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# A PSYCHO-ANALYTIC PEEK AT CONSPIRACY\*

AL KATZ\*\*

*There is . . . in the American temper, a feeling that "somewhere," "somebody" is pulling all the complicated strings to which this jumbled world dances. In politics the labor image is "Wall Street" or "Big Business"; while the business stereotype was the "New Dealers."*

D. Bell, *The End of Ideology*  
140-41 (rev. ed. 1962)

## I.

In these few pages I will attempt a theory of why people seem to have a tendency to "explain" events in terms of "a conspiracy." The theory is based on Freudian psychoanalysis, so it must be presented here with some foreword. Though I feel psychoanalytic insights are often useful outside of or beyond an individual therapeutic regime, one must heed Freud's warning that

it behooves us to be very careful, not to forget that after all we are dealing only with analogies, and that it is dangerous, not only with men but also with concepts, to drag them out of the region where they originated and have matured.<sup>1</sup>

I have tried to remain conscious of the analogous quality of this enterprise throughout. If both parties to this communication are at least partly successful in this way perhaps the theory presented will prove useful.

## II.

The circumstances of the Kennedy assassination caused many people to believe that this act of murder was the result of an insidious and elaborate plan, a belief not altogether dissipated by the Report of the Warren Commission. More recently a series of

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1. S. FREUD, *CIVILIZATION AND ITS DISCONTENTS* 141 (The Int'l Psycho-Analytical Lib. No. 17, 1930).

suggestive circumstances and ambiguous symbols grew into widespread conviction that Paul McCartney of "The Beatles" died several years ago and the remaining members of the group constructed an elaborate plan to conceal the fact. The United States Government chose to prosecute Dr. Spock and four others for conspiracy even though an indictment for aiding and abetting draft evasion was more likely to result in conviction. Apparently everybody loves a conspiracy as much as a parade. This is not to say that conspiracies are imaginary things, but one does wonder at their appeal in the face of often substantial contradictory evidence.

It is perhaps understandable for people to look for indications of a conspiracy because all experience is relatively ambiguous. There may be a simple apparent explanation for an event as well as a complex opaque one. How does one know which is real? How can one know what is really happening or what has actually happened? So saying, some degree of suspicion is probably justified, but there is a point where one begins to feel that the search for conspiracies is motivated by something deeper than the essential ambiguity of ordinary experience. I would like to suggest a possible explanation: the disposition to find conspiratorial enemies is a manifestation of the anxiety produced by an unconscious primal scene fantasy. (Conspiracy derives from *conspirare*; to breathe together.) Freud found that many of his patients claimed to have witnessed their parents having intercourse.<sup>2</sup> Whether these were reports of historical events or fantasies he did not regard as a crucial question.<sup>3</sup> In any event, "the scene . . . is likely to produce a 'traumatic state' by flooding the organism with an inappropriate excitation."<sup>4</sup> It is the anxiety produced by this witnessing of a secret event that I believe accounts in part for our fascination with and fear of conspiracies.

Those who are reluctant to accept apparent explanations of an event will often defend their scepticism by saying something like, "There is more to this than meets the eye." The cliché is highly suggestive, for it applies wherever reality appears as a mask for a very different sort of reality. For the child the apparent reality

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2. 3 S. FREUD, *From the History of an Infantile Neurosis*, in COLLECTED PAPERS 473, 509 n.1 (The Int'l Psycho-Analytical Lib. No. 9, E. Jones ed. 1959) [hereinafter cited as *Infantile Neurosis*].

3. *Id.* at 534.

4. O. FENICHEL, *THE PSYCHOANALYTIC THEORY OF NEUROSES* 214 (1945).

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of an asexual intraparental relationship takes on this quality of a mask for the sexuality of the bedroom.<sup>5</sup> In some quite literal sense, from the child's point of view, there is indeed more to this (mother—father relationship) than meets the eye.

As one might expect the phrase is over-determined. "More to it than meets the eye" implies a hidden quality about the unrevealed reality. Parental sexuality may take place behind a closed door or in darkness. Furthermore, the "eye" is generally the medium through which the child imagines that he witnesses the event. It is this sort of "spying" activity which, while necessary to get at the truth, produces guilt to the extent one has "intruded" into an event that was meant to be private and obscured.

