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# Clio's Psyche

Understanding the "Why" of Culture, Current Events, History, and Society

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Volume 8, Number 1

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## Psychology and the Law Special Issue

### Legalizing and Advancing Psychoanalytic Academic Research Training

**Peter Loewenberg**  
UCLA and

**The Southern California Psychoanalytic  
Institute**

The Southern California Psychoanalytic Institute (SCPI) currently is, in the words of Melvin Mandel, "an aggressive advocate of non-medical training." A delicious historical irony is that it was founded in 1950 as the "Institute for Psychoanalytic Medicine of Southern California."

*(Continued on page 25)*

### The Legalization of Life

**Paul H. Elovitz**

**Ramapo College and the Psychohistory Forum**

Law increasingly permeates all aspects of modern American society. It is possible to be quite optimistic about this development. After all, the legal system is acknowledged as the protector of individual freedom and property, representing the greatest barrier against tyranny. England's *Magna Carta* (1215) and the U.S. *Bill of Rights* (1791) are two examples of the use of law hailed in this regard. The protections embodied in the American *Constitution* (1787) and its first ten amendments (the *Bill of Rights*) have inspired innumerable constitutions around the world. Even grand declara-

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tions of rights, such as the American *Declaration of Independence* (1776) and the United Nations *Universal Declaration of Human Rights* (1948), tend to gradually find their way into legal code over a long period of time. I feel the world is moving in a better direction when I read in *The New York Times* that individuals involved in ethnic cleansing in Rwanda or Bosnia are being put on trial for crimes against humanity.

Notwithstanding my devotion to liberty and justice, most especially freedom of the speech and of the press, I've often identified with the pessimists regarding the exponential growth of law in modern society. America is a society in which *anyone can sue anyone else for anything at any time*, and it increasingly seems as if this is happening. When I pick up the paper I read of students who sue professors for higher grades, children who sue parents for better treatment, and stockholders who sue the boards of directors for mismanagement. This week, the estranged wife of Mayor Giuliani of New York succeeded in getting a state Superior Court judge to bar him from bringing his companion into Gracie Mansion (the mayor's official residence) on the grounds that their children live in this public building.

As a historian, I believe law has increasingly become a grab bag that various individuals and groups reach into for their own purposes. Laws are written and forgotten unless there are vested interests pursuing their enforcement or the public is outraged by the failure of enforcement. Many of the merchants and the automobile drivers of my county, who do not want to work on Sunday or face a seventh day a week of traffic jams, use and defend the "Sunday Closing" blue laws to achieve their aims. I applaud their efforts, and then drive to the next county when I need to shop or want to spend a leisurely few hours sipping latté and browsing at the Border Books and Music Store.

Politicians and the media have an enormous invested interest in the proliferation of law. Whenever attention is riveted on a particular problem, the cry is, "There ought to be a law!" Politicians make their name or get free publicity with such demands. That laws prohibiting the offenses already exist is a matter of indifference to them. Media-seeking political leaders thrive amidst the free publicity as they present themselves as the champions of justice and ordinary people, facing up to evil or special interests. Not only do they not have to fundraise for this free publicity, but it is

subject to a lower level of scrutiny than their paid commercials. It is usually not in their electoral interest to simply ask prosecutors to apply existing laws.

The media participates in this process because it thrives on lavishing attention on any issue the public becomes tuned into on a particular day. The media is especially drawn to emotional issues that their viewers/listeners/readers will be captivated by. Such stories normally have a high component of fear, anger, or voyeurism in them. Megan's Law is a good example of this phenomenon. Poor little seven-year-old Megan Kanka was sexually assaulted and killed by a pedophile neighbor. This tragic story had ingredients that gave it great media mileage: "Missing Seven-year-old Innocent Child," "Distraught Mother," "Body of Sexually Molested Child Found in the Park," "The Search for the Murderer," "Arrest and Trial of the Degenerate Neighbor," and the campaign to have Megan's Laws in all 50 states, mandating public announcement of the presence in the community of convicted sex offenders. Media outlets revel in the instant attention that the words *Megan's Law* elicit while politicians proudly list "Sponsored Megan's Law" on their 30-second commercials.

Those with "deep pockets" (money) have an enormous advantage in the legal system. In a matter of a minor difference of opinion, a lawyer once told me that the other party had no case whatsoever and therefore I had nothing to worry about from a legal standpoint. However, when I received a threatening letter from a national law firm about this minor legal issue, my lawyer totally changed his tune: "The law is much less important in this case than the fact that this individual is willing and able to pursue the issue," is what he declared. His advice was to settle the differences out of court. This took incredibly longer than it otherwise should have because lawyers were involved.

The combativeness of much of the legal system is reflected in the statement of Landon Dowdey, a lawyer friend who practices in Washington, DC, who made the following comment about litigation. "A rich man's savage sport! I've spent my professional life in the courtroom defending the poor and oppressed from the depredations of the rich and powerful, and," he goes on to say, "I can assure you it is flat-out warfare. We have not advanced beyond trial by battle or trial by ordeal; we have only changed the weapons."

The enforcement of the law is a crucial is-

sue. As a driver, I have observed the proliferation of Police Benevolent Association (PBA) shields and decals visible through the back windows of many cars. An 18-year-old freshman student bragged that he was stopped for speeding a dozen times without receiving a ticket because his uncle is a policeman who gave him a PBA shield and a card to carry by his license. I have also noted an increase in the number of calls from telemarketing services, requesting that I make contributions to organizations benefiting the police and their children. In return for donations, they promise to send me membership in their organization and sometimes a membership sticker to put in my rear windshield. To better understand the system and my options, I researched the issue, consulting lawyers, policemen, people in traffic court, and even my local barber. The first line of defense, I was told,

was not to avoid speeding and other infractions but to have a policeman give me one of his PBA (Get out of jail free!) cards to show to any officer who should pull over my car for a traffic offense. Is this any less corrupt than the unheeded advice from my Army buddy that I should keep a 20-dollar bill behind my driver's license so that I could bribe an officer who stopped me? That was the system that worked for him in New York City at the time.

As a historian, I know very well that law courts were not bereft of activity prior to our present legalization of American life. Let me give three examples from three different countries and centuries. While researching the creativity of James Watt, who in the 18th century invented the rotary steam engine and lent his name to the wattage of light bulbs, I discovered he spent an enormous amount of time in London defending his patents and influencing Parliament to extend the life of his most famous patent. (Ordinary, inventive workmen in the period considered it antisocial -- and extremely expensive -- to legally protect their innovations, so patent protection was more the exception than the rule.) In *My Past and Thoughts*, Russian writer and early advocate of socialism Aleksander Herzen (1812-1870) describes his aristocratic Russian family's squandering its resources in fruitless lawsuits. (There were very few rich aristocrats in Russia capable of carrying on such activities and tens of millions of serfs who had neither the legal right nor the money to use the judicial system.) In his diaries, Thomas Alva Edison (1847-1931) recounts the boredom and time away from his laboratory in court defending his many patents. Litigiousness is not a product of *fin de siècle* America; we have just taken it to the extreme.

Humor is a great relief from human worries and anxieties. Lawyers and their clients love to tell lawyer jokes. One of the most common jokes is, "What do you call 10,000 lawyers at the bottom of the ocean?" The answer is, "A good start!" This and so many jokes like it reflect enormous hostility towards lawyers, a common negative self-image among lawyers, and a willingness of lawyers to laugh at themselves -- after hours. Why the hostility? Part of the reason for this negativity is that lawyers are normally called upon when there is a problem and that the legal system itself is so painstakingly slow, expensive, and unpredictable. The behavior of particular lawyers certainly does not help the self-image of the profession. Two personal examples come to mind. Twenty years ago,

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a local attorney I did not know phoned, asking me to provide therapy to his client who had been in an industrial accident. He assured me he would personally pay the cost of treatment. After four or five sessions, the patient lost interest and the lawyer responded to my request for payment by denying having any responsibility whatsoever for the treatment. He not only lied, but he attempted to intimidate me as well. I suspect he was frustrated because my goal was treatment while his was a psychological report helpful for his legal case.

More recently, I invited a lawyer who was in psychoanalytical training to participate in the Psychohistory Forum's session on psychoanalysis and the law, he accepted in an enthusiastic and cooperative manner. At the last minute he dropped out without notice, not with apologies, but with the assertion that he was not going to be coming because it was not conducted in a professional manner. This puzzled me since I had never heard such a comment in a quarter century of arranging an average of six to fifteen professional presentations a year. He explained that it was because I had not spelled his name correctly (he had failed to correct the minor misspelling in our e-mails), we were meeting in a Manhattan apartment rather than in the conference room of a professional organization, I had not researched his full biography, and I had not sent the announcement to his office for clearance (which was not requested) before mailing it out. He said that when we organized our meetings in a "more professional manner" he might be available in the future. Having never encountered such arrogance from a presenter before, I wondered two things: What was going on in his personal life that he was acting so unprofessionally? Could there be a greater proclivity to such activity in those paid to take adversarial positions?

Psychology can offer special insights on the issues of emotion and the psychological needs fueling the increased use of law. Turning to the law can be an expression of autonomy and individualism, as when a beaten wife calls in the police or gets a restraining order and representation in family court. Legal recourse can be an important act of self-assertion, even a vital step in shedding the identity as victim. More often, however, it is an expression of anger. Lawsuits are often used as an expression of anger and can serve the purposes of envy and spitefulness or law and justice.

International law is a rather uncertain endeavor though one might not realize this given the proliferation of courses on the subject at various

universities. A psychological look at the Nuremberg Trials of 1945-1949 would be interesting. Retribution against the Nazis was certainly a major factor. Hitler's Germany had conquered and humiliated Europe and now it was the Nazis' turn to pay the piper. Emotionally, it would have been satisfying to try to execute Adolf Hitler, Josef Göbbels, and Hermann Göring. But they each cheated the hangman through suicide. The psychology of the prosecutors, the defense attorneys, the defendants, the witnesses, all need to be examined for us best to understand the development of international law at Nuremberg.

In issuing the call for papers, "Psychology, Psychoanalysis, and the Law: The Legalization of Life," my intention was to get talented people familiar with psychology and the law to probe the interface of the two. The topic was inspired by my concern that the role of law in our society is increasing at what sometimes appears to be an almost geometric rate. A diverse group of contributors has written articles on psychoanalysis' contributions to law, revenge and punitive damage awards, justice in international law, subversion of the law in Nazi Germany and America, accountability in childcare workers and family courts, reforms to our legal system, legalizing psychoanalytic academic research training, and two personal accounts of journeys from law to psychology. The issue of the relationship of psychology and psychoanalysis and the law will be further explored in our September issue with a focus on "Crime, Punishment, and Incarceration."

*Paul H. Elovitz, PhD, is editor of this publication, Founder and Director of the Psychohistory Forum, and a professor at Ramapo College. □*

## **Psychoanalytic Contributions to Humanizing the Law**

**Stephen H. Behnke**  
**American Psychological Association**  
**and**  
**Elyn R. Saks**  
**University of Southern California Law School**

Sigmund Freud is undoubtedly one of the most influential thinkers of the 20th century. Freudian psychology -- based upon the concept of a dynamic unconscious -- permeates the way modern society views the world. An area where Freudian psychology has made an especially interesting con-

tribution to our lives is the law.

At first glance, the law might seem an unlikely place for Freud to be welcomed. Indeed, the law is firmly grounded in the concept of free will -- people have a choice in how they behave. A correlate to choice is responsibility. Individuals should be held responsible for what they do. Freud's great contribution -- that forces outside our awareness affect how we think, feel, and behave -- seems directly at odds with these fundamental tenets of law. How can Freudian psychology and legal reasoning be reconciled?

The short answer is that there are indeed basic tensions between these two theories of mind. The reality, however, is far more complex and subtle. To demonstrate the complexity of the relationship -- and highlight the relevance of Freudian psychology to the law -- one may examine three areas where psychoanalytic thinking has had a profound impact on our legal system. (For a more detailed account of these three contributions, see Elyn Saks, "Psychoanalysis: Past, Present, and Future Contributions to the Law," in *The Evolution of Mental Health Law*, forthcoming in 2001.)

A quarter century ago, Joseph Goldstein, Anna Freud, and Albert Solnit embarked upon a project, the purpose of which was to show how psychoanalysis could contribute to legal decisions involving child custody. (*Beyond the Best Interests of the Child*, 1973; *Before the Best Interests of the Child*, 1975; and *In the Best Interests of the Child*, 1986) Goldstein, Freud, and Solnit encouraged the law to consider how a *child* would experience the legal proceedings, and used psychoanalytic ways of thinking to understand and describe the child's experience. The three authors developed the concept of a *psychological parent* -- the adult with whom the child has the strongest psychological tie -- and explored and elaborated for legislatures and courts how children experience time in ways very different than do adults. They used thoroughly psychoanalytic perspectives to argue that keeping state intervention to a minimum in custody disputes would serve the child's best interests.

Like Goldstein, Freud, and Solnit, Jay Katz is a psychoanalyst whose writings have had an important impact on the law. Katz has made contributions in many areas, primary among which has been the ethics of experimentation with human subjects. (See *Human Experimentation*, 1972.) In the clinical realm, Katz's most notable work involves the relationship between informed consent

and what transpires between doctors and patients. (See *The Silent World of Doctor and Patient*, 1984.) Katz demonstrated that transference-countertransference could be a powerful unconscious force in physicians maintaining a paternalistic posture toward their patients, at the expense of the patients' autonomy. Katz argued forcefully on behalf of autonomy, and showed how the legal doctrine of informed consent, properly understood and applied, would afford autonomy its proper role in the physician-patient relationship.

Michael Moore, a philosopher and lawyer, has written on the unconscious and responsibility from a psychoanalytic perspective. (See *Law and Psychiatry: Rethinking the Relationship*, 1984.) Moore first asks whether a psychoanalytic understanding of the unconscious increases our sense of one's responsibility, given that "accidents" are often events that result from unconscious motivations. Moore then turns the question on its head, to query whether the unconscious *decreases* our sense of an individual's responsibility, since behavior is often the result of motivations outside awareness. Moore answers "No" to the first question, and adopts a version of "soft determinism" to answer the second: it is not acts that are caused, but rather only acts that are compelled or based on irrational reasons that are non-responsible. Moore posits soft determinism in an effort to ease the tension between psychoanalytic and legal views of responsibility.

Psychoanalysis is well set to make additional contributions to legal theory and practice. Its theory of the self may inform legal doctrine -- for instance, should alter personalities in the case of multiple personality disorder be construed as multiple selves which are separate centers of responsibility? Psychoanalytic theories of unconscious motivation may speak further to the legal understandings of criminal responsibility. Affect theory -- particularly the role of unconscious guilt -- may be relevant to a variety of legal contexts.

The Law is ultimately concerned with human behavior -- what motivates human behavior, what shapes human behavior, what explains human behavior. A theory of behavior must be grounded in a theory of mind -- and psychoanalysis offers one of the most sophisticated theories of mind we have. It will be important to recognize the limitations of what psychoanalysis can offer the law. As examples, psychoanalysis cannot answer value questions, and the subtleties of psychoanalytic thinking will sometimes be a poor match for a legal

system that, by definition, must generalize to an entire population. Nonetheless, psychoanalytic ways of thinking may offer the law contributions that are broad and profound, as the last quarter century has amply shown.

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## Choice, Compulsion, and the Legal System

**David Bakan**

**York University (Emeritus), Canada**

Psychoanalysis has strengthened the legal system by providing a gateway to understanding unconscious compulsions and needs. Law and psychoanalysis both recognize the importance of human responsibility in facing behavior unacceptable in society.

What is characteristically overlooked in the discussion of psychoanalysis is the fact that Freud's greatest contribution was the identification of neurosis as the great psychological problem of human

beings. What is neurosis? Neurosis is the failure of free will, failure in the functioning of normal volitional processes, failure in being able to do (or to not do) what one wants to do (or what one does not want to do).

Consider hysterias, obsessions, compulsions, and phobias. Hysterical blindness is the failure to see when one chooses to look. Hysterical paralysis is the failure of being able to move when one chooses to move. Obsession is the failure of normal control over one's thought processes. Compulsion is the failure of normal control over one's conduct. Phobia is a failure in the normal control over emotion.

Voluntary conduct normally results from an interaction between conscious reason and desire. This is a classical and commonplace understanding. For a variety of reasons peculiar to the history of science in the Western world, this foundational fact about the determination of human conduct has been systematically denied in the development of scientific psychology. It is to the credit of psychoanalysis that it restored it, making psychology, in my opinion, all the more scientific.

Among the reasons for this historical scientific failing is the ruling out of intention as causative. While intention may not be causative in many non-human phenomena, it certainly is in human phenomena. The combination of the great success of mechanics in physics and the widespread acceptance of the theory of natural selection in biology led to the rejection of intention as a scientific entity. That is simply an error.

Freud escaped falling into the error by, on the one hand, holding to a position he could call "deterministic," at least for the failures in normal control, while, on the other hand, making the determinant to be the wish, as in dreams, and the desire, more generally, as in neuroses.

The central scientific observation made by Freud is that failures in voluntary conduct may be due not only to failures in conscious reason and desire but also to unconscious reason and especially unconscious desire. Among the latter, in particular, were unacceptable aggressive and sexual desires. For Freud, Oedipus was an attractive paradigm, the desires to kill the father and have sex with the mother, both unconscious.

The relationship of this to law needs to be considered from at least three points of view. First, the subject matter of psychoanalysis and law converge historically on the role of socially unaccept-

able forms of conduct such as aggression and sex. We have to look with interest to Freud's *Civilization and Its Discontents*, *Moses and Monotheism*, and *Totem and Taboo*, and to Marcuse's *Eros and Civilization*. Second, psychoanalysis and law converge in the recognition of normal human responsibility. This is despite the popular misconception of Freud's work as the "excuse defense." Finally, psychoanalysis may be society's most important doorway for coming to an understanding of the failures of normal human responsibility as society moves forward in history.

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## Justice, Freud, and International Law

**Kirsten Campbell**  
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In 1993, the United Nations Security Council established the International Criminal Tribunal for the former Yugoslavia to "bring to justice" those responsible for serious violations of international humanitarian law in the course of the Yugoslavian conflict. This establishment of the first international legal body to prosecute criminal breaches of international law since the war crimes trials of World War II has raised, like the war crimes trials 45 years before, a renewed questioning of the nature of justice. Confronted by crimes against humanity that challenge the liberal humanist foundations of law itself, how can the law begin to realize "justice"?

In his analysis of "justice," Kant distinguishes between laws of state and the law of universal morality. Freud makes a similar distinction between the laws of power and the ideals of justice. Unlike Kant, Freud's distinction between juridical laws and ethical law does not lie in the categorical imperatives of moral reason. Freud does not counterpose the law of ethical reason to the

irrationality of state violence and power. By contrast, the law is affective in Freudian psychoanalysis. Psychoanalysis claims that unconscious drives found the law. What then are the implications of this psychoanalytic claim for the concept of "justice"?

In early works such as *The Psychopathology of Everyday Life*, Freud argues that the judicial process is also an affective process. (Angela Richards, ed., 1975, p. 316) Legal proceedings are not exempt from the psychopathology of everyday life; they also reveal those linguistic and perceptual errors that betray the workings of the unconscious. The jurist should not ignore the psychopathology of everyday law, from remembering to forgetting, from the slips of speech to its silence. The law claims to operate in the register of consciousness, from the testimony of its witnesses to its judgment of the criminal act. All is seen, everything is known. However, Freud insists that the unconscious cannot be excluded from the court of law. The repressed continually returns to haunt the *mise-en-scène* of justice.

Nearly 20 years later, following the Great War [World War I], his personal bereavements, and the rise of fascism, Freud returned to the question of the law. In later works such as *Group Psychology* and *Civilization and its Discontents*, Freud argues that affect forms the law. (Albert Dickson, ed., *Civilization, Society and Religion*, 1985) For Freud, the foundational legal notion of equality derives from the sibling affect of fraternal envy. In the demand for equality can be seen "a reversal of what was a hostile feeling into a positively-toned tie in the nature of an identification" with others. (*Civilization*, p. 153) In this sense, the demand for justice is a demand for fraternal equality before the law of the father.

Freud sees this shift from individual to group psychology as reflecting the "replacement of the power of the individual by the power of a community." It is "the decisive step of civilization" which allows the regulation of social relations by the law. (*Civilization*, p. 284) The law reflects a shift from the violence of the individual to the legal violence of the community of interests. The law expresses the will of the community. That community is held together by "the compelling force of violence and the emotional ties between its members." (*Civilization*, p. 354) For this reason, Freud does not counterpose the laws of hostility against the law of reason. The law expresses the regulated violence and binding emotional ties that form a

community.

In his essay of 1915, "Thoughts for the Times on War and Death," Freud suggests that the Great War revealed a fundamental failure of the regulatory and binding function of the law. The war

disregards all restrictions known as International Law, which in peace-time the states had bound themselves to observe; it ignores the prerogatives of the wounded and the medical service, the distinction between civil and military sections of the population. (*Civilization*, p. 65)

In his later essay of 1932, "Why War?", Freud argues that only international law enforced by the League of Nations can ensure peace. However, the ideals of the League of Nations are not sufficient to prevent war, since those ideals are not sufficiently binding emotional ties between the international communities. Instead, international law rightly enacts regulated violence to prevent war because

the attempt to replace actual force by the force of ideas seems at present to be doomed to failure. We shall be making a false calculation if we disregard the fact that law was originally brute violence and that even today it cannot do without the support of violence. (*Civilization*, p. 355)

This false calculation is an illusion -- the illusion of Universal law in which all are equal before the law and all are equally subjected to it. Freud claims that this essentially religious notion of Universal justice derives from the infantile psychic wish for a powerful Father who establishes "a moral world-order [that] ensures the fulfillment of the demands of justice, which have so often remained unfulfilled in human civilization." (*Civilization*, p. 212) This notion of justice is a wish-fulfillment, embodying a fantasized actualization of the wish for equality before the paternal law. For Freud, the Great War brought with it disillusionment with the reality of Universal law.

Without illusion, what might justice be? A love for the law can grant equality before it, but only in the terms by which the law defines equality. A love for the law can provide a remedy, but only as set out by the law itself. Justice is that which exceeds the law. Justice is not reducible to law, it is "outside or beyond it." (Jacques Derrida, "Force of Law: The 'Mystical Foundation of Authority'," *Deconstruction and the Possibility of Jus-*

*tice*, eds. Drucilla Cornell et al, 1992, p. 12) It is not an imaginary love satisfied by a fantasy of law. Rather, it is a desire in the psychoanalytic sense of a relationship to lack, a desire for what is not. Justice is an ethical future claim that must be enacted in the juridical present.

In contemporary international law, where the United Nations has replaced the League of Nations, a new demand for justice has emerged. That demand has been acknowledged in the establishment of the *ad hoc* criminal tribunals for the former Yugoslavia and Rwanda and in the call for the establishment of an international criminal court. Freud suggests that if the law is first established as an expression of communal violence and bonds, it then reforms not as communal law but as universal law. Freud describes universal law as "a rule of law to which all ... have contributed by the sacrifice of their instincts, and which leaves no one ... at the mercy of brute force." (*Civilization*, p. 284) This contemporary demand for justice is a call for an international law in which justice *forms* the "ethical relations between the collective individuals of mankind -- the peoples and the states." (*Civilization*, p. 65) This call reflects not love for law, but desire for justice. That desire constitutes the emotional ties of the international community, a community beyond national identification. The binding tie of the international community becomes "international justice." International law becomes a universal law of justice, which leaves no one "at the mercy of brute force."

