

Mind-Stealing — *Plagio* in Italy: A Study in Transcultural Legal Psychiatry*

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Part I: Mind-Stealing in Perspective

Psychiatrists in the United States have expressed an increasing concern about the possible misapplication of psychiatric knowledge for purposes other than patient treatment.

Szasz, in his numerous writings, has directed attention to the legal misuse of psychiatry in the United States and has criticized the sociolegal role of the psychiatrist as an agent of the government. He has viewed such psychiatric participation as part of a social control system to segregate or inhibit dissidents and nonconformers. Unfortunately this message by Szasz has been submerged in other widely-publicized aspects of his philosophy, particularly his insistence on the nonexistence of mental illness, which he describes as a myth.

Denial of the existence of mental illness has become a major problem in our society; attribution of mental illness where it does not exist is a problem in all societies. This latter fact has been most pungently elucidated in attacks made on the legalized misuse of psychiatry in repressive societies. The Soviet Union and, to a lesser extent, South Africa have been widely accused of misidentification of political rebels as being mentally ill — a procedure which allows for quiet incarceration and the avoidance of political trials. Fortunately, public scrutiny has focused world-wide attention upon this issue, culminating in the Declaration of Hawaii at the 1977 meeting of the World Psychiatric Association.

The possible relationship of behavior to mental illness has continued to be a difficult one which requires never-ending scrutiny. The most important issue is the separation of manifestations of severe mental illness such as psychoses from the behaviors due to personality, cultural determinants, political philosophy, family and social exposure, and the numerous other factors that ultimately may affect beliefs and behavior.

At one time, bizarre or unusual behaviors were attributed to God, the Devil, or other outside forces usually subsumed within the concepts of a religious explanation of phenomena which mankind could not control or understand. Hand in hand with the attribution of behaviors to unseen forces

*Presented at the Annual Meeting of the American Academy of Psychiatry and the Law, New Orleans, October 23, 1977.

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was the negation of responsibility for such behaviors on the part of the individual. A residual effect of this primitive attribution system is Flip Wilson's famous line, "The Devil made me do it."

For many behaviors, the "Devil" has been replaced by another outside force or alien element which is called by many, insanity. A world-wide characteristic of law today is the possible claim by one charged with crime that he or she did not do the act claimed in that there was no conscious intention and that the act was the result of insanity. The person might then be found not guilty or not chargeable by virtue of such outside forces; the person would then be segregated until the insanity is removed — a process perhaps equivalent to a successful exorcism.

Many psychologically oriented philosophers see individuals as passive actors whose behavior is determined genetically, environmentally, or psychologically. The tendency to avoid blame or responsibility is a universal one. Halleck,¹ in "The Politics of Therapy," discusses the application of the psychiatric excuse in cases where claims of psychologic discomfort would be used for a minor purpose such as the breaking of a lease by a college student. Increasing study is being directed at the psychiatric explanation of an excuse, a process well known to attorneys.

Thus criminal behavior, other adverse patterns of functioning, inability to work or care for family, and self-justified withdrawal from stress are tied in with secondary gain, litigation, workmen's compensation, "gold-bricking," early retirement, and a myriad of other common situations.

The excuse-giving roles of physical illness, mental illness, social factors, lack of intelligence, too much intelligence, and all aspects of environmental determinism continue to plague us with their imprecision.

In contrast to the concept of man as a responsible creature, one sees the constant use of blame attribution — often to other humans who must therefore be super-responsible, that is, responsible not only for their own behavior but also for that of others. One poignant example is the attribution of blame to psychiatrists for the behavior of their patients.

Hand in hand with the concept of denial of blame to some and attribution of blame to others is the recognition of some basic reality to the influence of determinants outside the conscious self. Parents, social customs, churches, schools, individual subcultures all act to determine to a degree the ideology of the young, as do their own experiences and handling of instinctual needs. One periodically encounters the concept of brain-washing — controlling thoughts and beliefs — through total environmental manipulation and control. The use of this concept based on the wartime experience of military prisoners obviously had merit when one considered the physical and psychological deprivation, punitive surroundings, alien environment, uncertainty, isolation, ambivalent motivations, and an environment of terror and fear.

Thus attribution of blame to others was a considered factor in the renunciation of the United States by American prisoners of war in the Korean and Vietnamese conflicts. This issue nowadays is related to the duress and coercion occasionally claimed in litigation over contracts and wills and even more rarely in criminal charges. The Patty Hearst defense was heavily directed to "brain-washing," duress, and coercion, with very mixed

reactions from psychiatrists. An extension of this philosophy of blame attribution recently occurred in the Zamora case in Miami, wherein the claim was made that television indoctrinations and the show "Kojak" were the determinants of the actions of a 15-year-old boy who allegedly suffered from "involuntary television intoxication" when he committed a homicide in the course of a robbery.