Not long ago Justice Harlan stated that "every conspiracy is by its very nature secret."<sup>6</sup> This dictum has great appeal for reasons not entirely practical. To the extent "there is more to this than meets the eye" identifies the suspicion of a conspiracy; one that is obvious can hardly be imagined. Justice Harlan identifies the conventional mental imagery stimulated by the term conspiracy: a clandestine, secret meeting under cover of darkness. If I pass a group of men huddled together in a dark alley whispering quietly to each other the immediate response may be that they are "up to no good." In my youth the neighborhood kids would have said something like "those guys are gonna fuck somebody," or "somebody (the victim) is going to get it in the ass" or "take it in the shorts." These phrases are suggestive, particularly the latter two. Freud reported that the coitus always appears to have been performed *a tergo*<sup>7</sup> or *more ferarum*.<sup>8</sup> There is, therefore, a connection between the ambivalence of the primal scene fantasy and our ambivalent adult response to a suggestion of conspiracy. That is, there is clearly a mixture of fear and excitement or fascination at the thought that a conspiracy "may be behind it all." "Thus such an experience (the primal scene) is likely to connect the ideas of sexual excitation and danger."<sup>9</sup> I think this connection can also be seen in the dissents from the findings of the Warren

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5. *Infantile Neurosis* 555.

6. *Grunewald v. United States*, 353 U.S. 391, 402 (1957).

7. *Infantile Neurosis* 534.

8. S. FREUD, *The Paths to Symptom Formation*, in *THE COMPLETE INTRODUCTORY LECTURES ON PSYCHOANALYSIS* 369 (J. Strachey transl. 1966).

9. O. FENICHEL, *supra* note 4, at 214.

Commission. There is an uneasy excitement in having discovered a conspiracy to kill Kennedy which is not present if the act was planned by a single individual.

One of the more familiar types of conspiracy is the vice ring; the so called spy ring is perhaps equally familiar, and both entities are often headed by someone called a ring leader. These terms identify not only the purposes of the enterprise, but—if they are properly used—the structure of the combination as well. “There may be one person . . . round whom the rest revolve. The metaphor is the metaphor of the center of a circle and the circumference. There may be a conspiracy of another kind, where the metaphor would be rather that of a chain; A communicates with B, B with C, C with D, and so on to the end of the list of conspirators.”<sup>10</sup>

Because the ring or circle type structure facilitates the division of labor and control, combinations of any size tend to be of this type. The following observation by Fenichel makes this structural fact quite significant.

In psychoanalytic practice, we have the habit of stating, when sensations of this kind [equilibrium and space] come up, such as rotating objects, rhythmically approaching and receding objects, sensations of crescendo and decrescendo, that ‘primal scene material is approaching.’ But of course, sensations of this kind are not specific for ‘becoming aware of sexual scenes in the surroundings.’ They are, rather, specific for being overwhelmed by excitation.<sup>11</sup>

There is one further suggestive phrase worth mentioning here. We often speak of people who are admitted to an existing conspiracy (let in on) as having been admitted to the “inner sanctum.” This is even true of presidential cabinets where, although one knows the membership, one does not know what transpires “within.” The phrase “inner sanctum” is particularly good at generating that excitement of the dark and mysterious which

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10. *Rex v. Meyerick*, [1929] 21 Crim. App. 94, 102 (Eng. C.C.A.).

11. O. FENICHEL, *supra* note 4, at 215.

accompanies the fear of discovering what lies within. If my memory serves me, "inner sanctum" was the title of a radio mystery program with particular appeal to children. Though it is undoubtedly overdetermined, "inner sanctum" certainly suggests an image of that bedroom wherein the primal scene is re-enacted in fantasy.

The anxiety generated by conspiracy is reflected in specific legal prohibitions which are justified by the particular potential force which conspiracies may release. In other words, next to the potential power of conspiracies individual criminality is relatively impotent. I think the latent meaning here is a fantasied comparison between the tremendous sexual power of the parents and the almost complete sexual impotence of the child. But discovery allows the individual to manage the anxiety in at least two ways. Simply by "knowing" the discoverer can maintain a degree of psychic control over the event, and what he knows can be imaginatively recreated in fantasy and repeated in play; in either case knowledge is a precondition to control. Furthermore, knowledge facilitates ego satisfaction. The phrase "they tried to put one over on us" is instructive here. Where a conspiracy succeeds one has been "had" (overcome by genital power), but when it "comes to light" it has been "foiled" (overcome by genital power). The power potential of the conspiracy or the sexual power of the primal scene are to some extent neutralized by knowledge. In a somewhat different sense, attributing a conspiracy to an event amounts to an assertion that events do not occur without an act of conscious, more or less rational, human will. Anxiety producing events simply do not happen but are the product of (perhaps evil) human will. It may be that this suggests a regression to that developmental stage where children tend to regard their parents as omnipotent with respect to the world. If something happens the parents must have had a hand in it or at least be able to do something about it.<sup>12</sup>

In a recent paper John McDermott developed the thesis that technology as an ideology has the effect of widening the cultural and social gap between social classes. The arcane quality of the learning, the skills and the language of technology works to exclude the lower classes from the system and the forces that affect their lives. The management of technological society is entrusted

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12. See J. PIAGET, *THE MORAL JUDGMENT OF THE CHILD* 61, 62, 63 (1965).

to the highly trained (upper) classes.<sup>13</sup> McDermott relates a story which he uses as a parable to describe the effect of this development. The story and his application of it have direct relevance to my concern here.