That universal law of justice is the founding principle of the International Criminal Tribunal for the former Yugoslavia. Psychoanalysis reveals how the specter of injustice haunts this fantasy of law. If the binding tie of justice founds this universal law, then to be binding, law must be that which remedies injustice. It is that desire for justice that ultimately must be the foundation of the law.

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## Revenge and Punitive Damage Awards

William Douglas Woody  
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Francis Bacon declared revenge to be “a kind of wild justice, which the more Man's nature runs to, the more ought the law to weed it out.” (Essay IV: Of Revenge, in Richard Whately, ed., *Bacon's Essays: With Annotations*, 1857, p. 46) Vengeance can be commonly defined as the infliction of harm in return for perceived injury or insult, or as simply “getting back at” another person. Although many psychologists assume that revenge is a source of motivation for human aggression, researchers have devoted little energy to understanding vengeance as such. The contemporary American civil legal system rejects revenge as an acceptable motivation; however, early punitive damage awards were explicitly vengeful, and revenge continues to drive punitive awards. The following materials briefly explore the nature of revenge and retribution in the United States, the modern functions of punitive damage awards, and the history of punitive awards before evaluating the psychological and historical relationships between vengeance and contemporary punitive damages.

Revenge has occupied a prominent role in early American history. For example, even well into the 19th century the United States struggled to eradicate the prevalence of fatal duels for the sake of revenge. In the pursuit of a fair and civilized system of law, Americans have become less accepting of vengeance in the past 150 years, and this decreased acceptance, along with increased presence and ability of law enforcement, is associated with the dramatic and continual decrease in the rate of violent crime through the last century and a half of American history.

Vengeance remains more persistent in some subcultures within the United States, and comprehension of these differences may contribute to the general understanding of the psychology of revenge. Richard E. Nisbett and Dov Cohen, *Culture of Honor: The Psychology of Violence in the South* (1996), suggest that willingness to respond violently to threats may function as an adaptive trait in herding economies in which protection of personally owned animals is critical to survival. During the European settlement of the Americas, the Northern sections of the United States were settled primarily by farmers, and the regions that

became the Confederate South were occupied largely by herding peoples. Nisbett and Cohen believe that the effects of these settlement differences between European-Americans persist into the present. For example, the rates of violent crime are similar for African-Americans throughout the United States, but the rates of gun ownership and argument-related murders are much higher for European-Americans in the South than for European-Americans in other parts of the United States. The differences are greatest in small agricultural towns, where the argument-related murder rate is three to four times higher in the South than the North. Such differences illuminate some of the historical and cultural foundations of revenge as well as the legal ramifications of vengeful attitudes, and the modern criminal and civil legal systems continue to struggle to constrain revenge throughout American society.

Americans seek justice and retribution through civil law, and while “justice is a legitimate concept in the modern code of civilized behavior ... vengeance is not.” (Susan Jacoby, *Wild Justice: The Evolution of Revenge*, 1983, p. 1) Retribution is viewed as reasonable and is most often used as a systematic and rational deterrent against future negative actions. Revenge, however, is by nature personal and may be irrational. Retribution also differs from revenge in that retribution is usually limited in its degree and is most often a response designed to return equal injury to the offending individual. Vengeance frequently involves an escalation of damage beyond the original injury and, unlike retribution, is often performed for the purpose of bringing personal relief to the offended individual. The stated retributive function of the law may lessen but does not eliminate impulses toward vengeance from the civil legal system.

Although the legal wording varies from state to state, punitive damages are generally assessed only in cases in which the defendant's behavior was malicious, willful, wanton, oppressive, or outrageous. Most legal scholars focus on two main functions of punitive damages. First, punitive damages punish the defendant for wrongdoing. Second, punitive damages deter the defendant from future inappropriate behavior. Not only is the defendant deterred from such actions, other companies or individuals may also be deterred from similar actions if there is a significant possibility of punitive damage awards. Some scholars identify three other functions of punitive damages. In addition to punishment and deterrence, punitive dam-

ages educate the defendant about what constitutes inappropriate behavior, and punitive damage awards may also help enforce the law. Finally and most controversially, punitive damages may function "to provide retribution to the victim of an aggravated wrong ... [and] to allow a person injured by the wanton misconduct of another to vent his [or her] outrage by extracting from the wrongdoer a judicial fine." (David G. Owen, "A Punitive Damages Overview: Functions, Problems, and Reform," *Villanova Law Review*, 1994, Vol. 39, p. 375) Even though the contemporary legal system sanctions only retribution and not revenge, the retributive functions of punitive awards are difficult to distinguish from vengeance.

Punitive damage awards have a long and colorful history. Precursors to modern concepts of punitive damages exist even in some of the earliest legal codes. Awards that exceed the degree of actual injury are found as early as the Babylonian Code of Hammurabi in 2000 B.C.E. Other examples appear in the Hittite law around 1400 B.C.E. and the Hindu Code of Manu dated at 200 B.C.E. Although scholarly disagreement exists over whether or not Roman law provided punitive damages for some crimes, Roman law as presented in The Twelve Tables around 450 B.C.E. contains requirements of multiple damages with the explicit goal of deterring the wealthy from wanton misconduct, and later Roman codes also include multiple damages for these purposes.

Punitive damages are also firmly entrenched in the Judeo-Christian tradition. Both the Old Testament and the New Testament of the Bible provide guidelines and examples of punitive awards for various acts. (*The Holy Bible: New International Version*, 1985) The Old Testament requires payment above and beyond compensation for the purposes of punishment and deterrence of future wrongdoing. Exodus 22:1 states, "If a man steals an ox or a sheep and slaughters it or sells it, he must pay back five head of cattle for the ox and four sheep for the sheep." Exodus 22:4 continues, "...if the stolen animal is found alive in [the thief's] possession -- whether ox or donkey or sheep -- [the thief] must pay back double." The penalties described above are further increased in other texts. Proverbs 6:30-31 requires the payment of seven times the value of stolen goods. In relation to other crimes, Deuteronomy 22:13-19 describes punitive damages that must be paid for slander, and Deuteronomy 22:28-29 requires punitive damages of 50 shekels of silver for sexually assaulting a virgin not

pledged to be married (although the man must now marry the rape victim, and "he can never divorce as long as he lives"). Punitive damages are not limited to the Old Testament. For example, the Gospel of Luke reports that Jesus showed approval of those who are willing to pay four times the value of stolen goods (Luke 19:8-9). The Judeo-Christian tradition provides the legal and moral foundations for the formal rise of punitive damages in English and American common law.

In 1763, an English judge ordered "exemplary damages" to be paid by the government above and beyond actual damages as punishment for illegal search and seizure and as a deterrent against future actions. (James B. Sales & Kenneth B. Cole, "Punitive Damages: A Relic that Has Outlived Its Origins," *Vanderbilt Law Review*, 1984, Vol. 37, p. 1120) The "English courts employed the remedy from that point on to punish and deter the misuse of wealth and power that threatened the eighteenth-century English social order." (Michael Rustad & Thomas Koenig, "The Historical Continuity of Punitive Damages Awards: Reforming the Tort Reformers," *The American University Law Review*, 1993, Vol. 42, pp. 1289-1290) Even though the primary aims of this particular damage award were punishment and deterrence, legal scholars of the day believed that such damages were an acceptable and legal form of personal retaliation preferable to vengeance sought by private individuals. Punitive damages came to the United States in the 18th century. The South Carolina Supreme Court awarded personal "vindictive damages" in 1784, and, in 1791, a New Jersey court explicitly used punitive damages to deter future wrongdoing. ("Historical Continuity," pp. 1290-1291) Sales and Cole, "Punitive Damages," however, maintain that the first case of punitive damages in the United States was decided in Vermont in 1873. Despite disagreements about dates, scholars agree that the early American courts focused punitive damages on cases involving "willful and wanton indignities" ("Historical Continuity," p. 1291), in cases of a defendant acting with "malice, oppression, or gross fraud," and when a personal insult has been rendered and the plaintiff requires compensation for "humiliation, wounded dignity ... and embarrassment" ("Punitive Damages," p. 1121). Early awards were clearly vengeful in nature.

Despite changes in legal functions of punitive damage awards from their conception to the present, they serve as a means for revenge. Juries

assess punitive damages above and beyond compensation for the plaintiff's injuries. Juries do not receive guidance for determining punitive damages, and their decisions may not be based on rationality as much as on personal feelings against the defendant. Though some legal scholars argue that "punitive damage awards may have a healing effect on the victim beyond that which compensatory damages would effect, [it must be noted that] this is the language of revenge." (Tamar Frankel, "Lessons from the Past: Revenge Yesterday and Today," *Boston University Law Review*, 1996, Vol. 76, p. 89) Motivations for vengeance persist from earlier human history into the present, and, despite increased legal constraints and the American ideal of a civilized, lawful, and rational legal system, punitive damage awards too often function as a tool for revenge. The wording of punitive damage law is insufficient to challenge the deep historical, cultural, and theological roots of vengeance. While the professed missions of the civil legal system regarding personal revenge are clear, the practical uses of the system are not. Punitive damages remain unable to escape their historical roots in human vengeance.

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## Subversion of the Law

**George Victor**

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The fateful question for the human species ... [is] to what extent cultural development will succeed in mastering ... aggression and self-destruction.

Sigmund Freud

Fledgling international law has hardly begun to control war -- the most destructive aggression. Community law -- highly evolved -- is a major restraint on domestic destructiveness, which modern society continues to breed. Two derivative questions are: How well will justice systems control domestic violence, and how well will they stand up against subverting the law to facilitate violence?

Two purposes for which laws arose were to regulate trade among individuals, a rational motivation, and to protect communities by propitiating deities, a mystical motivation. The oldest recorded western codes -- from Sumer and Akkad -- were designed to make trade just. They restrained people from taking advantage of each other by power or wile. When one gained and another lost by such means, the laws provided for depriving the former by restoring what the latter lost. Deprivation sometimes went beyond restoration by exacting mild to moderate penalties.

Probably earlier than trade laws were taboos, which were concerned with what was hateful to the gods rather than justice. Lists of taboos were drawn up to prevent offenses to gods, whose wrath might bring disaster or extinction down on communities. This source of Israeli law is suggested by Biblical lists of taboos -- the commandments, sins, and abominations. According to *Proverbs*, "The way of the wicked is an abomination to the Lord." The root meaning of "abomination" -- *abomin* (from an omen) -- suggests that Israeli taboos came from fear of divine wrath and had a propitiatory purpose. Perhaps from the model of a vengeful god and from the importance of averting disaster, taboos carried heavier penalties than trade laws and lent themselves to extremes of punishment. Propitiation is thought to be the source of *Lex Taliomis* (the Law of Retaliation). The ancient belief was that an offended god demanded punishment of the offender by the community under the god's protection; vengeance was carried out by people on behalf of the god. The concept of deadly or mortal sin suggests that some evils were considered so offensive to the deity as to require ultimate punishment.

In ancient cultures the core abomination was moral pollution. Besides codes to prevent such pollution, Israelis and other ancient peoples also adopted scapegoating for what could not be prevented. The evil in a community was laid ritually on an innocent human (usually a child) or animal which was expelled or killed. The ceremony purified the community, saving it from divine wrath.

Early Christians took a gentler view of human relations and of the archaic God they inherited from their Jewish forebears. Still seeing God as vengeful, they took seriously the idea that God alone was entitled to revenge. According to the Apostle Paul, "Vengeance is mine; I will repay, saith the Lord." Extending the idea, states pre-empted vengeance into their justice systems, and

personal vengeance came to be considered uncivilized. Francis Bacon called it "low and vulgar" and "wild justice."

This civilized view failed, however, to overcome the belief that morally polluted people, likely to pollute others, should be rooted out. Ghettos were established in Christian Europe to segregate Jews, seen as blasphemers -- as offensive to God -- to prevent them from corrupting Christians. But segregation was not enough. The bubonic plague was explained as divine wrath at communities for tolerating Jews. (They, along with "witches," had become the customary scapegoats. Over the centuries, the idea that innocents made the best scapegoats had been lost; Jews and "witches" were considered innately evil.) To propitiate God and to wreak human vengeance for the plague, a holocaust was carried out on Jews.

Over the centuries, systems of justice developed more civilized purposes -- deterring crime and rehabilitating criminals. Despite failure to achieve them, these purposes still represent modern ideals of justice. But awareness of the failure contributes to dissatisfaction with modern justice systems and to yearning for a return to archaic ones. During periods without crisis and disaster -- even in times of prosperity -- the yearning is manifest in a sense that justice has lost its true purpose and become effete, degenerating into legalism and letting off the worst offenders. During times of trouble, laws are often set aside in a regression to vengeful, propitiatory, and restorative practices.

Subversion of the law played a key part in the Nazi Holocaust. Adolf Hitler inherited the Weimar Constitution -- a model of democratic, liberal values -- along with a reasonably civilized legal code. Nazi jurists set about revising the Constitution and laws in accord with the Party's nationalist, socialist, and racist platform. Hitler, however, undercut them, and the revision was not carried out. Although he introduced some laws and special courts, Hitler mainly subverted justice by imposing an over-riding obligation on it -- to promote the welfare of the German folk. By "German folk," he meant unpolluted "Aryans," -- a minority of the population, as he saw it. In promoting their welfare, the law and the courts were to serve vengeful, propitiatory, and restorative purposes -- removing from the community those who offended supernatural powers and returning to "Aryans" what had been stolen from them.

Hitler's mission came from rage and a profound sense of loss. These came from an idyllic

early childhood and overindulgence by his adored mother being taken away by the return home of his father. Alois Hitler beat Adolf daily and severely, and almost killed him. In the story that Alois was fathered by a mysterious Jew, Adolf found an explanation not only for Alois' beating of his mother and himself but also for the resultant "poisoning" of his own blood and ruin of his life. Adolf believed that "Jewish blood" was dominant -- that the offspring of a Jew and Christian was always a Jew. Therefore, Alois, officially a Catholic, was a secret, polluting Jew -- and so was Adolf. What he associated with Alois -- government service, the law, Viennese culture, and depraved ways of the city (especially seduction of innocent girls, by which they became polluted) -- were hated Jewish vices. Adolf grew up a revolutionary and a nihilist. To him, all laws -- including those enacted by his own regime -- were restraints on his historical mission and his righteous vengeance.

Probably his ideas caught on because they touched the experience of many Germans. Beating children was common enough, and beating them severely and killing them was no rarity. In addition, the nation had been extraordinarily deprived by the Versailles Treaty. As a result, the economic depression suffered across the world was extreme in Germany, where it was accompanied by rocketing inflation. Most Germans rejected Hitler's thesis that the nation's surrender in World War I was caused by secret Jews in her government and that she was being victimized by an international Jewish conspiracy. But most thought there was a kernel of truth in it, and felt the nation would be better off without Jews. Consequently they accepted non-violent measures against Jews.

The draconian justice and salvation Hitler proposed were clear enough in his speeches long before he came to power: "There will be no peace in the land until a body is hanging from every lamp post." (Henry Murray, *Analysis of the Personality of Adolf Hitler*, 1943, p.176) The people he meant to hang were Jews, as he said in 1922: "...my first and foremost task will be the annihilation of the Jews ... until all of Germany has been completely cleansed...." (Gerald Fleming, *Hitler and the Final Solution*, 1984, p.17)

Further,

Let us be inhumane! But if we save Germany, then we will have accomplished the world's greatest deed. Let us do injustice! But if we save Germany, then we will have eliminated the world's greatest injustice. Let

us be immoral! But if our folk is saved, then we will have opened the way for morality again! (*Adolf Hitler Quotations*, 1990, p.11)

The speeches were more than rhetoric. Hitler believed in an abstract justice, far more valid than the prevailing system -- a pure, heathen justice that he imagined to have existed in an archaic era of German greatness, before the nation was corrupted by ways of the city. Perhaps the fantasy reflected what he lost when his father -- a man of the city -- returned home and destroyed the Eden created by his heathen (farm-girl) mother.

On coming to power, Hitler ordered a pogrom, carried out by Storm Troopers. Despite widespread anti-Semitism, Germans protested the violence. Hitler ended it and postponed mass violence against Jews, but he launched a program of heavy indoctrination against them and proceeded with other anti-Semitic measures. Five years later he ordered another pogrom -- *Kristallnacht* -- which again provoked strong protest. Again he pulled back, biding his time until war would provide a cover for the Holocaust.

Meanwhile he began to maim and kill Jews on a small scale under the cover of health-related measures -- sterilization of people with hereditary diseases and "euthanasia" (also euphemistically called "mercy killing"). Using fabricated diagnoses, the measures were directed against Jews, Gypsies, blacks, "halfbreeds" (*Mischlinge*), and Slavs. The medical professions participated most egregiously, but the legal professions also participated in this "cleansing." Hitler insisted on a semblance of legality, and courts were used to approve petitions to have people sterilized or to judge people eligible for "euthanasia." It is worth emphasizing that judges -- guardians of the law -- were agents of its subversion.

When Jews were arrested or interrogated, their property was often appropriated for use by non-Jews. This was legitimized by the government, with the aid of the courts, as "voluntary surrender" and "transfer to Aryan possession." That justified appropriation as returning to "Aryans" what Jews had presumably stolen from them or their ancestors. Compared to maiming and killing Jews, these were minor measures, but they illustrate Hitler's restorative use of executive power and judicial power.

Hitler's first priority, however, was purging Germany of what he sincerely saw as moral pollution by Jews. The justice system's obligation to

advance the welfare of the German folk was aided by a new concept of justice, promulgated by Franz Gürtner, Hitler's Minister of Justice:

National Socialism replaces the concept of formal legality with the concept of material legality.... Hence the law renounces its claim to be the sole source for determining what is legal and illegal. (Ingo Müller, *Hitler's Justice*, 1991, p.75-76)

Formal legality meant standards of the Constitution and of Weimar laws. Material legality meant what was material to the folk's welfare. An act was materially illegal if committed by a person considered of low value to the state or if done for a purpose disapproved by Nazis. The same act was legal if committed by a valued person or to further a valued purpose, and that included murder. Albert Rosenberg, a high Nazi administrator, made the underlying purpose of Nazi justice clearer: "Punishment is ... simply the separating out of alien types and deviant nature." (Richard Grunberger, *The 12-Year Reich*, 1971, p.120)

The priority of purging Germany was indicated by what Hitler sacrificed for it. In *Mein Kampf* he had written about World War I:

If at the beginning of the War and during the War, twelve or fifteen thousand of these Hebrew corrupters of the people had been held under poison gas ... the sacrifice of millions at the front would not have been in vain. (Paul Johnson, *Modern Times*, 1985, p.472)

On becoming chancellor he said,

I don't know whether my name will be held in high repute in Germany ... no matter what I am hoping to achieve for my people, but ... I am absolutely certain the name of Hitler shall be glorified everywhere as the person who once and for all had extirpated the Jewish pest from the world. (John Lukacs, *The Last European War*, 1976, p.451)

During World War II, Hitler gave killing Jews priority over military considerations. Hermann Göring argued with him, saying, "It is more important that we win the war than carry out racial policy" (Hans Frank, *Das Diensttagebuch des deutschen Generalgouverneurs in Polen*, 1975, p.336). Hitler made it clear that he was not to be argued with further on this point, and Göring stopped.

Looking back at his Nuremberg trial, Hans Frank -- a lawyer and high justice official who administered the extermination of Jews -- pronounced it the worst crime of the millennium. He likened Hitler's role to that of the Pied Piper. *The Pied Piper* is a German cautionary tale about the folly of turning to a would-be savior who offers supernatural solutions.

Subversion of the law is most appealing to people who experience themselves as victims, helpless to improve their situation. In approving vengeful use of the law, they engage vicariously in turning the tables on groups they see as responsible for their predicament. Identifying such groups as evil and using them as scapegoats boosts such people's self-esteem. Probably more basic is the archaic hope that getting rid of the scapegoats will restore divine favor and the lost Eden. My thesis is that the appeal of regressive justice is powerful because it offers a return to one's personal past and to the nation's archaic past.

Hitler's inspiring message amounted to: You are good; your misfortunes are not your fault; they are the fault of the Jews; if we get rid of the Jews, you will get back what has been taken from you -- what you deserve. In addition he offered to enlist followers in a crusade -- an offer of power and nobility, especially appealing to people who felt weak and worthless.

Germany was a new nation, lacking a strong legal tradition, with a very new constitution that had limited support. Such weaknesses are, however, unnecessary for the law to be subverted. The military defeats suffered by the United States beginning with Japan's attack on Pearl Harbor were experienced as a national disaster. "Remember Pearl Harbor!" became a rallying cry, not only for vengeance on Japan but also on Japanese-Americans. President Franklin Roosevelt eased incipient panic by interning 120,000 Japanese-Americans in concentration camps. Despite horror at Germany's concentration-camp program, analogous treatment of scapegoats in the United States was accepted with almost no protest. After Japanese-Americans were removed from the community, most Americans felt safer.

Internment of Japanese-Americans flagrantly violated the U.S. Constitution. Nonetheless, when a case involving the internment program came to the U.S. Supreme Court, all justices but one approved it. Frank Murphy, the dissenter, pointed out to his colleagues that they were approving what the nation was engaged in a war to

stop Germany from doing! But, not appreciating the point, his colleagues coerced Murphy to change his vote. The concentration-camp program was then approved unanimously by a Supreme Court containing famous libertarians.

With the war's end, the concentration-camp program ended. Then Congress enacted another concentration-camp program -- the Internal Security Act of 1954. Like Roosevelt's executive order of 1942, it provided for indefinitely long incarceration of people without due process. Camps were set up for removal of "dangerous" people from the community. Happily the camps were not used, and many years later Congress repealed the program.

Perhaps these examples are enough to suggest that regressive tendencies fostering subversion of the law are endemic to Western cultures. Yearnings for vengeful, propitiatory, and restorative justice -- and for a return to Eden -- are enduring.

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## Sentencing Children to Live with Abusers

**Nannette Pierson Sachs**  
**Amicus for Domestic Justice**

Long experience has taught me that "dysfunctional," "perverse," and "corrupt" are accurate adjectives to modify "family courts" in the U.S. Insurmountable obstacles stand in the way of accurate statistics, but complaints and laments pour in from all over the country decrying family courts for acting against the custody interests of children: ordering children's removal from nurturing homes and their transfer into the custody of abusive parents and negligent foster care agencies. Because mothers comprise the vast majority of care giving parents who lose custody, mothers are the focus of this analysis. But indicative of the legal systems' tropism for abusers, it must be noted that care giving fathers are similarly at risk for losing custody to belligerent mothers.

Family courts preside over custody disputes in three contexts: contested custody between divorcing parents; custody challenges stemming from one parent's allegation that the other has

abused the children; and contested custody between unmarried parents -- a typical scenario being a non-residential parent suing the residential parent for custody after being ordered to pay child support. As background for understanding the perverse outcomes in custody litigation, one needs to appreciate that custody battles are so brutal that most loving parents usually find a way to settle their differences out of court. What generally forces litigation are the divergent values between a parent truly bonded to the child and a parent for whom custody is incidental to an obsession with dominance and control.

Sex-abuse litigation cases pinpoint the anti-mother, anti-child bias that prevails in many family courts. Unbeknownst to the public, one of the most custodially perilous steps a mother can take is to call a child abuse hotline to report evidence that the father has sexually exploited the child. When she sits down for her requisite interview with a caseworker for the child protection agency, she has no clue that allegations of incest may be unwelcome and may actually collide with an unwritten agency-court policy of declining to prosecute incest -- as opposed to sexual abuse by an outsider. She also is oblivious to the danger of being entrapped by the agency's protocol of opening the case in the name of the child and leaving blank the name of the defendant. The practice that unethical agencies seem to follow is to appear to launch an active investigation while actually stalling until it is too late to obtain timely evidence. As the mother frets over unreturned phone calls, her frustration grows until it dawns on her that she is being treated more like a suspect than a complainant. Like Kafka's Joseph K., she is suddenly defending against a barrage of innuendo. Could she be lying about the evidence of incest? Perhaps, she's guilty of "medical neglect" (Munchausen's syndrome by proxy) for not taking the child for the required medical examination to check for physical signs of abuse.