Brain-Washing and Mind Control

Brain-washing itself is an imprecise concept. Certainly it does not lend itself to experimentation in our society, and it is fraught with much emotional connotation, reflecting its association with the horrors of the wartime experiences in Asia. Loosely, of course, any influence by parents and society to determine ideology and behavior patterns could be classified as brain-washing; such usage would reduce the concept to meaninglessness. In addition, this use tends to blur further the distinction between childhood and adult influences. Similarly, advertising propaganda and most communications systems are meant to influence attitudes and actions.

Mind control is another vague expression which is more broad and seemingly less pejorative; mind control of any type or definition, however, is of interest to those concerned with the psychology of human behavior. The subject of mind control has recently surfaced in this country amidst attempts by parents to reclaim their children from what they consider to be alien religions or social movements. Mind control was not an issue in a similar situation of parental distress over the drug movement and political dissidency in the 1960's. Recently parents have resorted to illegal kidnappings to reclaim their children of adult age. When this desperate attempt at parental control or reclamation was attacked in the courts, parents used the courts to ask for custody of their children so that they might be "deprogrammed." Many have looked on the practices of the Hare Krishna and Unification Church of Sun Myung Moon as mind-control situations. Yet group pressure and indoctrination are true of many organized groups, some of which qualify as religions in the American context. The California Court of Appeals (*New York Times*, October 6, 1977, p. 11) has recently ruled that such guardianship violated the First Amendment right to freedom of religion and that the proposed regulations were too vague to be allowable. While further cases will no doubt clarify the legal status of such "mind control" in the American scene, it is to be expected that the courts will avoid endorsement of the recognition of "mind control" as a practice requiring legal intervention. Certainly civil libertarians would question both the denial of civil rights to those proclaimed as "programmed" and the potential extension of the concept to unpopular group or individual behaviors. One could possibly foresee the accusation of mind control directed at college professors or writers whose ideologies are unpopular to some, or at those who espouse various sexual or other life styles.

Already, one prominent New Jersey state official who had a personal experience with religious cult involvement in his own family has proposed that laws be enacted to protect people from entrapment of their minds.

***Plagio* or Psychological Slavery**

For those who think that such concepts could never be legitimized by psychiatry, the notorious Braibanti case in Italy can serve both as a warning and as an interesting, if frightening, example of transcultural legal psychiatry.

The Braibanti case of the late 1960's has not previously been brought to the awareness of American psychiatrists. Borowitz,² a legal scholar, has presented an interesting legal analysis in his article, "Psychological Kidnapping in Italy: The Case of Aldo Braibanti."

As Borowitz has pointed out, Italy has long had an obscure provision in the Penal Code defining an offense called *plagio*.

"There are three kinds of plagiarism under Italian law: literary plagiarism; political plagiarism, which is the impressing of a citizen of one country into the service of another; and the so-called 'civil' *plagio* involved in the Braibanti case. In order to detect the common thread that runs through these apparently disparate crimes, recourse must be had to the Latin forebear of *plagio*, the post-Augustan word *plagium*, which denotes the crime of kidnapping or manstealing. With assistance from this root meaning, we can see that all varieties of the crime of *plagio* involve the stealing of a human being, of his personality or of the product of his personality. Having regard for the youth of Braibanti's accusers, we can with accuracy translate the offense of which he was convicted as 'psychological kidnapping.'"

For the first time in Italian history, a person was found guilty of civil *plagio* in the Braibanti case. In 1889 the Penal Code defined such a crime. This old law is identical to that now seen in Article 600:

"Article 600 (Reduction to Slavery) Whosoever placed a person into slavery or into a condition analagous to slavery will receive 5 to 15 years in prison."

The meaning of the 1889 code was unclear as to whether it pertained to slavery imposed by Italians in other countries recognizing slavery as a legal institution, or whether it included such relationships *de facto* in Italy. In 1930, Article 603 was introduced to deal with such civil *plagio*.

"Article 603 (*Plagio*) Whosoever places a person under his power so that he is reduced to a total state of subjection (or submission) will receive 5 to 15 years in prison."

Article 613 stated, "Whosoever by use of hypnotic suggestion or by means of drugs or hypnotic substances or any other kind of means and without consent, places a person in a state of incapacity of will, will receive up to one year of imprisonment."

Thus, the groundwork was laid for the prosecution of a homosexual, Marxist professor and writer who was accused of the psychological subjection or kidnaping of two young adult men. Not only was lack of consent of the so-called victim not necessary to establish the requirements for *plagio*, but the court ruled that a specific intent by the alleged perpetrator to place the victim under his power was not necessary. As

Borowitz has stated, "the prosecution need show only that the defendant consciously and willfully exercised over the victim dominion of such a nature as to reduce him to total subjection."

