BOOK REVIEWS

THE CITIZEN'S GUIDE TO URBAN RENEWAL (REVISED EDITION). BY CARL G. LINDBLOOM AND MORTON FARRAH. West Trenton, N. J.: Chandler-Davis Publishing Company, 1968. Pp. 3,191. $1.95.

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Most people find it rather difficult to pick up a book on urban renewal these days without keeping the fixed and reliable preconceptions spinning at full tilt. So much of the recent literature, constructive and otherwise, has been negative. Renewal has been blasted from the Left —"Urban renewal is negro removal"—and bombarded from the Right in such blunt hatchet pieces as Martin Anderson's *The Federal Bulldozer*. In fact, in some circles the verb to renew has become a synonym for the verb to destroy.

The Citizen's Guide To Urban Renewal, appearing in 1968 as a revised edition, is not exactly the freshest thing in print, nor is it particularly reflective of the dour attitudes of renewal's detractors. It is slightly off-beat in other ways as well. For one thing, the names of the original authors (Van Huyck and Hornung) have been all but effaced, and two new writers (Lindbloom and Farrah) will get the credit and the blame for the publication. One cannot help but wonder: was this fast change accomplished to allow the original cast a chance to star in another, brighter production? Or did the veterans decide to cut their ties to the piece while the cutting was good?

Whatever the answer, the replacements come on strong with sparkling lines. ("During the past six years that fruit has ripened and while it may be bitter for a few cities, the heralded success of the large programs in the New Havens and Hartfords (Connecticut), and the unheralded success of the small programs in the Mt. Hollys and Millvilles (New Jersey), holds forth a bright promise for the future of our urban areas." [1]) One has the impression overall, however, that they might be big in Millville, but they would surely bomb in Newark.

The *Guide* is a book for laymen, whatever that means. It is surely not intended as a set of instructions for HUD officials engaged in renewal administration, nor for the executive director of the local redevelopment authority staff. It might be useful to a member of the board of such an authority if he used it as an easy-to-grasp reference resource. However, should he choose to read it from cover to cover, as,

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[1] C. LINDBLOOM & M. FARRAH, THE CITIZEN'S GUIDE TO URBAN RENEWAL 7 (1968) [hereinafter cited as GUIDE.]

for example, his initial briefing on the renewal process, he might very well find it one of the crashing bores of all time.

The book's particular virtue is its inevitable vice. It attempts to describe, stage by stage, the intricate details involved in floating an urban renewal program through the Sargasso Sea of organizational reality. The descriptions themselves are excellent, for they are meticulous, accurate, and in most cases lucid. But the trip, while never hazardous, is tedious beyond belief, and likely to dispirit all but those with a hearty constitution. However, far better *The Citizen's Guide* as a first exposure to the urban renewal process than HUD's *Urban Renewal Handbook* [2] which is as devoid of life and style as a slaughtered chicken.

These comments sufficiently suggest what the book is about. If one is going to write an account of the lengthy process of urban renewal, he must concentrate on descriptions and explanations of what the rules are and how they work. So the reader is treated, for the most part, to a series of detailed descriptions of how to hire an executive director, how to utilize consultants, how to pick an area for renewal, how to plan a project, how to develop it, how to make it palatable to the community, how to involve citizens, how to get rid of citizens, and how to pay (or more accurately, how not to pay) for renewal. Ad infinitum.

The authors, both of them professional planning consultants, cannot resist going one stage beyond mere description. They have at times interspersed the descriptive text with their own notions of some of the policy objectives in urban renewal, and they have managed to interject their own evaluations of some of the critical problem areas of renewal. Such evaluations, generally, appear curiously free of any searching examination of the relevant literature.

Relocation as a consequence of urban renewal has, of course, been the butt of the shots fired by those critics who have been most concerned with impairment of human, social, and communal values under the program. During the formative years, when the process was still called urban redevelopment, treatment of the "blighted area" residents was rarely better than sporting, and in some cases totally objectionable. Some cities clearly regarded the slum resident, rather than the slum or the slumlord, as "the enemy." Relocation frequently implied little more than quick and cheap transportation to another slum—until that too became certified as a clearance area. In many communities, particularly in non-white communities, where the residents were stigmatized by racial as well as economic discrimination, urban renewal produced a shining new shopping district or some soaring new high-rent apartments, which in turn produced a more densely packed, overcrowded, seething, angry ghetto.

