

LAW AND THE UNCONSCIOUS MIND

PROFESSOR DUNCAN

FALL 2020

OPEN BOOK, THREE-HOUR EXAM

YOU HAVE THREE CONSECUTIVE HOURS FOR THE EXAM.

THE EXAM IS OPEN BOOK. You may consult your book, the materials on library reserve for this course, and your personal notes.

1. This exam has **two parts**: **Part I** has **52 Multiple Choice Questions** and **Part II** has **3 essay questions**. The exam is **21 pages** long.
2. This is a limited-space exam. Please adhere strictly to the word limit for each question.
3. If you find any Multiple-Choice question to be confusing or ambiguous, please use the *Gripe Sheet* to make a plea for why I should throw that question out. The Gripe sheet is the last page in the exam.
4. Put your exam number on the top of each page.
5. Take the Honor Code Pledge:

I acknowledge that in this, as in all other law school activities, I am bound by the Honor Code:

GOOD LUCK. PLEASE TAKE CARE OF YOURSELVES DURING THIS WINTER BREAK!

PART I

**MULTIPLE CHOICE QUESTIONS
(60 Minutes)**

1. Infantile sexuality differs from adult sexuality in the following ways:
 - a. Adults do not experience libidinal gratification through the skin or eyes.
 - b. Infantile sexuality never involves the genital zone, only oral and anal.
 - c. In general, infantile sexuality is less focused on orgasm than adult sexuality, and the child's libido may remain in what adults consider foreplay.
 - d. Infantile sexuality affords more satisfaction than adult sexuality because it involves more different zones of the body.

2. Which psychoanalytic model conceives of the mind in terms of ego, id, and superego?
 - a. Adaptive
 - b. Topographic
 - c. Genetic
 - d. Structural

3. Which is the central defense mechanism of paranoia?
 - a. Undoing
 - b. Reaction-formation
 - c. Projection
 - d. Regression

4. What is George Devereux's theory of the difference between the career criminal and the one-time offender?
 - a. When the career criminal steals, it represents a break-through of id impulses, whereas when the one-time offender murders, the murder is a defense.
 - b. The career offender's reality-testing is poorer, more distorted.
 - c. The one-time offender's superego is not as strong as the career offender's.
 - d. In the case of the career offender, but not the one-time offender, the crimes themselves serve as defenses.

5. Tom was the boy in *the Deadly Innocents*, by Muriel Gardiner, who was kept in an unheated shed by his mother and adopted a cat with a broken leg. He saved the cat and went on to become an expert in fixing watches and radios. What is the *best* interpretation of his expertise in repairing things?
 - a. It is a projection
 - b. It is a reaction-formation
 - c. It is an identification and also a sublimation
 - d. None of the above

6. Consider the chronic thief Sigrid Amenson. Which of the following is *not* a meaning of her stealing:
 - a. identification with her father
 - b. obtaining a new, healthy vagina
 - c. becoming a perfect woman
 - d. getting to go to prison

7. Which is the topographic model of the mind?
 - a. The model that focuses on psychosexual stages: oral, anal, and phallic or genital and how they contribute to our development.
 - b. The model that explains the interaction of id, ego, and superego.

- c. The model that characterizes the mind in terms of conscious, pre-conscious, and unconscious.
 - d. All of the above.
8. An analytic patient reports a rape to her analyst but with a striking absence of emotion. This behavior illustrates which defense mechanism?
- a. Denial
 - b. Isolation of affect
 - c. Projection
 - d. Regression
9. In class, we discussed the great American playwright Tennessee Williams. As you remember, he had a sister he adored who became schizophrenic. While he was away pursuing his studies, unbeknownst to him, his parents had his sister lobotomized. In at least two of his plays, *Streetcar Named Desire* and *The Glass Menagerie*, Williams copes with his guilt over abandoning his sister by depicting siblings who must betray their sisters to go on with their lives. Which defense mechanism does this true story best illustrate?
- a. Sublimation
 - b. Repression
 - c. Reaction-formation
 - d. Splitting
10. A patient angrily accuses his analyst of being envious of him. Then he pauses a moment and says: “Well, I guess I may just be imagining that. My mother was very envious of my talent and perhaps I’m thinking that you are just like she was.” For purposes of this question, assume that the analyst is not in fact envious. Which of the following best describes this patient’s attitude toward his symptom?
- a. The symptom, which involves a distortion of reality-testing, is ego-alien.
 - b. The symptom, which involves a distortion of reality-testing, is ego-syntonic.
 - c. The symptom is ego-alien, which does not bode well for treatment.