According to GI reports which the soldiers had heard and believed, the Viet Cong had long ago hollowed out most of the [Black Lady] mountain in order to install a very big cannon there. The size of the cannon was left somewhat vague—'huge fucking . . . '—but clearly the GI's imagined that it was in the battleship class. In any event, this huge cannon had formerly taken a heavy toll of American aircraft and had been made impervious to American counterattacks by the presence of two—'huge, fucking'—sliding steel doors, behind which it retreated whenever the Americans attacked. Had they seen this battleship cannon, and did it ever fire on the camp, which was easily within its range? No, they answered, for a brave flyer, recognizing the effectiveness of the cannon against his fellow pilots, had deliberately crashed his jet into those doors one day, jamming them, and permitting the Americans to move into the area unhindered.<sup>14</sup>

The imagery in this story is striking: a huge fucking cannon inside Black Lady Mountain which is impervious to attack or observation because protected by two huge doors. But the GI's are safe now because a "brother" flyer crashed into the doors, though this invasion cost him his life. The manifest content of this story barely disguises the primal scene fantasy. The power or energy contained behind the doors is an immediate threat which can only be *permanently* contained at the cost of one's "life." But even though the "flyer" loses his life, his "brothers" are free to move into the area. The brother-flyer split allows both Oedipal desire and castration fear to be represented.

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13. McDermott, *Technology: The Opiate of the Intellectuals*, THE NEW YORK REVIEW OF BOOKS, July 31, 1969, at 25.

14. *Id.* at 29-30.

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McDermott explains this story by noting that the GI is never let in on the facts regarding the actual circumstances or position of his group. Rather, he is given specific instructions which he is expected to follow with "blind" obedience. "Under such circumstances, reality becomes elusive. Because the soldiers are not permitted to deal with facts in their own ways, facts cease to discipline their opinion. Fantasy and wild tales are the natural outcome."<sup>15</sup>

McDermott seems to be on the right track; he seems to be saying that when men are in the position of children they begin to regress, to behave like children. Consequently they fill in the gaps in their knowledge with fantasy. But for the purpose of understanding our fascination with conspiracy the use to which McDermott puts this story is even more interesting. He argues that "the effect on those who are excluded from self-management" by a technological society is similar to the effect of ignorance on GI's.<sup>16</sup> "Soldiers in Vietnam are not alone in believing huge, secret guns threaten them from various points; that same feeling is a national malady in the U. S."<sup>17</sup>

The essential and general point is that relative powerlessness in terms of knowledge and understanding of what is going on at the centers of decision-making tends to produce a disposition toward a "conspiracy" response. I think this point can be made particularly clear in the Spock case. It is still a matter of some speculation as to why the government chose to prosecute the "Boston Five" for conspiracy rather than for simple aiding and abetting. The case for the latter was strong but quite weak for the former. But if the purpose, or at least one purpose, of the prosecution was widespread publicity about the trial the conspiracy theory is much more useful. What I am suggesting is that in an almost instinctual way the government realized that everybody does indeed "love" a conspiracy, at least enough to pay some attention to it, and that they are much more afraid of what is "behind" a conspiracy than they are of the harmfulness of aiding and abetting criminal activity. The instinctual appeal of conspiracy means that if people are given any suggestion that a conspiracy exists their psychological matrix of expectations shifts the burden of proof to

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15. *Id.* at 30.

16. *Id.* at 32.

17. *Id.*



the extent of creating in their own minds a presumption in favor of the reality of such a conspiracy. In other words, people seem more ready to believe an allegation of conspiracy ("there is more to this than meets the eye") than they are to accept apparent explanations.

Quite apart from the effect of this presumption on the outcome of actual litigation, it has significant political and social consequences. By employing the rhetoric of plot or conspiracy, any group (and I am not necessarily claiming this as a conscious tactic) can generate substantial apprehension, and use the anxiety thus generated to support policy decisions which might otherwise not stand up against rational argument.