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[2] U.S. DEP'T OF HOUSING AND URBAN REDEVELOPMENT, URBAN RENEWAL HANDBOOK (1968).

It is in this context that one reads passages in *The Citizen's Guide* such as, "[F]or most families relocation is an opportunity, rather than a hardship, and it should be presented to them as such." [3] Not bloody likely! Perhaps the statement might be true in the rare city in which public housing is available to all relocated persons and where it is actually a step up in quality, or where other types of rent or mortgage subsidy housing are ready for occupancy at the time relocation is required, or where there is an abundance of unoccupied private housing in sound condition and available at very low rents. But no one even pretends that these are run-of-the-mill circumstances.

This is why Lindbloom and Farrah's statement that "[n]ormally, the patterns of racial settlement in a community are slowly changing anyway, but urban renewal often speeds up this process," [4] would be a very bad joke if it were not such a bitter one. Indeed, it does speed up the process, and all too often by adding to the kind of ghetto congestion which can blow the city apart.

This is not to say the Congress, HUD, and the local planning agencies (LPA's) have been completely cavalier about the problem. Indeed, there have been marked and substantial improvements in the law. These have included higher moving expense allowances for families and businesses, very cheap credit for home improvements in the new area, and outright grants for structural up-grading if a family seriously lacks finances.[5] Furthermore, HUD has become much tougher in enforcing its relocation regulations against local authorities than in former years.[6] It is far better to be removed by the redevelopment authority than by the average state highway department. Still, relocation is at best a kind of mixed blessing; it fragments communities, creates personal tragedies, and multiplies frustrations. It is not yet, at least, a cause for celebration.

The insensitivity of the authors to the plight of the individual or family trapped within the confines of project 1-A or 10-A is matched by their apparent nonchalance regarding the relevance of politics to the whole renewal process. Any social activity which is as distributive (or redistributive) of goods and power in the community as is urban renewal cannot help but be classified as behavior with a high political content.

But Lindbloom and Farrah are "experts." They are "experts" whose living is made by hawking their talent publicly from town to town. As good experts tend to do, they stick with other experts. No one is going to tell them that ordinary citizens or, heaven forbid,

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[3] GUIDE 109.

[4] *Id.* 108.

[5] Housing Act of 1949, § 114(a), 42 U.S.C. § 1465 (relocation allowances); *id.* § 115, 42 U.S.C. § 1446 (rehabilitation grants); Housing Act of 1964 § 312, 42 U.S.C.A. § 1452(b) (rehabilitation loans).

[6] *See, e.g.*, Tondro, *Urban Renewal Relocation: Problems in Enforcement of Conditions on Federal Grants to Local Agencies*, 117 U. PA. L. REV. 183 (1968).

elected officials who are politicians, are going to have superior judgment about the ends or the means of urban renewal.

It should therefore come as no startling revelation that these writers regard politicians as dark creatures who should be kept at arm's length from the whole renewal process—except to fork over the money when needed and maybe take the blame for fiascoes like tearing down some perfectly decent (albeit out-of-date) houses and employing the site to raise crabgrass for five years.

