on behalf of psychotherapists for obtaining government recognized status, such as deputy Marchand's plan in 1999. The current texts represent the first government initiative. The spirit relates back to France's centralizing tendency. In this country, one can't ignore the change in the status of patients who are now designated by that terrible word usagers ("users"). The Ministry of Health increasingly fears suits in a society where one only thinks about assurances, as a result of which the psyche

is treated as if it were an airplane engine. Because of the government's fear of suits by so-called users, it wants to make an inventory of all these practices so as to get rid of them without those most concerned, the practitioners.

Can you tell us about the first generation of French psychoanalysts?

The first generation was mostly made up of physician-psychiatrists such as Laforgue, Löwenstein, etc. There were also pediatricians, like Pichon. Then there was Princess Marie Bonaparte, a militant of lay analysis, who wasn't a doctor and didn't even have a degree. Yet, she was the most central figure of that generation. She was, above all, Freud's great messenger. She was an important figure whom no one dared treat as a charlatan. But the case of Marie Bonaparte wasn't repeated in that generation.

In the second generation there were many intellectuals, people with more degrees but less diversity, academics like Lagache who graduated from the Ecole Normale Supérieure, practitioners like Lacan who came from classical psychiatry, and intellectuals such as Octave Mannoni, Mustapha Safouan or Jean-Bertrand Pontalis. In any event, psychoanalysis was reserved for an elite, not for clients, since it began to become widespread in public consultations, but for its practitioners. The elite recognized one another. The physician/non-physician battle took place between people who at any rate all held degrees.

Yet, between 1950 and 1970 in France, legal proceedings were taken by the medical association over the illegal practice of medicine.

This was due to the fact that psychology had replaced medicine in the basic curriculum for becoming a psychoanalyst. The first battle took place between 1953 and 1963, where we saw with Lagache the introduction of the first psychologists. At that time Lacan was in favor of a curriculum in psychiatry which, he thought, was better preparation for psychoanalysis. Between 1965 and the 1980s, especially at the Paris Freudian School [created by Lacan], psychoanalysis was practiced by people coming from several fields. I myself was a member of the School and had graduated neither in medicine nor in psychology. For 20 years now, the majority of psychoanalysts have been clinical psychologists, a considerable change that's resulted in the loss of diversity. For the most part, they come from the same mold. This explains the more "professional" aspirations and the loss of psychoanalytic commitment as an idea. The study of psychology is not given much importance at university. At the same time there is a gradual defection of psychiatrists. Fewer are becoming analysts. Psychiatry has become a stricken discipline since losing its former noble status, in particular its attachment to phenomenology and structuralism. Consider also the innovative dimension of institutional psychotherapy(5). Psychiatry wasn't always the solemn power of assessment. But it has gradually given way to psychopharmacology and neuroscience.

A "French Exception"?

Didn't Lacan play a fundamental role in what's called "the French exception"?

If there was a Lacan(6) in France it's because there was already a French exception going back to the Revolution. It's the only country in the world where, when there is a new idea, intellectuals seize upon it. For psychoanalysis André Breton, surrealism and writers in general were just as important as psychiatry in offering a site where it could take root. Already in the 30s Lacan represented the product of these two currents. He carried out the synthesis of clinical psychiatry and the intellectual movement. It's no coincidence that in the 1930s he attended the seminars of the philosopher Alexandre Kojève, a Hegel specialist. Beyond his genius, he was the product of a history going back to the Dreyfus affair. This led to terrible conflicts within psychoanalysis. The supremacy of the intellectual in the figure of Lacan was challenged by psychoanalytic psychiatrists who felt humiliated. Moreover, Lacan restored the grandeur of psychoanalysis in reexamining the ensemble of Freudian theory. Melanie Klein had also reexamined it, but

without a philosophical dimension.

The Lacanian movement has been challenged on the basis of Lacan's statement, "The psychoanalyst derives his authorization only from himself."

That idea is ridiculous. First of all the phrase quite clearly means that one is self-authorized only when one already has a degree. He showed that in the domain of the psyche no degree, however advanced it may be, and no type of official recognition, can define being an analyst. He stated this before those over-degreed people who were under certain supervision. One needs to consider this context, and it's not this statement that would allow anyone to do anything they please.

The current debate can be interpreted in terms of conflicts, power struggles between analytic associations.

The field of psychoanalysis has been reshaped over the past 20 years. Lacan's legacy gave rise to 14 or 15 different psychoanalytic societies. This made it possible for the IPA (International Psychoanalytic Association) to try to expand throughout the entire world. Those making progress are the self-managed federations who also have ties with psychotherapists. The IPA remains stagnant in a position that could be called "the elephant cemetery," despite counting among its members good psychoanalysts. The IPA in France, especially by way of the SPP (Société Psychanalytique de Paris), undertook a subtle attempt at colonizing the Lacanian societies, not in order to bring them back within the IPA, but out of its own ideology. This attempt took the form of a contact group(7) that works unbeknownst to the majority of the associations' members. It aims at inculcating a sense of submission to the medical association and at "professionalizing" them. These associations are also influenced by their members who are increasingly clinical psychologists. They do not have the same intellectual aspirations and have ever greater professional demands. The SPP, which would have lost ground had it continued alone, thus established ties with the Lacanian societies(8).