The mother's worst fears are confirmed when papers arrive with her name in the space for the defendant's. The agency is charging *her* with being an unfit parent for lying about incest. In a trial that can be dragged out for years, she finds herself a lone mom against a well-drilled prosecutorial team consisting of the father (assuming he has sued for custody); the father's lawyer; the agency's lawyers and caseworkers; the child's law guardian (known for ignoring children's wishes); a forensic psychologist (known for diagnosing mothers alleging incest as "borderline"); and, in effect,

the judge, whose bias shows in condoning the obvious power imbalance. Yes, the mother will be allowed to scrape together what money she can to pay an attorney, but to win back the right to raise her child, she will need the likes of lawyer David Boies on his best days.

If incest is an offense under wraps, domestic violence has been hung out for public consumption. From the media coverage, one would be justified in believing that thanks to new laws and wide condemnation, women can rely on family courts to be tough on domestic violence offenders. New York State, for example, has passed legislation that seems to prohibit awarding custody to a parent at fault in domestic violence. Nothing in the wording of the statute, however, prevents judges from discrediting the evidence of violence -- no matter how compelling -- and awarding custody to the abuser. The child protection agency has devised its own procedure for subverting the new law. Mothers reporting incidents of battering are faulted for exposing children to an environment where they are witness to domestic violence. For being battered in the presence of her children, the mother is subject to prosecution for "failure to protect," an offense punishable by loss of custody. If the judge ratifies the agency's position without granting the mother a fair hearing, the children will be forcibly transferred into the custody of the batterer or a foster care agency.

Explanations for why such a lineup of professionals would solidify against a child's best interests run the gamut. One claim is that everyone connected with these cases is underpaid, overworked, and undereducated, and therefore incapable of conscientious performance. Another is that the success of the fathers can be attributed to their presenting as confident and ingratiating in contrast to the mothers who show the strain of their ordeal. The open display of contempt for the mothers signals the hopelessness of their cause. To a spectator, the teamwork looks scripted putting one in mind of a show trial with a predetermined verdict.

Observers are mystified by the motives. More than money and careers seem to cement the complicity in these custody atrocities. Mothers have likened the experience to an amputation or castration -- the excision of a vital organ. These perverse outcomes demonstrate the potency of projective processes in adversarial proceedings, which are fueled by accusations and character assassination. Abusive parents are adept at winning favor in the courtroom with accusatory projections: looking

the picture of innocence, they charge their opponent with their own wrongdoing. For example, a father who absconded with the children will accuse the mother of kidnapping. Accusatory projections facilitate a transfer of blame to the mother, while disposing of self-hatred by projecting it on the mother as the demonic force. Too often in the courtroom others join the father in deprecating the mother and projecting toxic feelings onto her.

Wholesale injustices, some depicted by an investigative reporter in California, can be backed up with the case histories of victims from every ethnic group and social and economic class. Limited space allows for only one. A California adolescent, whom I'll call Eva, has written and spoken widely about her experiences being forced to live with her abusive father, a leader in the Bar Association and the American Civil Liberties Union. Eva states that her father's money and prestige enabled him to dominate court proceedings and to win custody despite her pleas to be allowed to live with her mother. At one point, her school filed abuse charges against her father after a teacher witnessed him throwing her against a stonewall. According to Eva, a therapist who was also her father's lover, intervened to persuade the court to place Eva, a student with straight As then and a score of 800 on her SATs now, in a juvenile delinquency facility! When she was old enough to get a hearing on her own, Eva managed to run away and persuade a family court in another county to return her to her mother's custody.

The hovering question is, What can the public do? If there is an answer, it certainly is not simple. One hopes that some day, in response to a critical mass of protest, the judicial system will have to surrender the myth of its independence along with its self-regulatory privileges and accept civilian oversight. Until then, women and men of reproductive age surely deserve to be warned about the legal jeopardy of conceiving a child with a spouse or partner of untrustworthy character.

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## Accountability and Liability Rather than Child Welfare

Denis O'Keefe

St. Agatha Home, New York City

The recent development of child welfare in New York City has been transformed by pressures from the judicial system. As a consequence of a series of lawsuits from the federal, state, and city governments, as well as private citizens, there has been a major shift in the practice of child welfare with a primary emphasis on liability and/or accountability. Little attention has been paid to this focus and its meaning for workers and clients within the child welfare system.

In February, 1996, Mayor Rudolf Giuliani announced the creation of a new agency, the Administration for Children's Services (ACS), to deliver child welfare services, as well as a new commissioner of ACS, Nicholas Scopetta, a former foster child and a federal prosecutor. Mayor Giuliani stated that "one of the most important elements in the [reform] plan is the emphasis on accountability." Scopetta's first act was to establish an accountability review process to investigate internal mismanagement. This witch-hunt-like process led to childcare workers being subjected to unnecessary interrogations and unheard of standards of accountability from management. With case workers focusing first and foremost on protecting themselves, the obsessive concern for documentation to keep their jobs also facilitates emotional detachment and limits personal responsibility. The political leaders believed that enhancing liability would motivate workers to better meet the client's needs through enhanced personal responsibility, but the results are that the clients tend to come last after the monetary and emotional needs of the insecure professionals.

Having worked for the ACS for some months, just long enough to complete the training core, and now working for a contract agency for the past year, I have experienced this emphasis on "accountability" directly and have seen its effects on the practice and delivery of services to the children and families in New York City. The number one complaint from colleagues is the overwhelming amount of highly repetitive paperwork. If it is done correctly, this form-filling-out dramatically limits the professional's ability to perform the very services that the documentation is supposed to certify. We tend to surrender to the paperwork de-

mands and become emotionally detached from the clients we are supposed to serve. The paperwork is a job in itself.

Michael A. Diamond's article on "The Social Character of Bureaucracy: Anxiety and Ritualistic Defense" (1985) helps us to understand the function of accountability and ritualistic behavior in organizations. As Diamond points out, in organizations, ritualistic behavior and meaningless routines serve to suppress and deny genuine feelings and "plays a decisive role ... in managing self boundaries and defending against anxiety felt during entry into the complex organization." He describes a process in which "intersubjectively meaningful, collaborative, and effective social actions" are replaced with "meaningless, rigidly conformist, and routine actions." A preoccupation with reliability and predictability not only indicates a focus on the control of subordinates, but a more collective desire for constancy or predictability in a very chaotic and ever-changing environment. "Under the stress of uncertainty and neurotic anxiety, bureaucratic form takes precedence over organizational mission and substantive output" as the organization itself is born out of the obsessional neurotic's "need to preserve and secure the self against anxiety about losing control."

Such an environment facilitates a worker's emotional unavailability and therefore inability to meet the client where s/he is at. Instead, the focus is on changing or transforming the clients into who the organization (and its needs for predictability) needs them to be. As the organization plays its own role in the overall social processes, the workers continue to establish themselves in their historical role as agents of social control. Although the City is adapting and finding ways to protect itself from lawsuits, it inadvertently sets up barriers in its struggle to protect the children and families it aims to serve.

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### Invitation to Join

Join the **Psychohistory Forum** as a Research Associate to be on the cutting edge of the development of new psychosocial knowledge. For information, e-mail Paul H. Elovitz, PhD, Director, at <pelovitz@aol.com> or call him at (201) 891-7486.

## Judges: Neither Politicians nor Kings

**Dominic J. Potts**  
Professional Legal Consultant

The fount of justice runs dry when unqualified and unprincipled people get elected to judicial positions of power -- positions they neither deserve nor respect. It runs dry because, under the present judicial system, judges are politically elected or politically appointed, rather than meritoriously selected and elevated to the bench on the basis of their scholarship in the law, unblemished character and conduct, and uncompromising sense of justice and equanimity. The fount of justice also runs dry because judges are shielded by immunity which largely places them above responsibility and accountability, creating an overly broad and unnecessary latitude for uncontrolled and unrectifiable misconduct that engenders an indulgence akin to royalty ("The King can do no wrong"). Further, too many Americans subscribe to an underlying childlike fantasy that a figure garbed in a black robe, sitting on an elevated bench, is somehow mystically endowed with the omniscience of "the good parent."

Our treasured system of justice has become an "idealized image," to use a term of psychoanalyst Karen Horney, "a false and exaggerated estimate of what we want it to be, derived more from fantasy and wishes than from reality." This judgment is based upon my personal experience during more than 25 years as a medical-legal trial attorney, appearing in many courts and before many judges at various levels. It is *not* an ideal system because of the nature of the institution of our courts and judiciary itself. It is *une système défectif*, as the French would say. It is a defective system that allows -- and in too many instances attracts -- deficient lawyers to "run" for the bench and then, once elected, to act as virtual royalty. Unfortunately, there remain enough people -- many with direct or indirect political interests, many handicapped by naiveté, and many seduced by an "idealized image" -- to support this social system and to sustain its vitality.

Let me give the example from Judge V.'s Domestic Relations courtroom. In 1997, David C. came to court representing himself (*pro se*) with a routine "Motion for Reduction of Alimony and Child Support Payments," because he was laid off for a scheduled six months plant retooling. Prior to

having to miss his last support check, he had an unblemished payment record, but his income was now limited to unemployment compensation, which would not be forthcoming for at least two weeks. He simply wanted a temporary reduction in his support payments until he returned to work again. While waiting patiently, David noticed a local television crew, as well as radio and newspaper reporters in the courtroom. When his case was called, he stood up respectfully and addressed Judge V. "Your Honor, I would like to request a temporary reduction of---." Before David had completed his first sentence to the court, Judge V. banged his gavel repeatedly on his bench, shouting out "contempt of court angrily." Simultaneously, two burly bailiffs of the Domestic Relations Court seized David from behind, slammed him to the floor, and handcuffed him behind his back. His face, frozen by disbelief, appeared on the television news that evening, showing the bailiffs pummeling him down the courthouse corridor to the county jail below.

He was unceremoniously and ignominiously dragged away before the local news media because Judge V. was facing his re-election campaign with a formidable opponent from the opposite political party. Judge V.'s reputation as persistently biased in favor of men and against women had led his opponent to rally the League of Women Voters, the feminist movement, and a coalition of wives who had been mistreated and victimized in Judge V.'s Court. The opponent had also mounted a campaign of letters to the editor. With the election only weeks away, the heat was on Judge V who needed to dramatically alter his image with women voters, lest the female electorate send him back to his failed legal practice. To salvage his re-election, Judge V. used David's one missed support payment and innocent Motion to demonstrate before all the news media that he was "tough on defaulting husbands" and "vigorously protected disadvantaged wives and dependent children" in his court.

This travesty of justice was permitted to happen because overly broad "discretion," shielded by "immunity," permitted it to happen. Judges have the inherent power and discretion to vindicate the authority and dignity of their court by punishing contumacious behavior with an edict of "contempt of court," i.e., by fines or confinement, calculated to instill "respect" in the offender.

Judge V. and David C. was a bizarre but not isolated instance of judicial abuse. A West Vir-

ginia judge actually bounded down from his bench and punched the nose of an attorney who took issue with Judge W.Va.'s ruling. Was the conduct of either judge appropriately exposed and punished? The judge from West Virginia was publicly exposed and eventually publicly reprimanded, but was permitted to continue on his bench. Judge V. was never privately, much less publicly, reprimanded.

Our judicial system is much too political. Lifetime judicial appointments -- notably to federal district and appellate courts and even to the United States Supreme Court -- are often merely disguised political appointments, not appointments on merit, character, judiciality, or scholarship. The post-Election 2000 rulings in both the Florida Supreme Court (whereon a large majority are Democrats) and the United States Supreme Court (whereon a preponderant majority are conservative Republicans) are a graphic example of this. The Gore-Bush Presidential race cogently demonstrated that no judge, justice, or chief justice, however high the court, is above political considerations when he or she secured his or her position by political appointment engendering political expectations.

Let us return to the "Good Parent Fantasy." When a judge is addressed as "Your Honor," it supports the psychic needs of those seeking an omniscient and omnipotent parental figure. In retrospect, psychohistorians must wonder, How in the world did a judicial system of, successively, a "federation," a "republic," and a "democracy," all alien and antithetic to a monarchy, come to retain all the royal appendages of British monarchy? Particularly when the gestation of that judicial system occurred during a period of enormous antipathy and bellicosity toward that very monarchy? At the time that the Second Continental Congress of the original 13 colonies (the "federation") adopted the Declaration of Independence, the government of King George III was brutally subjugating the American colonists, transporting British troops to suppress the colonial governments, and plundering, murdering, and imprisoning, without trial, all who resisted him. Why, then, did the American judge, sworn to uphold "due process of law," emulate the character of an odious British King, rather than that of the patriotic pioneers who detested kings, royal rule, and imperial arrogance?

The intriguing parallels between an American jurist and an English King provide a most captivating subject for psychohistorical inquiry. The

King ensconces himself in his castle; the judge similarly secludes himself in his "chambers." The King's entrance is announced by his royal courtier, "Gather 'round and pay heed! Now comes His Majesty The Honorable King George III! God bless England, and long live the King!"; the judge's entrance is similarly announced by his court bailiff, "All rise! All rise! Hear ye! Hear ye! Hear ye! This honorable court is now in session. The Honorable \_\_\_\_\_ presiding!" The King's subjects (those in attendance) must rise, curtsy, and bow when the King appears; the judge's subjects (lawyers and parties in the courtroom) similarly must rise when the judge enters. The King enters in a fine ermine robe; the judge wears a black cotton robe. The King sits up on his throne; the judge, on his bench. The King must be deferentially addressed as "Your Highness"; the judge, as "Your Honor."

All this pomp and ceremony in the courtroom erroneously suggests that judges are somehow aristocratic and superior, and that others are comparatively common and inferior. It also tends to instill in some judges a demeanor of pomposity and imperiousness. Judges are as human as anyone else. If you doubt this just look at one the day after he loses an election or encounter one at the hardware store -- wearing frayed jeans, counting out his pennies, buying a piece of pipe to fix his toilet at home. Tradition is not unimportant; but egalitarianism and justice must rank higher.

We perpetuate a dangerous, undemocratic myth when we elect judges, allow them excessive discretion and immunity, and accord them trappings of royalty, rather than appointing the best on their merit. I would like to propose some changes in the present system in order to improve the quality, quantity, frequency, and reliability of justice in our courts: Dispense with politically electing or politically appointing judges and justices; appoint them on their merit; don't elect them as politicians. Use merit boards, the membership of which are mutually approved by bar associations and community residents. Narrow the latitude of judicial discretion and the parameters of judicial immunity. Remove judicial robes, which are not essential to "deciding issues"; corporate executives and American Presidents wear street clothes, not robes, and their responsibilities are no lighter. Remove elevated benches, and with them the tendency of deficient judges to view themselves as "superior." Dispense with the practice of addressing judges as "Your Honor"; ours is a government of democracy,

not of royalty.

In conclusion, America's practice of treating judges as royalty is based upon a fantasy of treating them as idealized parents who are above reproach and the normal checks and balances to which other mortals are subject. The pomp and circumstance of the courtroom must be replaced by procedures more befitting a democracy. Judges should be appointed on merit rather than through political connection. Our democracy deserves an ethical, high quality judiciary that is more attuned to the needs of the people and no more above reproach than other professions. This will serve justice far better than our present system.

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## In Defense of Our Legal System

H. John Rogers

Psychohistory Forum Research Associate

Let me begin with a "bold statement." Systemically, our legal system is perfect. Such imperfections as it may have are the direct product of human nature and/or our economic system. Even though it is systemically perfect, naturally no set of rules can always produce the "correct" result. In this essay I will compare the legal and medical systems and discuss the following issues: elitist, anti-democratic notions of legal reform, the increased punitiveness of law (weakening the *Bill of Rights*), and the danger to our system of justice from "reformers."

If I were stricken by some malady, one physician would not muster the arguments for a certain course of treatment and another physician, the arguments for another course of action (or, inaction), and then both of them present their respective arguments to some disinterested decision-maker. *Au contraire!* It has been my experience that medical decision-making more closely resembles Lenny Bruce's famous aphorism about the law -- "In the halls of justice, justice is in the halls" -- than it does the processes entailed in either the civil

or criminal courts of the United States. The time lapse (and concomitant opportunity to reflect) from a felony arrest to final disposition far exceeds the duration of most medical procedures (except, of course, palliative care).

Further, for a miscarriage of justice to occur in the legal system, there must be the simultaneous failure to fulfill their duties of the plaintiff's counsel, defendant's counsel, and the judicial officer. (An expert or professional who cannot articulate a position so that it is fully understandable by the average citizen is not in full command of the discipline. As Wittgenstein said, "The limits of my language are the limits of my understanding.") If any of these three does their job, justice -- like an airplane limping in on one engine -- will basically be served.

Contrast this with the medical model where the operative decisions are most frequently made by a single physician working alone. Thus, the "Lone Ranger" is the basic model for medical decision-making, as opposed to a troika in the law. Consequently, I would suggest that it is almost tautological that the inherent dialectic of the legal system generally produces better results than the medical decision model.

Most people, however, would blanch at the thought of consigning the ultimate decision, say, between radiation treatment and chemotherapy, to a group of lay people. But why not? At present, one layperson -- the patient -- with a single source of information makes that decision. The reasoning here is, again, basically akin to that of those who believe that appointed judges are somehow removed from the political process. ("What is a federal judge", Professor Robert Brancher of Harvard Law School asked his students in the early 1960s, "but a lawyer who knew a politician?")

I would add to my earlier "bold statement" a corollary: Most, if not all, of the criticism of our legal system comes from social elitists of one stripe or another, exemplified, first and foremost, by those who favor such "improvements" as an appointed judiciary. Most of the rest of it comes from those who oppose popular (i.e., jury) decision-making and prefer institutionalized decision makers. More importantly, perhaps, I would suggest that the subtext with both the argument for appointed judges and against letting a panel of lay persons make medical decisions is at bottom an anti-democratic one. In my opinion, this is a form of elitist thinking that some may favor but any democrat must eschew.

It has been my general observation that other than the "fine tuners", the critics of the American legal system, fall roughly into two categories: the "amateurs" and the "professionals." The former are driven by anecdotal evidence, usually something they found in the back pages of their morning newspaper or which was broached on a talk show: the Simpson acquittal, the McDonald's cup of scalding coffee, or the annual earnings of some high-rolling personal injury lawyer. The Archimedean point here is that someone is getting less punishment or more money than *USA Today* editors or talk show hosts think they deserve. The "professionals" are those regular litigators (insurers or corporations) who want to blunt the single advantage that an average citizen with a claim against them has, namely that those six to twelve people in the jury box will come a lot closer to feeling Jane Smith's pain than they will to worrying about General Motors' or the Consolidation Coal Company's balance sheet.

With regard to criminal law, some 35 years ago when I started practicing law, 10 years was considered a very long prison sentence. Now it is deemed the proverbial "slap on the wrist." We have, within my professional lifetime, stood Blackstone's famous maxim on its head. It should now read: "It is better that 99 innocent people be punished than one guilty person go free." The "war on drugs" and drunk driving cases have combined to erode the Bill of Rights to such an extent that basically all that remains is the provision against the quartering of troops in private homes. One of West Virginia's great liberal populists, former State Supreme Court Justice and now Attorney General Darrell V. McGraw, Jr., told me two decades ago, "In drunk driving and child abuse cases, you need an especially good defense." The subtext was that the old standard -- beyond a reasonable doubt -- was basically no longer operative in "hot button" cases. The major growth industry in the intervening years has been prison construction.

Just about the only area of law where a litigant can get Mr. Dooley's "splendid poor man's chance" is in personal injury cases. This is because of our long-standing system of contingency fee arrangements (which, until recently, were abhorred by our British cousins). The critics of the ethics of the contingency fee system are absolutely right: The lawyer is converted from being an advocate, an officer of the court, into a partner in the litigation with a financial stake in the outcome. The great systemic flaw with personal injury law,

though, is not the contingency fee; rather, that it is based on the antiquated concept of "fault." What societal principle is advanced when Mr. Jones who was struck by a meteor shard is consigned to a life of penury and woe, while Mr. Smith who was injured because of defective manufacturing lights at a railroad crossing collects megabucks?

I doubtless sound a little defensive. As someone who has spent nearly 35 years doing trial work in the state and federal courts of some 10 or 12 jurisdictions, I get the same uneasiness at discussions about the legal system that Germans of a certain age used to display when someone started questioning them about how they spent World War II.

The detractors of our legal system are soul mates of those who level broadsides against our political system, of which Reinhold Niebuhr wrote, "It is the sad duty of the politicians to work for justice in a sinful world." I think that his words apply with equal force to the legal system, and, to my mind, the command in both is the same: "Justice, Justice, thou shalt pursue." Nearly every critic of the legal system that I am aware of wants to do one basic thing: They want to take power away from the weaker side in litigation and give it to the stronger. From tort "reform" to victim's rights to changes in the law of search and seizure, it is the same song being played on different instruments. The dismaying fact is that these critics are prevailing.

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## The Road from Lawyer to Psychologist

**Harriet I. Landau**  
University of Georgia

In 1974 I became a lawyer. Twenty-five years later I returned to school full time to become a psychologist. Being a lawyer was lucrative. It gave me status, a sense of importance, and a frequent rush of a job well done. Now I am a second year graduate student working toward a PhD in industrial/organizational psychology. I have no staff, no income, and no status. I have to make my

own copies, do my own library research, and type my own papers. As often is the case, the change was triggered by a crisis.

In the summer of 1998, my daughter became seriously ill and spent six weeks in the intensive care unit of a local hospital. For much of that time we did not know if she would live or the extent to which she would be left with permanent damage. The event was shattering and incomprehensible. I felt like an aspirin tablet crushed into fine powder. I was no longer whole, only some residue of a former self. Eventually, my daughter recovered and the permanent impairment was minimal. My life and her life were drastically altered, however. The world shifted and priorities were reordered. Death was no longer an abstract concept on the horizon, but a reality that colors everyday life. The small daily pleasures are now the important ones. I am acutely aware that although we can plan and control much of our lives, we pass through a universe filled with a myriad of good and bad events, and it is just a matter of some chaotic happenstance as to which events will collide with us, sending us in new directions.

In hindsight, it was no surprise that when I returned to work, my legal practice no longer made sense. Buying and selling real estate, drafting contracts, and merging companies -- it was all paperwork and money, and it just didn't matter any more. Negotiating, arguing, convincing, persuading -- I didn't want to waste my energy on issues that I didn't believe in. I dealt with too many people who were elated just to get the best of the other. Forget the spirit of the law -- the goal was to find a way to do what the client wanted. Weigh the odds of getting caught. Ask for forgiveness, rather than for permission. Litigation rarely concerned right and wrong, but mainly which side could put the best spin on an ambiguous situation, or hire the most jury-pleasing expert. I had always known it was a game, but now it wasn't fun any more. Life was too short for such nonsense.

In addition, my personal sense of right and wrong was being compromised. Somehow the gray area kept shifting and the line between right and wrong kept moving deeper and deeper into the gray area while I wasn't looking. One night I dreamt that dark green, evil goo flowed down the corridors of the office. (Remember *Ghostbusters*?) I felt tainted by my identity as a lawyer and wanted out.