Who should serve on the LPA? Perhaps members of the city council would be appropriate. "When the governing body is the LPA, the urban renewal activity is in much greater danger of being affected adversely by politics . . . ." [7] Is this something which does not occur when private citizen bankers, lawyers, builders, realtors, or industrialists serve on the board? Apparently, it does not. The authors have a clear preference for an independent board consisting largely of business-oriented personnel who do not indulge in the seamy game of electoral politics:

> The appointees of the LPA should have the qualities of leadership, honesty, intelligence, dedication and concern about the problems of their city. *It is also important that they be non-political. The urban renewal program cannot be successfully run if it is caught up in the interplay of partisan politics.* The appointees to the LPA should be men and women who are not looking for a springboard into elective office or a way to embarrass the elected officials.
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> Membership of the LPA can come from a variety of backgrounds. For example, there is need for businessmen, financial experts, design professionals, as well as those with humanitarian leanings. If there are a substantial number of minority persons that will be involved in the urban renewal program, it is a good idea to ensure that they are represented in the LPA.[8]

Pleasing to the ear and gratifying to the spokesman, this quote is nothing but a gratuity on the part of the authors. Here is a brace of white, middle-class professionals attempting once more to set up the old game—a binding contract—between themselves and other people who are just like themselves, people who live by the preservation of an organizational or technological mystery and who will understand and accept that urban renewal too is a specialized form of medicine to be practiced only by specialized medicine men. The criteria suggested for board selection are substantially incapable of measurement and evaluation. (How many points did *X* obtain on his concern scale? I think

[7] GUIDE 43.

[8] *Id.* 45-46 (emphasis added).

we should give *Y* a B-plus for dedication, but obviously *Z* only got a C.) Indeed, the one significantly measureable item offered, intelligence, would never seriously be tested. Who ever heard of an IQ Test required as a condition of appointment to an urban redevelopment authority—or any other authority, for that matter? (It might be a marvelous idea, but show me the city council willing to throw the first stone.)

The one negative consideration is political participation. Anyone so crass as to offer himself for public office, anyone prepared to risk the test of electoral assent or rejection, anyone, in short, who is willing to abide by the norms of majoritarian democracy is ipso facto unacceptable for service to the community in the area of urban renewal decision-making. Urban renewal must be kept out of politics. Even though it involves the classic questions of who gets what, where, when and how about some rather important items (a place to live, land to develop, access to employment), the questions are to be raised and answered by a tiny minority who must never be obliged to confront the electorate over the fundamental question: by what right do these men occupy their office? A more deliberately antidemocratic concept of government can hardly be conceived. The only thing which might be said in its favor is that it is such an old and conventional argument.

Apparently, the LPA board should only be populated by non-political professionals and those with "humanitarian leanings," never by the poor or those engaged in sub-professional occupations. Do the humanitarian leaners ever have humanitarian falls, one wonders? Or are they just supposed to lean, and then snap back vertically when the really tough questions appear? The inclusion of "minority persons" on the board also raises many questions. Who are minority persons? Are they only the black? Why are they supposed to be on the Board? Is it to tell the black community not to burn the town down just because the redevelopment authority is taking fifty-five acres of the black ghetto for hospital expansion? Or is it because tokenism has proved to be good business, and renewal is really just another kind of business? In any case, why the unmistakable "White Only" sign on the door unless "there are a substantial number of minority persons that will be involved in the urban renewal program"? Even one as white as this reviewer can spot racism when you shake it up and down in front of his face.

Sometimes, of course, one tolerates a nondemocratic procedure at one level if there is a check elsewhere. Commonly, one would look for the application of "countervailing power" in the hands of the planning commission, although they too may occupy the revered ground of non-politics. But *The Citizen's Guide* conveys the rather distinct impression that the planning function can be and ought to be circumvented by those responsible for urban renewal. This is an implicit rather than an explicit message and is illustrated by the following:

> Under the Workable Program, your community is required to have a master plan which sets forth basic guidelines for land use, traffic circulation, and public facilities for the entire city. . . .
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> . . . .
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> It is not unusual, however, for the urban renewal plan as proposed by the LPA to vary somewhat from the previously adopted master plan of the community. Often a master plan is general in concept, indicating desirable relationships of land uses, whereas the urban renewal plan is quite specific in its use proposals for each parcel of land. In such cases HUD may require that the master plan be amended to accommodate the urban renewal plan.[9]

Or to put it bluntly, when your strategy and your tactics conflict, scuttle your strategy. This may come eventually to be known as the "Viet Nam Rule" of urban renewal.