- d. The symptom is ego-syntonic, which bodes well for treatment.
11. When a prison policy (or other behavior pattern) seems hyperbolic, or extremely exaggerated, this should make us suspect that which particular defense mechanism is in use?
- a. Projection
 - b. Regression
 - c. Splitting
 - d. Reaction-formation
12. Consider Vera Dvina, the mother of “Peter,” our first case in *The Deadly Innocents* (the young man who killed his mother and twin sisters). Which of the following describes Vera Dvina?
- a. She exhibits an anal character and also depression due to her many losses of people significant in her life.
 - b. She is flirtatious hysteric, who is fixated at the genital psycho-sexual stage.
 - c. She exhibits hypochondria, which she blames on Peter, her first-born.
 - d. She is psychopathic, lacking in a conscience or remorse.
13. Rashid was the brilliant student we read about who compulsively stole books and also suffered from an inability to complete his Ph.D. dissertation. Which of the following is true of his stealing, according to the author of the case study?
- a. It represented an identification with his clever mother, who also stole books in her youth.
 - b. It was a way of getting things he really needed but couldn’t afford.
 - c. It was a sublimation of his anal fixation.
 - d. It was a way of saving his life.

14. What is the best way of explaining the difference between primary and secondary gains?
- Secondary gains gratify that person's deepest repressed and unacceptable impulses, such as oedipal yearnings, whereas primary gains have to do with *conscious* goals.
 - Secondary gains are advantages gained from the symptom after it has been formed, such as employment or disability insurance.
 - If there are only primary gains from symptoms, then the prognosis is poor, whereas if there are primary and secondary gains, the prognosis is good.
 - If there are secondary gains from a neurosis, this means that the patient's symptoms are ego-alien.
15. Which of the following defense mechanisms are "Primitive"?
- Repression and denial, because they are the bedrock of all the other defenses.
 - Undoing and splitting, because they both show magical thinking.
 - Splitting, denial and projection because they tend to affect our perceptions of the external world.
 - Projection and reaction-formation because they both are associated with the pre-verbal phase of development.
16. Which of the following best describes the "anal character"?
- Someone who exhibits a reaction-formation as a defense against the illicit yearning to enjoy anal substances.
 - Someone who is especially interested in order, food, and time.
 - Someone who is consciously preoccupied with soft wet dirt.
 - Someone who projects their own anal impulses onto others.
17. What is institutional transference?
- The psychotic delusion that an institution is one's father and mother.

- b. A defense mechanism whereby the inmate avoids unacceptable feelings by repudiating his/her true positive attachment to the institution.
 - c. A defense mechanism characterized by exaggerating the opposite of one's actual hatred of an institution.
 - d. None of the above.
18. Which of the following is true of undoing?
- a. It is a mature defense mechanism.
 - b. It is a primitive defense mechanism, typical of depressive people.
 - c. It is an intermediate defense mechanism, typical of compulsive people.
 - d. None of the above.
19. *Robinhood*, in which King Richard the Lionhearted is considered “good” and King John is considered “bad” illustrates which defense mechanism:
- a. Reaction-formation.
 - b. Denial.
 - c. Splitting.
 - d. Repression.
20. Primary and secondary process thinking differ in this way:
- a. Secondary process thinking is the way we “think” in our dreams, while primary process thinking is the way we typically think when awake.
 - b. Primary process thinking is imagistic, alogical, and timeless, whereas secondary process thinking tends to be verbal, logical, and in time.
 - c. Secondary process thinking can be seen in hypnosis, in free associating, and in artistic creations, while primary process thinking can be seen in logical reasoning.
 - d. None of the above.

21. A woman drinks alcohol every day and cannot stop. She fails to acknowledge that she has a problem. Which defense mechanism does this illustrate?
- a. Repression
 - b. Undoing
 - c. Isolation
 - d. Denial
22. Sue feels a strong sexual attraction to her track coach and tells her friend, “He’s coming on to me.” Which defense mechanism does she seem to manifest?
- a. Isolation
 - b. Introjection
 - c. Regression
 - d. Projection
23. Joe is nervous about his new job and yells at his wife. On his way home he stops and buys her some flowers and himself a new video game. Which defense might this be?
- a. Repression
 - b. Isolation
 - c. Denial
 - d. Undoing
24. The adolescent who takes on all the values and styles of an admired teacher is exemplifying which of the following?
- a. Identification
 - b. Repression
 - c. Projection
 - d. Isolation