I spent many months trying to figure out what next. In college my strongest interest had

been psychology. I had even applied to graduate school at the time, but for many pragmatic reasons I had been convinced to go to law school. Over the years I daydreamed about returning to school and becoming a psychologist. I was always more interested in why people acted the way they did, rather than shuffling papers and interpreting government regulations. But it always seemed preposterous to give up the money and the status. Now, it began to make sense, and the more I thought about it, the more appealing it became. My first thought was clinical psychology, but the extensive training and difficulty of establishing a private practice this late in my career path was not inviting. I wondered how I could combine my interest in psychology with my experience in the legal and business world.

As I became less of a participant and more of an observer of the interactions around me in my work, I began to notice interesting behavior. I observed employees and managers who reinterpreted core values and corporate policies to expedite their goals, participants who left meetings with completely different opinions about what was decided, a committee that spent an hour making a decision only to change the result 30 seconds after a differing opinion was expressed by a previously silent officer, the success of an employee depending upon the employee's ability to comprehend and act within hidden agendas, and some employees who could survive and thrive in a difficult corporate culture and some who could not. So I decided to study how and why people function in organizations.

My husband, who agonized through the whole process with me, thought it was a great idea. I mentioned the possibility to a few friends and received nothing but encouragement. I had nothing to lose so I started studying for the GREs and sending off applications. I began looking forward to school and a new career. When my acceptance letter arrived, the sensation was overwhelming, almost a sense of rebirth. At work, the reactions ranged from those who thought I was crazy to those who wished they could do the same thing.

The first few weeks of school were rough. The shift from well-respected expert to neophyte student was difficult. Although I was a psychology major in college, my knowledge, to the extent I could remember any of it, was 30 years out of date. All of my professors were younger than I, and my classmates were the ages of my children. The thought of mastering statistical software pack-

ages that I had never heard of was terrifying. After the dust settled, however, I knew the decision had been right. I am doing exactly what I want to do and enjoying it immensely. School is a bridge from an old place to a new place. I don't know where I will end up or what I might be doing a few years from now, but the journey is just fine.

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## **Conflicts of a Psychotherapist Trained in the Law**

**Leonard Bloom**  
**British Psychological Society**

My life's journey has taken unexpected paths. I was a lawyer in the United Kingdom who was often engaged in criminal defenses. Since the late 1960s I have taught, practiced, and carried out research as a social psychologist and psychotherapist strongly influenced by psychoanalysis. I have lived in South Africa where my world was profoundly changed when three Xhosa youngsters entered my life and became, for all practical purposes, my sons. My experiences as an attorney, psychotherapist, resident of South Africa, and surrogate parent has transformed my perspective and enriched my world intellectually and personally.

Increasingly during the past 10 years I have been made aware of the conflicts of loyalty that most psychotherapists take care to deny: loyalty to one's client or to society? This brings up the issues of who defines *society* and who evaluates what constitutes society. I felt these conflicts most acutely in South Africa, where the erratic mixture of authoritarianism, anarchy, rapid urbanization, poverty, and frail concern for individuals have only very recently and haltingly begun to change for the better.

When I left the law to become a psychologist, what persisted from my legal background was an almost intuitive ability to work with clients without making moral judgments about them. As a lawyer, I learned to accept the endless variety of individual ways of dealing with a difficult world.

But only very rarely was it possible to help clients enhance their skills in coping with their social worlds. About their emotional needs there was nothing that a lawyer could do.

Lawyers and psychotherapists see individuals as widely different sorts of creatures. Lawyers' clients are "cases" to be worked through systematically, according to a strict protocol within a legal system. Therefore, to a great extent, clients are depersonalized, walking bundles of rights and duties, obligations and freedoms. Clients only exist within arbitrary and changing definitions of what a person is and what a person may or may not do. To the legal system, the bits of individual identity that cannot be confined within a legal definition at a particular time in a particular social and political context do not exist.

Early in 1992 in South Africa, my world changed dramatically. Three Xhosa youngsters walked into my life without warning and have never walked out again. We have lived together as a family, in which I have been a quasi-father and a quasi-psychotherapist. I have been drawn into the youngsters' families. For example, I have taken a father's role in two funerals, coming of age rituals, and the birth of four quasi-grandchildren. "Don't forget, Len," warned Ido soon after we met, "we're your kids now." The boys had begged food and clothes at my door, and first one and then another asked to stay. I got their grandmothers' agreements, we drew up conditions about living together, and gradually we created a family with all of a family's emotional ups-and-downs.

At the start we collided with the law. A hostile neighbor reported us to the local "child welfare consultant" who called in the police and social workers. Together they tried to have the boys committed to the misnamed Place of Safety. There they would have been locked in, deprived of their clothes, and had few or no visitors while being subject to being beaten, deprived of food, and kept in solitary confinement. (Fortunately, since 1994 conditions are less repressive and children have some rights). We fought the officials and won. The family felt closer and we were quite aware of our anomalous existence.

In 1992, the youngsters were between about 12 and 17 years of age as best we could determine. The boys had been raised in poverty by grandmothers. They had never known their mothers or fathers, nor experienced the mothering and fathering from which a normal superego and ego ideal is formed. They were streetwise, tough, cyni-

cal, and, paradoxically, loving. Although they had been raised in a crudely racist society, they were without any racist or narcissistically "ethnic" prejudices.

In assuming a parenting role, one of my first concerns was to avoid being another liberal moralizing adult. Bruno Bettelheim has argued that patients -- why not all individuals? -- need a champion who has the moral power and psychological understanding to show a commitment to their emotional safety and to their integrity as individuals. My youngsters desperately needed to learn to trust an adult. They had woefully frail emotional defenses against their threatening, often terrifyingly unpredictable and intrusive world. They needed to feel secure from their unconscious anger and self-destructive urges, and from their readiness to project their anger back onto others in the world. Gradually they appreciated that they could safely hate a hateful society without hating individuals and punishing themselves for that hate. Gradually I became accepted, even enjoyed, as "eccentric Len." I have never been a symbolic target representing those adults, African or white, who cannot be loved, lived with, or trusted.

As a very independent psychotherapist-cum-father, I felt free to form relationships that could never be tolerated within a conventional institution. I provided some consistency, but could tolerate the anarchy that disrupts every normal family. I learned to live with individuals who, each in his own way, struggled with himself to master his inner turbulence, sometimes aggressive and irrational, and was learning to manipulate or accommodate to the constraints and opportunities of his world. The youngsters needed emotionally to be children. But they were children no longer, if indeed they had ever been normal children. They had been deprived and impoverished. No conventional childcare could permit adults to give the spontaneous support and affection that such children need. Nor could it teach adults how to intuitively appreciate a child's unconscious needs. Conventional care could not be ready with love and tolerance when a youngster needs it most, yet may be unaware of his aching need. I felt that at least I could try.

August Aichorn, Anna Freud, and Bettelheim showed how a disturbed youngster, deliberately or unconsciously, can force adults to feel anxious or guilty. Adults may fear being emotionally inadequate, unable to understand or reach a difficult child. Bettelheim often showed how adults

may fear being too much like a child, too attracted, or too closely identified. An adult may be driven unconsciously to be punitive, punishing a child whose attractiveness arouses guilt, resenting a child's apparent freedom or needing a sadistic crypto-sexual relationship. I wonder what were the fantasies of South African magistrates who sentenced boys to be caned and jailed, and those of the policemen who carried out the beatings.

In the eyes of most adults, my youngsters were rebels or eccentric. But their society offered them only two choices. They could settle for being subordinates, conformists with low self-esteem, forever ghetto children with neither hopes nor prospects. Or they could create an individual style of survival by developing their own inner worlds, resisting unfair authority by getting around it or protesting. The first choice is self-destroying. It builds a crust of a *false self* that prevents the development of a spontaneous yet socially sensitive *true self*. My youngsters were able to make the second choice, partly because they had the good fortune to have been close to a young boy who had built a shack which had sheltered between five and ten children before it burned down. The boys protected one another from the police and social workers, begged, stole, or worked for food and clothes. They formed a tightly integrated quasi-family, which may have saved the life of one emotionally vulnerable and physically frail boy. In one sense they grew up together as deviant and eccentric. More significantly, they were healthily nonconformist in an unhealthy, over-conforming society. They were, and still are, socially sensitive and supportive of one another. They hated, and continue to hate, what society did to them.

Psychotherapists work in a social context, but may have to work against it. I was both ethically and as a psychotherapist correct to support the youngsters' nonconformity. But delicate problems arose. Ido was accused of breaking into a car and was prosecuted. I suspected that he was probably guilty, but I knew that he was unlikely to be adequately represented or understood in court. So I prepared his defense statement just as if I were his attorney. The court adjourned the case to allow the prosecution to get more evidence and it has now faded away. I felt morally (and personally) bound to defend Ido, and I would have done all that I could to protect him from the police who often were (and still are) abusive or violent or both. As his quasi-father and as a psychotherapist I had to show honestly that I was not going to throw him

away as his society had thrown him away without condoning or colluding with anti-social behavior that was dangerous for him.

Finally, it surprises me that the crucial issues of trust and mistrust, of deceiving and lying, both in psychotherapy and in a family, are not much more often studied and discussed. Klein argued that the development of trust is central to emotional and social development. Indeed, a large part of an infant's life of endless emotional drama is learning how to neutralize persecutory fantasies so that a sense of inner security develops and self-trust can be realized. Without self-trust there can be no other-trust. But how can an individual develop trust if his society and its permitted relationships impose norms of mistrust and, therefore, of acute and pervasive insecurity?

My youngsters lived in a society that at every turn informed them that *as Africans* they were not to be trusted to develop as self-trusting, autonomous, mature, and competent individuals. Not surprisingly, a bitter and taciturn Idara often said, even when he was a small child, that because no one had ever trusted or loved him, why should he trust? His thieving and deceiving were only understandable if his defenses could be penetrated and the hidden Idara revealed. He is a desperate young man, hungry for love but no more able to accept it than to spontaneously give it. He is devoid of self-trust, angry against a world that he sees (with good cause) as having rejecting him. Alas, love is not enough to help an Idara, though it may go a long way. However, a conventional "re-education" program will not touch his damaged core.

My experience with the boys tells me that it is time for psychotherapists, individually and collectively, to revive and apply Reich's, Fenichel's, and Aichorn's politically incorrect insights. At its best psychoanalysis empowers psychotherapists to fight on two fronts. One front is the individual's personal anxieties and unhappiness. The other front is the individual's struggle to resist the pathogenic external circumstances that contribute his or her malaise and to do what he can to change them.

As a result of my experience in providing parenting to three Xhosa youngsters whose prospects were severely restricted in South Africa, I am committed to understanding and solving problems of individual development in rapidly changing societies.

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## Legalizing and Advancing Psychoanalytic Academic Research Training

*(Continued from front page)*

Under the chairmanships of two directors of vision, Sigmund Gabe, 1964-1969, and Samuel Eisenstein, 1969-1977, the SCPI initiated its academic research training program. Now the Institute has one of the most successful psychoanalytic academic research training programs in the country to bring clinical training in psychoanalysis to university teachers and researchers. Over the past 35 years, 36 academic researchers from the University of California at Los Angeles, Irvine, and Riverside; the University of Southern California; Caltech; and the California State Universities have completed or are currently in psychoanalytic training at SCPI.

A crucial feature in setting the supportive tone of SCPI training is the material assistance offered to candidates by the Eisenstein-Gabe Research Training Fellowship Fund. The person most responsible for shaping and ensuring the stability and success of the SCPI research training program was Sam Eisenstein. He had the idea, unprecedented in American psychoanalysis, of a Research Training Fellowship to help young academics to pay for their training analysis. Sam appointed a committee of Norman Tabachnick, Judd Marmor, and myself to set up the Fellowship. He then followed through vigorously, year after year pushing the often ambivalent membership to vote to renew the \$10,000 three-year stipend so another university-based researcher could be trained in psychoanalysis.

When there is a person who shows unusual strength of character and leadership in a cause, we like, as analysts, to ask where this determination came from. I did not know Sam's parents or his Rumanian childhood home. Clearly, his humanistic European education and first analysis in Italy were significant. My psychodynamic speculation is that he who has survived the Holocaust by es-

caping from an Italian concentration camp and leading a party through the Abruzzi to the Allied lines, is not afraid to meet the criticism of medical members who confront him with the challenge: "What're you doing with our Institute and our money?"

In its classes, teaching, and programs, which for each of the last 35 years have usually included one or two academics, the SCPI realized Freud's fantasy of 1926:

If -- which may sound fantastic to-day -- one had to found a college of psychoanalysis, ... analytic instruction would include branches of knowledge which are remote from medicine and which the doctor does not come across in his practice: the history of civilization, mythology, the psychology of religion and the science of literature. Unless he is well at home in these subjects, an analyst can make nothing of a large amount of his material.

In building research psychoanalysis, transgressions were committed in the spirit of Freud's admonition to Oskar Pfister that to be an analyst

one must become a bad character, disregard the rules, sacrifice oneself, betray, behave like an artist who buys paints with his wife's household money or burns the furniture to heat the studio for his model. Without such a bit of criminality there is no real achievement.

A problem appeared early with the legal legitimization of the clinical practice of the research students and graduates of the California Institutes. The academics were not state-licensed clinicians. Psychologists, who had long been excluded from psychoanalytic training within the American Psychoanalytic Association ("the American"), were envious. I was the first research candidate targeted in the attempt to derail academic psychoanalytic candidates from doing clinical work and to keep them from seeing patients.

Practicing without a license is a crime subject to state prosecution. The first thing I did was to visit the State Attorney General's Office, where two young and surly Deputy Attorneys General threatened me with prosecution if I persisted in doing clinical work. Next, I secured a license as a Marriage and Family Therapist, so that I would have the cover of law. This is a broad clinical license, but it took a year and required sitting for examinations, and marriage and family therapy

was not my identity. The visit to the Attorney General's office brought to our attention that the most inclusive privilege in the realm of counseling belongs to the clergy. The clergy's right to counsel and their privileged communication is absolute. While attorneys, physicians, and mental health professionals work with restrictions of confidentiality, and in some cases, such as threats of violence (under the Tarasoff decision) or child molestation, they are subject to mandated reporting, there is no such limitation on the clergyman's and the member's right of privacy in communication. As a law professor colleague pointed out, if the Tarasoffs had sued the Archdiocese of San Francisco rather than the Regents of the University of California, they would not have had a case.

This led a group of Research Analysts to found the Universal Life Church of Psychodynamics as a legal cover until we could get a law passed. (The "Reverend" Al Hutter of SCPI knew about a free mail-order church and had been a member since the Vietnam War.) One of our Los Angeles Psychoanalytic Society and Institute (LAPSI) lawyer analysts informed us that a church has to have officers, recorded meetings, a treasury, and stationery, so we elected officers, called our study group a meeting, and printed some stationery. My wife exclaimed, "But, Peter, you're Jewish!" Needless to say, this maneuver did not amuse the Institutes. We got prickly phone calls along the lines of "What in the hell do you guys think you are doing?" A happy consequence of Universal Life Church (ULC) minister status is that it confers in the eyes of the state the right to officiate at funerals and marriages. In the last quarter century I have, as a ULC minister, officiated at one funeral at Forest Lawn Memorial Park, which was a study in the American social mores of death, and at several weddings of close friends and family members.

Balzac said that all great fortunes are founded on a great crime. What I have related was neither a great crime nor, regrettably, was the outcome a great fortune. I think the Universal Life Church of Psychodynamics was a transgression in Freud's sense of the need for "a bit of criminality," not because it was illegal -- it was explicitly very legal, but because it misused religion as a desperate front to cover the right to clinical practice. Let us say it was our adolescent experiment with boundaries and transgressions as analysts. Perhaps this is a further case of the principle that if you have unreasonable or onerous laws, people will find ways around them. Nevertheless, we kept the church *and*

we got the law.

Our legislation was sponsored by Howard Berman, the California State Assembly Majority Leader (now a U.S. Congressman), who represented the district of UCLA. The Institute set up a Legislative Committee under my chairmanship. I worked closely with Martin Levine, a LAPSI research candidate and a professor of law at USC. His legal-drafting skills were indispensable in working with the state's Legislative Counsel in writing the law around the objections of the psychology lobby. The most important lobby we had on our side was the University of California Student Lobby representing the 130,000 students of the UC system and their extended families. The Student Lobby reaches alumni and voting sympathizers who are far more numerous than the students. Most UC students have parents and grandparents, aunts and uncles, cousins, nieces and nephews, and family friends who can be mobilized to vote on student issues in every legislative district in the state. The Student Lobby argued with great understanding of the nature of academic psychoanalytic training and practice and of what was at stake for students of the university:

[The legislation will] allow these ... professors to maintain a working knowledge of the actual practice of psychoanalysis by authorizing them to engage in psychoanalysis. (Most of these professors teach the application of psychoanalysis in the study of such academic disciplines as history, law, medicine, political science, and humanities. In the course of their teachings they also provide some instruction in the practice of psychoanalysis as it relates to the class's subject matter.) If these professors are not allowed to actually engage in the practice of psychoanalysis on a routine basis, their instruction will consist entirely of theoretical knowledge with no solid foundation in practice.

During 1976 and 1977 the California institutes of the American fought the state bureaucracy, which opposed us and the psychology institutes through numerous drafting conferences and protracted legislative hearings. The powerful and well-connected psychology lobby fought us at each hearing.

When it came to getting our bill through the Assembly, the Senate, and the Governor, the adage of former U.S. House of Representatives Speaker Tip O'Neill that "all politics is local poli-

tics" was abundantly demonstrated. Assemblyman Art Agnew (now Congressman) of San Francisco, a key man in the Public Health Committee, asked us, "Where do you stand on gays? That is one constituency I cannot cross." I recall SCPI President Lenny Comess assuring him, "Oh, we have lots of gay members." Agnew moved the adoption of the bill in the Public Health Committee. Our legislation was carried in the Senate by its doyen, Senator Walter Stiern, whom I had known as my veterinarian in Bakersfield. Dr. Stiern said to me, "Write me a letter explaining what psychoanalysis is and why this is a good bill." He secured unanimous passage.

After passage in the Assembly and Senate we needed a contact who had the ear of Governor Jerry Brown because he was regarded as unsympathetic to psychoanalysis and organized medicine. He practiced Zen, favored alternative medicine, and appointed "New Age" psychologists to the California Medical Board. He took a "Caveat emptor!" approach to licensing -- he did not believe in it. He thought the public should be offered an unrestricted choice of everything. Until the last minute we did not know whether he would sign the bill into law.

Our man in the Governor's Office was Leroy Chatfield, whom I had known in Bakersfield as Brother Gilbert, the Vice Principal of Garces Memorial (Roman Catholic) High School when we worked together for Cesar Chavez on the United Farm Workers' strike and grape boycott (I gave guest presentations on psychoanalysis to his classes). He lived with me in my bachelor pad while organizing the grape boycott in Los Angeles. We organized the "Professors for Farm Labor" which UCLA faculty and staff could join for \$10. Now, having been freed by the Vatican from his vows, he was in the Governor's Office as an advisor on farm labor. When I called Leroy, explained the bill, and asked him to talk to Jerry Brown, he said, "Of course I will. This sounds like a wonderful idea!"

On September 30, 1977, Governor Brown signed the first Research Psychoanalyst Law, which is also the first time in the history of any jurisdiction that psychoanalysis was legitimated by a state. The new law explicitly named the four California Institutes in the American (Southern California, Los Angeles, San Francisco, and San Diego) as authorized to train psychoanalysts for "teaching, training, or research." Graduates were entitled to call themselves "psychoanalysts" and to

engage in psychoanalysis. The regulations of the law set the institutional academic standard of teaching and research affiliation as "the University of California or equivalent" and the Principles and Standards for Education in Psychoanalysis of the American Psychoanalytic Association as the California standard for psychoanalytic training. When, after protracted hearings the bill became law, Assembly Majority Leader Berman said to us:

The people of the state through their legislature and Governor have carefully investigated and weighed the quality of your training and the ethics of your practice and found it of such a high standard of excellence that we are granting you a privilege that we do not grant to the graduates of our own law schools and medical schools -- to practice your profession without any further state examination or scrutiny. The standards of your institutes alone satisfy us.

Upon the passage of the law, Anna Freud wrote, "I think this legal decision is a wonderful thing and will mark an important development in the history of psychoanalysis in America."

I am impressed by how in our political system a small group of neither rich nor influential citizens could seek and successfully obtain hearing and redress on a complex legal issue. It is another historical irony that these psychology institutes who fought us so hard are now part of the International Psychoanalytic Association and enthusiastically take advantage of the California Research Psychoanalyst Law.

The integration of psychoanalysis with another field is a complex matter. "The psychoanalytic mode of thought," said Freud, "acts like a new instrument of research." Each discipline has its own thought styles, historically conditioned coded language, research traditions, shared cognitive assumptions, canons of evidence, and ways of perceiving the world, just as a clinical socialization in medicine, psychology, or social work does. As Freud conceived it, the work of psychoanalysis is a work of interpretation and translation: "The interpretations made by psycho-analysis are first and foremost translations from an alien method of expression into the one familiar to us. When we interpret a dream we are simply translating a particular thought-content (the latent dream thoughts) from the 'language of dreams' into our waking speech." Much of the academic's most creative and fruitful work is the translation of the unique

understandings of the unconscious from the esoteric language and concepts of psychoanalysis into their application, comprehensibility and utility, in the discourse and registers of other fields. This requires of the researcher expertise in both fields.

The professional and institutional problems of academic research graduates are different from those of purely clinical psychoanalysts because they have come to psychoanalysis from the social sciences and humanistic disciplines and have had their professional socialization in those frames of reference, concepts, and teaching and research agendas. Their point of entry into institutionalized psychoanalysis follows a socialization process shaped by a graduate school apprenticeship and a university career marked by frequent peer review in disciplines whose empirical imperatives set the rigorous standards for competitive external grants and for the ascending of university promotion ladders. The academic researcher's task of the integration of clinical psychodynamics with their teaching and research is exceptional in an institute seminar class where most of the members are clinicians.

The academic researcher's integration of clinical psychodynamics with a university career is a different alloy from the metal of most psychoanalysts because the researchers who come to psychoanalysis from the social sciences and humanities must integrate elements from two disparate worlds. If they wish to remain active and relevant in their academic discipline, psychoanalytic researchers must continue to address worldwide audiences of colleagues and elite networks of peers whose attitudes to psychoanalysis range from skeptical to downright hostile.

The University of California Interdisciplinary Psychoanalytic Consortium (UCIPC) was founded in 1991 by Professors Nancy Chodorow (Sociology), Peter Loewenberg (History), and Robert Nemiroff (Psychiatry) to discuss both our work as psychoanalytic teachers and researchers and our problems as psychoanalysts in medicine, the liberal arts, humanities, and social sciences in the university. The Stoller Foundation was created to honor the psychoanalytic research and teaching of a UCLA psychoanalyst colleague who worked to foster interdisciplinary cross-fertilization on our campus and who was multi-disciplinary in his research. The Foundation sponsors the annual Robert Stoller Memorial lecture at UCLA, now in its 10th year; has a research grant program; gives two Stoller Scholarships and other support for graduate stu-

dents to attend the UCIPC meetings; and has sponsored a mentoring program for academics to consult with analysts on their research.

The Southern California Psychoanalytic Institute research academic training program has a couple of limitations. We have not developed the full potential of "partial" or non-clinical training. We concluded that a merely academic and cultural understanding of psychoanalysis -- without the clinical basis upon which its most groundbreaking discoveries originate and from which its mutative potential emerges -- runs the risk of becoming an empty abstraction and another interpretive game. The objective of academic research training in psychoanalysis is to facilitate the crucial component of clinical training and practice to academic scholars while enriching the language and interpretive powers of psychoanalysis by building bridges to other disciplines.