The court in its opinion of several hundred pages discussed its own interpretation of psychiatric theory. The court utilized reports of the psychiatric experts, who responded to the questions of the court with conclusions using the very language of the law. Borowitz has analyzed the thinking of the court and its reliance on the concepts of "suggestion" and "hypnosis" as sufficient to justify a finding of guilty.

The details of the history of the case and the psychiatric participation are presented in the companion paper by Weinapple. Much difficulty was encountered in obtaining the original source material. The Braibanti case was commented upon extensively in the Italian press because of the multitude of implications involved in that case.

Summary

The Braibanti case is a unique and interesting one. It would seem to be an example of the misuse of psychiatry and psychiatric concepts in that one person was blamed without clearcut substantiation for the behaviors of others. It represents a situation in which a family unhappy with the behavior, life style, and hampered functioning of an adult son sought the condemnation of and punitive action toward another party whom they held responsible. It also reflects participation by a number of psychiatrists in the process of blame attribution in a manner that most American psychiatrists would find unacceptable and dangerous. It also demonstrates a court's validation of social attitudes, using its own idiosyncratic interpretation of philosophic and psychiatric writings.

The application of the Braibanti case to the issues discussed earlier is frighteningly apt. Psychiatrists must be cautious and concerned about claims of blame attribution in human behavior, particularly where nonpatient parties are sought to be held liable or responsible for the problems, illnesses, or behaviors of others. The promiscuous use of claims of suggestion, brainwashing, or coercion must not be allowed to seduce psychiatrists into the role of societal enforcers or excuse-givers. The complexity of human behavior is such that psychiatrists are hard pressed to understand the multiplicity of vectors that affect human behavior even after detailed study of a given individual. To attribute individual behaviors to "subjection" or "psychological kidnapping" opens the doors to the very misuse of psychiatry to which the psychiatrists of the world have recently directed their attention and concern.

References

1. Halleck SL: The Politics of Therapy. Science House, New York, 1971
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Part II: The Case of Aldo Braibanti

Aldo Braibanti was an Italian university professor who was accused of and found guilty of the crime of "*plagio*," literally mind-stealing, in 1968. This

case is presented because a prominent role was played by psychiatrists in determining his guilt. Professor Braibanti was a deviant in his society, a homosexual, and was openly known as an extreme leftist.

Background of Braibanti

Professor Braibanti was born in Fiorenzuola di Adda in the province of Piacenza on September 17, 1922. He finished high school in Parma and received his doctorate in philosophy from the University of Florence. In 1939 Braibanti belonged to a group of anti-fascist university students and professors called the "Movement for Liberty and Justice." This group later became known in leftist circles as "The Party of Action." Through his association with this group, Braibanti got to know La Pira, Montale and Teresa Mattei, names not well known to us here in the United States but famous in the Italian anti-fascist resistance movement and underground.

In 1943 Braibanti was arrested and then freed upon the fall of the fascist regime in July of that year. However, in November of the same year he was again arrested, this time by the SS who believed he was a member of the "Fronte della Gioventu," a Communist youth organization. After many days of torture, Braibanti was again set free moments before liberation day, as his colleagues and university professors intervened with the Germans on his behalf. With the liberation of Florence, Braibanti assumed the role of a Communist party official.

For the next three years he involved himself in regional and national politics until he decided to return to his original interests in life as a scholar, literary figure and artist. The next six years of his life were quite productive. Braibanti, together with the painter Bussotti and the writer Roberto Salvadori, rented an estate where they produced ceramics and enameled copper art pieces. The work done was shown and exhibited throughout Europe at the exhibitions of Milan, Oslo and Paris. At the same time, Braibanti was very active with his writings. He wrote for the cinema and had some of his works published in 1960. He wrote articles for the magazines *Il Ponte* and *Quaderni Piacentini*. Thus we see a moderately well known intellectual of the left, somewhat successful at his endeavors, who had withdrawn more or less from the limelight of the political stage.

Background of Sanfratello

Giovanni Sanfratello enters the picture at this point in 1960. Upon first meeting Braibanti, Giovanni Sanfratello spoke to him about his artistic aspirations, confided to him his decision to continue his studies in art, and complained to Professor Braibanti about the climate of oppression in his family. Braibanti counseled him on one hand to make sure to take the college qualifying exam (*Diploma Di Maturita*), but at the same time encouraged him strongly not to give up on his artistic interests.