If the master plan in any community consisted, *inter alia*, of a statement of clearly articulated community objectives to which the community had, in some legitimate fashion, given its assent, then the master plan might very well be utilized by public agencies as a yardstick for measuring a variety of land-use proposals. Such a procedure might be regarded by some as satisfying democratic norms. But everyone knows that such goals are terribly difficult to identify and to articulate, and that most community planners are incapable of coming to grips with this kind of problem. Sometimes they pretend the problem does not exist, and other times they pretend that they have in fact considered it. For the most part, however, they avoid the issue entirely. Lindbloom and Farrah do not even pretend:

> [T]here are certain fundamental considerations of good planning which help make the difference between good and mediocre work.
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> Foremost among them is that there is no "one best plan." *Planning is the process of achieving given objectives.*[10]

Here, then, is the epitome of pragmatism at work in the public policy area—an instance of what Professor Theodore Lowi calls "interest group liberalism." The purpose of planning is to help you do what you want to do without planning.

But there is a moment of truth. One reaches it when the land has been cleared and is ready to be cultivated for its new, and one hopes, improved function. At this critical juncture, the work of the market-

[9] *Id.* 84-85.

[10] *Id.* 89 (emphasis added).

ability consultant is a major factor in re-use determination. In the last analysis, public policy in urban renewal is largely to be determined by the interests of the highest bidder. God is not dead. His name is Money. This sets off a stream of questions about public subsidy and land use controls, for example, which are beyond the proper boundaries of a book review.

Perhaps it is enough to say, in conclusion, that one hardly expects Farrah and Lindbloom to produce a sequel to *The Citizen's Guide To Urban Renewal* in which they consider these problems and seriously attempt to resolve them. It is a guide to the lock-step of the present, an accurate guide, perhaps, but neither an introspective nor a critical one.

PSYCHIATRY FOR LAWYERS. By Andrew S. Watson. New York: International Universities Press, Inc., 1968. Pp. xiv, 320. $10.00.

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Dr. Andrew Watson, a psychiatrist who has taught forensic psychiatry both at the University of Pennsylvania and Michigan Law Schools, has written a book which is misleadingly entitled *Psychiatry for Lawyers.* His purpose is to minimize the perplexing problems that are encountered when Freudian theory and practice are taught to the legal profession, and more specifically to law students. However, by emphasizing the psychoanalytic approach to law, Dr. Watson fails to discuss many of the purely psychiatric aspects of forensic psychiatry.

The appearance of the book at this time raises questions about forensic psychiatry which are not only unanswered, but unasked. Further, it raises the fundamental questions of what a course in forensic psychiatry should contain and how it should be taught. In two respects the book is unique in its approach to forensic psychiatry and its pedagogy. First, the author views the working relationship between law and psychiatry optimistically, seeing nothing more serious than problems of communication as a bar to harmony between the two disciplines. Additionally, he views modern psychiatry not only as a bridge between the lawyer and his clients, but also as an aid to the lawyer in self-help and in improving his career. The following is an example:

> The era in which we live is characterized by great interest in such topics as "how to win friends and influence people," and "the power of positive thinking." We should not be surprised, therefore, when it is suggested that understanding the

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> nature of the emotional reactions between lawyer and client when they talk together is vitally important to any successful communication.[1]

Instead of dwelling upon general forensic propositions (the primary goal of other works within this highly specialized and important field), Watson's main emphasis is on demonstrating how the lawyer might best understand the irrational and unconscious aspects of the minds of both his clients and himself through Freudian theory.