We could well re-open and re-explore the potential of partial training. Academics often are reluctant to enter full training because of the time, energy, and money demands, which they find incompatible with an academic career judged on "productivity." Our Institute regularly receives requests for partial training from medical specialists, particularly internists, gastroenterologists, and pediatricians. Now these applications are rejected. Yet if our purpose is the dissemination of psychoanalytic knowledge and perspectives, we need to take another look at our "all or none" position on partial training of academics as well as medical specialists.

A major effort needs to be made to enlarge the pools of psychoanalysts in academia and to lower the average age of analysts which, according to a recent announcement on the American's member's list, is 63 years. Bringing in younger people would help to counter the prevailing superannuation in the age profile of the American and of the psychoanalytic profession generally. An important limitation in bringing younger people into the field has been the PhD barrier. Whereas the American Psychoanalytic Association now trains mental health professionals who do not hold doctorates, in the academic field we still insist on a doctorate and a tenure-track university position. The idea of starting psychoanalytic training earlier, of accepting, as the current Principles and Standards puts it, "post-masters graduate students of unusual potential who have not yet attained the highest degree in their area of specialization," is an established one, and is eminently rational. We need to welcome

new and younger analysts who integrate the humanities, the social sciences, and psychoanalysis, through scholarly work and university teaching.

There is an optimal time in a life to introduce psychoanalysis. If missed, it can often never be recovered. By the time tenure is reached, academics have a decade or more of scholarly training and productivity behind them. They are well embarked on, perhaps even entrenched in, a research model, and the chance to fundamentally influence their thinking in a psychoanalytic direction may come too late. The solution is to make psychoanalytic education available to outstanding graduate students at the opportune time in their graduate training. This is the most open and inviting way to get scholars engaged with psychoanalysis, which is also vital for the survival and future of psychoanalysis.

The graduate years are in many respects the ideal period in which to undergo psychoanalytic training. Although grad students do not realize it, they will never again have so much disposable time for reading, discourse, study, and analysis. Graduate students are adults, often married and with children, who are resident in a university setting for six to ten years. They generally have strong egos; they have already passed rigorous competitive testing and screening processes; they are intellectually keen and have inquiring minds; they are in the throes of regressive transferences to professors, institutions, and ideas on which their future depends. In graduate school the research commitments and tools of a lifetime are forged and an entire career of scholarship is shaped. It makes much more sense in terms of future potential contribution to psychoanalysis and the relationship between the humanities, the social sciences, and psychoanalysis, to support a graduate student with demonstrable potential, than it does to try to recruit a scholar who is well along a career trajectory dedicated to other research methods. Given the realities of identity formation and of academic career ladders, we have been giving up the opportunity to capture future contributors by waiting until they are already established and accomplished, by which time they have, by definition, developed other kinds of expertise and commitments.

If we wish to train graduate students in psychoanalysis, we should not underestimate the subjective and objective obstacles, which transcend those of finding the appropriate candidates. The three main motivational difficulties in implementing the Committee on Research and Special Train-

ing (CORST) mandate to train graduate students are that there is no status advantage in graduate school, financing is difficult, and psychoanalytic clinical work is wrongly seen as a trade school activity. Let us examine these in sequence.

Because the psychoanalytic method and training is not perceived as a "marketable" asset in the competitive, anxiety-filled struggle for academic placement, the best we can presently do is to move it from a negative to a neutral valence. In terms of finances, psychoanalytic training for young academics requires funding, a tuition waiver, and a very low-fee training analysis. Those who see psychoanalytic clinical education as a type of technical trade school activity have missed the profound revolutionary culture critical stance of psychoanalysis now found in the humanities and social sciences. Psychoanalysis has no place in the curriculum of most psychoanalytic institutes as a culture critique of received unconscious attitudes toward sexuality, childhood, bisexuality, homosexuality, love, marriage, morality, the body, intimacy, violence and aggression, crime and asociality, including Freud's early cultural critical papers on bourgeois love and sexual morality. Freud's case histories are now taught more in university humanities classes rather than in departments of psychology or psychiatry. A computer search of Harvard's catalogues for class descriptions mentioning either Freud or psychoanalysis turned up 42 courses -- all of them in the humanities.

Though many of us have had graduate students as analysands, we have also had graduate students who were ready for psychoanalytic training but were ineligible for it because they did not yet have their doctorate. We need to allow, encourage, and help fund the analytic training of talented graduate students with a strong interest in psychoanalysis. The benefit to the American would be that by training nascent academics ready to burst forth with their first publications and teaching we would be investing in decades of psychoanalytic research and teaching careers which will affect thousands of university students and colleagues -- a truly influential multiplier effect for each young academic trained. This initiative is critical in carrying psychoanalysis to academia and in injecting vigor, vitality, and intellectual excitement to our discourse.

The project of introducing psychoanalytic perspectives into the academy has not taken the contours we envisioned 30 years ago. Then the

idea was to introduce a psychoanalytic curriculum into the university. The initial efforts were a superficial interface between the templates of clinical psychoanalysis and the academic fields, with readings from the psychoanalytical canon rigidly applied to the humanities and social sciences. A typical course syllabus would take a piece of psychoanalytic theory, for example, the psychodynamics of guilt elaborated in Freud's "Wrecked by Success," give a clinical case, and then apply the model to a cultural or political figure such as Richard Nixon or Bill Clinton. Contemporary university practice has an academic who is also a fully trained analyst who sees texts, events, configurations, and behaviors, with a psychoanalytical frame of reference as a deeply imbedded matter of course, rather than consciously "applying" clinical models. In the psychoanalytically trained researcher, psychodynamic thinking is integral from the beginning of the research, from the moment the subjectivity of the researcher-teacher initially encounters the source material. Psychoanalytic thinking is blended as a frame of meaning among many others and interpenetrated as the data is prepared for presentation in lecture or publication.

If I may use the example of my current course in 19th-century European history, the psychoanalysis is implicit and imbedded in the framing of the problems, the *Problemstellungen* of the course, rather than explicitly foregrounded. The biographies presented, of leading figures such as Stendhal (Henri Beyle), Charles Darwin, William E. Gladstone, Florence Nightingale, and Joseph Conrad, are psychodynamic because they include factors such as early mother loss, sadomasochistic fantasies, primal scene, homoeroticism, and projective guilt, in the narrative 19th-century cultural context. The recent winter term final examination included the question:

Europe diplomatically and militarily prepared for war from 1879 to 1914, yet her people and her leaders had no idea of where they were headed. Many Europeans spoke of peace and the solidarity of peoples rather than the solidarity of a people. How do you explain this internationalism and the enthusiasm for war in 1914?

The concepts of unconscious fantasies of permanent peace, of repression, of ambivalence and denial, and the emergence in a time of anxiety of an intolerance of ambiguity and of repressed aggressive and competitive motives, are built into the question and were implicit in the course, rather

than theoretically explicated. The class had been through the decision-making of the putatively antimilitarist international Socialist parties and the memoirs of political leaders who did not know how patriotic they in fact were and with what enthusiasm they would greet the war in August, 1914. The students learned how European statesmen and opinion makers talked peace and the impossibility of a war, yet were swept up in tides of nationalism both in the polity, and in themselves, of which they were unaware. Psychoanalytic assumptions are not privileged, but are equal to economic, political, and diplomatic variables in constructing the historical narrative. Psychoanalytical understandings are integrated with historical categories and sensibility rather than externally flashed.

In finance, in politics, and in academia numbers do matter. A natural spin-off of having psychoanalytic thought on campus is the generative influence of psychoanalytic perspectives taught in the classroom. UCLA has research graduates with clinical experience teaching in 10 professional schools and humanities and social science departments. We have at UCLA enough density to be worth a state law. There are now enough psychoanalytic research individuals in the university to help each other out on academic reviews and promotions. For example, I have been called by department chairs to validate the *International Journal of Psychoanalysis* as a respectable refereed journal.

Having psychoanalytic perspectives actively taught on campus is a generative influence demonstrated in publications, clinical referrals, and discourse with thousands of students in seminars and classrooms who would otherwise be inaccessible to psychoanalytic ideas. The support and development of the mission of academic research psychoanalysis is crucial to the future of American psychoanalysis because it is the academic psychoanalyst who is strategically poised to interpret our field to a culture that in various ways has disavowed psychoanalytic discoveries.

At a time when the clinically oriented disciplines have diminished the complexity and the creativity of the human subject through fierce biologism and reductive nosologies, the academic psychoanalyst's training in history, the humanities, the social sciences, and other interpretive disciplines prepares him or her to contextualize the clinical experience of patients in terms larger than those traditionally available through rigid applica-

tions of diagnostic and other clinical categories. Albert Hutter, my psychoanalytically trained literary colleague, has written:

Literature is more than a proving ground for analytic theory, just as psychoanalytic theory is designed to do more than buttress or validate particular positions in literary theory or particular kinds of literary explanation. Most psychoanalytic readings of literary texts, or characters, or biography, as well as a good deal of literary theory which relies upon partial and often unsophisticated (or uninformed) use of clinical material, have left "applied psychoanalysis" with an unfortunate legacy of partial and reductive misreadings. Most of these misreadings -- by analysts and literary critics alike -- occur because two very complex disciplines are used incompletely, without adequate knowledge either of literary history and explication, on the one hand, or of psychoanalytic theory and, more important, its clinical practice, on the other.... the question here is not one of training a "cultured" analyst but of integrating two closely related disciplines that both study words, images, and stories.

Freud conceived of psychoanalysis as a "general psychology" which addresses the culture at large. His vision of psychoanalysis is one that we can still live as psychoanalytic researchers and teachers in the university and make our own:

It can be applied to the history of civilization, to the science of religion and to mythology, no less than to the theory of the neuroses, without doing violence to its essential nature. What it aims at is nothing other than the uncovering of what is unconscious in mental life.

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## **Eli Sagan: Scholar of Aggression and Sociologist**

**Paul H. Elovitz  
Ramapo College and the Psychohistory Forum**

*Eli Sagan was born in 1927 in Summit, New Jersey, and graduated with honors from Harvard University in 1948. He then devoted the next quarter century to a business career in New York City, but never lost interest in the life of the mind. After retiring from business in 1974, he devoted his life to scholarship, eventually publishing the following books: Cannibalism: Human Aggression and Cultural Form (1974), The Lust to Annihilate: A Psychoanalytic Study of Violence in Ancient Greek Society (1979), At the Dawn of Tyranny: The Origins of Individualism, Political Oppression, and the State (1985), Freud, Women, and Morality: The Psychology of Good and Evil (1988), and The Honey and The Hemlock: Democracy and Paranoia in Ancient Athens and Modern America (1991). Currently, he is working on a book on the Reign of Terror during the French Revolution, tentatively called Citizens and Cannibals. In recognition of his intellectual achievements, despite his lack of advanced degrees, Sagan has been on the faculties of Brandeis, the New England Conservatory, the New School, and UCLA. This scholar of aggression was interviewed at Ramapo College on December 6, 2000.*

**Paul H. Elovitz (PHE):** Please tell us about some of your formative experiences?

**Eli Sagan (ES):** I grew up in Summit, New Jersey, which was an overwhelmingly non-Jewish, white middle-class town. I was among only three Jews to graduate from my high school class of 185 people. That was an important part of my life. Both of my parents' parents were born in Russia and came to the U.S. as teenagers. I was the middle of three sons. My mother had no occupation. My father started as a machinist then became a manufacturer of girls' coats. It was a rags-to-riches American story. At Harvard my major was labor economics and my thesis was on the history of the labor movement in America for a 25-year period.

Eventually I took over the business from my father and retired at age 47. My father died in 1975 and my mother in 1979.

**PHE:** Did you receive any psychoanalytic training? Were you in therapy or psychoanalysis?

**ES:** I was in psychoanalysis, lying on the couch, for five days a week for 22 years. I started in Cambridge when I was a junior at Harvard. I first heard about psychoanalysis from a woman who told me about the analysis she was undergoing. The Oedipus conflict hit me like a bolt of lightning -- it made perfect sense. I learned about the unconscious, ambivalence, unconscious conflict, developmental stages, and so forth.

**PHE:** How did your family react to your analysis? In many ways I come from a similar background; my mother and father came to the U.S. as immigrants from Eastern Europe. In my family there were a lot of prejudices about going into psychoanalysis, anything "psycho" was for crazy people or the idle rich; we were neither.

**ES:** My family was not that strong in opposition to analysis. Both my father and mother knew that I was disturbed. They had consulted a psychologist they knew socially when I was about 12 and she said don't give him any therapy. My mother was a believer in psychology, she felt it was the way people had to deal with their problems. I don't know how she came to this conclusion. She was uneducated, born in a *shtetl*.

Later in New York City I switched to an Austrian-born analyst, Otto Isakower. Being in analysis gave me the capacity to leave my father's business. I had a reluctance to do something my father would disapprove of, as I wanted to be close to him, and I also wanted to surpass him. I also maintained an intellectual interest all those years doing serious reading and serious thinking. My closest friends were professors and my analyst was a serious intellectual.

**PHE:** How did your psychoanalysis affect your outlook on society?

**ES:** It did not change my worldview very much. I was always a person with a strong interest in politics, even when I was in eighth grade. I became a left-wing person, although not a Communist. My brother and I spent several weeks one summer at the Communist Party's Jefferson School in New York City taking a course on dialectical materialism. Then we went to a Communist Party camp to check it out, but we didn't like it and we didn't stay very long -- it was too ideological for

us. In college, all my friends were Communist Party members, including Herbert Marcuse's son. They were not serious; they were just playing with revolution. I joined the Harvard Liberal Union, passed out leaflets for the United Electrical Workers, and I worked for Henry Wallace's Presidential bid in 1948. I was interested in changing society for the better. I had a strong concern for the disadvantaged and with the possibility of the nuclear destruction of the world. I remember the day, and where I was standing and where the sun was shining, when I heard we dropped the bomb that killed 100,000 people at Hiroshima. I knew we were in big trouble. All of this predates my time in analysis. When I started to do my intellectual work, I used psychoanalytic theory to understand why we were threatened with self-destruction.

My analysis was strictly personal, discussing my father, my brothers, my mother, *etc.* My psychoanalytic sociology I got from reading, mostly Freud. In my analysis I wasn't any more obsessed with aggression than are most people. I started writing my first book on cannibalism while I was in analysis but there was no conscious connection. I have a deep interest in the concept of aggression but I think that anyone in liberal or radical politics does, too. It's always about aggression.

**PHE:** Yet very few write about aggression while you have written five books about it.

**ES:** Near the end of Freud's *Civilization and Its Discontents*, Freud said that someday, as difficult as it is, someone would bring us a psychopathology of cultural beliefs. That is essentially what I've been doing. Aggression is the cause of psychopathology in society. The problem with talking about aggression is that you have got to have some line to awareness of your own aggressive feelings. If you don't have a connection with the Nazi within yourself you'll never understand Nazism. If you don't understand the cannibal within yourself you will never understand cannibals. People who do not have a sense of their own aggression will never understand the aggression of others. As far as I'm concerned, the psychoanalysts are as repressed on this as anybody.

We're back to where we were when Freud started talking about infantile sexuality in 1905 and there was a big hoo-ha. There have been no advances because people take it as a personal attack on character. That is why the psychoanalytic community has been very anti-Melanie Klein. She talks about rage -- infantile rage -- and betrayal and destruction. For most people aggression is *other*

people's problem. Everything I write says aggression is *our* problem, *my* problem and *your* problem. When people hear you're writing a book on cannibals it's fine so long as you're talking about *those* cannibals. But when they find out you're talking about *us* cannibals, they don't want to have anything to do with it. They don't want to read that racism is our form of cannibalism. Something in my analysis allowed me to face, at least on a pretty conscious level, my primitive aggressive impulses.

**PHE:** I strongly agree with most of what you are saying. It is also interesting that Hitler, a racist of the first order, was flirting with vegetarianism when he was "devouring" Jews, Russians, and millions of other people.

**ES:** Returning to the issues of gender and aggression, I believe that over and over again men cannot deal with the feminist agenda for equality unless they can get in touch with their own aggression towards women.

**PHE:** Agreed. I would also say that they have to come to terms with their own feminine feelings.

**ES:** Yes, but they can't come to terms with their feminine impulses if their reaction is to be aggressive towards women. When feminist ideology first started in the mid-1970s, the two leading theorists were Dorothy Dinnerstein and Nancy Chodorow. I discovered their work very early and then I taught it. Nancy Chodorow became a clinician and has been completely accepted in the psychoanalytic establishment. Her work is cited all the time in the journals. But Nancy Chodorow does not believe in aggression. The first time I had lunch with her she told me there is, from her observation, no anal stage. Dorothy Dinnerstein is completely committed to examining the process of rage and other issues raised by Melanie Klein. Dinnerstein really gives us an avenue into the origins of patriarchy that is connected to men's rageful need to subordinate women. She also recognized that women consented to their own domination, which Chodorow never touched. Consequently, Dinnerstein's *The Mermaid and the Minotaur: Sexual Arrangements and Human Malaise* (1976) was out of print for 10 years. The psychoanalytic establishment never mentions Dinnerstein's work. The problem with Dinnerstein is that she raises problems of rage in a way that they just don't want to hear.

**PHE:** I agree with you. Can you correlate

their ideas at all with their personal histories or personalities? I don't know Chodorow, but I met Dinnerstein in her later years and I've seldom known a more depressed person.

**ES:** When her book first came out she was very reluctant to start her public lectures. So I went with her and was her Bergen County, New Jersey, warm-up band. My wife and I were very close to this remarkable person. She was willing to admit to the things people don't want to admit to, such as their aggressive feelings toward their children. It's pre-oedipal stuff. Mainstream academics and analysts just do not want to talk about rage against the mother. I was once at a lecture with the great Charles Brenner and somebody asked him a pre-oedipal question and he said, "I can't answer that, ask Roiphe and Galenson." It is as if Charles Brenner never had a mother!

If you don't understand aggression then you're not going to understand the psychopathology of society. You're not going to understand welfare, racism, and self-destruction. Much of what goes on in society and politics is self-destruction. Yet there is no psychoanalytic theory of self-destruction, it is as if it doesn't exist. Fortunately, sometimes self-destructive impulses work to our benefit as when Hitler decided to invade Russia when he couldn't conquer England. He wouldn't retreat at Stalingrad so his whole army in Southern Russia was wiped out.

**PHE:** Sometimes self-destruction works against us as well.

**ES:** Of course. Ralph Nader did it. He made Bush President. Nader got 90,000 votes in Florida, because he was on some narcissistic trip. The liberal Left in America has this tendency, every now and then, to commit suicide instead of doing it the way it should be done.

**PHE:** The conservative Right also has that tendency. I remember that when Newt Gingrich resigned, *The New York Times* quoted him as saying that he would not be hostage to four, or five, cannibals in his "Republican Revolution" caucus, who were so ideologically fanatical that they would destroy him and everyone else.

**ES:** Gingrich had it in his hands. For his Republican Revolution to be in business for 50 years, all he had to do was to give to the rich, forget the blacks, cut welfare, and not touch Social Security. But he decided to touch Social Security, which was self-destructive. The radical Right and the radical Left both show signs of self-destruction,

which is an important dimension of paranoia.

**PHE:** Returning to our History and Makers of Psychohistory Research Project questions, how do you define psychohistory?

**ES:** The study of those places where psyche and society come together. To me, psychology is when you are on the couch with your analyst -- but that's not society. Psychohistory is a psychosocial union that tries to examine the psychological motivations that influence history.

**PHE:** What brought you to psychohistory?

**ES:** Politics brought me to history and sociology. I read a great deal of sociology. I was essentially a psychoanalytic sociologist. I have taught Talcott Parsons' psychoanalytic essays. Both Parsons and I had the same analyst so I would see him at the Austin Riggs Institute and in Cambridge.

My own excitement and sense was that psychoanalysis as a theory was about the truth. So I have used psychoanalytic concepts to try to explain what goes on in society, as in ambivalence, which is essentially a psychoanalytic concept. In *Cannibalism: Human Aggression and Cultural Form*, I say that all expressions of social aggression are ambivalent. My proof is that all cannibalistic activities are surrounded by ritual. The ritual is about the ambivalence with the fact that you know you're not supposed to eat people but you do eat people. So you ritualize the eating of people. For me all ritual is about ambivalence. If you're not ambivalent about something then you don't have a ritual. You don't have a ritual about going to the supermarket. You do have a ritual about sex, graduating from college, getting married, and death -- all situations of ambivalence. The ritual comprises a compromise formation to help you deal with this ambivalence.

**PHE:** Turning to your scholarship, of which of your works are you most proud?

**ES:** My finest book is *At the Dawn of Tyranny*, although I have a hunch that my current book is just as good. One was and the other will be a groundbreaking book. My new book is on the French Revolution Reign of Terror of 1793-1794. Its tentative title is *Citizens and Cannibals: The French Revolution, The Struggle for Modernity, and the Origins of Ideological Terror*. It's a study of left-wing ideological terror. It's about why people with great moral insights, like Robespierre and St. Just, who had a moral banner hanging over their heads, end up slaughtering thousands of people.

These people were not gangsters.

**PHE:** They are *true believers* rather than gangsters. True believers are much more dangerous than gangsters.

**ES:** Yes. They are not there to rob a country and take it over. I can't speak about Lenin, but Robespierre was a moral genius -- there is no question about it. If you hear Robespierre on the emancipation of the Jews or on the end of slavery, nobody said it better. On capital punishment, he said it doesn't work: first, it doesn't stop crime; second, it corrupts society; and, third, it's human sacrifice. He is absolutely right. He also knows how sleazy the coming democratic bourgeois society is going to be. Robespierre asks, "Did we go through all of this revolution just to have essentially the kind of democracy that they got in England and Geneva?" He says, "Shall we substitute for the tyranny of birth the tyranny of riches?" He knows you've got to have a welfare system. He knows people are going to have to be paid to hold office if your going to have a true democracy.

**PHE:** You make me want to read your book when it comes out. Please tell us some more about your business career in terms of analogies to your career as a psychohistorian.

**ES:** I learned in business how to be tough and not to be afraid of power. The problem with most intellectuals and 95% of academics is that they are afraid of power. The famous Kissinger statement is that the reason that academic meetings are so aggressive is because the stakes are so small. It's my experience that good liberal people, like Hubert Humphrey, don't know how to relate to power. They give power over themselves to other people, who serve as their surrogates in holding power. André Malraux asked an old priest, "What did you learn from all these years listening to confessions?" The priest replied, "That there are no grown-ups." I thought to myself, What's a grown up? I concluded that a grown-up is a person afraid neither of morality nor of power. I was never afraid of morality. And since my business was incredibly competitive, if I had not asserted my power against the interests of others, I would not have stayed very long in the business.

**PHE:** I have noticed your independence as a psychohistorian. You are quite able and willing to stand apart and alone.

**ES:** Well, I have no PhD, I have no credentials. When I submitted *At the Dawn of Tyranny* to the University of Chicago Press they turned it

down and referred to me as an "uncredentialed academic."

