

Book Reviews

Alan R. Rosenberg, Editor

PSYCHOANALYSIS AND THE LAW. By C. G. Schoenfeld. Charles C. Thomas. Pp. 285. Price \$13.75.

I doubt that many of us, no matter how steeped in psychoanalytic psychiatry, have ever thought of the Supreme Court in terms of dynamically determined behavior. To see the Supreme Court's action in declaring a congressional act unconstitutional as an unconscious assertion of parental power is a new experience. At first glance, this idea may not seem important; yet, as developed by Mr. Schoenfeld in *Psychoanalysis and the Law*, it opens a whole new perspective on the court's actions.

There continues to be much debate as to the power of the Supreme Court vis-a-vis Congress. A clearer understanding of the unconscious factors that could be active in this dispute may enable us to resolve these unconscious influences so that decisions can be made with more maturity. If social psychiatry is psychiatry applied to the interactions of society and its institutions, then this book covers one of the unexplored areas of social psychiatry. Many readers may scoff at this attempt to explain retrospectively the Supreme Court's actions. Recently we have heard much criticism of psychohistory when applied to individuals. Whether or not the same criticism can be applied to this book will have to be left up to each individual.

One of the major obstacles psychoanalytic psychiatry has had to overcome is the resistance of those who do not, cannot, or perhaps will not accept some of its basic tenets. While the idea that psychoanalysis is a sexually based concept of human psychology no longer exists in most sophisticated minds, there is still much to psychoanalytic theory that many find unacceptable. The often given explanation for this rejection is that we all have a psychological need to repress many of our early life feelings and experiences. In fact, to recognize these may arouse so much anxiety that we respond "Thank you. I'd rather not." Unfortunately, it is this factor which will probably keep the "inhibited" from reading this book or taking it seriously. Mr. Schoenfeld clearly understands this danger. His only other choice would have been to write a treatise on psychoanalytic theory directed towards the attorney, which has already been done by others.¹

This book, *Psychoanalysis and the Law*, is divided into two main parts. The first part, "Basic Psychoanalytic Tenets and the Law," discusses unconscious motives, the superego, unconscious symbolism, aggression, and unconscious mental mechanisms as each relates to the law. This task in itself is formidable (if not impossible), as the author has attempted in 100 pages to guide the reader into basic psychoanalytic theory. Yet I believe he has produced a concise, well organized, readable and understandable explanation of these theories without going into great depth and detail.

In the second part, "Psychoanalysis and Constitutional Law," he reveals his superior ability to amalgamate the court's decisions with psychoanalytic theory, and does more besides. Because this is a pioneering work, it would be easy for someone of less maturity to offer his ideas and speculations as facts and leave it at that. Schoenfeld resists this temptation, making it clear that "... psychoanalytic explanations of the law are at best partial explanations; and that, for completeness, they must be supplemented by social, economic, historical and other explanations." Like the analyst he understands that all human behavior has multiple determinants.

Following a clear and full discussion of judicial activism and judicial self-restraint by various justices through history, the author presents his speculations, based on psychoanalytic theory, on the reasons for the actions taken. In speaking of the societal impact

of the court's decisions he says ". . . that judges are frequently regarded unconsciously as parent substitutes, thus one cannot help wondering whether the activist judge who refuses to defer to the popular will as it finds expression in legislative enactments, and who seeks instead to substitute his views for those of the legislature, may arouse in legislators (and ultimately in the electorate) parent-oriented dependent needs and feelings akin to the needs and feelings engendered in the citizenry by the leaders of unduly supportive or dictatorial regimes." Later, in speaking of judicial self-restraint, he says, "[when these judges] permit the dominant opinions of legislators to find reasonably free legislative expression, it can be argued that these judges are acting in a manner similar to that of the superego of the emotionally mature person which seeks not to try to impose upon him what are really the values and goals of others, but rather to allow his own values and goals to express themselves." Mr. Schoenfeld believes that both judicial activism and judicial restraint are useful and desirable.

I found myself intrigued by looking at the Supreme Court in this manner, never having done so before. We have recently seen how successfully the "balance of power" of our government can prevent total disaster in our country and how the Supreme Court can act as a strong-willed parent. To explain these actions in psychodynamic terms may possibly open up a new area of study and consideration which could eventually see us taking actions because we understand them, not "just because."

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Reference

1. Watson A: *Psychiatry for Lawyers*. New York, International Universities Press, 1968. Katz J, Goldstein J, Dershowitz A: *Psychoanalysis, Psychiatry & Law*. New York, The Free Press, 1967

CIVILIZED MAN'S EIGHT DEADLY SINS. By Konrad Lorenz. Translated by M. K. Wilson. New York: Harcourt Brace Jovanovich. Pp. 107. Price \$4.95.

In Konrad Lorenz' small book, we learn about an interesting animal, the Argus pheasant. This bird has outstandingly beautiful secondary wing feathers, and they play an important role in courtship. The Argus hen has built-in mate selection biases, and the likelihood that she will mate with any male is proportional to his feather display. This trait encourages selective breeding, which enhances these feathers, and successive generations of the bird become increasingly beautiful.

From the standpoint of preservation of the species, though, there is a disadvantage in the Argus cock's beauty. The development of those wing feathers hinders the bird in flying! Thus competition for breeding within the species, with enhancement of the characteristic feathers, has led to a situation which is prejudicial to the survival of the species itself. (Though Lorenz does not speculate as to what kind of conditions might have rendered this characteristic of the bird as a positively survival-enhancing one when it initially developed, the important point is that it is unadaptive today.) Conditions have changed; behaviors which were survival-enhancing in one epoch have become survival-handicapping in another.

Man is also an animal with characteristics which, though once survival-enhancing, are now survival-negative. Lorenz, as an ethologist (a student of comparative behavior), is interested in these characteristics and how they relate to the present and potential future statuses of "civilized man." He inquires into the limits of adaptation that constrain man's being able to live in society, and he focuses on eight "sins" that prejudice our species' survival.

Lorenz is a man who feels that civilization is in a precarious state, and he obviously feels that many things should be changed. He does not explicitly follow the logic of the