In this respect I would call attention to two alleged conspiracies which had tremendous social and political consequences. As a basis for passing the Communist Control Act of 1954 into law, Congress had to find the existence of an "international communist conspiracy" directed from the Soviet Union. This finding identified American communists as "foreign agents" and conspirators, rather than people potentially dangerous because of their adherence to a hostile ideology. Finding a heretofore "hidden" conspiracy ("behind the iron curtain") intensified the danger in the popular imagination and diminished potential conflicts with the first amendment and traditional notions of criminal responsibility.<sup>18</sup> Furthermore, the finding of conspiracy shifted the burden of proof not only in a psychological sense but, in at least one respect, in a legal sense as well.<sup>19</sup>

No one needs to be reminded of the tremendous utility the allegation of a Jewish conspiracy had to the Third Reich. This is certainly an extreme instance and I would hesitate to apply the thesis of this essay to it as an essential explanation either of the genesis of the claim or the force of its appeal. But the general point retains clear significance: as a device to direct social consciousness, pointing to the power of a hidden, insidious conspiracy has tremendous utility for the reasons I have described.

I should hasten to point out that the government has no monopoly on appeals to primal scene fantasy. Anti-establishment ideology increases its appeal in direct proportion to its use of con-

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18. *Communist Party v. Subversive Activities Control Board*, 367 U.S. 1 (1961).

19. *See id.*

spiracy rhetoric. "Ruling Class," "Power Elite," "Military-Industrial Complex," "Intellectual Mandarins," and "Crisis Managers" are all phrases that imply subtle "connections" with the power to overcome the impotent masses (lower class, workers, students, are all substitute terms for psychosocial purposes). Note, for example, that the law does not prohibit all steel manufacturers from charging the same prices for their products. It only prohibits them from *agreeing* to do so. The radical attack on modern capitalism mirrors the establishment's attack on dissent by charging that the companies do in fact agree to set prices but do so in subtle, fundamental ways: the power of the corporate giants derives from the conspiracy of self-interest in maintaining its own supremacy.

McDermott hypothesized that an increasingly technological society means a widening cultural gap between social classes, between the managers and the managed. Those below the managerial elite would come to understand less and less about the decision making process and consequently have less control over it.<sup>20</sup> The implications of McDermott's hypothesis for some future species of "red-hunting" and a broader use of the rhetoric of conspiracy in political discourse are frightening to say the least.

### III.

It has been suggested to me in discussion that the Conspiracy-as-Primal Scene theory set forth above fails to distinguish conspiracy from other types of deception such as fraud, counterfeiting and so forth, and also fails to explain why conspiracy proneness is not better accounted for by a theory having its roots in repressed homosexuality. I will attempt to remedy these defects in turn.

These are several clear legal distinctions between conspiracy and other forms of deception. First off, conspiracy requires at least two parties; other forms of illegal deception may or may not be engaged in by more than a single actor. In addition, the crucial operative legal factor in conspiracy is the agreement; in other forms of illegal deception it is the illegal action which is the crucial factor. Certainly in these other cases if there is joint action conspiracy could also be charged, but this is a matter of prosecutorial

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20. McDermott, *supra* note 13, at 25, 31-32.

choice. In any event, in law it is the agreement between two or more persons which is the focus of concern.

These legal distinctions provide a clue to the psychological difference between one's responses to and perception of conspiracy and other forms of deception. The possibility that one may be deceived by any other individual is, of course, always present. In general, it seems that people feel competent to cope with this possibility, which is the possibility "of being had." I would suggest that excessive concern with "being had," being deceived, is indeed rooted in repressed homosexuality, but is quite different from the anxiety generated by the possibility that "there is more to this than meets the eye."

I think the confusion lies in the failure to make the following types of distinctions. In its aggravated form, concern with deception becomes a persecution delusion of the sort Freud dealt with in Schreber's case.<sup>21</sup> In its aggravated form, concern with conspiracy takes the form of an anxiety neurosis of the sort Freud dealt with in the "Wolf Man" case.<sup>22</sup> The two are quite different.

The tendency to suspect that conspiracies are behind events cannot be explained as a consequence of repressed homosexuality to the extent this theory relies on Freud's examination of Schreber's case. There are several reasons for this. First of all, the word conspiracy appears only in a single sentence in the account, and even here it is Schreber who uses it, not Freud: "In this way a conspiracy against me was brought to a head."<sup>23</sup> From the context I think it certain that Schreber is using the word only very loosely, so that he is not in fact referring to his perception of a concerted agreement to do something to him. Schreber is expressing his fear that while he is under Dr. Flechsig's care in an institution he will be "*handed over to a certain person . . . with a view to sexual abuse.*"<sup>24</sup> While this certainly implies that more than one person will do the handing over, it is also clear that these individuals are mere hirelings. The abusive operation will be done by Flechsig;

21. 3 S. FREUD, *Psycho-Analytic Notes Upon An Autobiographical Account of a Case of Paranoia (Dementia Paranoides)*, in COLLECTED PAPERS 387 (The Int'l Psycho-Analytical Lib. No. 9, E. Jones ed. 1959) [hereinafter cited as *Psycho-Analytical Notes*].