**PHE:** Please tell us about your teaching.

**ES:** I have really only taught in places where I have had a personal invitation. One of my closest friends was the head of the humanities department of the New England Conservatory, teaching literature and sociology. He invited me to teach there, and so for five years I flew up once a week. My other closest friend is a person with a certain amount of renown in the sociological field, who was the chair of sociology at Berkeley. After I had written the *Tyranny* book he invited me out to Berkeley. That was the best teaching I ever did, the most productive. I lived out there one semester a year for five years. It was absolutely marvelous teaching to graduate students there and I am still friendly with some of these former students. That's where I started teaching psychoanalytic feminist thought: Freud, women, and society. Then it became too much for me and my wife, who teaches in Englewood, New Jersey, and didn't come to California. My editor sent my *Tyranny* book to the economist Robert Heilbroner, who was very excited about the ideas in it. We had lunch, and I told him I was looking for a place to teach. He said, "Why don't you teach at the New School?" I said, "Why don't you ask me?" So he spoke to the dean and then they asked me to teach as part of the graduate faculty. I did that for eight years. The teaching there was only fair. There was not much interest in my ideas within the sociology department, feminist studies, liberal studies, or even among the psychoanalytically inclined faculty. Then I got an invitation to go to Brandeis from Shula Reinharz, the chair of Women's Studies. Today her husband is the president of Brandeis. There I taught graduate students psychoanalytic feminist thought for eight years, ending two years ago. I don't think I want to teach anymore. But, in all modesty, I was a great teacher and people knew that.

**PHE:** Your style for giving presentations has been very authoritative. I find your ideas interesting and worth engaging. You give a lot of material that's worth agreeing or disagreeing with.

**ES:** Lecturing is not my teaching style -- I have never given a lecture course yet. I only teach seminars -- maximum 22 people around the table, take-home readings, and lots of interchange. The best compliment I got was when a student of Alan Dundes said to me, "You teach frightening material in a non-frightening way." I love to make a lot

of jokes. I tell stories about my children and that helps because the material is scary to people not committed to it.

**PHE:** How many children do you have?

**ES:** We have four children. Three girls and one boy, in that order. Two of them are into good works, one is a poet, and the other is an architect in Vermont. They are wonderful and they have all been in therapy. It's all a question of aggression. I remember my five-year-old daughter announcing to me, "I hate you!" If I had said that to my parents, I would not be alive today. My analysis taught me that you don't take those things literally. You've got to be imaginative to reach your own unconscious feelings, and therefore you don't take them literally. For that moment she hated me, but overall she did not.

**PHE:** How do you see psychohistory developing in the next decade?

**ES:** I don't see any radical changes. My one criticism is that there is not enough sociology -- enough sociological theory -- in the work. You see, I am an evolutionary sociologist. I believe in social development in stages and the stages are extremely important. But the developmental stages you can get to only by studying history and sociology, you can't get to them through Lloyd deMause's childrearing stages, although there is a connection. For one thing, there's Revolutionary France and modern analogies. De Tocqueville has a marvelous insight regarding the Terror established by the Convention, which has left us with a terrible legacy of the *politics of the impossible*. Robespierre, Lenin, and Stalin were into the politics of the impossible. It acts as if you can skip a developmental stage -- as if you can go from the *ancien régime* to a Republic of Virtue in one generation. It's utopianism. Deep down they know it is impossible. Then they consciously discover it's impossible and feel betrayed by their own ideal. They start killing people in response.

Marx knew that change depends on an evolutionary notion. During 1848 and the beginnings of the Paris Commune in 1870 he said, Cut the stuff about the socialist revolution, first we have to have a bourgeois society. The argument was between the Mensheviks and the Bolsheviks. The Mensheviks were a Marxist revolutionary party just as were the Bolsheviks. They said there has to be a bourgeois society before a socialist stage. Lenin said, No, we can skip that stage. So I believe that stages in evolutionary theory are enor-

mously important.

I don't hear in psychohistory the question of what pushes society from one stage to the next. Marx faced that problem, too, but he gave it a non-psychohistorical answer, a totally materialist answer: the means of production, *etc.* At one point Engels said that ultimately the whole thing is driven by greed. I don't agree with that. In my forthcoming book I present a long complicated argument that in Revolutionary France ideological terror resulted from the failure of the French society to achieve a stable position in the modern stage of society -- bourgeois, democratic, capitalist, and nationalist society. They couldn't do it and neither could the Russians. But it seems to me that you don't understand that unless you believe that modernity is a stage in the evolution of society. The problem in our society is that we have to go beyond modernity. Our society is so ambivalent about going beyond that bourgeois, democratic, capitalist, and nationalist modern stage that it can't move.

**PHE:** To what do you want to go beyond modernity?

**ES:** A real sense of nurturing and equality within society. The welfare state took us part of the way but this richest country in the history of the world still tolerates 20% of the people living below the poverty level. It's unimaginable; we can't seem to figure out what to do about that. To go beyond modernity is to say that we won't tolerate that anymore, but I don't see that happening. We have to control the capitalists, not eliminate them, but control them. (You also cannot have a stable, democratic society unless you control the generals and armies.) We don't have society in control because capitalists still essentially control the society.

**PHE:** What is the importance of childhood to psychohistory?

**ES:** Childrearing is enormously important. I taught a course at Brandeis on the history of childrearing from 1550 to 1950. One sees that stable democratic societies like England, America, and eventually France, are the ones who lead the way in the changes in childrearing from brutal primitive childrearing to a more democratic childrearing. We will only go beyond the modern stage of human development when we have better childrearing. Today we can't get there because money has become unbelievably important in society. My wife tells me that her students are suffering from

this focus on money and the ways to make it. There is something wrong with childrearing if children have to use that defense. Unfortunately, we still have to look for the changes in childrearing: a more democratic, empathetic, approach to socializing the new generation. The promise of the 1960s and 1970s was not fulfilled. Lloyd deMause's advanced psychoclass seems to have shrunk instead of growing larger in the last 20 years.

**PHE:** I am more optimistic than you are on this issue, but I also think that Lloyd's "helping mode" parenting takes a good idea too far. As someone who has done child analysis, I think it borders on utopianism, at least as far as it is applied by most parents I have encountered.

**ES:** We have seen tremendous moral revolutions in the past -- the Reformation and the changes from early modern society to modern society, including democracy and women's rights. We cannot assume that we have come to the end of revolutions. The 1960s really pointed us toward a revolution, but society's decision-makers seem to have been able to co-opt sexual liberation, a certain amount of equality for women, homosexuals on TV, and a large black middle class without yet making the real revolution. Again, my basic theoretical notion is that the development of the psyche is the paradigm for the development of the culture and society. When changes are part of the psyche we have made great progress.

It seems to me that one way of describing this society is that we're a well-functioning, reasonably healthy, late adolescent society. If you are like a late adolescent -- aggressive, well organized, and not caring about anybody else -- you are a phenomenal success in this society. But what follows late adolescence? Ultimately, nurturing. You are supposed to leave late adolescence and have nurturing relations with a spouse and then with children. So maybe developments are pointing in that direction. Certainly, there are indications of this. But, for me, evolutionary theory is very helpful. The time in history when a moral revolution is on the agenda but the people will not do it, is a time of great disorder and great despair. I think that's where we are now. There is a great quote from the Roman historian Livy where he says, "We have reached the stage where we can stand neither our vices nor their cure." If that doesn't describe America, I don't know what does! We can't stand such things as child abuse and homelessness, but we will not institute their cure. Pre-consciously we know we must do something, but we deny it con-

sciously. This society is enormously ambivalent about implementing moral change.

Why do we change? What propels evolutionary movement? What is the engine of history? What is pushing society to a more and more nurturing, more and more democratic and egalitarian childrearing? Those are the great questions and I don't think many people are prepared to give intelligent answers to them.

**PHE:** Regarding change, I have a problem when teaching Lloyd's theory of the changing modes of childrearing in my Western Civilization course. Students are assigned his wonderful essay, "Evolution of Childhood" (1974), but then I have trouble getting them to acknowledge the psychogenic theory. They read and re-read it. They are quizzed on it. But they cannot absorb it. The level of denial just amazes me; it is as if they are not influenced by the essay beyond being repelled by the abusive childrearing.

**ES:** Well, it's probably too abstract and too theoretical for them. When I teach this kind of thing, I find it works very well to describe how my father and mother were raised, how they raised me, how I raised my children, and how my children are raising their children. The change is revolutionary. My father would no more change a diaper or push a baby carriage then he would jump off the Empire State Building. You don't have to go back to the 15th century to find abusive childrearing. You could even assign them the task of asking their parents how they raised their children differently than they were raised. That might open their eyes -- to see the enormous changes within three generations. Regarding changes affecting women, one does not have to go to ancient times. In my wife's generation there are vast differences since the era she grew up. Somebody should write an essay suitable for classroom use on the changes in childrearing within bourgeois American society within the last three or four generations.

**PHE:** We transformed society, yet we don't know where it's going and we are not sure we want to go forward because of the uncertainty involved. In terms of last fall's Presidential election, we elected a candidate who clearly was whacked around (George W. Bush) to one who apparently was not struck by his parents.

**ES:** It is my guess that Gore was whacked around psychologically. I knew his parents very well. His mother, who is still alive, was a very intrusive, domineering person. That is why he looks

like someone is standing there looking over his shoulder. People didn't want change and Al Gore wasn't telling us what he thought.

**PHE:** How do you explain the growth of fundamentalism?

**ES:** That's a chapter in my new book on the French Revolutionary Terror, called "The Great Promise and Great Anxiety of Modernity." Modernity increases anxiety at a quantum level because it demands that we give up certain defenses. We can no longer huddle under the power of an omnipotent king nor under the power of a dogmatic religion. Giving equality to women is scaring "the shit out of everybody." We also have to give equality to the so-called "inferior people": poor people and black people. We are witnessing the greatest breakdown of the kinship system ever: people are on their own. In our society if you fall in the gutter nobody picks you up. Tom Paine has a marvelous passage in which he says nobody starves to death in the country, somebody takes care of them; only in the city do they starve to death. The city is modernity personified. Dostoyevsky tells how when you walk on the Nevsky Prospect in St. Petersburg at night you pass 8,000 people and you don't know one person. Human beings are not meant to live like that, but the modern world says that's the way we live.

Modernity increases anxiety. Fundamentalism is a defense against anxiety. All fundamentalists turn back modernity and its advances: women are back in the kitchen and homosexuals are put away because we don't want to see them anymore. Daniel Bell had this great insight back in 1978 when he predicted what would happen, in the essay, "The Return of the Sacred?"

Part Three of my book is called, "Modernity Psychosis." I came to that title when my daughter called me about two incidents in Israel. Jewish fundamentalists drew swastikas on the doors of a reform temple and they firebombed a daycare center because boys and girls were going to be taught together. When my daughter asked me for an explanation, I said it's "modernity psychosis." The ultra orthodox were willing to live as a righteous minority in a gentile world for 2,000 years, but to live in a society with Jews who in their eyes are not Jewish is driving them crazy. With Islamic fundamentalists, the first thing they do when they get into power is to degrade women. Equality of women is one of the great gifts of modernity. Modernity is driving the fundamentalists crazy! [Sagan lifted his hands in despair and

sighed.]

**PHE:** My next question is about the psychodynamics of violence and terrorism in our world.

**ES:** Social regressions always increase the level of violence in society. De Tocqueville brilliantly comments, "We can never again see this society of Henry IV or Louis XIV." The patriarchal king is out. "We will either have democracy or we will put all the power in the hands of one man and we will see things our fathers never saw." It's a prediction of fascism that is unbelievable. When society decides to regress it does not regress back to the nice patriarchal, authoritative rule of Louis XIV, it goes into fascism where ideological terror and the level of violence enormously increase. My guess is that the same thing happens with people.

Modernity sets this march forward on the agenda and some people embrace it, going on to create stable democratic societies. Other people say, "The horror, the horror, I am not going there and I am going to kill as many people as possible so that I don't go there." That's why we get these great contradictions. How are we going to remember the 20th century? As the Holocaust and Hiroshima? Or as the greatest advance for women, for minorities and sexual liberation, since primitive society? The truth is that both good and evil will be remembered. Modernity is a double gift.

**PHE:** What books were important to you?

**ES:** E.R. Dodds' *The Greeks and the Irrational* is a great book using psychoanalytic theory to understand Greek society. Sir James George Frazer's *Golden Bough* was enormously important. I read everything of Freud's at one point. The feminists, Chodorow and Dinnerstein, were very important to me. Emile Durkheim and Max Weber, especially the latter's *The Protestant Ethic and the Spirit of Capitalism*, were quite important to me. Talcott Parsons has an essay on the father where he says that if a boy has to deal only with his father, he can't make it. But in society there can be many "fathers." Society invents the notion of fatherhood and the boy realizes that he could also be a father. Rather than be trapped between himself and his father, an unwinnable war, the boy can relate to other fathers in society. So working with symbolic fathers allows the son to work out his problems, helping with his liberation. To me this is a very broadening, important way to think about how society itself can make people healthy.

Erich Fromm's *Escape from Freedom* is a terrific book on the ambivalence of modernity. How modernity both sets us free and drives us crazy simultaneously. Lloyd deMause's work was also important to me. Alan Dundes' book on anality and the Germans, *Life Is Like a Chicken Coop Ladder: A Portrait of German Culture Through Folklore* (1984), is one of the best books on psychohistory that I know of. He has recently written a book on untouchability in India that is very powerful, *Two Tales of Crow and Sparrow: A Freudian Folkloristic Essay on Caste and Untouchability* (1997). He talks about how in India everything that comes out of the body is contaminated and certain people's job is to clean up the contaminated stuff. He was turned down by about 15 university presses -- nobody would publish it. On the one hand the psychoanalysts ignore it and on the other hand the psychohistorians don't read it.

**PHE:** Did Erik Erikson have any impact on you?

**ES:** Very little. He, too, was very afraid of aggression. Erikson writes a book about Luther in a society in which the devil is called "shit" and where his hero has his biggest insight sitting on the can. Erikson never talked once of anal aggression in the whole book.

**PHE:** Any final comments?

**ES:** Lloyd deMause has done path-breaking work in a number of areas. He is the only person I know who realized that the anti-masturbatory psychosis of the 19th century directed at the children, was unconsciously aimed at the writers themselves. That's how the psyche works: projection comes first and then you take it into yourself. That's why real psychohistory is not just the study of Hitler's psyche.

Omnipotent fantasies is something that goes on within societies. Max Weber says that the greatest danger to kingship is when it loses a war. The greatest danger to a democracy is when it wins a war: its own fantasies of omnipotence carry it away.

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## Book Reviews

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### Keynes: The Man and the Economist

**Robert Collins**  
University of Missouri-Columbia

*Review of David Felix, Keynes: A Critical Life. Westport, Conn.: Greenwood Press, 1999. ISBN 0313288275, xvii, 322 pp, \$69.50.*

Among the mixed blessings available to scholars and assorted kibitzers at the recent turn of the century was the opportunity to try to figure out who really mattered in the past one hundred years. The economist John Maynard Keynes (1883-1946) showed up on many such lists. In this first-rate, brief biography, David Felix tells us how this son of the English bourgeoisie came to be a world-historical figure.

Not unexpectedly, both nature and nurture contributed to the making of the man. Keynes's genetic endowment was impressive: his father was a Cambridge University don -- a fair economist and a very good administrator -- and his mother would in the 1930s become the first female mayor of Cambridge. Equally important, his parents gave Maynard and his two siblings a strikingly secure home environment in which to grow up. As a result, Keynes emerged from his childhood with what Felix calls "the willed certainty of a nature formed in childhood." (p. xvi) Aside from a certain self-consciousness about his physical appearance, Keynes seemed at ease with himself in the way that children secure in the love of their parents so often do.

Well-situated at birth, Keynes received the sort of education designed to push him further along the fast track of the English class system. His schooling was broad and demanding: at age 10 he was studying French, Latin prose, Greek, Euclid, quadratics, and Milton's "Samson Agonistes." He excelled at Eton and won a scholarship to King's College, Cambridge, where he first concentrated on mathematics. That difficult science was not his forte, however, and as a postgraduate he discovered the work of Alfred Marshall and W. Stanley Jevons and drifted into the field of economics. In 1905, he wrote to his friend Lytton Strachey, "I find economics increasingly satisfac-

tory, and I think I am rather good at it." (p. 55) Marshall, one of the founders of the neoclassical, marginalist school of microeconomics, agreed with Keynes's self-assessment. Still, Keynes refused to specialize prematurely, and the next year took the national civil service examination, finishing second among 104 candidates. His prize was a clerkship in the India Office.

Embarked on a career at age 23, Keynes would from this point forward make his life, in Felix's words, "a fusion of thought and action." (p. 59) At the India Office, the young bureaucrat labored from 11:00 a.m. for five hours a day plus two hours on Saturday. Despite the appearance of indolence, he managed to do the work that eventuated in his definitive study (and first published book), *Indian Currency and Finance* (1913). Marshall shortly arranged for Keynes to return to Cambridge as a lecturer in economics and, soon thereafter in 1911, to take over the editorship of the prestigious *Economic Journal*. By 1913 Keynes was secretary of the Royal Economic Society and a powerful force in his chosen discipline. With the onset of World War I, he held a series of posts in the Treasury, as government officials came to recognize his unusual ability and capacity for hard work. "Keynes's usefulness was his chosen cross," writes Felix. "Trained in compulsion, he sought overwork." (p. 82)

In the personal realm, Keynes' life was in these years dominated by his romantic homosexuality and by his affiliation with the crowd of unconventional artists and intellectuals known as the Bloomsbury group. His first homosexual encounter had taken place at Eton, with Dilly Knox, later a renowned cryptographer; the young painter Duncan Grant thereafter dominated center stage as Keynes's great love. But Keynes proved as compulsive in play as he was in work -- for roughly a decade he kept score in a written tabulation of his homosexual encounters and two lists of his gay partners. His sexual pairings ran the gamut from friends and lovers to his students and casual pickups from the streets. His rather promiscuous homosexuality fit perfectly with the mores of the Bloomsbury group, but Felix notes insightfully that no matter how unconventional his love life, Keynes was always set apart from his Bloomsbury friends by his strong sense of responsibility to his society and nation, a sense of responsibility rather more sternly demanding than their devotion to themselves and their friendship, and to art.

It was that larger view of the world and his

place in it that allowed Keynes to play to an increasingly larger audience, and to gain influence, wealth, and power by doing so. His book excoriating the folly of the peacemakers at Versailles, *Economic Consequences of the Peace* (1919), gained him an international reputation in the immediate postwar period, and by the mid-1920s Keynes was a wealthy man, primarily as a result of his investments. He was also, in the years after the war, re-fashioning himself both personally and professionally.

After the war, Keynes somehow regained his interest in women. Felix attributes the shift to heterosexuality in large part to the influence of a warm friendship with Vanessa Stephen Bell, the sister of Virginia Woolf. Whatever the cause, Keynes acted on his rechanneled inclinations when in the early 1920s he fell in love with Lydia Lopokova, a principal dancer with the Ballets Russes who frequently performed with the legendary Vaslav Nijinsky. They married in 1925 and settled into what Felix describes as an exceedingly rewarding and supportive union.

At about the same time, Keynes began a professional redefinition, slowly moving away from the neoclassical economics of the marginalists in his approach to a number of policy issues. He completed that professional transit with the publication in 1936 of *The General Theory of Employment, Interest and Money*, which provided a theoretical rationale for the trajectory of his applied economics. Although Felix dismisses the "theory" advanced in *The General Theory* as "totally wrong -- total nonsense" (p. 249), he recognizes that Keynes had at last provided an intellectual foundation for "the great thesis of his ultimate economic thinking, the new economic responsibility of government." (p. 150) In this sense, the Keynesian model was an idea somewhat overdue, but the fact that the world was, in effect, ready for what Keynes had to say heightened his revolutionary impact. In the convergence of man, idea, and historical moment, Keynes attained genuine historical greatness. In the years that followed -- what Felix felicitously labels Keynes' "afterlife" -- the economist enjoyed honors aplenty and achieved further triumphs, helping to fashion the post-World War II Bretton Woods regime that governed the world economy in the critical postwar decades. But he labored under the shadow of a massive heart attack suffered in 1937, and died abed on Easter Sunday, 1946.

Felix unfolds his biographical narrative in a

straightforward manner. He is thoroughly conversant with the primary sources on Keynes' life and with the historical and intellectual contexts against which that life should be viewed. Moreover, he writes in a stately prose style that one sees increasingly less often nowadays; the writing is elegant, precise but never precious, with turns of phrase that linger in the mind. But, in the end, what sets this biography apart from a rather crowded field of such studies is the author's determination to examine his subject unblinkingly, yet with a humane generosity of spirit that takes the reader into that special realm where common sense approaches wisdom.

It is this latter quality that allows us to appreciate the many contradictions, small and large, of John Maynard Keynes: he was rude but loyal, both generous and miserly, an anti-Semite and a philo-Semite, a promiscuous fisher of handsome young lads turned happily married husband, a bohemian who ended up in the House of Lords, a mistaken theorist who revolutionized his discipline. Felix gives us a Keynes who was at once profoundly human and unquestionably historically great. A Keynes who defies some of the author's attempts to explain him. In the end, the economist's conflicted sexuality remains mysterious in its convolutions; the causes of his homosexuality and subsequent embrace of, or retreat to, heterosexuality seem to this reviewer to have run deeper than Felix's subtle analysis allows. But surely it is unfair to hold any author responsible for not getting to the bottom of that conundrum.

It is, after all, precisely Felix's fair-mindedness and his relentlessly searching approach to biographical and historical matters that distinguish this volume. One senses that biographers will soon be compelled to treat Milton Friedman, who dominated the political economy of the last third of the 20th century much like Keynes did the middle third, to a similar level of scrutiny. The Nobel Prize-winning economist from Chicago should start hoping now that he will be as well served by his biographers as Keynes is in this study.

*Robert Collins, PhD, teaches modern United States history at the University of Missouri-Columbia. He specializes in public policy and political economy. His most recent book is More: The Politics of Economic Growth in Postwar America (2000). Professor Collins may be contacted at <CollinsR@missouri.edu>. □*

## A Self-Psychological Approach to O'Neill

Andrew Brink

Psychohistory Forum Research Associate

*Review of Maria T. Miliora, Narcissism, the Family, and Madness: A Self-Psychological Study of Eugene O'Neill and His Plays. New York: Peter Lang, 2000. ISBN 0820448702, pp. x + 175, \$51.95.*

Art is most useful to society when it reveals shared conflicts and fantasies, that is, when it discloses relational truths otherwise indistinct. (Or so it was held until post-modernism called in question our ability to know anything certain about an artist's intentionality or construction of meaning.) The dramatist Eugene O'Neill was a master of making his "psychoclass" see and feel the painfully distorting relationships in families suffering from addictions and abusive parenting. O'Neill had a special ability to dramatize Freud's Oedipus Complex, drawing from his own experience of enmeshment with mother and rivalry with father. From as early as *Recklessness* (1913) to the masterpieces such as *Long Day's Journey Into Night* (first draft 1940) O'Neill affirmed Freud's central thesis about the development of sexuality. Whether or not by systematic reading of Freud, O'Neill seized upon this central theme, assisted by analytic treatments he had with Smith Eli Jelliffe from 1921 to 1926 and with Gilbert V. Hamilton thereafter for marital strife, drinking, and depression.

O'Neill's biographers and critics have turned from Freudian to post-Freudian theory. The most sensitive and insightful psychobiography is Stephen Black's *Beyond Mourning and Tragedy* (reviewed in **Clio's Psyche**, Vol. 7, No. 1, June, 2000, pp. 41-43). Black uses a loss-repair theory of O'Neill's creative endeavor, relating the plays to well-documented traumatic events in the playwright's early life and narrating his struggles with alcohol and women. Maria T. Miliora's *Narcissism, the Family, and Madness* does much the same, and her findings reinforce Black's. The difference is that she presents more formally the theory from which inferences are made, that of Heinz Kohut on the narcissistic personality. (As is well known, Kohut's developmental theory is an important bridge between drive theory and object rela-

tions theory, devised by Melanie Klein, Ronald Fairbairn, Donald Winnicott, and others in Britain and Harry Stack Sullivan in the United States. While affirming the importance of real-life relational influences, Kohut's formulation does not forsake Freud's as does the more radical empiricism of John Bowlby.) Miliora's book has a brisk, clinical feel about it and may be read as much as a "Self-Psychology" primer as a study of O'Neill's dramatic art. While readers will be grateful for her systematic ways, they may miss the biographical flow of Black's writing.