Two years later, after his parents had enrolled him first in the School of Architecture and then in the School of Philosophy, Giovanni, who was twenty-one years old, moved from Milan to Florence, where he lived with Braibanti. The family tried to call and investigate what was going on quite often, as the father of Giovanni minutely described later in his court disposition. As the telephone calls and inquiries seemed to have no effect,

Ippolito Sanfratello, the father, rushed down to Florence, literally dragged Giovanni out of Braibanti's house and brought him back home to the family abode. However, on August 9, 1962, Giovanni ran away again, and this time through a lawyer, Mario Bocci of Florence, he begged his parents to leave him alone to follow his own way, since he was of age. Since this plea did not achieve the wished-for result, he sent Bocci again to his parents, pleading with them to stop their pressures and to leave him alone. Meanwhile, with Braibanti, Giovanni moved to Rome, where he was at once joined by his brother, Augustino, who a short time before had been re-converted to a religious way of life after a period of atheism, and who was quite concerned about recovering "the lost and strayed lamb." At one point, in fact, Augustino ran into Giovanni, who was with Braibanti at the time, and persuaded a policeman to bring the two into a stationhouse from which, of course, they were naturally released at once.

Thus in November of 1963 we see the family Sanfratello unable to tolerate in Giovanni's life his atheism and gradual disattachment from the Catholic religion and the simultaneous lessening of family ties.

Months later, however, after one of their many inquiries about Braibanti and Giovanni, the Sanfratello family met Piercarlo Toscani, and Ippolito suddenly became aware of a totally new and "monstrous fact," namely that Braibanti was a homosexual and had engaged Piercarlo Toscani in homosexual activities. Immediately the Sanfratello family was quite concerned that their son Giovanni had also entered into a homosexual relationship with Braibanti. In October 1964, charges of *plagio* were brought against Braibanti. On November 1, 1964, Giovanni was again literally dragged out of his house by his family and brought directly to the sanitarium of Villa Rosa.

Summary of Deposition of Ippolito Sanfratello Given to the Prefect of Rome

Ippolito stated that "his son was drawn into the orbit of a strange individual, promoter and guiding force of an association of youths filled with existential ideas and strange habits, who were arousing curiosity and negative attitudes, not only because of their sloppy ways of dressing and long beards but also their weird activities, particularly those that seemed to be connected with research on ants and other insects." A year after his son had become friendly with Braibanti (1960), one night he returned home and announced he was abandoning his studies. The father described his feeling as being "thunder struck and almost driven to madness." He responded to Giovanni by saying, "You are mad," and thinking that he was having a nervous breakdown, brought him to the psychiatrist Bergonzi, who, informed of the relationship with Braibanti, said, "Without doubt, he [Braibanti] was responsible for this crisis. People like that should be eliminated." Dr. Bergonzi stated that he found Giovanni had completely turned about all the values of life. The family then brought Giovanni to Professor Rossini, another psychiatrist from Modena. Soon after this meeting, Giovanni, according to his father's deposition, wished to go to France, where he wanted to do manual labor. The story of the trip to France, according to the father, was vague and obscure. The family lost track of Giovanni and several

times questioned Braibanti, who would occasionally receive some note from the boy. Finally Giovanni returned home, "reduced to a state worse than a beggar."

In the next two years Giovanni took the qualifying exam and enrolled in the Faculty of Architecture at the University. Braibanti left him alone at this time, according to the father (as he was involved with Toscani), but eventually Toscani left and Braibanti pulled the young boy Giovanni under his absolute domination, according to Sanfratello senior, forcing him to live in the same house with him in Milan and then in Florence.

Upon one of the visits to Braibanti's home there, Sanfratello senior noted an abundance of alcohol and tobacco, and he eventually learned from Toscani how Braibanti always kept such things around in order to "facilitate the victimization of his youthful prey." Giovanni Sanfratello began to show signs of instability (which preoccupied Braibanti as well as the father) and left the apartment, turning up in Venice, in a sense leaving both Braibanti and his family. At this point the Sanfratello family took Giovanni to another psychiatrist, Professor Bernocchi, who rather innocently said, "He was influenced (under a state of suggestion) to such a point that it was no longer he who was talking." A further comment was made by this psychiatrist to the effect that this twenty-one-year-old was more like a seventeen-year-old boy in a crisis. Bernocchi prescribed "vitamins and other medication."

Conclusion of Background History

Giovanni went back to Braibanti, and eventually, when the family Sanfratello found out about the possibility of a homosexual relationship between Braibanti and their son, they took Giovanni bodily from the house and brought him to the Villa Rosa, where he was examined by several psychiatrists, and the charges of *plagio* were continued against Braibanti. The court, referring to "The Modern Principles of Dynamic Psychology by Charcot and his school of neurology at Nancy, and the psychoanalytic adherents of Freud and Ferenczi," and using the records of the three psychiatrists who had examined Sanfratello, found Braibanti guilty.

