

Infractional Act and Amorality: a Position Subjective Teenager

Antonio Alexandre Iorio Ferreira¹, Henrique Figueiredo Carneiro²

¹Prof. Dr., (2016). University Center September 7th - UNI7
Fortaleza, Brazil

²Prof. Dr., University of Pernambuco (UPE) and collaborator of UNIFOR's graduate program.
Pernambuco, Brasil

Abstract: The article presents a study that, based on the psychoanalytical knowledge, sought to reflect on the relationship of the infractional act and the possible stage of amorality still present in adolescence, as one of the forms of subjective constitution imposed by the social ties events. We understand that the adolescent subjective implications for the infractional act, as well as the strategies that society has validated to 'contain' the youth destructive tendencies – instincts - are still crossed by the stage of amorality. The prospect of the presence of the stage of amorality, was studied from the case of a 13-year-old teenager who committed an infractional act (murder) to buy 'candies' and fulfilled a youth socio-educative measure of deprivation of freedom. With the study, it was possible to reflect that, in times when the decline of the paternal function is asserted, we should take into consideration the multiplicity of the father's names, important in the formation of social ties, of the adolescent responsibility for the infractional act and consequently, a subjective organization that allows the adolescent to enter the field of morality.

Keywords: Amorality; adolescence; infractional act.

1. Introduction

Study the infractional act in adolescence is a challenge for those who enter this 'task'. It is a study that involves a diversity of factors that, every time, has been modified and contributed to its incidence. Trindade (2002), Considers that, according to the adolescent speech, we are living in a "nation with law, but entirely without order" (Trindade, 2002, p. 7), because we had never experienced so much involvement of adolescents in infractional acts, to the point of consider Brazil, a prominent country in the main ranking of violence in the world (Waiselfisz, 2015).

This statement makes us realize that we are before crisis of references on the infractional act, so even considering that, historically, it has existed as regulating adolescent relations linked to ethics and moral of every season, it had never been so clear in our daily life as responsible for the awakening of aggression, like today, especially in the period of adolescence (Clastres, 2004).

So, in addressing about the 'incidences' and 'causes' of the infractional act, we observe studies that emphasize 'phenomena' as poverty, lack of prospects, social inequality, use and trafficking of drugs, fragility of public security and bankruptcy of social policies as factors that have propitiated the increasing number of adolescents involved in infractional acts.

Zaluar (1992), makes a criticism of these statements and points out that, the involvement of young people and adolescents with the infractional act, should not be explained 'exclusively' by social and economic aspects, but also thought in a singular way, that is, should be thought in terms of a position – moral - assumed by the adolescent that results from the ties formed in our present.

Therefore, we cannot just deny that there is, in the teen infractional act, a 'problem' of great relevance to society that must be thought for several study areas and, specially, by those that have the pretension to think about the subjective aspects, such as psychoanalysis, because it reveals not only a form of transgression to be 'punished', but a form of subjectivation of teenagers that carries dimensions in the physical, symbolic, systemic field and mainly, psychic and subjective. (Costa, 2005).

However, without considering the violence and consequently the infractional act as a psychoanalytic concept, it is possible to understand that Freud refers to the term 'violence' in a lot of works. For Freud, violence does not obtain *status* of concept, because his ideas refer to aggression, sadism, masochism, trauma and the death drive, at last, to the well-delimited concepts of the psychoanalytic field that focus on violence (Silva Jr, 2007).

In the text Totem and Taboo, based on the myth of the death of the primitive father, Freud (1913/2012), initially refers to violence as a constituent of the subject. In his text, accentuates that human acts are linked to power and violence and yet, which is by the way of violence that these human interests are solved. To Aulagnier (1979), the idea of Freud will be resumed with support to the concept of primary violence, understood as the action of the mother who, in meeting the needs of her baby, eroticizes him and "invades" him psychically.

The statements of Freud and Aulagnier (1979), Explicit that the ban on incest is the first condition of a prohibition that marks, in symbolic terms, The Installation of law, an unconscious law that makes it possible the human organization in societies, i.e, the law that should promoter the capture of the subject of the stage of amorality, to enter it in the field of moral(Koltai, 2015).

For Lacan (1952/1998), Freud (1913/2012), in the text *Totem and Taboo*, wants to demonstrate that with the primordial crime emerges the universal law and the instance named 'Superego', which allows the subject form social ties and renounce violence through guilt or, in social terms, 'moral' internalized.

