

Editor:

I much enjoyed Dr. Gutheil's "The History of Forensic Psychiatry."¹ His invocation of early examples of forensic medicine from imperial Rome to ancient China, India, Africa, the Jewish Talmudic tradition, medieval and premodern Europe, mid-19th century England and even our own country, from antebellum to recent times, made for fascinating reading. It helps explain why the field of law and psychiatry (which I've been dabbling in for a good part of my career, on the lawyer side) continues to interest, even captivate, many of us on either side. That I've encountered some of the examples before, though certainly not all, or that I may disagree with the suggested theory of a particular case (having read Norman Mailer's *Executioner's Song*, I find it hard to credit the proposition that Gary Gilmore killed in Utah because he could get the firing squad there), does not detract from the pleasure of seeing them laid out in Dr. Gutheil's piece.

I understand the occasion at which the Gutheil presentation was first given, the dedication of the Robert L. Sadoff Library of Forensic Psychiatry and Legal Medicine in Philadelphia, though of substantial moment, was a relatively lighthearted one. This is reflected in a couple of amusing comments made by Dr. Gutheil that psychiatrists today "never" have the problem of being motivated by the enhancement of professional status and self-interest and that we can always count on psychiatrists, both early and latter-day, to supply the requisite helping of jargon, though we lawyers may feel slighted here. I personally don't mind having a ray of lightheartedness brighten up even ostensibly more serious and sober occasions (which, *inter alia*, is why I enjoy Ralph Slovenko's law and psychiatry writings as much as I do). So, seeing it on display here in the printed version of Dr. Gutheil's speech presents no problem at all for me.

Having said that, however, I find that at one point in Dr. Gutheil's presentation the attempt at humor was markedly off—where he says that a "discussion of M'Naughten would not be complete in this election year without Queen Victoria's comment [that she, in a loose translation of the Royal pronouncement] did not believe that anyone who wanted to murder a conservative politician could be insane" (Ref. 1, p 262). Apart from undesirably "dating" the presentation to 2004 in a 2005 publication (for which alone it should have been eliminated) there are

other more important reasons why the comment should never have been made, let alone published. That these escaped a psychiatrist of Dr. Gutheil's standing or of any standing (including the *Journal's* editors) I find difficult to grasp. We are not just talking bad taste here, a joke falling flat. It is much worse.

The heating up, to put it inoffensively, of the political discourse is rarely a good thing, and during the contentious election year of 2004 or any retrospection on it, this should have been abundantly clear. Psychiatrists as well as any group, and better than most, should know what it can lead to. They know as a clinical reality that there are any number of crazy folks "out there" who take their cues from divisive, overheated political rhetoric. A joke about political murder in this context is just way beyond the boundaries. It has no place in an academic talk, in an academic journal, or anywhere.

How to explain this baffling lapse? I can only think that political bias clouded judgment here. To illustrate, I venture to suggest that had the Queen spoken of "liberal politicians," the error would not have been made. Or less blatantly (you wouldn't even need the political label), if she had said "the muddle-headed judge." Nobody at the Philadelphia gathering, much less in Chicago, would have laughed, and the idea of putting it in print would not have been thinkable. If the (liberal) reader doesn't believe so, (s)he should try it on for size.

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Reference

1. Gutheil TG: The history of forensic psychiatry. *J Am Acad Psychiatry Law* 33;259–62, 2005

Reply

Editor:

I thank Professor Brakel for his kind words and even for the amazingly, gratifyingly, close reading that led him to fix on one phrase from the whole. Indeed, getting people to read one's writings closely is an increasingly burdensome demand, and unrealized expectation, in this media-saturated age.

First Amendment issues aside, I must respectfully disagree with Professor Brakel, however, that I should somehow take responsibility for some other