A great polemic arose in the popular press surrounding the decision, and many men of letters and science, including some of Italy's chief psychiatric figures, joined in an uproar of protest. It was felt that Braibanti was being condemned for his homosexuality and his political leanings and that it was absurd to think that he could have possibly stolen the minds of young Sanfratello and Toscani. On the other hand, many men in the press took a different view and felt that the court had acted correctly and that the question was not a political or sociological one. An appeal court, which reduced the initial court's sentence from nine years to four years in prison, said that the defendant had been condemned not for his homosexuality or ideas but for the crime itself. It is clear, for the sake of psychiatry, that a close look at the psychiatric testimony is in order.

Examination of the Psychiatric Testimony and the Deposition Given to the *Giudice Istruttore**

We have several documents for this testimony. One is from Professor

*An investigative body, the equivalent of our grand jury.

Rossini, who sent to the Prefect of Rome his medical testimony concerning the hospitalization of Giovanni Sanfratello in the Hospital Villa Rosa. Another is from Professor Trabucchi, who was the psychiatric director of the Hospital of Verona, who also sent his analysis concerning the case of Giovanni Sanfratello to the same court. The first statement, which includes the family history and other clinical data, shows how the young man appeared to the doctor right after his hospitalization and how he responded in a disconnected manner to the questions on his ideas and feelings. Other psychiatric testimony that was presented in the case came from Professor Bernocchi.

Since the deposition of Rossini was made actually in November of 1964, we can compare it with the testimony given by Giovanni to the court of Rome exactly one month before, October 19, 1964, following the family's accusation against Braibanti. This interrogation would be the equivalent of a grand jury investigation in the United States. The testimony given to the *Giudice Istruttore* is that which is presented to an impartial observer, a collector of facts, to see whether or not there is a case which can be prosecuted.

The documents of court appear to show an interrogation which takes place in an atmosphere of mutual civil respect. Giovanni tells his story in front of a representative of justice, someone who is considered trustworthy. The documents of Rossini, in contrast, are filled with medical jargon, and consist basically of an interview conducted with a Sanfratello who has been thrown into a mental institution and already considered emotionally disturbed. The following is a summary verbatim of the two documents.

Deposition to the *Giudice Istruttore*

"Sanfratello — I live alone, free to choose my own way, which I am convinced is the right one. I'm a painter, I draw. I draw at the limit between the abstract and figurative. I'm able to sell a few of my designs to friends. I sell these drawings at a price between 10,000 (\$16) and 20,000 (\$32) lire. Sometimes 5,000 (\$8). Naturally I'm only at the beginning of my career. I am studying to better myself. My studies are mainly graphic techniques and observations of other painters whose shows I go to see with Braibanti. I'm friends of the etcher of proofs Zancanaro, the poet D'apino Cesare, the painters Buscotti and Falzone. I hang around with only writers and poets. It's true I'm kind of in conflict with my family, but that doesn't mean that I don't write to my parents or that I don't receive any letters from them. My father is very religious, to the point that they are also intolerant, and they can't seem to understand that we have the right to choose our own way following the spontaneous determinations of our own being. I wasn't cut out for studying architecture; it doesn't interest me sufficiently, and therefore I never succeed in sacrificing myself for those things, and I was never really interested in that stuff from when I was in high school.

"From the time I was in high school, I gradually became more interested in drawing. When I said that my parents were so religious to extremes of fanaticism, I meant that they have always stopped me from receiving, by means of letters and friendships, contacts with the external world and ideas of life different from theirs. They stopped me from reading Mickey Mouse

and other comic strips except those that were published by religious organizations, when I was a child. When I was big, they forbid me and they stopped me often from reading Tolstoy, Dostoyevsky, Nietzsche and other writers. Dr. Braibanti helped me to resolve these problems of mine, especially in the beginning. Also other friends of his helped me economically. I understand very well the value of life and the importance of living. Even though I'm not religious, yet I have a certain belief in the religious sense of life. I believe that in the mere fact of understanding life there can be a profound sense of empathy and participation in the phenomena of nature; therefore my atheism, although total, doesn't negate but affirms, in the sense of real value of the present and what man may evolve in the future. Neither I nor Dr. Braibanti are homosexuals. I have to exclude that the doctor is. I like women. From the political point of view, I am without doubt Marxist, even though I don't fully share the practical methods of government set up by those that consider themselves Marxist. I respect, however, the possibility of validation of their democratic system. And don't exclude the fact that you can get ideal results even by means of these other systems, even though I am convinced that the best method is Marxism. I am certainly free and autonomist from any point of view. I live my own life with dignity, even though not affluent. I can live and support myself. I sell pictures, I collaborate with Dr. Braibanti with his work as a writer and journalist on radio, T.V. and in magazines. I often go out alone. We have a lot of friends with whom we discuss problems often that are of interest to us. Every once in awhile I see my father and sometimes my mother, but I don't think I'll return to them. That would mean the negation of freedom to pursue my life. I don't have any desire to stay at home with them after everything that has happened. I live in the house of Mrs. Zuanelli. If I should change my residence, I would notify your excellency. I am an official resident of Rome, and I intend to stay here."