Marin (2002), based on the notion of *Primary Violence* Proposal by Aulagnier (1979), suggests that pulsional violence is assumed on one hand and, on the other hand, the civilization violence, this way the subject could be allowed to removahis drives and, consequently, the interdiction of teen infractional act (Marin, 2002).

In the understanding of (Marin, 2002),

[...]the condition of the appearance of the subject is to assume the fundamental violence that allows the relationship with the other in a creative and unfused way, not packed, as it is often done in the name of love and happiness. It is the condition to the subject appearance. If this is not done, the subject is exposed to an unbearable helplessness and often only remains in the pursuit of relief from pulsional tension, destroying the other, annihilating him – being violent. (P. 30).

This way, the author understands that, to make us comprehend the 'incidences' of the Infractional act in adolescence, we should produce a twist on the knowledge positioning and change the look, tha is today focused on the 'control over the bodies', for the 'punitive measures', and give priority to measures that produce the immersion of the subject and his implication about the act.

In *Reflections for The Times of war and death*, Freud (1915/2010) repeats the theme of violence and highlights the importance of drive as he 'psychic forces' as an instance which, if not contained, can lead the teenager to the infractional act.

Garcia-Roza (2004), highlights the idea that the infractional act would be A "radical evil" that accompanies the subject since he transcended the condition of nature, representing what Freud (1919/2010) named '*Unheimlich*', 'the stranger', ie , "the frightening thing that goes back to what is long known, to the very familiar" (Freud, 1919/2010, p. 331), but yet, it scares us, causing intense strangeness and that, for us, can be equaled to the stage of amorality, inherent to the subject.

With the psychoanalytic speech suport, both the Aggressiveness as the infractional act, as an expression of violence, are In the heart of civilization, they make part of pulsional forces manifest according to certain social requirements and should not be thought as using physical force over another, or "negative of reason", but like an ethical crisis -moral-, trace mark of our civilization (Freud, 1930/2010).

2. The infractional act And the place of amorality in Mario case

Mario is a 14-year-old teenager who has committed a serious infractional act– homicide – to 'buy candies'. On the occasion, Mario lived with his mother and two brothers. His father alcoholic, had been kicked out of the house because he was a violent man towardshis woman and their children.In his story, Mario reports that he had never committed any infractional act before and considers the 'petty theft' – wire theft- Committed before the murder, as 'teenager joking', to get money, which only distressed him when his mother took notice and scolded him.

Mario's speech reflects a speech full of ambivalenceand conflict,Influenced by imaginary and symbolic formations in relation to the blame and to the law, that makes him transit between the moral– mother's reprimand -and the transgression – notconsidering stealing wires like infractional act–inherent to the position of a teenager still 'taken by the meshes of the Amorality'¹, that is, reflects the speech of the adolescents who commit infractional acts snatched by the heat of action, deny involvement with the act, because they do not understand the dimension of their actions and blame the peers who, for the most part, are symbolically replacing family ties.

However, as Zeitoune states (2010), as much as there is a denial of the adolescent in relation to the infractional act, his speech demonstrates that he is on the scene and so it is possible to understand the speeches that emphasize only the responsibility for the teen infractional act as lack of guilt, of Implication, lack of accountability or else, for fragility of the law, Proposed by some studies.About Mario, the 'act',seems try to increase an "imaginary potency by narcissistic exaltation of what derives from the strategy bringing the subject to maximum submission" (Farias, 2010, p. 105).

Nevertheless, as we refer to a fault, Mario's feelingsrefer us to the ideas presented in the Freudian text*Totem and Taboo* of 1913, which operation enabled the advent of the limit that ensured the support of the

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symbolic law for the primary crime of patricide. In this text, Freud (1913/2012) reports the myth of the primal horde, in which confers on ambivalence fundamental place in the explanation of the social organization or moral trades and religion.

The Freudian myth narrates the story of a violent and jealous father and that requires ownership over all females and expels children when they grow up. This father is envied and feared by the expelled children, provoking ambivalent investments of love and hatred among them. That, in an 'act' of hatred were led to murder him and eat him in the ceremony which became known as 'totemic Meal'. However, once satisfied the hate at the cannibalistic party, it occurs the identification of the children with the murdered dead and the repressed affection becomes even stronger, because the "dead becomes even stronger than had been the living; All as we still see today in Human destinies" (Freud, 1913/2012, p. 219).