25. Scarlet O’Hara says “I don’t want to think about that now. I’ll think about that tomorrow.” Which mental process or defense does this illustrate?
- Repression
 - Regression
 - Sublimation
 - Suppression
26. Which of the following *best* defines narcissism?
- It is the need to be considered special and is invariably pathological.
 - It is extreme vanity about one’s appearance, like the vanity of Narcissus, in Greek mythology.
 - It is the psychotic delusion that one is superior to everyone else.
 - It is the need to be special, which in extreme cases, is pathological.
27. What is the genetic theory of the mind?
- The model of the mind dividing it into ego, id, and superego.
 - The model of the mind classifying it as unconscious, preconscious, and conscious.
 - The model of the mind that utilizes the psycho-sexual stages: oral, anal, and phallic or genital.
 - The model of the mind based on defense mechanisms.
28. What is the best description of denial?
- It is a primitive defense mechanism involving the energetic barring from consciousness of an inadmissible memory or impulse.
 - It is an intermediate defense that entails exaggerating the opposite of what one feels.
 - It is a mature defense that often accompanies sublimation.

- d. None of the above.
29. “In couples in which one partner is unfaithful, the other partner directs most of his or her hatred not to the mate who strayed but to the ‘other’ man or woman.” This exemplifies what?
- a. Regression
 - b. Reaction-formation.
 - c. Displacement
 - d. Undoing
30. In the case of Jake Wideman, who murdered his roommate on a camping trip, what answer best explains his crime?
- a. Identification with his father by assimilating his father’s “superego lacunae” or moral gaps.
 - b. Identification with his uncle Robby.
 - c. Feeling that his parents always put his brother first.
 - d. All of the above.
31. Gloria, in *The Deadly Innocents*, seems to have a better prognosis than Peter. Why?
- a. She has found a way to sublimate.
 - b. Peter is not remorseful over what he did.
 - c. Peter’s defense mechanisms are more primitive.
 - d. None of the above.
32. Which best describes the difference between Richard Vorland (the “Victim of Loyalty” who was an excellent analytic patient in *Roots of Crime*) and Ferdinand Pérez (who had all the older sisters and was described as “A Favorite of Woman”)?
- a. Ferdinand gets caught more often.
 - b. Ferdinand is more accepting of his dependent yearnings.

- c. Ferdinand's stealing is a reaction-formation, whereas Richard's is an undoing.
 - d. None of the above.
33. Which defense mechanism fits in the blank space in this quotation?
- "The wheels have fallen off the cart in Iraq, and only those in the farthest reaches of _____ are hanging on to the illusion of an American triumph over the insurgency. Bob Herbert, "For No Good Reason," *The New York Times*, October 3, 2002.
- a. Superiority complex.
 - b. Compensation.
 - c. Undoing
 - d. Denial
34. What are characteristics of the superego?
- a. It is *always* a force for good in our lives, holding us to high ideals and chastising us when we do wrong.
 - b. It discriminates between wish and deed.
 - c. It is capable of cruelty.
 - d. None of the above.
35. Which of the following is true of the defense mechanism of isolation?
- a. It can be seen in Freud's quote: "Where they love, they cannot desire, and where they desire they cannot love." (explaining men who must have both wives and mistresses).
 - b. It is related to the Polynesian term "taboo," wherein certain things may not touch each other.
 - c. Both a and b are true.
 - d. None of the above.

36. In the “In Treatment” segment on “Mia” that we watched in class, what techniques did Paul (the analyst) use to work with her?
- Abiding strictly by the rules (parameters) of therapy, such as time and place limitations.
 - Taking it personally when the patient got angry or when the patient was reluctant to answer.
 - Not ever revealing his own feelings about the patient.
 - None of the above.
37. A couple of days after the death of Fidel Castro, the *New York Times* published an Op-Ed. called “The Little Fidel in All of Us.” The author, a Cuban American, was interviewed on NPR describing how her father, who “loathed” Fidel with “a singular fury because, in his mind, Fidel interrupted his life, forced him into exile, and ruined his country.” But she revealed that her father also had the habit of gesturing like Fidel, stabbing at the air with his index finger. In addition, her father talked with admiration about how Fidel had outsmarted many American presidents. What is the *best* description of her father’s psychological stance toward the late dictator?
- love
 - hatred
 - ambivalence
 - reaction-formation
38. When Richard Vorland is leaving prison, he says, “Farewell to the good old shadow soup.” A plausible psychoanalytic interpretation would be:
- He has ambivalence toward prison.
 - He hates the thin soup and is joking.
 - He will miss meals with the other prisoners.
 - He is repressing his attraction to prison.
39. In his autobiography, Malcolm X describes his experience in prison. Which of the following does he say in the passages quoted in *Romantic Outlaws*:

- a. He found prison to be a hell on earth.
 - b. He found prison to be a place where he could learn to translate into Braille.
 - c. He found prison to be a noisy place where he could accomplish nothing.
 - d. He found prison to be both an academy and a place of death and rebirth.
40. Dr. Nancy McWilliams writes about people who have “lifelong patterns of idealizing someone and then sweeping him or her off the pedestal when an imperfection appears. . . . One creates exaggerated ideals to compensate for defects in the sense of self that are felt as so contemptible that nothing short of perfection will make up for them. . . .”
What personality disorder is she describing?
- a. Psychopathic
 - b. Compulsive
 - c. Narcissistic
 - d. Paranoid
41. In the early stages of their marriage, Lisa was profoundly in love with her husband. She thought he could almost do no wrong. But after fifteen years, her feelings started to change. She kept noticing how he ate – chewing with his mouth open, taking big bites that made his cheeks look bloated. He disgusted her. What psychoanalytic concepts *best* explain the strange evolution in her feelings toward her husband?
- a. The anal character and the return of the repressed.
 - b. Idealization and devaluation.
 - c. Transference and displacement.
 - d. None of the above.
42. If criminals perform functions for noncriminals, what is/are these functions?
- a. Enabling the *noncriminal* to vicariously punish himself/herself.
 - b. Enabling the noncriminal to have a “worthy adversary.”
 - c. Enabling the noncriminal to gratify his/her id impulse to rebel against the law.

- d. All of the above.
43. Which characteristics of the patient augur *best* for therapy?
- a. The symptoms are mainly ego-syntonic.
 - b. The defenses are mainly “primitive.”
 - c. The symptoms are mainly ego-alien.
 - d. All of the above.
44. A man, who resents his son’s close relationship to his wife, harbors unconscious wishes to harm the child. However, this aggressive feeling is completely unacceptable to him and inadmissible to his conscious mind. His wife notices that he is actually overly protective toward the child. Which defense mechanism does this behavior represent?
- a. Identification.
 - b. Projection.
 - c. Turning passive to active.
 - d. Reaction formation.
45. Which defense mechanism is considered the “queen” of the defense mechanisms?
- a. Intellectualization.
 - b. Repression.
 - c. Reaction formation.
 - d. Sublimation.
46. A man is absolutely convinced that his wife is cheating on him, even though there is no evidence that the detective has been able to find. The man’s analyst tries to get the man to explore the possibility that his conviction is actually a projection, but this patient does even not want to consider the idea. Which of the following choices best describes this

man's symptom (the pathological belief that his wife is unfaithful), his attitude toward the symptom, and his prognosis as an analytic patient? Choose the very best answer.

- a. His symptom is ego-alien.
- b. It is ego syntonic.
- c. It is ego alien, which means that he has a poor prognosis.
- d. It is ego-syntonic, which means that he has a poor prognosis.

47. Why was Maconochie fired from his position as the warden of Norfolk Island, when he was doing a good job rehabilitating prisoners?

- a. His supervisor was jealous of his success.
- b. His pathological narcissism made him very hard to work with.
- c. His success in reforming criminals threatened the noncriminals' defense mechanism of splitting—their view that a bright line distinguished between the criminals and themselves.
- d. Maconochie was desperately needed to work in another prison in New South Wales.

48. As we discussed in class, Laura Hillenbrand is the acclaimed author of the book *Seabiscuit*, which was made into a movie some years ago. *Seabiscuit* tells the true Depression-era tale of a horse who, with “knobby Knees” and “slightly crooked legs,” “looked more like a cow pony than a thoroughbred.” *Seabiscuit* was working in the lowly “claiming racks” until he was discovered and went on to become one of the greatest racehorses of the 20th century.

Hillenbrand's book also tells the story of Red Pollard, a jockey who was down on his luck when he met Seabiscuit and who suffered from “torturous weight-loss regimens, including saunas in rubber suits, tapeworms, and strong purgatives.”

This book about 2 underdogs who conquered the world of horse racing in the 1930's is all the more interesting because its author suffers from Chronic Fatigue Syndrome. While working on the book, she was tormented by aches, fever, and exhaustion. To avoid vertigo, Hillenbrand often had to write with her eyes closed, while lying down. Some days, it was all she could do to write one

sentence before her stamina was exhausted. She had to keep a box of cereal by her bed to avoid wasting her limited energy by walking to the kitchen. Her illness forced her to drop out of college and remain in bed for years. In fact, as of this writing she remains very ill.

What psychoanalytic defense mechanisms that you learned in class might help to best explain Hillenbrand's unconscious motivation to write *Seabiscuit*?