In his emphasis on Freudian theory, Watson deals with its history, its reliability, and its scientific precision[2] while avoiding such issues as the rights of committed persons, the problems caused by the dehumanizing aspects of hospital living, the relative merits of the *M'Naghten* and *Durham* tests for criminal responsibility, and the effect of abnormal genetic patterns on criminality. Questions concerning the right of society to impose its will on those who are weak and the extent to which we can use psychiatric power to control social behavior currently plague legal minds. Instead of treating these issues, Dr. Watson presents a rewarmed version of Freudian theory, which is meaningful and well documented in some places, but poorly supported or anachronistic in others.[3]

It is not the contention of this reviewer that Freudian concepts are unimportant or that they should not be integrated into the general body of legal theory and practice, but that they do not embody the totality of modern psychiatry as Dr. Watson's book would implicitly have us believe. For instance, organic psychiatric conditions, which receive much of the attention in psychiatric texts and in medical practice, are not discussed, and while the index has no "Organic" heading, it does have such headings as "Object Love," "Omnipotence," and "Orality." The book would have been more correctly titled *Medical Psychology for Lawyers*, a term Freud formulated to describe his theories.

However, even the use of the word "lawyers" in the title might be questioned. A large proportion of the book is a description of Freudian theory that would be just as apt for social workers, psychologists, or those in many other disciplines as it would be for lawyers. In fact, soon after publication of this book, the publisher issued another book

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[1] A. WATSON, PSYCHIATRY FOR LAWYERS 4 (1968) [hereinafter cited as WATSON].

[2] Dr. Watson delves into the theory itself with discussions of the development of personality through psychosexual stages (oral, anal, phallic, Oedipal, latency, adolescence, and adult), the unconscious, the tripartite psychic structure (id, ego, and superego), and the repetition compulsion.

[3] Some of the examples which he takes from "literature" refer back to such works as D. FISHER, THE DEEPENING STREAM (1934), R. ANDERSON, TEA AND SYMPATHY (1956), and S. KINGSLEY, THE DETECTIVE STORY (1949) (described as a play "of several years ago" in the text). R. TRAVER, ANATOMY OF A MURDER (1958) is described as a "recent novel." There are few recent references even to psychiatric and legal literature. For example, only 6 of the 56 references in the final chapter, entitled "Mental Illness and the Law," are as recent as 1960.

on medical psychology, for use by doctors and hospital personnel.[4] This book, by Bibring and Kahana, could be used to teach Freudian theory to lawyers just as Watson's book in large part could be used to teach doctors. A worthwhile text designed for the legal community should be replete with case references and commentary.[5] Otherwise a standard text on psychoanalysis will suffice.[6]

An examination of other works designed for the legal community, as well as the law school curriculum, produces a standard by which to judge the book's deficiencies. To date, there are two alternative methods of introducing law students to the concepts of psychiatry and psychoanalysis. The first method has been fostered by pyschiatrist Jay Katz and law professors Joseph Goldstein and Alan Dershowitz. These men have combined teaching and research activities at Yale and Harvard Law Schools in order to produce a huge volume dealing with Freudian theory, other phases of modern psychiatry, and important legal decisions.[7] The work squarely faces the complexities of the interaction between law and psychiatry. Despite objections that it may be too long and too arduous, making it difficult to teach within the confines of the normal law school curriculum, the work cannot be faulted for oversimplification, overoptimism, or a lack of concern for the pressing and crucial problems of civil liberties.[8]

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[4] G. BIBRING & R. KAHANA, LECTURES IN MEDICAL PSYCHOLOGY: AN INTRODUCTION TO THE CARE OF PATIENTS (1968). The lectures contained in the above text were originally given at the Harvard Medical School.

[5] The major factors that attempt to put this work within the realm of the law are the hypothetical fact situations and several hornbook type questions at the end of each chapter in the book.

[6] These standard texts include C. BRENNER, AN ELEMENTARY TEXTBOOK OF PSYCHOANALYSIS (1955); S. FREUD, INTRODUCTORY LECTURES ON PSYCHOANALYSIS (rev. 2d ed. 1949); H. NUNBERG, PRINCIPLES OF PSYCHOANALYSIS (1969); and R. WAELDER, BASIC THEORY OF PSYCHOANALYSIS (1960). The second and third are not suitable for introductory courses without considerable updating. However, J. KATZ, J. GOLDSTEIN & A. DERSHOWITZ, PSYCHOANALYSIS, PSYCHIATRY AND LAW (1967) demonstrates how excerpts from Freud can be strung together to make concise teaching material. Text accompanying note 7 *infra*. Some of Erikson's works provide a less Freudian but still valuable description of human growth and development. *E.g.*, E. ERIKSON, CHILDHOOD AND SOCIETY (2d ed. 1963); E. ERIKSON, IDENTITY AND THE LIFE CYCLE (1959); E. ERIKSON, IDENTITY, YOUTH AND CRISIS (1968). A very useful description of the life cycle, derived largely from Freudian theory but with significant modifications which could introduce psychoanalysis to occupational groups is T. LIDZ, THE PERSON: HIS DEVELOPMENT THROUGHOUT THE LIFE CYCLE (1968).