In Mario, as in the Freudian text, this is a reference that can be observed in his speech in reporting the feeling of ambivalence of his subjective position in relation to the law, the act and the amorality that arose after the deed committed.

Rudge (2011), confirms our idea by stating that the guilt and the regret represent

The very origin of the law. The children who kill the father of the horde institute the prohibition of incest and erect the totem as representative of the revered father, because of the remorse that invades them even before if there is any law forbidding the patricide. The reason for remorse is just the fact that the lost tyrant is admired and loved. It is in love that the morality is founded. (P. 157)

With this, we understand that the Freudian myth allowed reflect the "great crime with which society and the conscience of guilt began" (Freud, 1913/2012, p. 229), The guilt began to occupy a place of fundamental importance in the relationship of the subject with the law and with the society, it allowed to remove the subject from the meshes of the amorality, to allow to enter it in the field of the speech of a moral civilized. (Freud, 1908/2015)

Koltai (2015, p. 15), in conducting a rereading of the Freudian text, adds that "Freud needed the myth of the patricide to demonstrate the establishment of the social bond through guilt." Costa (1986), asserts that the guilt "is not only a strong negative feeling" (p. 35), but a feeling which became present with the murderer act, before the fratricidal struggles, that led to two aspects: knowing the norm that condemns the act, i.e, the answer to the infringement of what is supposed to be a recognized norm and that the act indicates the presence of a subject.

To Koltai (2015), Freud was not the only one interested in the subject of the organization of social ties, but certainly added guilt and moral conscience as that could allow the connection between desire and law, for moral consciousness is what can take the subject, to each new generation, revive and reedit the feeling of guilt by mere intention to commit an act.

That way, in Mario, It is possible to observe, even if ambivalent, the unconscious feeling of guilt expressed by the speech of regret that seems to originate the moral obedience in recognizing his act as amoral, transgressive or, as Gerez says-Ambertín (2012B), expressed by a guilt that reveals "something that is thrown from the innermost space of the subject, something bad from within, although it passes unnoticed its cause"². (P. 22)

so, in the Freudian conception, the blame will be the foundation of the constitution of the social bond that allows to understand the functioning of a moral conscience that contributes to the coexistence with the laws, while the expression of the superego, which can be revealed to the subject, as the most powerful and destructive part of his personality. (Porto, 2008).

When we analyze the moral in Freud (1908/2015), we see that his text *Civilized sexual morals and disease nervosa* considers that "the relationship maintained by the subject with civilization approaches a subordination and in it we find a dichotomy between subjectivity and civilization." (Pine, 2006, p. 38).

Freud (1908/2015), emphasizes that the speech on moral is based on humanitarian and hygienic principles that cannot be considered as part of the human 'nature' and, because of that, it may bring serious consequences to the subject. Based on this affirmative, Freud (1908/2015) will tell us that

[...] It is plausible to assume that, under the domination of a cultural sexual morality, the health and vital capacity of individuals would be subjected to damage and that this injury of the people, caused by the sacrifices imposed on them, would reach a degree so high that, by that indirect way, also the final cultural objective would be compromised. (Freud, 1908/2015, p. 360).

² Something that is played from the innermost square of the subject, something *Re-bites* From In, Although Pass Unnoticed Their cause. (Gerez-Ambertín, 2012b, p. 22).

That Freudian assertive allows us to understand that to live in a civilized manner, the man had to pay the pulsional waiver price and live under a certain 'civilized moral'. According to Freud, any 'act' not submitted to 'civilized moral' that disregards the ethical principles for not being able to curb the drives, will be considered an amoral 'act'.

Still in Freud (1908/2015, p. 368) we see that "the civilization is based on the repression" the drives and, "the one who, because of his inflexible constitution, could not keep up with this repression of instincts, becomes a "criminal", an *outlaw*" [outside the law] before society (FREUD, 1908/2015, p. 368), i.e. remaining a person still attached to the stadium of amorality.

So, for the psychoanalytic speech, the 'amorality' of which we speak, can be considered as a 'stadium' substitutive arising from pulsional repression, caused by antagonism between the subjective constitution and cultural requirements of a person who is not crossed by the 'dictates' morals of a particular culture or that is strange to them yet.