22. *Infantile Neurosis* 473.

23. *Psycho-Analytical Notes* 427.

24. *Id.* (Freud's emphasis).

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there is no other named or otherwise identified primary figure in the scheme.<sup>25</sup>

There is, however, a more important distinction between this case and the conspiracy situations to which I have been referring in this paper. It is crucial to notice that in Schreber's case not only is the source of the threat, in the main, a single individual, but the threat in a particular and immediate form is addressed directly and almost exclusively at Schreber personally. This is true even though both the source of the threat and its object "decompose" at a later point in the history of Schreber's illness. In other words, Schreber himself, and only he, is being persecuted. If one compares this to the anxiety neurosis discussed in the "Wolf Man" case, one can see clearly the distinction. In the former we are dealing with an immediate personal fear stemming from a perception of persecution; in the latter we are dealing with a sense of acute anxiety stimulated by representational figures—such as pictures of a wolf.

Apart from these significant differences in symptom formation there are real differences in the genesis of the disorder. In Schreber's case Freud notes that the persecutor is almost certainly a figure representing someone who was formerly loved.<sup>26</sup> In the "Wolf Man" case the disturbance has something to do with the management of ambivalent feelings toward a loved individual, but are traced in particular to real or fantasied events which overwhelm the disturbed individual.<sup>27</sup> This difference is parallel to one aspect of the distinction between conspiracy and other forms of deception I have been urging here. The notion of conspiracy is useful in "explaining" the anxiety one feels toward otherwise ambiguous events (*e.g.*, the Kennedy assassination and campus disruptions) which are unlikely, however, to cause one to *fear* for one's *personal* safety or security. The notion of persecution, on the other hand, is only useful in "explaining" the fear one feels for one's personal safety and security. In the former instance, the "explanation" goes to the genesis, cause or force behind the event; in the latter instance the "explanation" goes to the object or purpose of another individual's behavior (*e.g.*, fraud). The occasions for these two "explanations" and the form they assume are quite distinct.

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25. *Id.*

26. *Id.* at 424.

27. *Infantile Neurosis* 480-521.

I cannot here attempt a detailed defense of the conspiracy-as-primal scene thesis on the basis of these two single papers by Freud other than to suggest, again, that the thesis is stated in terms of an analogy, and that a detailed comparison of the "Wolf Man" case with Schreber's case shows that the two are quite different. The tendency to "explain" events by attributing them to a conspiracy is better understood in terms of the primal scene fantasy rather than repressed homosexuality.

#### IV.

I would like to make one further observation which points in a somewhat different direction. In a recent paper I suggested that the legislative choice respecting the kinds of behavior which should be discouraged by the criminal law ought to be guided by the different responses people have to actions which are feared and those actions which simply generate anxiety: only actions which provoke fear should be proscribed by the criminal law.<sup>28</sup> I argued there that this difference had a great deal to do with the proximity of the threat in time and space, and in turn the objective—as opposed to conceptual—quality of the threat.<sup>29</sup>

In dealing with conspiracies as threats to collective security, I conceded that conspiracies are properly proscribed because they are feared; conspiracies do not simply generate anxiety.<sup>30</sup> Insofar as this would appear to be inconsistent with the thesis of this paper I want to point out that such is not the case. It is true that real or supposed *persecutions* are feared because they are specifically directed at the individual and the threat is perceived as proximate. It is also true that ambiguous events in the world whether or not "explained" by a conspiracy theory, tend to generate anxiety for the reasons I have attempted to identify here. The point is, however, that as conspiracies take on a more objective quality in the mind of the perceiver, as the relation between the conspiracy and the perceiver becomes more proximate, anxiety is readily displaced

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28. Katz, *Dangerousness: A Theoretical Reconstruction of The Criminal Law*, 19 BUFFALO L. REV. 1 *passim* (1969).

29. *Id.* at 24-25.

30. *Id.*

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by fear. Thus, in the earlier paper, I was able to defend making certain conspiracies criminal only on the condition that the “clear and present danger” test is retained.<sup>31</sup> In sum, I believe the discussion of conspiracy in my former paper is consistent with the conspiracy-as-primal scene thesis presented here.

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31. *Id.* at 25-26.