[7] J. KATZ, J. GOLDSTEIN & A. DERSHOWITZ, PSYCHOANALYSIS, PSYCHIATRY AND LAW (1967). The process of civil commitment, for example, is analyzed in this book through an extremely thorough case study which includes the applicable legislation, excerpts from petitions to the court, court orders, guardian reports, hospital records, psychiatric case studies, hospital admission conference records and other relevant documents culminating in a federal district court ruling and a federal court of appeals review, with a 4 year follow-up on the patient. In addition, there are legislative hearings which preceded the passage of a new law and a court interpretation of the new law. *Id.* 423-502. The 80 pages devoted to these subjects give the reader an understanding of the interrelationship of the commitment process, the legislature, and the courts. This technique has enormous teaching and learning possibilities.

[8] *See also* J. Goldstein, *Psychoanalysis and Jurisprudence*, 23 THE PSYCHOANALYTIC STUDY OF THE CHILD 459 (1968).

A simpler approach can be found in *Readings in Law and Psychiatry*,[9] an ably compiled collection of sources and cases, which admirably lends itself to the law school curriculum. There are also others books, not designed for law school teaching, which serve as reference materials.[10] In varying degrees, these sources deal with the impact of psychiatric thought on legal procedure by using a conventional topic-by-topic approach. The subjects covered usually include testamentary capacity, criminal responsibility, addiction, alcoholism, commitment and commitability, confidentiality and privilege, and sterilization and abortion. Each of the above texts relate legal concepts to psychiatric thought without an exclusive emphasis on medical psychology.

Although Dr. Watson and this reviewer would agree that much of human activity is incomprehensible except in Freudian terms, Freudian theory has less immediate utility for jurisprudence than Dr. Watson would suppose. It has to be applied to legal problems with great circumspection lest the psychoanalyst's reading of the defendant's unconscious take precedence over more established criteria for meting out justice. It does not seem at all clear that teaching medical psychology, rather than forensic psychiatry, in the law schools will produce the benefits that Dr. Watson promises.

Another factor subject to criticism is Dr. Watson's blithe optimism, which is evidenced by two related ideas. The first is his feeling that the law student is capable of using knowledge and insight gleaned from the author's brief course to become a keen student of human nature. The other is that when problems do arise which the student is incapable of handling alone, he can rely on the friendly neighborhood psychiatrist (psychoanalytically oriented) to clarify the client's source of confusion.

Such unbridled optimism and boundless faith are open to serious attack. Dr. Watson is apparently not troubled by the fact that much of psychiatric training, which includes three years of residency after internship plus voluntary psychoanalytic training (that can last for years and include personal psychoanalysis), is based on two precepts: that our subjectivity prevents our judgment from being reliable, and that we gain objectivity only at the expense of torment and soul-searching in the form of clinical experience. Surely young lawyers are not so fortunately endowed that they can gain psychiatric insight without the years of preparation required of medical students.

Furthermore, this confidence presupposes not only the ability of the law student to grasp quickly psychoanalytic theory, but also his capacity to use this theory to aid clients. Dr. Watson, quite early in the book, points out that due to "irrational elements," [11] the lawyer and his client may have difficulty in communication. However, he

[9] R. ALLEN, E. FERSTER, & J. RUBIN, READINGS IN LAW AND PSYCHIATRY (1968). Unfortunately, this text omits both an index and a table of cases.