Starting from this proposition, we could think of amorality as a 'concept' linked to the values of good and evil, in which act morally would be, as proposed by Kant (2002), in 'categorical imperative', linked to a universal conduct. However, in our study, based on the ideas presented by Freud and Lacan, we consider amorality as a stadium that is linked to the subjective constitution, which governs the subject, by the principle of pleasure.

So, if the 'principle of pleasure', as named by Freud, must be subjected to universal law, on the other hand, it determines the law and is seen as an obligation to the subject. Lacan (1963/1998) expresses that "the principle of pleasure is the law of good that is the *Whol*, let's say, the well-being" (p. 777), therefore, the realization of what is moral should only be accepted when based on the *respect for the law, by duty*. This law is not a law that annihilates desire, but a "law that will insert it into the social interchange circuit" (Pellegrino, 1987, p. 313).

Bauman (1998), however, adds that we live in the age of deregulation in which the principle of reality constantly searches a self-defense in a court of law in which the judge is the pleasure principle. As a consequence, it operates a transformation of values in which the clamor for happiness predominates over security and the Freudian state about civilization changes.

Because of the freedom to act on the impulses that work over the man, the Freudian state changes, according to Bauman (1998), for the following statement: "Men and women postmodern exchanged a fair share of their security possibilities for a share of happiness." (P. 10). This Statement allows us to understand that the malaise of modernity comes of seeking the pleasure that tolerates just a small Individual security.

In Melman's say (2008), this affirmative will represent what he will name 'the man without gravity', governed by a new psychic economy "organized by the exhibition of enjoyment", i.e., a depleted economy of "ideologies, promises, references, prescriptions, in which the individuals have to determine for themselves" (p. 16) and the boundaries between amorality and moral constitution were smoky and frighteningly. In the current order, it is the individuality of the man without gravity who decides regarding the quality of the rules and laws.

The idea of Melman (2008) allows to assert that the conduct of Mario and many other adolescents who commit infractional acts nowadays, is one that reveals a subject still at the stage of 'amorality', organized by displaying the enjoyment in which nothing should be repressed and for that reason, it expresses its stadium in the infractional acts.

This idea allows us to understand that the teenager of today is, therefore, a 'teenager' with difficulties in verbalizing a malaise that reveals, since the infractional act, the impossible to be said that, under the aggressive attempt to negate the other, underlies the helplessness and the incessant search for what Lacan (1962-1963/2005), appoints as '*object a*', object cause of desire whose character elusive entertains the never-ending quest for satisfaction that will be presented to the subject, always partial.

Zizek (2003), corroborates Lacan (1959-60/1997), and expresses that in the name of the object cause of desire, the logic of a '*hedonism without limits*' and the already mentioned that says "enjoy!"- imposed by superego. For Lacan, however, this enjoyment does not represent the appropriation of the object in absolute form, for it is, first of all, a mode of satisfaction that does not consider the interests of preservation of ego. What is evidenced here, is the pursuit of happiness that leads the subject to go beyond the well-being, i.e. even if it is "happiness in evil". (Lacan, 1963/1998, p. 776)

This lets us realize that enjoyment is always an excess, close relative of pain, that summons the teenager to follow a trajectory that proposes 'constant' search for partial satisfaction of drive and that includes, in the other, possible exits in the formation of the social bond. Teaches Zizek (2003), that the contemporary social bond dictates us, with substitutes in the superego, to feel pleasure in what we are required, i.e. the pleasure in fulfilling the duty is confused with the duty to feel pleasure.

Following this line of thought, we believe that the current social discourse is no longer subject to renunciation of immediate pleasure in the name of a possible future pleasure, because the sublimations were in

the background. The commandment “enjoy in all ways!” (Saroldi, 2011, p. 140), notes that the greatest guilt felt by contemporary man is not the transgression of norms, but to retreat before them, leaving the principle of “don't transgress!” marked by Zizek (2003), each more weakened.

Conducting an analysis of the malaise current in our society in which the predominant factor is the force to enjoyment, we consider that, in the face of a struggling social in which the symbolic references, which should offer a space of accountability are fragile, keeping the adolescent at the stage of amorality, has left as a way of recourse, transgression and the infractional act.