The other most important Lacanian society, the Ecole de la Cause Freudienne, has moved over the past 20 years towards something dogmatic and isolationist with the creation of another international body, remaining enclosed in its operation. This association has thus remained untouched by the attempt at colonization.

"Full Power", Medicalization, Membership Directories

In what way can the history of psychoanalysis in France lead to a rejection of the current proposals?

Behind the Accoyer Amendment was the idea of full power, that is, the medicalization of psychotherapy. I'm fighting against the madness of generalized assessment in this country. Accoyer's text sets up examination boards for the assessment of practitioners even though the boards themselves were likely to be completely unqualified, especially since they were likely to be composed of psychoanalysts from the SPP. From the point of view of the history of psychoanalysis, Mr. Accoyer, unbeknownst to him, was the spokesperson of one psychoanalytic society against another. What's more, psychotherapists were going to be regulated, while psychoanalysts were excluded. The government came to recognize the intellectual force that psychoanalysis represented in France, and thought it better not to subject them to assessment.

You took part in the famous meeting of December 12 with the Minister of Health who met with the associations of psychoanalysts. You were criticized for releasing the minutes of the meeting and its content.

It's a historical turning point whose content is now subject to less criticism, since the associations have affirmed their willingness to submit their membership directories to the Minister. I was quite surprised that

the twelve psychoanalytic societies had come together on a joint text requesting the withdrawal of the amendment or, if that were impossible, its modification. It wasn't very honest to request that from the very beginning, while the associations were mandated to seek its withdrawal. The modification concerned, in particular, the exemption of psychoanalysis from all assessment. The membership directories were offered as a gift in exchange for this exemption. This gift was immediately claimed by the Ministry. This led to an endless debate on whether the existence of the directories sufficed in order for the Ministry to be able to consult them, or whether they needed to be officially submitted to the Ministry. These are two different actions. We saw two French nations in conflict. One group, following the tradition of acquiescence to the State as the only administrator of directories, included the majority of the large psychoanalytic societies. They simply put off the inevitable, in the name of saving psychoanalysis! On the other hand, one had the France of rebellion, embodied especially by Jacques-Alain Miller, who was criticized for having allied himself with psychotherapists. He supported senator Gouteyron's plan, a position I don't share. Yet, he embodied the great Lacanian tradition of opposing acquiescence. He has by now acquired a position in France that cannot be ignored.

You attended meetings with Jacques-Alain Miller. Where do you place yourself today?

It's public knowledge that, considering what I've written, I was never in favor of his point of view, but from the moment he took a position opposing an amendment to which I, too, was opposed, I supported him. I realized that the hatred motivating his opponents was unacceptable. They were willing to compromise with the most reactionary medical establishment only in order to defeat him.

With the senate vote, psychoanalysts are now directly subject to law. What do you think of this new text?

This strange text is the result of all sorts of compromises. It deserves to be interpreted, but at the same time it will be necessary to study the implementing decrees. The text stipulates that doctors and psychiatrists will be able to practice psychotherapy simply with a medical degree. This means that a dermatologist would have the right to practice psychotherapy even though he or she is unqualified. They are exempt from registration. On the other hand, before the implementing decrees, anyone can register as a psychotherapist. According to the debates, they'll be tracked through registration requests. Yet, as long as the implementing decrees have not been issued, a fortune-teller could go and register tomorrow. But a psychotherapist who might not want to register, and who is suitably trained, would no longer be considered as a psychotherapist.

In the second place, psychoanalysts have been raised to the level of doctors and clinical psychologists. They are exempt from registration, but only on condition of being duly registered in the membership directories. Even though they say they're not required to do so, they've promised to provide them to the Ministry. They can't go back on their word without losing credibility. On the other hand, they will necessarily be tracked by this method. Hence, the problem of assessment of psychoanalysis, which was thought to have been resolved, has only reentered through the back door.

It goes without saying that in the long run it's going to promote lawsuits by patients. When the government intervenes with the logic of assessment it favors a judicialization of demand. Some supervision is needed, but there are laws for that. One can always lodge a complaint against someone. Here, the patient is encouraged to file suit and we risk ending up with situations like those in Quebec. In the professions of the psyche, no assessment is possible; we're never able to establish a truth, while medical error can be determined, even if doing so is at times difficult. Medicine is a science. Psychoanalysis and psychotherapy are not sciences, they're activities; they're hardly professions, and they want to professionalize them. But this is very difficult.