Miliora's discussion of how O'Neill's plays illuminate the addictive personality is especially strong, and her remarks on his search for a secure home and family are welcome additions. She is also good on the intergenerational transmission of pathology, but the analysis of O'Neill's probable Jocasta mothering takes us no further than Black's. As is well known, O'Neill's realization of his mother's addiction to morphine, beginning at his birth, permanently upset their relations. But what accounts for anguished oedipal desire if not early sexual over-stimulation? We will never know, and probably mother and son did not fully know, what happened between them. Thus Kohut's broad account of narcissistic pathology is appropriate for discussing O'Neill and his plays. The fine-tuning of an attachment theory analysis of mother and child is simply impossible since the psychobiographers of famous people are unlikely ever to have Adult Attachment Interview results to work with. Miliora's is as thorough an application of Kohut's theory to the production of great art as will be found. Kohut himself had seen the congruence of theory and art writing: "that O'Neill glued the 'fragments of his broken self' via the 'creation of works of art'" (p. 150). But each new formulation of psychodynamic theory risks terminological overloading and premature closure of its boundaries. Readers of Miliora's study will find much insight while risking "jargon fatigue." In the longer run Kohut's contributions will work their way smoothly into the critical possibilities which Miliora has opened so well.

*Andrew Brink, PhD, is primarily a literary scholar who spent most of his career at McMaster University in Hamilton, Ontario, Canada; headed the Humanities and Psychoanalytic Thought Programme (now the Psychoanalytic Thought Programme) at the University of Toronto; and at the present devotes himself to scholarship on a full-time basis. He is a noted scholar of creativity*

who helped edit the literary papers of Bertrand Russell. Dr. Brink is also a historian of the New Netherland settlements and is completing a book titled *Invading Paradise: Esopus Settlers at War with Natives, 1659-1663*. □

## The Sociability and Leadership of Presidents

Herbert Barry III  
University of Pittsburgh

Review of Fred I. Greenstein, *The Presidential Difference: Leadership Style from FDR to Clinton*. New York: The Free Press, 2000. Hardcover: ISBN 0684827336, v + 282 pp., \$25.00.

Fred I. Greenstein is Professor of Politics at Princeton University and a former President of the International Society of Political Psychology (ISPP). His prior books include *The Hidden-Hand Presidency: Eisenhower as Leader* (1982), *The Reagan Presidency: An Early Appraisal* (1983), and *Leadership in the Modern Presidency* (1988). Though Greenstein is not a psychohistorian, *The Presidential Difference* contains biographical information and a classification of Presidential performance useful to psychohistorians.

This volume consists mostly of brief chapters, only 13-19 pages each, on the 11 most recent Presidents of the United States prior to George W. Bush. Each chapter contains a brief account of each President's background, followed by a description and discussion of his Presidential performance. Six attributes of each President's performance are evaluated: public communication, organizational capacity, political skill, vision, cognitive style, and emotional intelligence.

A short opening chapter includes an account of the author's contacts with Presidents Ford, Carter, and Clinton. A brief final chapter summarizes the comparisons among the Presidents in the six attributes of performance. In public communication, Roosevelt, Kennedy, Reagan, and Clinton were best. In organizational capacity, Eisenhower was strongest and Roosevelt weakest. In terms of political skill, Johnson was strongest, while in terms of vision, Eisenhower, Nixon, and Reagan were most outstanding. In cognitive style, Eisenhower and Nixon were strongest, and Truman and Reagan were weakest. In emotional intelligence, Eisenhower, Ford, and Bush were judged most rational by Greenstein, while Johnson, Nixon, Carter,

and Clinton were considered to be the most emotionally handicapped.

The first three attributes of Presidential performance -- public communication, organizational capacity, and political skill -- are measures of social interactions. The personality development of a future President is a major influence on his social interactions, which in turn significantly shape his responses to group fantasy. A conspicuous feature of this book is poll information on Presidential job approval, located in each biographical chapter as well as summarized in the last chapter and at the end of the Appendix. Though some people deplore the increasing influence of public opinion polls, this reviewer has suggested that polls provide a rapid, effective, and beneficial mechanism for group governance. ("National Group Governance in Presidential Elections: Fact and Fantasy," Joan Offerman-Zuckerberg, ed., *Politics and Psychology: Contemporary Psychodynamic Perspectives*, 1991, pp. 23-41)

The last three attributes of Presidential performance -- vision, cognitive style, and emotional intelligence -- are measures of leadership. A valid psychohistorical question is whether governmental policy is influenced more by the strength or weakness of Presidential leadership or by the demands of concurrent group fantasy. Greenstein certainly believes that FDR's leadership had an important influence on the history of the United States.

The biography of each President is brief but selects well the principal information pertinent to the six attributes of performance. The book is fairly current, having been published just before the end of Clinton's Presidency. An updated, revised paperback edition is scheduled for September of this year. Additional merits of this book are an appendix of detailed information about each of the 11 Presidents and his administration, notes on sources of the information, and comments on relevant books.

Herbert Barry III, PhD, has published on Presidents of the United States since 1979 and is Co-Director of the Psychohistory Forum's Research Group on the Childhood, Personality,

### Halpern Award

The Psychohistory Forum has granted a **Sidney Halpern Award** to Bob Lentz, Founding Associate Editor of *Clio's Psyche*, for Outstanding Work in Psychohistorical Editing.

and Psychology of Presidents and Presidential Candidates. He may be contacted at <barryh@pitt.edu>. □

## Abram de Swaan: Using Sociology, History, and Psychoanalysis

Vivian Rosenberg  
Drexel University

*Abram de Swaan is Chairman of the Amsterdam School for Social Science Research and holds the Chair of Sociology at the University of Amsterdam. He studied psychoanalysis at the Netherlands Institute for Psychoanalysis and practiced as a psychotherapist from 1973 to 1984. He headed a research project of social scientists and psychiatrists and has published a series of studies on subjects at the intersection of psychoanalysis and sociology. After the publication of In Care of the State: Health Care, Education, and Welfare in Europe and the USA in the Modern Era (1988) and The Management of Normality: Critical Essays in Health and Welfare (1990), de Swaan began a sociological study of transnational society, especially the prospects of transnational social policy and the emergent world language system. His book, Words of the World: The Global Language System, will be published this year. Vivian Rosenberg conducted the interview in Amsterdam in September, 2000, and May, 2001. Professor de Swaan may be contacted at <deswaan@pscw.uva.nl>.*

**Vivian Rosenberg (VR):** Can we start with some information about your background?

**Abram de Swaan (ADS):** I'm not so comfortable with this. It can lead to linking a person's ideas in a reductionist way to just a few details about his childhood.

**VR:** Would you be willing to provide just a framework? We won't dwell on this.

**ADS:** I was born in 1942, during the war. My father was a businessman; my mother was not employed outside the home, but she was very active in the community.

**VR:** I know you are Jewish, but did your family identify strongly as Jews -- or were you more or less assimilated?

**ADS:** We were not practicing Jews, not in any way religious. But that was irrelevant. We were Jewish -- and others identified us as Jewish --

and this changed our lives.

**VR:** Were you one of the "hidden children" in Holland?

**ADS:** Yes. I was sent to live with a family in the countryside.

**VR:** Do you have any siblings?

**ADS:** One sister, four years younger, born after the war.

**VR:** Are your parents still alive?

**ADS:** My father died when I was 15. My mother died just four years ago, when I was 53. She was very independent -- a strong personality. I remember that during my teen years she was involved with the feminist movement and with groups protesting the Vietnam war, and, until her death, she continued to be active with political and community groups.

**VR:** Since your father died when you were so young, would you say that your mother had more of an influence on you than he did?

**ADS:** No, not at all. I still think about my father, and I'm absolutely sure that if he were alive today, he would be delighted with what I have accomplished and what I am doing.

**VR:** Looking over your *curriculum vitae*, I see that you followed your mother's lead and became something of an activist yourself.

**ADS:** Yes. From 1963 to 1965, while I was working for my degree at the University of Amsterdam, I was an editor of a controversial student weekly and an outspoken critic of academic and party politics. Then, in 1967 and 1968, when I was at Berkeley, I, too, was part of the "Berserkely" scene, enormously involved in Vietnam protests. My weekly spoken letters describing the tensions during those years were broadcast in the Netherlands.

**VR:** It seems to me you that your academic work, too, has been shaped by sensitivity to the suffering in the world.

**ADS:** Well, I had a desire to study the world in a scientific, more objective way.

**VR:** But as I read your work, I could see that you have not simply an intellectual, or academic, interest --but also a strong commitment to social betterment and social change.

**ADS:** Yes, of course: that's why one studies the world!

**VR:** I don't think every researcher feels

that way.

**ADS:** Then it's no good. [laughter]

**VR:** Aside from your parents, were there other people who you might say changed your life or who at least influenced the way you viewed the world?

**ADS:** Oh, yes. While I was working on my PhD in political science, I was awarded a Harkness Fellowship and worked at Yale and Berkeley from 1966 to 1968. At Yale, Robert Dahl, Karl Deutsch, and Charles Lindblom all made a huge impression on me. In fact, one interchange completely changed my view.

**VR:** Can you say a few words about that?

**ADS:** Yes -- I had written my master's thesis on rational choice theory. Charles Lindblom had a very different view of decision-making; he was an "incrementalist." His idea was that change is incremental, remedial, that it takes place within a framework of mutual adjustments. In the space of 10 minutes of dialogue in a class, he challenged what he called my "synoptic" worldview -- my belief in all-encompassing systems. He believed people will not even bother to tackle something until there is an immediate problem and then they will remedy and try to repair it. He never believed in grand designs. He viewed change as incremental. And his ideas were so persuasive that I became much more skeptical about rational choice theory. But I still use it, in an eclectic manner, as a productive metaphor.

**VR:** Did you have other significant mentors?

**ADS:** At Berkeley, I would mention Sheldon Wolin; also, Hanna Fenichel Pitkin, the daughter of Otto Fenichel. You should read her book, *Wittgenstein and Justice* (1972).

**VR:** At Berkeley and Yale you were working in political science. But when you returned to the Netherlands, while still completing your dissertation, you began to study psychoanalysis at the Netherlands Institute for Psychoanalysis, and then you practiced as a psychotherapist from 1973 to 1984. How did you get into that?

**ADS:** While I was working on mathematical political science at Yale, I increasingly had the feeling that while this was very interesting, it kept me far removed from how people really function. I had the idea that if Stendhal, the French novelist, who I thought was a most perceptive "psychologist," would be alive today, I would want

to be his secretary. When I found out he was not alive [laughter], I decided that the next best people to learn from might be psychoanalysts. After I returned to Amsterdam, I went into psychoanalysis myself. That led me to learning analysis and I was admitted to the psychoanalytic institute.

**VR:** How did this affect your work?

**ADS:** I continued to work on what was a technical, mathematical dissertation, but at the same time I became more interested in specific environments. I wanted to observe and study real encounters. I got a commission to study a cancer ward, and this was very different from technical and mathematical research.

**VR:** Do you think you could have done the kind of work and research you did in the cancer ward without your own psychoanalysis and your immersion in psychoanalytic theory?

**ADS:** I find that hard to say.

**VR:** I suppose you were probably always something of a people-watcher.

**ADS:** Yes, and I'd have to say the psychoanalytic background certainly helped. I became a little more tolerant of human variety, a little less frightened of people's emotional reactions. It didn't open my eyes in any dramatic way; I knew, of course, that people were jealous or angry or scared -- these are pervasive emotions. But I gradually learned to be more accepting of such emotions in myself and in others.

**VR:** Do you think psychoanalysis made you a more empathic person?

**ADS:** [laughter] Yes, but it's something that you have to learn to turn on and off. I would certainly say that it helped me with my relationships with colleagues. I was a founder of the graduate school for social science. I managed to keep it all together despite the fact that I think I was the youngest in the group. One reason I could do that was that I had learned in group therapy that if someone flies into a rage -- so what? Especially the Dutch, much more than the Americans, are terribly struck when someone gets angry. But I didn't take it personally. I had learned in group therapy not to react immediately to other people's defensive or aggressive outbursts. I was able to observe it and let it play out and see what happened.

**VR:** This immersion in the psychoanalytic world -- did it change your vision of the world?

**ADS:** Yes. This is an education. It gives you more of a feel for the emotional quality of hu-

man experience. There is always another layer behind what is happening -- ambivalence, ambiguity. You're not surprised when you see that. Also, psychoanalysis encourages introspection -- and I increasingly got the idea that this is a great treasure for a sociologist, for where else can you find vice, if not from introspection? Maybe I was lucky to have a bad character -- because this helps me understand others. [laughter] But to be serious for a moment, the psychoanalytic background taught me to take a more factual view of emotions.

**VR:** What do you mean by "factual"?

**ADS:** When I see that I am jealous or angry or frightened -- or that others are -- I can accept this as normal. I don't see these feelings as shameful. They are normal, human. This was the heritage of psychoanalysis. I take this approach when I observe and study real human encounters.

**VR:** Can you explain how that approach plays out, for instance, in your research?

**ADS:** I'm thinking about the French photographer, Andre Bresson. He photographed artists in their studios. Many of them were working with naked women in their studios -- by the way, very beautiful naked women. But there is no sexual excitement. Totally detached. The interest is in line and shadow -- not the figure as an erotic object. That, of course, is the aesthetic "glance." You look at the formal properties. There is very much an analogy in the psychotherapeutic encounter. Let's say a patient is describing her latest sexual adventures. The patient may be ashamed or embarrassed, and the therapist observes this and may think how clever she was or how well she did this or he may try to figure out why she did such an outrageous thing or why she is so ashamed -- but that is not the exciting quality; the exciting quality is somewhere else. Here there is the equivalent of the phenomenologist's "epoche": the suspension of acting upon desires; the suspension of emotions and of judgment and the concentration on observation. This is what happens in the psychotherapeutic setting and in the kind of research I did, for instance, in the cancer ward as I observed cancer patients and the people who took care of them.

**VR:** I particularly resonated to the essays in your book, *The Management of Normality*. You did work on the history of the family, jealousy, and agoraphobia, relating these to changing historical and cultural contexts. Considering these interests of yours, would you call yourself a psychohistorian?

**ADS:** I call myself a sociologist.

**VR:** Are you a sociologist doing psychohistory? Many psychohistorians emphasize that emotions drive history, but what you seem to be stressing is that we need to remember that history drives emotions; in other words, that our emotions are shaped by historical /sociological contexts. It's a two-way street, isn't it?

**ADS:** Yes. Emotional experience and emotional expression are shaped by culture as it exists in a specific time and place. I like the work of Peter Stearns because he sees this so clearly. You know, I have been very influenced by Norbert Elias. He called his major work *The Civilizing Process: Sociogenetic and Psychogenetic Investigations*. Those of us who call ourselves students of Norbert Elias think that the psychological and sociological are inseparable. You cannot talk about people as if they have no inner life, and you cannot talk about society as if it is not shaped through constant interaction among people.

**VR:** Aside from Elias' work, can you name other books that were important to you?

**ADS:** Nico Frijda has been very important for my recent work. I've also drawn on the work of Harold Lasswell, Howard Stein, Vamik Volkan, Johan Goudsblom, and Thomas Haskell.

**VR:** Can you identify specific psychoanalytic tools you apply in your research?

**ADS:** Concepts like transference, countertransference, identification, projection, and fantasies -- I believe that all these are particularly important for anyone analyzing human interactions.

**VR:** Many readers of *Clio's Psyche* would be interested in your assessment of the role of psychoanalysis in the Netherlands today.

**ADS:** I'd say that what is happening here is quite similar to what is going on in the U.S. It's very unusual today for people to go into traditional analysis, unless of course they aspire to become psychoanalysts themselves. It's so expensive, and legislation is not so generous. Also, there is now more skepticism, even among the *cognoscenti*, about the efficacy of a "talking cure." Therapists are more eclectic today, and many advocate therapy plus medication. Also, the different therapies -- rational emotive, behavioral, gestalt, family -- they are all coming out of their separate corners to see what they can do together. Psychoanalysts are part of this scene, of course, but they no longer dominate it. Nor do they insist that theirs is the

## Volkan Honored

In honor of the retirement of **Vamik Volkan** and the work of the Center he created, the University of Virginia Center for the Study of Mind and Human Interaction (CSMHI) conducted a major conference entitled "Identity, Mourning and Psychopolitical Processes" on May 25-26. The featured presentations and discussions were on the human processes that lead to ethnic tension, conflict resolution, and the healing process. The speakers came from several disciplines -- psychoanalysis, psychiatry, psychology, political science, history, and anthropology -- and hail from the U.S and abroad. **Peter Loewenberg** of UCLA presented "The Psychodynamics of a Creative Institution: The Bauhaus, Weimar, Dessau, Berlin, 1919-1933" and **Howard Stein** of the University of Oklahoma Health Sciences Center, "Mourning and Society: A Study in the History and Philosophy of Science."

Volkan, who will retire later this year after 38 years on the University of Virginia staff, is currently the director of the CSMHI and a former president of the International Society of Political Psychology (ISPP). Volkan founded CSMHI in 1987 as an interdisciplinary center to specialize in conflict resolution and peace work, primarily in Eastern Europe and subsequently the newly independent countries from the former Soviet Union. He has developed theories for caring for severely traumatized populations in the wake of ethnic tension. "At the Center, we study preventive medicine for ethnic issues. In that sense, the Center is very unique," Volkan said. "When large groups are in conflict, people die, they become refugees, they lose homes and their loved ones, and so they have to mourn. Without mourning, they cannot adjust. Ethnic identity is related to mourning. When people do not mourn, their identity is different." The Center is on the forefront of studies in large-group dynamics and applies a growing theoretical and field-proven base of knowledge of issues such as ethnic tension, racism, national identity, terrorism, societal trauma, leader-follower relationships and other aspects of national and international conflict.

For further information on Dr. Volkan and the Center for the Study of Mind and Human Interaction, visit the Web site, <<http://hsc.virginia.edu/csmhi/>>.

only acceptable therapeutic approach. Still, I have no doubt that the insights of Freud and other psychoanalysts are invaluable for an understanding of individuals and societies. Freudian concepts of transference and counter-transference are absolutely germane to any research in sociology and anthropology. However, psychoanalysts have often been ahistorical and asociological. Like Elias, I, too, believe that it is essential to consider the sociological and historical contexts of human behavior.

**VR:** Your most recent work is on the globalization of language. How did you get into that?

**ADS:** It is a spin-off of something I dealt with in my book *In Care of the State*. I became interested in the dynamics of language groups. So I did what I have done before: I went into a new field about which I knew very little, and posed some obvious questions, but I could combine the answers with what I knew from more familiar disciplines such as psychoanalysis and the social sciences.

**VR:** Now that your book on language is finished, what are you going to do next?

**ADS:** I want to get back to what I did in my 1995 article on "Widening Circles of Identification: Emotional Concerns in Sociogenetic Perspective." I want to explore the processes of identification and "disidentification" and see how these are related to the civilizing process.

**VR:** When you work with Elias' material, do you see yourself as continuing his work, or amending or improving it?

**ADS:** Right now, I see myself in almost a head-on collision. I think Elias has never come to terms with the genocide of the Jews and the things he wrote on that topic are not satisfactory -- but then that's the most difficult topic one could possibly deal with.

**VR:** Perhaps one of the problems is that he did his major work when there was a great deal of optimism. We have now come to a time of pessimism, at least partly because we see too many pockets of "decivilization."

**ADS:** I think Elias saw Nazi Germany as a society where the direction of the civilizing process was actually reversed with "the breakdown of civilization" as the final result. But I'm afraid that isn't the whole story. I feel that one cannot understand the Soviet Union or Nazi Germany as "decivilized" societies. They were very well man-

aged societies, and in many areas of life were very "civilized" -- but they were destructive. That is why I use the word *dyscivilized* -- as in *dysfunctional*. There is a problem in Elias' work he couldn't resolve; his own tragedies as a refugee colored his analysis. It is imperative today that we understand not only the civilizing process, but also why some societies are or become dysfunctional and dyscivilized.

**VR:** Many researchers today seem to be saying that divisions between disciplines are not only artificial, but also misleading.

**ADS:** That is very much the way I look at it. Many of the subjects I have been interested in are at the intersection of sociology, psychoanalysis, and history. I take a very strongly relational view of human nature. We are never alone, least of all when we are alone. We maintain, constantly, an inner dialogue with other people, people fantasized, people remembered. I have a very learned colleague, an anthropologist, who defends the idea of the primacy and the autonomy of fantasy. Yes, fantasies can get the better of people. Still, I am hesitant. I feel that there is always a material underpinning to those fantasies. Inner and real dialogues take place in specific cultural and historical frameworks. To understand individuals and societies, we need to draw on sociology, psychoanalysis, and history.

*Vivian Rosenberg has a PhD in the history of ideas and is Professor of Humanities at Drexel University. In 1995, she received the William L. Langer award for the best article published in The Psychohistory Review from 1992-1995. She also received the International Psychohistorical Association's Evelyn Bauer Award in 1993. Her current research interest is the history of the idea of empathy. She may be contacted at <VRosenberg@drexel.edu>. □*

## Bulletin Board

**PSYCHOHISTORY FORUM WORK-IN-PROGRESS SATURDAY SEMINARS:** On **September 15, 2001**, **Michael Britton** (Psychologist in Private Practice), **Paul Felder** (Architect), and **Carol Freund** (Psychotherapist) will present "Freud, Architecture, & Urban Planning." On **November 10**, the Forum is planning a panel session of artistic and creative psychoanalysts discussing the nature and process of creativity, in conjunction with the National Association for the Advancement of Psychoanalysis (NAAP).