Summary of the Psychiatric Examinations of Sanfratello*

This summary is mainly based on his stay in the hospital Villa Rosa and drawn from the doctor's admission note and subsequent interviews and progress notes. This information, together with the psychiatric reports already mentioned, form the basis of the *perizia*, the psychiatric report prepared for the court.

Summary: "On initial examination of the patient, the attention of the doctor was drawn to the poor general condition of the subject, who appeared uncertain, perplexed and irritable. During the interview an anxious, depressive condition appeared, probably related to the patient's being in the hospital and particular life situation of the last few months. During the interview the patient stated that he had been away from, or left actually, his parents' house because he felt something inside of himself, something like a new world, different from the ordinary one. His ideation was described as monotonous, somewhat superficial and monothematic. He was unable to make logical connections. The patient is stated to be aggressive toward his father. His greatest reproach of his father, for example, was the father's preventing of his reading books and not informing him in advance of

*Reports of Professors Rossini, Reggiani and Mari.

unexpected, sudden visits. Towards these seemingly banal events, the patient showed strong anxiety and aggressive reactions. He tried to justify his poor physical condition on irregular eating habits, and he admitted to an unconventional life style. In the first interviews, the patient clearly demonstrated visible states of anxiety and irritability. He couldn't remain still and moved about in an agitated manner on the chair. There was a noticeable tremor in his hands. He manifested a clear attitude of negativeness and protested his hospitalization. He demonstrated marked hostility toward his family. A great part of his day was spent reading papers. He remained long hours dressed while in bed, maintaining an indifferent attitude. The patient only communicated with the personnel when it was absolutely necessary.

"Since the patient insisted he had a well organized philosophical concept of life, he was closely questioned on this subject. He revealed immediately contradictions, childishness and uncertainty. He stated that he was against the family, against religion and against established society, and then at the same time he affirmed his wish to have a family of his own, to spread his own ideas (what these were he didn't say) by means of his artistic expression, and he wished to create a new society. He demonstrated extremely poor knowledge even of the political theories that he professed to know. Regarding that last point specifically, his ideas were vague, incongruous and illogical. He is against religion because it's in the world of his family. He continually showed lack of affect in his verbalizations. The dominant theme that he presented was the contrast in the life style between his world and that of his family and his brothers. His hostility, in particular towards his brothers, showed in his not even accepting letters from them. He stated that his family kept him always confused and regressed.

"When it was pointed out to him that to leave a young man just out of high school to study alone with complete freedom in a city like Milan doesn't seem to be expressing a narrow educational or confining attitude on the part of his parents, the patient could only say that he didn't like the faculty in which they wanted him to be."

That was the end of the initial interview. Subsequently we have progress notes and other comments on the patient's observed behavior which were taken from the hospital chart and presented in court.

"6-11-64. While the patient was being interviewed, the visit of his mother was announced. In a moment of rebelliousness he stated that he didn't want to see her and should she come in, he wouldn't see her anyway. Pacified finally that no harm would take place, he accepted his mother's 'hello.' He showed immediately upon seeing his mother a great deal of hostility, intolerance, aggressiveness and verbal detachment. He accused her of not leaving him to his interests and desires, and he defended with vehemence his attitude towards his family. After about fifteen minutes of conversation, seeing the negative attitude and the hostility of the patient toward his mother, the meeting was terminated. His mother left, and the patient declared in strong terms that he didn't want any more contact with his family.

"7-11-64. An amytal interview was done. The usual themes consistently appeared to be affective discordance with polarization toward his friend

[Braibanti] and negation of family relationships, negation of normal social values and scarce knowledge of political and philosophical theories. Regarding the latter, the patient stated that he knows and admires Plato, but doesn't share his ideas.

"10-11-64. Patient claimed that he was not able to sleep much. He would approach other patients, but he never talks to them. He often would isolate himself. On the whole he didn't participate in the life of the ward. He would spend long periods by himself reading.

"11-11-64. It was noted that the patient was always alone. He reacted with total refusal and with evident signs of anxiety to the proposal of doing some drawings.

"13-11-64. Patient spent a great deal of his time in his room leafing through newspapers. He continued to maintain only fleeting contact with other patients.

"15-11-64. At the request to describe in writing different phases of his life, he initially consented with a fair amount of participation. He wrote several lines and then stopping, the patient spent the rest of the day lying in bed or reading the newspapers. His contacts with other patients remained scarce.