- a. Reaction formation and sublimation
 - b. Isolation and undoing
 - c. Intellectualization and rationalization
 - d. Sublimation and identification
49. How is it possible that some prison inmates view the guards and other people outside the prison are just as lacking in freedom as they are?
- a. The inmates are defining freedom as “positive liberty.”
 - b. The inmates sometimes consider non-prisoners to have false consciousness.
 - c. The inmates are thinking of freedom as “negative liberty.”
 - d. Both a and b are true.
50. According to the structural theory, the superego is the “inner moral voice” that, among other things, represents the ideals and standards of the person. Which of the following is true of the superego?
- a. It develops as a result of the resolution of the Oedipus complex and denial.
 - b. If the superego is too weak, the person may become self-destructive.
 - c. If the superego is too cruel and punitive, it can actually be a danger from the point of view of the ego.
 - d. It develops as a result of the resolution of the Oedipus Complex and reaction-formation.

51. In *Louis Theroux in San Quentin*, which we watched in class, which of the following is true?
- The guards were not close to the inmates.
 - One inmate perceived his life term in Quentin as a “401K Plan.”
 - Inmates did not form close bonds with other inmates.
 - We saw many inmates who spoke of getting an education in prison.
52. In the HBO series “In Treatment,” we watched the episode on Mia in which she arrives at her analyst’s office bringing breakfast, which she wants to eat in the analyst’s kitchen. According to her analyst, what is the meaning of her behavior?
- She wants to have a love affair with her analyst.
 - The kitchen space symbolizes times in her childhood when she was close to her mother.
 - Sharing breakfast with the analyst would recreate a special tradition she had with her father.
 - None of the above.

PART II (Essays)

**QUESTION ONE
(45 Minutes)**

Joseph Owens became a vigilante while working in the police force in Boise, Idaho. As he explained in his written confession: “Over and over, I would see all our hard work go to waste. We would catch some creep who’d been raping women or molesting children, and he would get off on a technicality and be back on the streets again. All I did was bring about justice for the victims and their kinfolk.”

Owens was arrested and convicted of murdering 3 men, all of whom had “gotten off on technicalities” after being charged with rape or child molestation. He was sentenced and confined in the Idaho State Prison but managed to escape after serving only 2 years.

Since then, thanks to the help of Idaho’s citizens, who have taken him into their homes and given him food and shelter, he has evaded capture.

Sitting in a coffee shop in Idaho one morning, while eating my western omelet and sipping my coffee, I couldn’t help eavesdropping on a conversation between two middle-aged ladies in the next booth. Their conversation went something like this: First speaker: “Beth, I just don’t get it. You’ve always been so law-abiding, and now you are actually protecting a *criminal!* What’s going on?”

Second woman, presumably Beth: “You’re right, but I can’t help myself. I know Owens has killed some people, but they were bad people. They had it coming.”

After a moment’s pause, the second woman continued: “Besides, I was deeply depressed before, and now I feel so alive! When I help Owens, I feel that I’m a part of something bigger than myself and that I’m helping a real hero, by protecting him. He’s so clever, outsmarting the authorities, and he really cares about vulnerable people, like kids. Why shouldn’t I help him?”

Using psychoanalytic concepts or theories learned in class, explain Beth’s reaction to the criminal. What psychological functions does the criminal perform for her? **(700 words)**

QUESTION TWO
(45 Minutes)

Richard Vorland and Ferdinand Perez are chronic thieves analyzed in the book *Roots of Crime*. Write an essay comparing and contrasting the *meanings of stealing* for Richard and Ferdinand. **(700 words.)**

QUESTION THREE
(30 Minutes)

A dental hygienist has been visiting the Adult Correctional Institution once a week for the past twelve years to clean the teeth of maximum security and other prisoners. When asked why she was doing this work, she said, “I love it. It’s an adventure . . . different from my everyday stuff.” Later in the conversation, when asked again why she liked the work, she said: “It’s an education. Their teeth and cleaning habits are so bad that I see things I don’t see in the office.” She also said that she keeps conversation with the prisoners to a minimum, does not tell them her name, and does not ask them “What they’re in for.” Discuss this true vignette using psychoanalytic theories and concepts learned in class **(600 words)**

GRIPE SHEET

On this page you may identify one of the multiple-choice questions that you found confusing or ambiguous and make a plea for why I should throw that question out. Don't tell me about hard questions – just identify troubling ambiguity.

I will read these gripe sheets before grading your exams and MAY eliminate a question based on your comments.

I found question number _____ ambiguous or confusing.

My reasons are as follows: