Abstracts

Prologue. Madness, place, space
Franco Farinelli

The article traces a relationship between places, space and madness at the origins of modernity. From this point of view, the author reads madness as the refusal of a universal and disembodied reason. Such a refusal means also the claim to a plurality of places against the unique space, at the same time as the modernity organizes itself in a spatial sense along lines of separation and closure whose paradigm is the modern State. Moving from these premises the final part of the article considers the difficulty of contemporary States to govern the international migrations, literally the displaced people who contradict the assumption of immobility as the basis of modern State. Is this a revenge of places on space?

Keywords: Places; Space; Displaced; Madness; Modernity.

The criminal lunatic asylum
Romano Canosa

Little more than a year after the approval of Law no. 180/1978, which had ratified the closing of the civil mental hospitals, the judge Romano Canosa published *Storia del manicomio in Italia dall'Unità a oggi* (Milano, Feltrinelli, 1979). For about three decades, this is the only complete and total available reconstruction of the history of the Ital-

ian psychiatric asylums. The seventh chapter of the book was dedicated to those places of internment that the prison system in 1975 had renamed the "judicial mental hospital" and on which the reform had not intervened. This text is the new edition of the chapter "I manicomi criminali" of the book *Storia del manicomio in Italia dall'Unità a oggi*.

Keywords: History of Criminal Lunatic Asylum; Romano Canosa; Judicial Mental Hospital; Criminal Lunatic Asylum.

«The air seats». For an analytical of criminal asylums
Francesco Migliorino

This essay concerns the devices that oversaw the functioning of the criminal asylum in the Thirties. A device which for many decades has made every single story possible, but that in its abstract form could collect stories a thousand times similar to those which it really picked up. A non-anthropomorphic social subject that does not appear in relation to the concrete individuals, but that classifies and gathers individuals who are actually necessary for its operation. In this way the living being remains entangled in the bloodless simulacra of classifications. A true prodigy: it is as if the asylum had reflected on a plate not for show, but to silence – in their ephemeral lives – men of flesh and blood who gathered every day for the needs of Science and the urgency of Security. What pulses under the bare surface is revealed only indirectly, through a determined symptomatology. To violate the seal of secrecy and cunning of the machine this essay looks for an analytical research of madness and psychiatric power.

Keywords: Criminal Asylums; Barcellona Pozzo di Gotto; Device; Classification; Subjectivity.

The criminal asylums as a symbolic form
Ciro Tarantino

The Government of madness is always a matter primarily of spaces. The most extreme of these places – the one that was born in Italy in the last quarter of the Nineteenth century as "criminal asylums" – is hit by an ambiguous deposition process. However, any changes interest these symbolic forms, these places of confinement of non-we, cannot assume than a margins redefinition of social sense and no-sense, another segmentation of human thresholds and a remodulation of the orders of the hierarchy. The fate of these marginal spaces maintains, then, the codes of the next experience of social order and its control to come.

Keywords: Criminal Asylums; Judicial Mental Hospital; Total Institution; Symbolic form; Deposition.

Dangerous persons, society at risk
Mario Colucci

Since the diagnosis of "murderous monomania", of the first decades of the Nineteenth century, to explain the relationship between crime and madness in killings for no apparent reason, and through the issue of instinct, a monstrous and pathological force, which bursts unpredictably in the psyche of the individual, psychiatry changes its way to categorize mental illness and shifts its focus from the disturbance of thought to that of the will and behaviour. If at first the individual notion of social danger as a hereditary defect of a deviant individual, as moral and physical abnormality to isolate and eliminate takes place, then the notion of collective risk, as combinatorial of negative, social and environmental factors prevails, making it possible for particular categories of individuals the occurrence of undesirable behaviours which require the adoption

of actuarial, statistical methods, for the purposes of an alleged and predictive evaluation of a safe maintenance of society.

Keywords: Instinct; Abnormality; Dangerousness; Risk; Actuarial Methods.

The dangerousness is not the history of the subject
Peppe Dell'Acqua, Silvia D'Autilia

In the Nineteenth century in Europe it is launched the debate on "Crimes without explanation", those crimes apparently deprived not only of any logical, but also of the will of their author. Justice comes into crisis. At the same time, the nascent psychiatry proposes an explanatory model that replaces the freedom of action with the presence of a psychiatric illness at the base of what has been done. The person is considered, due to this disease, not aware to respond to the consummation of his actions. He is a person incapable of understanding and willing, a dangerous one – they will say – from whom the society must be previously protected, through a security measure. So that of the dangerousness is a precautionary discourse, founded on the culture of risk prediction and finalized to put in action a horizontal control act over individuals. A contradictory, unconstitutional and unjust mechanism, which remains in force despite, with the Law 81/2014, a first step towards its dissolution has been taken.

Keywords: Dangerousness; Security Measure; Penal Code; Psychiatry.