In Lacan (1962/1998), as has been pointed out, this thought can be verified in a utopia of enjoyment of the body of the other in which Sade unveils the utmost Kantian pointing the ethics on the desire, emphasizing that law is enjoyment and that has no way to operate a disjunction between them. This way, says Lacan (1962/1998),

Here we perceive the clear reveal what would introduce us to the parody, cited above, of the obvious universal of the depository duty, that is, that the bipolarity by which the moral law is established is nothing but the rift of the subject operated by any intervention of the significant: in particular, the subject of the enunciation for the subject of the statement. (P. 781)

In Seminary 17 “*The reverse of psychoanalysis*”, Lacan (1969-70/1992), takes up the status of the divided subject, takes Psychoanalysis inside out and proposes new way of understanding the establishment of the social ties among subjects, pointing that there is a joint between the field of language and the terrain of enjoyment.

For Lacan (1969-70/1992), the social ties are woven and structured by language and called speech. The speeches represent, each one, four modes of social relationship, represented by a speechless structure, founded on the articulation of the significant chain. Lacan consonant (1969-70/1992), the speeches are the sources of suffering of man in society – governing, educating, analyzing and making wishes – pointed out by Freud (1930/2010), in *The malaise in civilization*, and represent the four possible ways of bonding social that aims to regulate the links between the subjects: the speech of the master, of the undergraduate, of the hysterical and of the analyst.

Based on Freud's Thought (1930/2010), about the malaise, the social tie is, therefore, a way of treatment of the discomfort resulting from the entry of the subject in the culture. As noted Freud (1930/2010), the maintenance of men in the social loop only has become possible because of the guilt-feeling action.

Soon, in a context of social fragility characterized by exceptions, the adolescent may find it difficult to carry out social ties with an 'Other' who may assure his desire. Or, as Rosa (2010), writes down, the adolescent can take risk with the traumatic, since the other does not guarantee a sense of experience anymore and belonging that let him out of helplessness and answer as a subject.

With this, the morality experienced by adolescents committing infractional acts and, more specifically, by Mario, does not represent an 'immoral' conduct, but, as it accentuates Lacan, in the text *Kant with Sade*, a principle made up of the relationship between law and desire that has changed the order of social values and produced a new form of malaise.

So, from the perspective of Psychoanalysis, we cannot comprehend the amorality, as a concept that imposes us to do, but as a 'stadium'³ which brings several build-implications on the psyche, the sexuality, the bonds, the body, that is, the 'position' taken by the subject of our present, in the attempt to avoid the displeasure experienced in civilized life (Freud, 1930/2010).

As cited by Freud (1930/2010), in the text *The dissection of the psychic personality of New introductory conferences to Psychoanalysis*, the amorality, that should be a 'conduct' characteristic in children of a young age⁴, seems not to be succumbing to ethical, educational processes, interdictors, instead of that, has become a place of refuge of conflict between duty and adolescent desire of the present that commits infractional acts.

This 'operation' in the hierarchy of values, points out that renunciation and pulsional sacrifice in the name of collective well-being are undermined rather than the importance conferred on individual pleasure. As Saroldi (2011), there is in this hierarchy of contemporary values, a behavior dictated by the 'sovereignty' of the principle of pleasure on the principle of reality, producing a weakening of social ties.

In view of this, states Saroldi (2011),

[...] Not only affective relationships and sexual experiences should be, above all, light and pleasant; The sphere of production, work and study is also seriously

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⁴At various times of his work, Freud refers to the 'Tender IAs a period prior to the Puberty, understood One to ten years.

subjected to this unsustainable imperative of lightness. To stay in the sphere of work, since Hesiod wrote *The works and the days*, trying to teach his brother the virtues of persistence in dealing with the earth, there is a certain consensus that one must work hard and wait for the right time of harvesting the fruits; and that even the one who works must be prepared to, eventually, not reap anything he has planted. (P. 127).

This statement highlights the insupportability of civilization in experiencing things that require any kind of pulsional sacrifice. The empire of the principle of pleasure and the exacerbation of individualism prevent the man of today to understand the limits between what is allowed and what is prohibited, whether by the way of natural impediment or the legal norm causing him to act (Saroldi, 2011).

Saroldi (2011), also reports that the Freudian thesis on *The Malaise...* changed in the contemporary. As the author expresses, there is no more possibility of harmony between subject and civilization that does not pass through individuality. Modern civilization “is no longer supported in the individual pulsional sacrifice made in the name of security” (p. 131), because individuality has started to reign sovereignly and represent the price that guides the social norms and charges a price on the man.