[10] H. DAVIDSON, FORENSIC PSYCHIATRY (2d ed. 1965); J. ROBITSCHER, PURSUIT OF AGREEMENT: PSYCHIATRY AND THE LAW (1966).

[11] WATSON 4.

feels that the lawyer should not despair. He is to be aided by two devices: transference, the unreal attitudes which the client brings to the present situation from the past, and countertransference, the feelings aroused in the listener (the lawyer) by the client.[12] Dr. Watson explains that the listener, by heeding his own countertransference reactions, either begins to understand the motivations for his client's behavior or to perceive that the situation calls for referral to an agency (whether its orientation is to psychology, psychiatry, or social service) established to deal with the problems.[13]

In practice it is seldom this simple. Dr. Watson never suggests that these agencies are overburdened, understaffed, and sometimes ineffectual, or that the problems which a client brings to a lawyer are often of such complexity that no one agency has the proper focus of referral. Furthermore, the lawyer runs the risk of sending a client for specialized help prematurely or unnecessarily, and it may sometimes happen that the treatment given may be more harmful than if no treatment had been given at all. Dr. Watson would have been more helpful if he established standards and criteria for seeking ancillary help.

Largely ignoring problems presented by his approach, Dr. Watson proceeds along his Freudian trail. Having satisfied himself, if not the reader, that a brief exposure to psychoanalytic theory is a superior method of enabling a lawyer to both understand himself and help his client, he concludes that this theory can be applied in the law school to

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[12] Watson says of the confusing and loosely used term, "countertransference":

> Originally, countertransference was defined as the doctor's transference to the patient. In other words those irrational projections which the patient's character precipitated in the doctor were called countertransference. However, this term has also been broadened and is widely used to include all of the doctor's reactions and feelings toward his patient and toward all his work with that patient . . . . Transference and countertransference are the halves in a circle of dynamic interaction between the personalities of the two individuals in the relationship.

WATSON 7-8. However, a more widely used definition emphasizes that countertransference is a pathological process, the result of the doctor's own unresolved conflicts, and thus not to be relied on to the extent that Dr. Watson would advocate in dealing with a patient (or client).

> Countertransference: Refers to the attitudes and feelings, only partly conscious, of the analyst towards the patient. In countertransference, the analyst has displaced on to the patient's attitudes and feelings derived from earlier situations in his own life; the process is analogous to *transference* . . . .

COMMITTEE ON PUBLIC INFORMATION AND COMMITTEE ON INDEXING OF THE AMERICAN PSYCHOANALYTIC ASSOCIATION, A GLOSSARY OF PSYCHOANALYTICAL TERMS AND CONCEPTS 22 (B. Moore & B. Fine eds. (1967)). This definition goes on to describe the value to the analyst of studying and understanding his countertransference reaction, but it differs from Dr. Watson's in emphasizing (1) the possible distortions that countertransference can bring into the relationship, and (2) the importance of the analyst's own personal psychoanalysis so that he can deal with the countertransference.

[13] For example, Watson in his text uses the example of the client with marital problems. Although referral to a psychiatrist may be an alternative in this type of case, Watson says that it should be employed after a possible consultation with the client's "religious advisor" is considered. Since this person "is usually dedicated to being a friend," a "receptive and encouraging atmosphere" conducive to resolving problems is fostered, according to this friendly view of pastoral counseling. WATSON 16.

help students resolve their conflicts. One example he cites—although it has not been the experience of this reviewer that this is a major problem of students—is the conflict of the student who is ashamed of his own potential success and who shrinks from accepting the rewards of the profession.[14] Again, Dr. Watson does not spell out the specific method by which a law school should help the student with such a "hangup." Is he recommending group therapy? Should there be a faculty member who is also a therapist to help students over these hurdles? If so, to whom does the therapist-teacher owe his final allegiance? Is he finally responsible to the student or to the school?