"17-11-64. In a new interrogation the patient demonstrated very little accessibility; he remained stubborn in his arguments and continued to show strange logic and very little affect. The issue of the emotional tie with his friend in Rome was brought up, about which the doctors had had a chance to read parts of the letters exchanged. Sexual questions, family and society, books and articles were discussed in the letters, and every attempt to criticize elicited reactions first of reticence and hostility. Later, when more precise passages praising homosexuality were noted and commented on by the doctor and other areas where the patient had talked about the emptiness of the traditional societal view of family life, the patient stopped the interview and hid behind an adolescent attitude, saying that he never had a chance to speak on those topics with his friend in Rome nor would he accept the invitation to a critical examination of the situation of his so-called personal relationship with his "friend." The patient found his family's hostility toward his friend totally unjustified. The patient's behavior was, as usual, lacking in affect, illogical and stereotypic. He gave the impression of a baby who repeated memorized sentences. What came across clearly was the extreme process of identification with his "friend in Rome," from whom he had literally borrowed expressions and ways of carrying himself. He was always rather evasive when asked to talk about biographical data in his life (actually known to the interviewers through previous interviews with his family) and he would change and alternate especially when dealing with certain significant happenings that had occurred. When confronted with the realities of these things in the past, thus showing him to be a liar, he would scarcely show any reaction or emotion. He was always aggressive as usual when talking about his family, whose attentions were always interpreted as disguised attempts at persecution and limitations on his physical liberty. Immediately after this he didn't have any difficulty in revealing the picture of his actual life in Rome. In fact, at a certain point he accused the family of trying to have many nuns and religious seminaries of Rome follow him and

his friend and try to trap them. [This turned out to be so.] This appeared to the examiners as a clear delusional notion and idea of reference. In the inner life of the patient the doctors had always the impression of 'a clear cut emotional detachment from the environment, of a complete interior emptiness and of an isolation from those daily things that are the usual problems and concerns of every young man.' The patient had no goals for the future, no plans, no aspirations congruous with his age. He didn't even seem to be experiencing his artistic tendencies in any great depth, but rather he expressed them only in a rather superficial manner and not maintained by any dedication or emotional bond. His attitude seemed always to have some kind of marked artificiality, while a spontaneous human contact or need to have a talk or any sense of mental tie with others never appeared.

"18-11-64. The patient was shown during the interview some of his drawings; he stated that they were his first meager attempts, recognizing the scarce artistic merit of them. At the same time he stated that they were only his first concrete efforts in the field. He refused to be more precise on his attitudes regarding these works. He remained isolated, uncertain and continued to have moments of confusion also in his relationships with other patients."

During Sanfratello's stay at the Villa Rosa, he was forbidden to have visitors other than family. V. Orsini, a friend, stated in court: "At the Clinic they told us he wasn't there. We found out he was confined there by a nurse, who was greatly frightened." During the confinement Sanfratello eventually was treated with electroconvulsive therapy (a series of 40) and 8 insulin shocks.

Giovanni remained at the Villa Rosa until March of 1965, when he was transferred to the psychiatric Hospital of Verona directed by Dr. Trabucchi.

Reports from the Hospital of Verona

"12-3-65. Entrance to the hospital. General condition — average. Psychologically: Appearance alert and frightened, cautious, an attitude that is typical of both the offended legalist and the vexed man. However there is a tone of an educated person. He plays the victim of the family, giving a long-winded harangue on the concept of freedom and the state of being a victim. Objective information about the abnormality of his conduct is perceived as objections. He asks that he be watched in special ways.

"14-3-65. He begins to adapt, although still maintains his isolation. Asks if he can write. He is told that he can't. Sleeps little at night (indication of previous use of drugs).

"16-3-65. He slept. The usual inconclusive dialogues.

"15-3-65. He tried to send some letters out. Good appetite."

Giovanni was released from the psychiatric Hospital in Verona on February 7, 1966 with the following discharge note and plan, taken from the clinical chart:

1. Rest at parents' home for at least three months
2. Must be at home for all meals and a ten o'clock at night curfew
3. Bed rest from 11 to 7 with the lights out
4. Medicine to be given to him by parents, who must follow the usual recommendations given

5. Continued psychotherapy with Professor Petro at least monthly
6. University attendance, which has to be approved by Professor Petro
7. Avoid totally his former friends, who are considered by Professor Trabucchi and the other doctors to be pathogenic agents
8. Avoid all books that are less than one hundred years old, except those considered scholarly or suggested by Professor Petro
9. Follow completely the preceding report without deviation

The *Perizia*, based on much of the preceding material, concluded among other things that "Sanfratello is not and has never been mentally ill."

It should be noted here that in a counter-*Perizia* for the defense, which was not allowed in court, Professor Ossicini stated that the psychological problems of Sanfratello preceded any influence received from Braibanti.