In Canada, for example, many psychiatrists no longer accept suicidal patients in therapy, since the risk of their committing suicide is 50-50, and the families might sue. Nothing can prevent someone from committing suicide! We're dealing with fields in which monitoring must not be carried out in this manner. Whence the perverse effect in Canada and the US where this leads to absurd forms of oversight. There's the risk that in the long run the State, through health insurance, will directly control how one practices, for example, with the idea that certain symptoms can be cured in a certain number of sessions. This is what's

happening in Germany. The insurance companies will allow for a certain number of sessions and patients will be assessed to see if they're better. Yet, as concerns all assessments of psychotherapy in the world, patients must be questioned, and one doesn't obtain objective results this way. Overall, 80% say that they're much better, yet they're unable to say why; and if one makes a comparison, they are even better if they play golf. One is unable to access the positive aspects of the cure since one must go by the patient's subjectivity.

The End of the Psychoanalytic Adventure?

In the long-term, what do you see as the future of psychoanalysis in France?

If all the systems of bio-power pass, it's clearly the end of psychoanalysis. The discipline will, of course, always be studied in universities by historians, but psychoanalysts will be transformed into psychotherapists. They'll lose the spirit of the Freudian adventure. They'll be like psychotherapists, which is why they hate and reject them.

But on the other hand, we should begin thinking carefully about the relationship between psychoanalysts and the State. The State seeks professional competence. Is the answer exclusively negative, would it be better to do nothing? I think so. Doing nothing assumes that society itself changes, that it stops being concerned only with security, that we no longer have the threats of a Le Pen, that we're no longer afraid. Obviously, it's a utopia! We're heading instead towards a darker outcome, that is, a society of generalized assessment. Today's more extreme health policies seek to test for mental suffering everywhere, even though it can't be tested. And searching out charlatans will create a mixed state of affairs, namely, a renaissance of more charlatans and undetectable mental suffering. One can speculate that things will shift and, what's more, that there will be psychoanalysts who will oppose these systems. But what then of psychotherapists? One can reproach them for it, but they always want some kind of assurance. For several years they've been requesting official status, probably because their practice is much more fragile. The weaker one is in one's practice, the more one wants recognition. Society, especially the middle classes, wants psychotherapy more than psychoanalysis, but more often psychotherapy practiced by an analyst. One needs to fight now. The French psychoanalysts who handed over their directories have committed a historic error. Their conscience will pay dearly for this, since they've become the union of psychotherapists. Besides, they already feel guilty over this act.

And the psychoanalysts who are not members of any society?

They won't agree. At first, there may be psychoanalysts who leave the societies because they don't accept this. It's likely that others will form associations, committees, an opposition movement. The greatest blindness of the French psychoanalytic world is the hatred of Miller. They were completely focused on this political leader, Lacan's son-in-law, whom they demonized, and this prevented them from seeing that the real enemy was on the side of assessment and the Ministry of Health with its blind policies of interference in the psyche.

Isn't it unpleasant to study present history in this way?

Very much so. Especially since I've created an archive myself. I could have kept still. I entered this fight since it concerned the grandeur of Freudian France that must be defended as the legacy of the French Revolution. One must defend freedom against oppression. For me, it's a rule. But it's also for this reason that I can be in favor of the French law forbidding religious symbols at school. One must defend the intellectual dimension of psychoanalysis. It must not submit to the Ministry of Health, regardless of what happens.

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Notes:

1 Published in French in the journal *Cultures en mouvement*, 65, March 2004.

2 In fact, Italian psychoanalysis lost essentially only one of its founding fathers, Edoardo Weiss, who emigrated to the US. The other founders of SPI (the Italian Psychoanalytic Society), like Cesare Musatti, Nicola Perrotti or Emilio Servadio, remained in Italy and developed psychoanalysis there. Other countries which somehow accredited analytic practice, with the welfare state refunding many analytic sessions, are Switzerland and Austria [Editorial Note].

3 Serge Leclaire (1924-1994) was a Lacanian analyst [Editor's Note].

4 He is the editor of Lacan's Seminars and leader of one of the largest Lacanian Schools [Editor's Note].

5 In France institutional psychotherapy (Jean Oury, Félix Guattari) was a movement to create a new kind of cure for psychotic patients, no longer in psychiatric hospitals but through a new type of psychoanalytically inspired institution. The most famous example of this kind of psychoanalytic psychiatry is the Clinique de la Borde in la Cour-Cherverny [Editor's Note].

6 See Roudinesco (1993).

7 This group regularly follows the proposals for regulation. It's made up of the following associations: Analyse Freudienne; International Lacanian Association (ALI); Espace Analytique; Le Cercle Freudien; Forums et Ecole de Psychanalyse du Champ Lacanien; Quatrième Groupe; Société de Psychanalyse Freudienne (SPF) ; and the Psychoanalytic Society of Paris (SPP). In a press release on January 20, 2004, they state that they “take note that the senators' vote recognizes the unique character of psychoanalysis and the irreplaceable role of associations in the qualification and training of its members. With this in mind, they will remain vigilant in order to maintain the freedoms that are indispensable to the practice and communication of psychoanalysis”.

8 Regarding this point see Roudinesco (2002).