In *Leyra v. Denno* [15] the Supreme Court dealt with a much more flagrant, but not entirely dissimilar confusion of roles. That case involved a psychiatrist who volunteered to aid the district attorney by agreeing to have an interview with the defendant in his cell "bugged," thereby attempting to secure a confession. A similar situation exists whenever a psychiatrist who is paid by a school administration also represents himself as the student's therapist. Despite its obvious relationship to Watson's suggestions, *Leyra* is not mentioned in the book.[16] By abstaining from detailing his proposals, and by avoiding difficult issues, he manages to circumvent a frontal attack on his underlying thesis. Yet, the basic problems are evident on the face of his plan.

Another important issue overlooked by the author is the degree of control psychiatrists should possess in making legal determinations. There is no discussion whether psychiatrists should enjoy the privilege of advising judges on the future of youthful defendants after brief interviews with the accused; whether psychiatrists should enjoy the responsibility of dictating whether both juvenile and adult defendants should be imprisoned or paroled; whether psychiatrists should be allowed to decide to hold for indeterminate periods those they consider to be defective delinquents or sexual psychopaths (despite the vague definitions of these terms); and finally, whether psychiatrists should be allowed to hold for indeterminate periods those who abuse drugs or alcohol when maximum prison sentences would be relatively short and hospitals offer no therapy. The abuse of these powers now enjoyed by psychiatrists is a crucial issue within the legal profession.

It is especially disappointing to find that a book concerning psychiatry and the law, which contains an introduction by Chief Judge David L. Bazelon of the United States Court of Appeals for the District of Columbia, offers only a brief discussion of legal tests for criminal responsibility.[17] The *Durham* opinion,[18] written by Judge Bazelon and

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[14] WATSON 18.

[15] 347 U.S. 556 (1954).

[16] *See* T. SZASZ, TRANS-ACTION 4, 16 (1967). In fact, very few writers other than Szasz have discussed this problem, and the *Leyra* case has been omitted from not only Dr. Watson's book, but all the other texts on forensic psychiatry which have been discussed in this review.

[17] Text accompanying note 3 *supra*.

[18] Durham v. United States, 214 F.2d 862 (D.C. Cir. 1954).

a landmark in the application of psychiatry to legal principles, is only mentioned in some end-of-the-chapter questions. Furthermore, Dr. Watson chose not to explore Judge Bazelon's controversial opinion in *Washington v. United States*,[19] where burdensome restrictions and encumbrances were imposed on a testifying psychiatrist.

When an author attempts to tackle a field as broad as psychoanalysis, it is perhaps unfair to criticize him for what he has failed to include. Many criticisms of this nature have been leveled at Dr. Watson in this review (and indeed there were other minor flaws that have been overlooked[20]). However, this is not as unfair as it might seem. When a man titles his book *Psychiatry for Lawyers*, the reader should assume that certain basic relationships between psychiatry and law will be established. Particularly distressing in this respect is the lamentable absence of concern for the immediate. Pick up the morning paper and one will find topics that are the meat of forensic psychiatry—violence, delinquency, and drugs—to name but a few. Then turn to Dr. Watson's benign description of the stages of mankind culminating in old age:

> Old age is truly a time for sagacity and philosophizing on the nature of life. . . . The elder should be a leader in the truest sense, providing an example for the young derived from his own successful experiences in learning from the elders whom he emulated. Many of our great judges and justices afford beautiful examples of this capacity to serve.[21]

Suffice it to say that *Psychiatry for Lawyers* is a book that fails to live up to its title because it digs too deep into Freudian ore and remains too much on the surface when dealing with civil rights and civil liberties in the field of legal medicine.

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[19] 390 F.2d 444 (D.C. Cir. 1967).

[20] Among the more irritating characteristics were the omission in the index of any reference to retardation, race, or violence, and the failure of the author to mention the founder of American forensic psychiatry, Isaac Ray, or his friend, Judge Charles Doe, the author of the New Hampshire text of insanity, State v. Pike, 49 N.H. 399 (1870). The case of Ezra Pound is also conspicuous by its absence, especially since it has been reviewed extensively in other works. *See, e.g.*, T. SZASZ, LAW, LIBERTY, AND PSYCHIATRY 199-210 (1963).

[21] WATSON 282-83 (footnote omitted).