Braibanti as the Court Saw Him

The conclusion of the court was that "We believe that a total state of subjection can be deduced from the description of the defendant's behavior, which came out during the final proceedings, and from the description of facts found in the examiners' report. This is in particular reference to Toscani's testimony."*

No psychiatric investigation was made of Braibanti. The only thing known about Braibanti in this sense came from Toscani, who the experts felt was reliable since his description appeared to be similar to that of Sanfratello. Working then from Toscani's testimony and the records of an investigation conducted by the *Giudice Istruttore*, the psychiatrists made the following comments about Braibanti, which were included in the court's report.

"In spite of all his versatile activity, such as art work (i.e., ceramics, paintings, collages), poetry and theatre experience Braibanti, in order to survive, is forced to accept help from his friends, money from his even poorer mother: this humiliates and saddens him. Poverty and fame constitute the motives for a serious and intense frustration for this man who wanted to be a leader, was ambitious to dominate, to enjoy life and who instead is compelled to vegetate between the imposed renunciations of a social outcast and the tormenting reminder of his foolish ambitions. He is mortified by total failure, and for him to feel obstinancy toward himself seems (to him) to be an atrocious injustice.

"Defeat requires revenge; his frustrations demand some sort of compensation; his insatiable thirst to rule others influences him to propose new spheres of power. He will be for a few, if only for one, the 'leader' he cannot be for many. Caesar will become Don Juan, Napoleon, Casanova; he will become a Socrates to a new Alcibiadis: certainly not a vulgar seducer of little worth but a refined diabolic invader of souls, since his sexual desire itself is born of an unnatural and cerebral thirst of spiritual dominion over others, for the cruel pleasure of the tyranny that has oppressed him" (*Perizia*, p. 196).

"He is a victim of the concept of power, authority, revenge; he professes anarchy, fights against the family, society and the state; scorns school and morality; repudiates the conformity of the crowd because the crowd is formed by people physically, psychologically, sexually sane and normal.

*The medical experts' report and Toscani's testimony

They have what he has been denied. He is not a person who has been misunderstood, but has assumed the role of one; he is not a genius but tries to pass as one: the distortion of his character and of his actions is a direct and coherent consequence of all this" (*Perizia*, p. 214).

"... To both of them [Toscani and Sanfratello], Braibanti reserved the same fate, the same torture: a tiny closed-off room, barred from other human eyes; lack of food, skipped meals, dirt, poverty; a permanent state of subjection, of inferiority, of human contacts limited to Braibanti, 'blood-brothers,' bound to him by ties of concessions and actions; the most absurd and ferocious restraints and prohibitions, such as walking with their eyes glued to the ground, not being able to speak, not being able to look around freely, not allowed to think nor to dream! And always creating scenes, permanent states of anxiety, of terror on the minds of these unfortunate boys" (*Perizia*, p. 224).

Discussion

Here we see a judicial system, caught up in a wave of national feelings, searching for the truth, and hoping that a group of so-called experts upon human minds can resolve the question. Surely in a country such as Italy, where *Papagallismo* (the equivalent of *machismo* or super-maleness) reigns supreme, the issue of Braibanti's homosexuality played a role that, coupled with his former political activism, resulted in an unhappy judgment which places psychiatry in an unfortunate position.

Other questions arise from this case. Most relevant to the reputation of psychiatry in Italy is the damaging criticism such as that of Giovanni Jervis, who says:

"The fact that by the parents' initiative and testimony an individual of age could be kidnapped, restrained, subjected to shock therapy, judged definitely mentally ill, confined for fifteen months in a hospital for the mentally ill, and finally humbly left in the conditions which we have seen (and consigned, under the threat of a new confinement, to a psychoanalyst who will guide his reintegration in the established society) has nothing of the abnormal but is part of the daily experience for whomever works in psychiatric hospitals is sobering.

"This case is exemplary for another reason. It demonstrates in the clearest way that the technical authority of the psychiatrist has no practical autonomy, nor does it have any scientific autonomy. Its authority is nothing but the continuous, under a mask of academic respectability, repression from the family and from the state. Giovanni Sanfratello has been considered mentally ill at the moment when such a label and its integral procedure were the only means that could serve to take him away once and for all from his friends so that he would return to, after an adequate period of isolation and reconditioning, the family; and yet he has been considered 'not ill' and 'never ill' by the experts when the operation had been completed and when this theory could serve very appropriately to demonstrate that the 'abnormalities' of his behavior should be attributed to Braibanti, and not some mental illness."*

*Giovanni Jervis, *I documenti esaminati da uno psichiatra* (The record examined by a psychiatrist), *Quaderni Piacentini*, November 1968

In the United States, faced currently with similar issues, we should take note of this case and avoid the pitfalls encountered by our Italian colleagues.

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