**CONFERENCES:** **H. John Rogers** and **Michael Isaacs** presented on April 28 in Manhattan at the Psychohistory Forum session, "Psychoanalysis, Psychology, and the Law." "Psychoanalysis Across The Disciplines," will be held on November 9-11, 2001, at Rutgers University in New Brunswick, New Jersey. It is sponsored by the Association for the Psychoanalysis of Culture and Society (APCS) and the Center for the Critical Analysis of Contemporary Culture. **Ralph Colp** spent April 26 in Malvera, England, as one of a number of Darwin biographers who wrote on the great naturalist's grief at the death of his daughter on its 150th anniversary. Colp's article, "Insufferable Grief," appeared in *Free Associations*. **PRESENTATIONS:** **Ellen Mendel** was a keynote speaker at the National Association for the Advancement of Psychoanalysis April 28 conference, "Resistance Revisited: Current Trends in Individual and Group Treatment," held at the Fashion Institute of Technology. On April 19 in Santa Fe, New Mexico, **Lee Shneidman**, accompanied by his wife Connalee, presented the paper, "The Morales Affair: Prelude to Disaster," at the Society of the Study of Spanish and Portuguese Historical Studies. **CONGRATULATIONS:** **Mary Coleman** was honored for her work on autism at a conference in Siena Italy. She also gave two lectures on May 1 at Ramapo College with her honorarium being used to set up an Award for the Furtherance of Peace and Nonviolence. Her husband, **Jay Gonen**, was nominated for a Gradiva Award in Psychohistory by the National Association for the Advancement of Psychoanalysis for his *The Roots of Nazi Psychology*. **J. Donald Hughes** on the completion of his book, *An Environmental History of the World: Humankind's Changing Role in the Community of Life*, which is scheduled for publication later in the year. The author recently spent a week in Florence at the European University Institute. **Jerry Kroth** on the publication of *Psychology Underground: From Politically Correct Orthodoxies to a New Century of Inquiry*. The paperback price is \$29.95 and the ISBN is 1788016881. **Peter Loewenberg** has been named Chair of the Education Committee and Director of the Training School of the Southern California Psychoanalytic

**Next Psychohistory Forum Meeting  
Saturday, September 15, 2001  
Britton, Felder, and Freund  
"Freud, Architecture, and  
Urban Planning"**

Institute (SCPI). **David Lotto's** Irma's Dream paper was accepted for publication in the Journal of the American Psychoanalytic Association. **Maria Miliora** on her book, *Narcissism, the Family, and Madness: A Self-Psychological Study of Eugene O'Neill and His Plays* (see review, page 41). **Rita Ransohoff's** *Fear and Envy: Why Men Have Needed to Control and Dominate Women* will be released in paperback on October 1, 2001. Amazon.com's price is \$12.95 and the ISBN is 1891305646. Portions of this book based on cross-cultural research have been presented at Psychohistory Forum meetings. **RESEARCH NOTES: Andrew Brink** has been making good progress on his book on colonial New Netherland. He strongly recommends psychologist Bruce K. Alexander on "The Roots of Addiction in Free Market Society" which can be found at <[www.policyalternatives.ca](http://www.policyalternatives.ca)>. Margo Kren, George Kren's widow, says she is doing well. She reports that the diaries of Dr. Edmund Bloch, George's grandfather who treated Hitler's mother for breast cancer, have been translated into English and are awaiting publication. Our Special Issue on Psychogeography (Vol. 7, No. 4, March, 2001) caught the attention of Marcus Lynch of Psychogeography Publications in Southampton, United Kingdom. Their Web site, <[www.psychogeography.co.uk](http://www.psychogeography.co.uk)>, indicates that

they do not share our concept of psychogeography, but it is interesting to see the dissemination of the term. **TRAVEL: Flora Hogman** spent two-and-one-half weeks in May bicycling in Japan and the **Beisels** are currently vacationing in Tuscany. **RE-CUPERATION:** Our best to **Herbert Barry** on his recovery from surgery. **CONDOLENCES:** To **Pam Hughes** on the death of her mother. **OUR THANKS:** To our members and subscribers for the support that makes **Clio's Psyche** possible. To Benefactors Herbert Barry III, Andrew Brink, Ralph Colp, and Mary Lambert; Patrons Mary Coleman/Jay Gonen, Peter Petschauer, and H. John Rogers; Sustaining Member Mel Kalfus; Supporting Members David Beisel, Rudolph Binion, John Hartman, Peter Loewenberg, and Jacques Szaluta, and Members Harry Keyishian, Maria Miliora, Richard Morrock, Nannette Sachs, Hanna Turken, and George Victor. Our thanks for thought-provoking materials to David Bakan, Herbert Barry III, Stephen H. Behnke, Leonard Bloom, Joy Bossevain, Andrew Brink, Kirsten Campbell, Robert Collins, Harriet I. Landau, Peter Loewenberg, Denis O'Keefe, Dominic J. Potts, H. John Rogers, Vivian Rosenberg, Nannette Sachs, Eli

### Call for Papers

## The Psychology of Crime, Punishment, and Incarceration

Special Theme Issue  
September, 2001

Some possible approaches include:

- Emotion in the courtroom
- Jury psychology
- Children and women in prison
- Immigrants and the INS
- The crime of punishment
- Comparative international studies
- Case studies
- Crime and punishment on TV
- How cameras change the courtroom dynamics

500-1500 words, due July 10

Contact Paul Elovitz, Editor  
<[pelovitz@aol.com](mailto:pelovitz@aol.com)>

### Call for Papers

## Psychobiography Special Theme Issue December, 2001

Some possible approaches include:

- Original psychobiographical sketches
- Reviews / essay reviews of psychobiographies by others
- Interviews of distinguished psychobiographers (e.g., Elms, George, Mack, Solomon, Strouse, Tucker)
- Developments in psychobiography in the last 15 years
- Issues in doing psychobiography:
  - personality, pathology, and creativity
  - the use of empathy
  - evidence and interpretation, reconstruction, and reductionism
  - countertransference
  - assessing childhood's influence
  - interpreting dreams
  - assessing living individuals
  - alternative approaches

500-1500 words, due October 10

Contact Bob Lentz, Associate Editor  
<[boblentz@cliospsyche.com](mailto:boblentz@cliospsyche.com)>

Sagan, Elyn R. Saks, Abram de Swaan, George Victor, and William Douglas Woody. To Richard Ranaudo for doing the rough transcription of the interview of Eli Sagan as well as to Rebecca Elwood, Anna Lentz, and Darlenson Roldan for proof-reading. □

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### **Volkan Honored**

In honor of the retirement of Vamik Volkan and the work of the Center he created, the University of Virginia Center for the Study of Mind and Human Interaction (CSMHI) conducted a major conference entitled "Identity, Mourning and Psychopolitical Processes" on May 25-26. The featured presentations and discussions were on the human processes that lead to ethnic tension, conflict resolution, and the healing process. The speakers came from several disciplines -- psychoanalysis, psychiatry, psychology, political science, history, and anthropology -- and hail from the U.S and abroad, and included Peter Loewenberg of UCLA and Howard Stein of the University of Oklahoma Health Sciences Center.

Volkan, who will retire later this year after 38 years on the University of Virginia staff, is currently the director of the CSMHI and a former president of the International Society of Political Psychology (ISPP). Volkan founded CSMHI in 1987 as an interdisciplinary center to specialize in conflict resolution and peace work, primarily in Eastern Europe and subsequently the newly independent countries from the former Soviet Union. He has developed theories for caring for severely traumatized populations in the wake of ethnic tension. "At the Center, we study preventive medicine for ethnic issues. In that sense, the Center is very unique," Volkan said. "When large groups are in conflict, people die, they become refugees, they lose homes and their loved ones, and so they have to mourn. Without mourning, they cannot adjust. Ethnic identity is related to mourning. When people do not mourn, their identity is different." The Center is on the forefront of studies in large-group dynamics and applies a growing theoretical and field-proven base of knowledge of issues such as ethnic tension, racism, national identity, terrorism, societal trauma, leader-follower relationships and other aspects of national and international conflict. □

**Saturday, November 10, 2001  
Psychohistory Forum Meeting  
Psychoanalysts Confront the  
Creative Process**





























**Call for Papers**  
**Psychological Uses of Law**  
**Special Theme Issue**  
**June, 2001**

Possible approaches:

- The diffusion of law into every aspect of life (i.e., "the legalization of life")
- Emotional uses of law (e.g., legal expression of anger, law as intimidation)
- Jury psychology
- Law as a system of gridlock
- Insanity and the law
- Dysfunctional family courts
- Legal rights of children
- The law and individual freedom
- Humor in the law and lawyer jokes

500-1500 words, due April 10

Contact Paul Elovitz, <pelovitz@aol.com>

**Call for Participants**  
**Role of Law in Society**

**Psychohistory Forum Seminar**  
**Saturday, January 27, 2001, NYC**

Seeking participants with a legal background  
and a strong psychodynamic interest.

\*\*\*\*\*

**Call for Papers**  
**Crime and Punishment**

**Special Theme Issue**  
**September, 2001**

500-1500 words, due July 10

Contact Paul Elovitz, <pelovitz@aol.com>

## The Psychology of Conspiracy Theories

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See Calls for Papers  
on pages 164 & 165:

**PsychoGeography**  
**Psychobiography of Ralph Nader**  
**Psychological Uses of Law**  
**Crime and Punishment**

### Call for Papers PsychoGeography

Special Theme Issue  
March, 2001

"PsychoGeography is the study of human projections upon geographic space and the psychic interaction between people and geography" (Elovitz). It investigates "how issues, experiences, and processes that result from growing up in a male or female body become symbolized and played out in the wider social and natural worlds" (Stein and Niederland).

Some possible approaches:

- The gender of geography (e.g., "motherlands" and "fatherlands")
- Psychogeography of rivers, islands, mountains, etc.
- Borders and borderland symbolism
- Cities, states, and countries as symbols of grandiosity, growth/decay, etc. (e.g., Las Vegas, Florida, California, and Washington, DC)
- Lightness and darkness, day and night
- Travel and exploration
- Illness, hospitals and hospices, and death

500-1500 words, due January 15

Contact Paul Elovitz, <pelovitz@aol.com>

### The Makers-of-Psychohistory Research Project

To write the history of psychohistory, the Forum is interviewing the founders of our field to create a record of their challenges and accomplishments. It welcomes participants who will help identify, interview, and publish accounts of the founding of psychohistory. Contact Paul H. Elovitz, <pelovitz@aol.com>.

**Call for Nominations  
Halpern Award  
for the  
Best Psychohistorical Idea  
in a  
Book, Article, or Internet Site**  
Contact Paul H. Elovitz, <pelovitz@aol.com>.

## **Group Psychohistory Symposium**

## **Presidential Election 2000**

**There are no negatives in the  
unconscious.**

**Next Psychohistory Forum Meeting  
Saturday, January 27, 2001  
Jay Gonen, Mary Coleman, et al  
"Role of Law in Society"**

## **Call for Papers Psychobiography of Ralph Nader**

**Special Theme  
March, 2001**

**Possible approaches:**

- **Psychodynamics and childhood**
- **Nader's appeal to intellectuals and Independents; his campaign style**
- **His pro-Arab stance**
- **The Psychology of Disillusionment**

**500-1500 words, due January 15**

**Contact Paul Elovitz, <pelovitz@aol.com>**







**Next Psychohistory Forum Meeting**  
**Saturday, September 15, 2001**  
**Britton, Felder, and Freund**  
**"Freud, Architecture, and Urban Planning"**

**Next Psychohistory Forum Meeting**  
**Saturday, March 31, 2001**  
**David Lotto**  
**"Freud's Struggle With Misogyny: An Exploration of Homosexuality and Guilt in the Dream of Irma's Injection"**

**September 10, 2001**  
**Forum Meeting**  
**Confront the**  
**Process**

**Call for Papers**  
**Psychology and Law**  
**Special Theme Issue**  
**June, 2001**

**Call for Papers**  
**Crime, Punishment, and Incarceration**

**Special Theme Issue**  
**September, 2001**

**500-1500 words, due July 10**

**Contact Paul Elovitz, <pelovitz@aol.com>**

Possible approaches:

- The diffusion of law into every aspect of life (i.e., "the legalization of life")
- Emotional uses of law (e.g., legal expression of anger, law as intimidation)
- Jury psychology
- Law as a system of gridlock
- Insanity and the law
- Dysfunctional family courts
- Legal rights of children
- The law and individual freedom
- Humor in the law and lawyer jokes

**500-1500 words, due April 10**

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**Call for Nominations**  
**Halpern Award**  
**for the**  
**Best Psychohistorical Idea**  
**in a**  
**Book, Article, or**  
**Internet Site**

**Contact Paul Elovitz, <pelovitz@aol.com>**

### **Call for CORST Grant Applications**

The Committee on Research and Special Training (CORST) of the American Psychoanalytic Association announces an American Psychoanalytic Foundation research training grant of \$10,000 for CORST candidates (full-time academic scholar-teachers) who have been accepted or are currently in training in an American Psychoanalytic Association Institute. The purpose of the grant is to help defray the costs of psychoanalytic training. Payments will be made over three years of training in installments of \$3500, \$3500, and \$3000 directly to the candidate.

The application is: a) A brief statement of 1000 words about the research proposed, b) A letter from a scholar in the field (e.g., department chair, colleague, or dissertation advisor) attesting to the validity and significance of the research, c) A letter of endorsement by the Education Director of the institute certifying the candidate is in, or has been accepted for, full clinical psychoanalytic training at an institute of the American Psychoanalytic Association, and d) An up-to-date Curriculum Vitae.

**Applications are to be submitted in three (3) copies by April 1, 2001, to Professor Paul Schwaber, 258 Bradley Street, New Haven, CT 06511.**

***The Best of Clio's Psyche***

This 93-page collection of many of the best and most popular articles from 1994 to the September, 1999, issue is available for \$20 a copy.

It will be distributed free to Members renewing at the Supporting level and above as well as Subscribers upon their next two-year renewal.

**Call for Papers**  
**Our Litigious Society**  
**Special Theme Issue**  
**March, 2001**

**Possible approaches:**

- **Psychodynamics**

**Contact Paul Elovitz, Editor**  
**<pelovitz@aol.com>**

## Clio's Psyche of the Psychohistory Forum

### Call for Papers

- Violence in American Life and Mass Murder as Disguised Suicide
- The Future of Psychoanalysis in the Third Millennium (June, 2000)
- Assessing Apocalypticism and Millennialism Around the Year 2000
- PsychoGeography
- Election 2000: Psychobiographies of Bradley, Bush, Gore, McCain, Buchanan, et al
- The Psychology of Incarceration and Crime
- Legalizing Life: Our Litigious Society
- Psychobiography
- Manias and Depressions in Economics and Society
- The Role of the Participant Observer in Psychohistory
- Psychohistorical Perspectives on Loneliness
- The Truth and Reconciliation Commission as a Model for Healing
- The Processes of Peacemaking and Peacekeeping
- The Psychology of America as the World's Policeman
- Entertainment News
- Elian Gonzales Between Two Worlds
- Television, Radio, and Media as Object Relations in a Lonely World
- Kevorkian's Fascination with Assisted Suicide, Death, Dying, and Martyrdom
- The Psychobiography and Myth of Alan Greenspan: The Atlas Who Has Not Yet Shrugged

Many of these subjects will become special issues. Articles should be from 600-1500 words with a biography of the author. Electronic submissions are welcome on these and other topics. **For details, contact Paul H. Elvoitz, PhD, at <pelovitz@aol.com> or (201) 891-7486.**

### Call for CORST Grant Applications

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## Clio's Psyche of the Psychohistory Forum

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- Psychobiography
- Manias and Depressions in Economics and Society
- The Truth and Reconciliation Commission as a Model for Healing
- The Processes of Peacemaking and Peacekeeping
- The Psychology of America as the World's Policeman
- Entertainment News

**Next Psychohistory Forum Meeting**  
**Michael Britton**  
**"Countertransference:  
 Royal Road Into the Psychology  
 of the Cold War"**

**Saturday, September 23, 2000**

**Contact Paul Elovitz, Editor**  
**See page 51**

- Television, Radio, and Media as Object Relations in a Lonely

### Call for Papers

## The Psychohistory of Conspiracy Theories

Special Theme Issue  
 December, 2000

#### Possible approaches:

- Psychodynamics and childhood roots of conspiracy theories
- Case studies of conspiracy theories in American history
- Survey of the psychohistorical and psychological literature on conspiracy theories
- Film and television treatment of conspiracy theories

**Contact Bob Lentz, Associate Editor**  
**<boblentz@cliospsyche.com>**

## The Best of Clio's Psyche

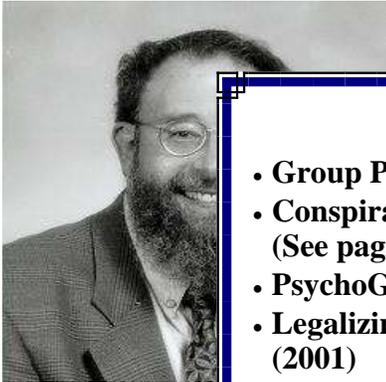
This 93-page collection of many of the best and most popular articles from 1994 to the September, 1999, issue is available for \$20 a copy.

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Contact the Editor (see page three).

**Clio's  
 Psyche**  
 Now on

## Letter to the Editor



**Howard F. Stein**

(Editor's Note:  
We welcome  
scanned pic-

## Dreamwork Resources

The **Historical Dreamwork Method** is available to help the biographer better understand the dreams of the subject and other aspects of psychobiography. **Clio's Psyche** welcomes papers on historical dreamwork for publication and for presentation at Psychohistory Forum meetings. Contact Paul H. Elovitz (see page 51).

## Call for Papers

- Group Psychohistory (December, 2000)
- Conspiracy Theories (December, 2000)  
(See page 100)
- PsychoGeography (March, 2001)
- Legalizing Life: Our Litigious Society (2001)
- The Psychology of Incarceration and Crime (2001)
- Television as Object Relations

Contact Paul Elovitz, Editor  
See page 51

## Book Reviews

**Life: Our Litigious Society**  
Contact the Editor (see page 3)

## Letters to the Editor

## Nader, Political Nightmares, and Leaders' Morality

## Editorial Policies

## Invitation to Join

Join the Psychohistory Forum as a Research Associate to be on the cutting edge of the development of new psychosocial knowledge. For information, e-mail Paul H. Elovitz, PhD, Director, at <pelovitz@aol.com> or call him at (201) 891-7486.

Call for Papers on  
**The Psychology of Incarceration and Crime**  
Contact the Editor (see page 3)

Psychohistorians probe the "Why" of  
culture, current events, history, and  
society.

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• **Letters to the Editor**

## The History of Psychohistory

**Clio's Psyche's** interviews of outstanding psychohistorians (see "An American in Amsterdam: Arthur Mitzman," page 146) have grown into a full-fledged study of the pioneers and history of our field. Psychohistory as an organized field is less than 25 years old, so most of the innovators are available to tell their stories and give their insights. Last March, the Forum formally launched the **Makers of the Psychohistorical Paradigm Research Project** to systematically gather material to write the history of psychohistory. We welcome memoirs, letters, and manuscripts as well as volunteers to help with the interviewing. People interested in participating should write, call, or e-mail Paul H. Elovitz (see page 119).

## Awards and Honors

### Award

The Psychohistory Forum has granted a **Sidney Halpern Award** of \$300 to Bob Lentz, Founding Associate Editor of **Clio's Psyche**, for Outstanding Work in Psychohistorical Editing.

**CORST Essay Prize** • Professor Janice M. Coco, Art History, University of California-Davis, winner of the First Annual American Psychoanalytic Association Committee on Research and Special Training (CORST) \$1,000 essay prize, will present her paper, "Exploring the Frontier from the Inside Out in John Sloan's Nude Studies," at a free public lecture at 12 noon, Saturday, December 20, Jade Room, Waldorf-Astoria Hotel, New York City.

### Sidney Halpern Award for the Best Psychohistorical

**Idea** • The Psychohistory Forum is granting an award of \$200 to Michael Hirohama of San Francisco for starting and maintaining the Psychohistory electronic mailing list (see page 98).

### Next Psychohistory Forum Meeting

Saturday, January 30, 1999  
Charles Strozier

### THE MAKERS OF PSYCHOHISTORY RESEARCH PROJECT

To write the history of psychohistory, the Forum is interviewing the founders of our field to create a record of their challenges and accomplishments. It welcomes participants who

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### Call for Papers Special Theme Issues 1999 and 2000

- The Relationship of Academia, Psychohistory, and Psychoanalysis (March, 1999)
- The Psychology of Legalizing Life [What is this???)
- Psychogeography
- Meeting the Millenium

### Call for Nominations

#### Halpern Award

for the

#### Best Psychohistorical Idea in a

#### Book, Article, or Computer Site

This Award may be granted at the level of Distinguished Scholar, Graduate, or Undergraduate.

Contact Paul H. Elovitz, Editor -- see p.

### Free Subscription

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### THE MAKERS OF PSYCHOHISTORY RESEARCH PROJECT

The Psychohistory Forum is pleased to announce

## The Young Psychohistorian 1998/99 Membership Awards

**John Fanton** recently received his medical degree and is doing his five year residency in Providence, Rhode Island. Currently, he is at the Children's Hospital, Women and Infants Hospital, and the Butler Psychiatric Hospital. His goal is to become a child maltreatment expert working in the area of Preventive Psychiatry. At the IPA in 1997 he won the Lorenz Award for his paper on improving parenting in Colorado.

**Albert Schmidt** is a doctoral candidate in modern European history at Brandeis University who plans to defend his dissertation in April when his advisor, Rudolph Binion, will return from Europe for the occasion. Rather than do a biography of SS General Reinhard Heydrich as originally intended, he is writing on the German protectorate of Bohemia and Moravia under Heydrich's dominance. In the last four years this talented young scholar has been awarded nine fellowships, grants, or scholarships.

### Dreamwork Resources

The **Historical Dreamwork Method** is available to help the biographer better understand the dreams of the subject and other aspects of psychobiography. **Clio's Psyche** welcomes papers on historical dreamwork for publication and for presentation at Psychohistory Forum meetings. Contact Paul H. Elovitz (see page 43).

☆☆☆

### Call for Nominations

#### Halpern Award for the Best Psychohistorical Idea in a Book, Article, or Computer Site

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There are no negatives in the unconscious.

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Contact the Editor (see page 51).

Letters to the Editor

### Call for Papers

#### Special Theme Issues 1999 and 2000

- The Relationship of Academia, Psychohistory, and Psychoanalysis (March, 1999)
- Our Litigious Society
- PsychoGeography
- Meeting the Millennium
- Manias and Depressions in Economics and Society

Contact the Editor at

### Next Psychohistory Forum Meeting

Saturday, October 2, 1999

Charles Strozier

"Putting the Psychoanalyst on the Couch: A Biography of Heinz Kohut"

Letters to the Editor on  
Clinton-Lewinsky-Starr

## Book Review Essay

### Next Psychohistory Forum Meeting

Saturday, January 30, 1999

Charles Strozier

"Putting the Psychoanalyst on the Couch: A Biography of Heinz Kohut"

## Call for Nominations for the

### Best of Clio's Psyche

By July 1 please list your favorite articles, interviews, and Special Issues (no

## Clio's Psyche of the Psychohistory Forum

### Call for Papers

- Violence in American Life and Mass Murder as Disguised Suicide
- Assessing Apocalypticism and Millennialism around the Year 2000
- PsychoGeography
- Election 2000
- Psychobiography
- Manias and Depressions in Economics and Society
- The Psychology of Incarceration and Crime

## Call for Nominations for the

### Best of Clio's Psyche

By July 1, please list your favorite articles, interviews, and Special Issues (no more than three in each category) and send the information to the Editor (see page 3) for the August publication.

- Legalizing Life: Our Litigious Society
- The Truth and Reconciliation Commission as a Model for Healing
- The Processes of Peacemaking and Peacekeeping
- The Psychology of America as the World's

## Clio's Psyche of the Psychohistory Forum

### Call for Papers

- Future of Psychohistory and Psychoanalysis in the Light of the Demise of the Psychohistory

## The Best of Clio's Psyche

The Psychohistory Forum is pleased to announce the creation of The Best of Clio's Psyche.

This 94-page collection of many of the best and most popular articles from 1994 to the current issue is available for \$20 a copy and to students using it in a course for \$12.

It will be distributed free to Members at the Supporting level and above as well as Two-Year Subscribers upon their next renewal.

## Call for Nominations

### Forthcoming in the June Issue

- Interview with a Distinguished Featured Psychohistorian
- "The Insane Author of the *Oxford English Dictionary*"
- "Jews in Europe After World War II"
- "A Psychohistorian's Mother and Her Legacy"

## Hayman Fellowships

The University of California Interdisciplinary Psychoanalytic Consortium announces two \$5,000 annual fellowships to aid psychoanalytically informed research on the literary, cultural, and humanistic expressions of genocide, racism, ethnocentrism, nationalism, inter-ethnic violence, and the Holocaust.

The

## The History of Psychohistory

Clio's Psyche's interviews of outstanding psychohistorians (see "An American in Amsterdam: Arthur Mitzman," page 146) have grown into a full-fledged study of the pioneers and history of our field. Psychohistory as an organized field is less than 25 years old, so most of the innovators are available to tell their stories and give their insights. Last March, the Forum