In this way, we notice that the study of the amorality as an expression of violence refers us to the Freudian text of *The Malaise in civilization*, to demonstrate that, even though every season has peculiar characteristics, the considerations pointed out by Freud about the relationship of the person with the culture still support themselves in the present day to ‘explain’ the new forms of suffering and subjectivity.

In the text, Freud expresses that civilization has advanced at the expense of the sacrifice of sex life, pulsional renunciation and its vengeful or aggressive inclinations. The drives, however, represent energies that do not give a truce to man and, even if it changes of purpose by means of a work that Freud names sublimation, they require the constant satisfaction and seem to make a portion of the people indomitable, uneducated, people to whom the culture was unable to control. (Freud, 1930/2010)

Still in “*The Malaise in civilization*” Freud (1930/2010) shows the thesis of the existence of an insurmountable antagonism between the demands of the drive and those of culture as a source of the uneasiness for the ‘men’. In the work, accentuates that “life, as we have fit, is very difficult for us, it brings too much pain, disappointments, insoluble tasks”, (p. 28) because there are many sufferings that affect us, and the feeling of we are far from the end of the tasks we need to accomplish, never abandons us.

To withstand the sufferings of the civilized life, man had to give up the palliative measures- amusements, substitutive gratifications and intoxicating substances- above all, the religion, to understand the meaning of life. This allows Freud to verify that the purpose and intent of life of men are governed by the principle of pleasure that aims to live and remain in happiness, that is, we seek to avoid pain and displeasure through the attempt of the experience of strong pleasures that prevail in the functioning of the psychic apparatus.

Freud notes, so that happiness derives from the contrast with pain and suffering and there is no other way to experience it that is not partially as a tenuous and sudden satisfaction of dammed needs. Like this, the main obstacle to happiness stems from the psychic constitution itself and suffering, which proceeds of the body, of the world and of relationships, is experienced much more often.

That being said, Freud considers that we are much more prepared to live with the suffering than with happiness. Likewise, he states that

[...]It is no wonder that, under the pressure of these possibilities of suffering, individuals are accustomed to moderate their pretensions to happiness — as well as the principle of pleasure has become the most modest principle of reality, under the influence of the external world — if someone is happy to escape the disgrace and survives the torment, if in general the task of avoiding the suffering pushes for the second plan to conquer the pleasure. (1930/2010, p. 31).

Freudian reflection allows us to understand that it is not for nothing that many people restrict their project of happiness, in an attempt to avoid displeasure and protect themselves from the forces of nature. Sustained by the principle of reality and influenced by the outside world, men appeal to the psychic instances, aiming to get the moderation of pulsional life that allows to avoid the displeasure and can minimize the sufferings.

Freud points out that in an attempt to avoid displeasure and minimize suffering, man has followed a variety of paths: isolation, community protection and aid in ‘other’, full satisfaction, the use of intoxicating substances and (one of the most powerful) the displacement of the drives by the psychic work that elevates the intellectual, artistic and scientific realization, which Freud names as ‘sublimation’. This technique, as notes Saroldi (2011, p. 89), was a real creep in the threat of frustration from the outside world.

Other technique to protect ourselves from suffering and achieve happiness, however, It can be found in the relationship of affection to the 'objects' to which we call love. Freud checks that it was in the love that man found "the strongest experience of a feeling of overwhelming pleasure" (Freud, 1930, p. 39).

As teach us Kehl (1997), the current society seemsto live a malaise that she names "teenagização" of culture and that, in the face of new forms of family and social ties, we nominate of amorality, as this is a society in which adults seek to return to children's state and children aspire to be adults. Everyone in search of keeping a life free of responsibilities, obligations, away of any circumstance that might bring displeasure.

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Author Profile

Antonio Alexandre Iorio Ferreira Doctor in Psychology and subjectivity By the graduate program of the University of Fortaleza – UNIFOR (2016). Professor at the University Center September 7th (UNI7).

Henrique Figueiredo Carneiro Doctor in Fundamentals Y Desarrollos Psychoanalytical – Universidad Pontificia Comillas – Madrid/Spain (1997). Senior Internship (Post-Doc) at CNRS – CERMES 3/CESAMES – Université Paris V – Sorbonne/France (2010-2011). Professor at the University of Pernambuco (UPE) and collaborator of UNIFOR's graduate program.