The tormented and hard closure of the Italian OPG. The transition from OPG to REMS

Luigi Benevelli

Psychiatric and legal positivism created the figure of the "guilty fool", a patient-offender, criminally irresponsible. Incapable of understanding and willing, not actionable, dangerous and to be interned in an *ad hoc* institution: the criminal asylum, then judicial mental hospital (in Italian "OPG"), encoded in the Rocco Code (1930), still in force in the field of security measures, acquittal, social dangerousness. While with the law 180/78 Italian psychiatry has made the anti-asylum choice and a choice of Community based mental health services, the criminal law, except the articles amended by the Corte Costituzionale, has remained unchanged until 2012, when Parliament decided to close 6 OPG and the opening of the REMS, a path not concluded, also strongly opposed. The path to the closure of OPG needs the Criminal Code reform and new relationships between psychiatry and judiciary.

Keywords: Guilty Fool; Penal Code; Mental Health.

Knowledge integration method and new scenarios of the treatment of mentally ill offenders

Daniele Piccione

After Law no. 81/2014 has been finally implemented, the legal and Constitutional frame requires to modify the Criminal code either defining a new pattern for threatening mentally ill offenders, or getting rid of the tie between mental disorder and social dangerousness. In the meanwhile, judiciary decisions may play a determinant role in changing the broad frame according to the following guidelines: growing integration between mental health care services on territory and security measures sentencing; ceasing application of article 206

C.C., avoiding provisional security measures executed under detention in REMS (Residences for the execution of Security measures); the ultimate step in dismissing OPG (Judicial Psychiatric Hospitals). Focusing on future normative developments, it is time to introduce full criminal liability for mentally ill offenders towards the horizon of a fully enacted "right to punishment".

Keywords: Italian Constitution and Mental Health; Judicial Psychiatric Hospitals; Judicial Measures; Social Dangerousness.

The social dangerousness and the yard of the penal reforms

Marco Pelissero

The discipline of the security measures and of the social dangerousness in the Italian penal system has been characterized by many rulings and legislative actions, which have ultimately led to the closing process of the Italian psychiatric hospitals (Laws Nos. 9/2012 and 81/2014). It is under discussion in the Parliament a draft law on the reform of the security measures which, however, has, on one hand, strongly conservative elements of the existing rules, and which dictates, on the other hand, principles and guidelines still too general for the legislator. Rather than putting hand to the reform of the security measures separated from that of the overall system of sanctions, it would be appropriate that both the Parliament and the Government gave effective implementation to the replacement of OPG with REMS, as the project – in the absence of adequate supports in terms of facilities and staff – runs the risk of being reduced to a reform on paper.

Keywords: Social Dangerousness; Security Measures; Eligibility; REMS; Crime.

Stefania and the others. Judicial control of the "guilty fool"
Roberta Cossia

A magistrate who deals with execution of security measures wonders about everyday relationships between psychiatry and justice, starting from one of the many cases under her jurisdiction. Changes in legislation that are not accompanied by cultural changes, inadequate operator training and a steady and decisive contraction of Welfare, pose the question of the practical non-recognition of offender with psychiatric problems as a subject with rights.

Keywords: Security Measures; Penitentiary Execution; Legal Personality; Psychiatry and Justice.

Burying the Judicial Asylum. Contributions of the Brazilian Psychiatric Reform in the right to health guaranteed
Ludmila Cerqueira Correia

Among the various segments of the population which require special attention, we have to underline the one made of people with mental disorders authors of crime. Historically on the edge of the healthcare system, these people were treated for years in the field of judiciary. The right to health is a fundamental matter when we discuss of asylum, the institutional place created for this social group. This article discusses the right to health warranty for these people, in view of the Brazilian Psychiatric Reform. We have to underline the challenges surrounding the legal-penal discourse, recognizing that, not promoting a concrete realization of the human rights of these people, still serves the asylum logic. The legal and institutional framework of the right to health in Brazil is correlated, highlighting the National Policy of Mental Health, which materializes the Psychiatric Reform, and introduces the successful experiences in Brazil in this

sector, which combines with the right to health with other human rights.

Keywords: Judicial Asylum; Brazilian Psychiatric Reform; Human Rights; Right to Health; Mental Health.

Vacuum gauges. The closure of Criminal lunatic asylum of Aversa

Salvatore Di Vilio

We publish here an extract of a wide photo-reportage on the last life months of Criminal lunatic asylums of Aversa, the oldest in Italy. From February to June 2016, Salvatore Di Vilio recorded the slow emptying of cells and wards, the decompression of the spaces, the rarefaction of the subjects. The end of institution is captured in the unusual empty and in another distribution of the bodies. Without clamor, it remains only the gray scandal of the everyday life; until June 15, when the photography for the first time give us the image of the cellophane of the last inmates of a lunatic asylum. But this is an apparent emptiness, the institution is just waiting to become full again: it has quietly painted the walls just abandoned, he raised a castle beds and it has become already prison.

Keywords: Judicial Psychiatric Hospitals; Criminal Lunatic Asylums; Photography; Total Institution; Aversa.