

BOOK REVIEW

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A Review of "Psychiatry and Law"

REFERENCE: Slovenko, R., *Psychiatry and Law*, The Medical Division of Little, Brown and Co., Boston, Mass., 1973, 736 pages, \$28.50.

Ralph Slovenko's *Psychiatry and Law* does not lend itself easily to evaluation. 736 pages of text, footnotes, appendixes, selected reading lists, and indexes clearly reflect an undertaking of heroic proportions. Every aspect of the interface of law and psychiatry is examined, from psychiatric evidence in tort liability to psychiatric evidence in criminal law. Issues are considered in terms of moral imperatives, legal practicalities, sociological implications, etc. To recognize the work and devotion invested in this massive textbook is to be overwhelmed.

Further, Professor Slovenko has done an outstanding job in the practical organization of his book. The footnotes—at the end of the chapters—are detailed and many cases are cited; there are extensive case illustrations on nine key topics of forensic psychiatry; the complete Minimum Constitutional Standards for Adequate Treatment of the Mentally Ill, as set forth in *Wyatt v. Stickney*, are included; a 75-page bibliography is organized to correspond with each chapter; and three indexes, by case, by name, and by subject, contribute enormously to the accessibility of information. Finally, Professor Slovenko has been more than successful in choosing the felicitous phrase and in avoiding repetitive vocabulary or esoteric legal or psychiatric jargon—not an easy task in a project of this kind.

This big new book, which represents a sizable addition to the basic legal psychiatry literature, is not without its defects, and these are both substantive and procedural, relating both to the ideas Slovenko propounds and the form in which he propounds them.

There are two essential substantive issues to which Slovenko does not directly address himself. The fact that as a society we entertain at best conflicting attitudes about what we expect our legal system to accomplish for us will go far to explain the difficulties and apparent inconsistencies in the incorporation of the medical model into the legal system. Retribution as a utilitarian factor in the maintenance of domestic tranquility is not given consideration. In other ways, too, some of Slovenko's proposals are very rational and well intentioned but not consistent with public attitudes. The second substantive issue to which Slovenko pays insufficient heed is an appreciation of the legal system, like any other bureau-

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cratic system, as having its own needs. We can better understand the vicissitudes of legal policy and its application if we remember that the legal system is concerned with more than its stated function; it also has the added agenda of maintaining and protecting its own mode of existence.

Criticism of procedure is largely a criticism of the book's style. Slovenko has interesting but often highly idiosyncratic views, and these sometimes become a serious impediment to effectiveness and clarity.

Issues are sometimes obscured by cultural allusions of questionable cogency; one worries through a complicated legal psychiatric topic only to be brought up short by a reference to a Brigitte Bardot movie or a Sherlock Holmes story that may add to the subject under discussion but is difficult for the reader to integrate into the discussion. Insufficient differentiation is offered between major, minor, and peripheral arguments, and sometimes it is hard to know where general opinion ends and Slovenko's personal opinion begins.

Most annoying of all in a book of such obvious care and scholarship is the occasional recourse to generalizations and overstatements which reflect Slovenko's biases. "In many cases, the defendant is better versed in the criminal law and able to defend himself better than the neophyte criminal lawyer." "Although the criminal-law tests [i.e., *M'Naghten*] do not mention demons, mental illness, as used in these tests, is regarded essentially as a form of demonical manipulation." "[A doctor] is so conscious of status that he is even offended if he is addressed as 'Mister' instead of 'Doctor.'" "To a modern audience [that a person should not be put to death while insane because in that condition he is unable to make his peace with God] is hardly convincing, and the condemned man himself often rejects spiritual solace in his final hours and looks instead to a last good meal."

These kinds of opinions, if they are to have any place at all in a textbook, need more justification. One hastens to add, however, that Slovenko's technique of amalgamating his personal vision with formal scholarship is not without value; after all, this is the stuff of which fresh insights are made.

In sum, then, *Psychiatry and Law* will serve psychiatrists, lawyers, and others well and is to be welcomed into the repertoire of standard works for the field.