

Cross-Cultural Forensic Psychiatry in Alaska

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The intent of this paper is to examine some of the areas of overlap between cross-cultural and forensic psychiatry. Both are relatively newly expanding psychiatric subspecialties. They have for years engaged the interest of small numbers of psychiatrists but are recently gaining in importance within psychiatry. Both represent the expansion of the psychiatric profession into areas traditionally the interest of other disciplines. With this movement in the direction of other professions and with professional sharing of knowledge and territory, the inevitable attendant controversy arises, both from elements within psychiatry and from the new partner-professional.

This particular overlapping of cross-cultural and forensic psychiatry came about from the author's experience as a general psychiatrist in a unique section of this country. Part of my practice and that of my colleagues has been to evaluate people for the Alaska State Court System. In the course of these evaluations we have seen a number of Alaskan Native people who have been charged with various crimes ranging from misdemeanors to homicide. As in other regions, psychiatrists in Alaskan courts are called upon generally to focus on competency to stand trial, on responsibility at the time of the action charged under the American Law Institute Test,¹ and on recommendations to the Court in aid of final disposition of the case. The latter area is the least well defined and gives the psychiatrist the widest latitude to make recommendations which the court can potentially incorporate into sentencing. The Native people referred for evaluation range from very "traditional" Indians or Eskimos from remote villages to those who are Alaskan Native but were born and raised in cities like Anchorage or Fairbanks.^{2,3} As we gathered more experience with the cases referred, it became apparent that a working knowledge of cross-cultural material as it related to the specific ethnic group in question was necessary in order to provide the court with a fuller picture of the defendant. The experience in Alaska has led us to believe that there is value in promoting a model to use in approaching ethnically diverse people in the forensic setting. We intend to use material which focuses on the Eskimo group to illustrate this model, and will also present one case history which will illustrate the method being discussed.

Cross-Cultural Forensic Psychiatry:

Kiev,⁴ in a recent attempt to define the field of cross-cultural psychiatry, has included within its boundaries the following areas of study: culture-bound disorders, prescientific medicine, psychiatric epidemiology, the effects of culture on mental disorder and changes in symptomatology with culture change. The latter area, that of the effects of culture change on individual adjustment, is of course the key point in this paper. The fact that an Eskimo is even in a court represents the issue at hand. Why is he there, and should the court even notice that he is an Eskimo?

The key areas of cross-cultural forensic psychiatry would certainly be similar to those outlined by Kiev. We have isolated four categories which are important to understand in working in this field of Alaska. They are traditional personality patterns, traditional

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law-ways, the effects of the acculturative processes, and finally, the effects of the rise of nativistic movements on the legal system. Each area will be discussed.

1. *Traditional Personality Patterns*: Knowledge of the literature on traditional personality structure and traditional psychological defensive patterns of a particular group is an essential underpinning to any court evaluation. This area would also include the manifestation of the traditional defensive style in any described culture-specific disorders. In Alaska, the understanding of this style requires knowledge both of the ethnographic literature and of the less plentiful psychological literature. What is essential here is the understanding of the traditional techniques of drive management and styles of interpersonal relationships.

2. *Traditional Law Ways*: Knowledge of traditional law ways is intimately tied to traditional personality structure. It concerns areas of management of conflict and of deviant behavior. The law-ways, depending on the group, may be formally organized or, like those of the Eskimo groups,^{5,6} may be uncoded, individualistic and pragmatically changing. This area may also tend to merge with the study of pre-scientific medicine, and the figure of the shaman or healer may be involved in many forms of dispute resolution. Another area of importance is the history of modification of traditional law-ways by cross-cultural contact. This leads to scrutiny of those traditional values and community structures which might still be viable in a community and could ultimately be incorporated into the criminal justice system. Promising lines of investigation in this area have been undertaken in Alaska by Hippler and Conn.^{7,8}

3. *Effects of Acculturative Processes*: This area includes the specific relationships between the stresses involved with culture change and the development of both psychiatric disorder and increased deviant behavior. In this area would fall the interrelationship between traditional personality defenses and the processes of modernization. Especially necessary is a grasp of the psychological sensitivities peculiar to the group in question. Of further interest here would be the techniques of psychiatric epidemiology applied to the jail systems. For example, we have seen large numbers of disorganized or "anomie" type crimes committed by young Alaskan Natives who have been severely damaged by the processes of culture change. We have also seen older Native people involved with the court systems, and those people have shown combinations of traditional sensitivities and modern-day conflicts.

4. *Rise of Nativistic Movements*: The rise of native organizations has been an extremely important development in Alaska in the last ten years. Originally formed in the struggle for an equitable land settlement, these regional groups were formally recognized under the Alaska Land Claims Settlement Act of 1971. The Regional Corporations have subsequently delved into other areas affecting the lives of the Alaskan Natives, including the administration of justice. Two conferences were held, the first in 1970, sponsored by the Alaska State Supreme Court, and the second in 1974, sponsored by the Supreme Court and the Native corporations. The importance of the rise of the Native corporations is reflected in some of the findings of the second conference, which was held in the small Athabascan Indian village of Minto.⁹

Finding: That village people do not generally understand the State justice system and the State justice system does not generally understand the village people.

Recommendations: That every State agency should develop bilingual educational materials to explain how they work to village people. That more civil and criminal trials be held in villages. That the justice system provide training to afford every village with at least one native person educated to work in criminal and civil law. That all judges be encouraged to gain better understanding of village people by spending increased time in village communities.

Finding: That village life should be governed by village law and custom as much as possible.

Recommendations: That the Department of Community and Regional Affairs should

provide attorneys residing in regional village areas to work with villages and help them codify their customary and traditional laws. That, where desired by a village, experimental bodies such as conciliation councils should be encouraged and funded by the legislature, through the judicial system.

The above gives the flavor of the Minto recommendations and provides insight into the potential power of such organizations in incorporating traditional law-ways, perhaps in modern forms, into the court system. From the point of view of psychiatry, the development of Native corporations could lead to the development of wide-ranging changes in both the criminal justice and mental health systems. One Native Health Corporation has already employed Eskimo mental health para-professionals in the evaluation and village follow-up phase of court hearings.¹⁰

Case Example: The following case presentation will serve to illustrate the interrelationship of the areas defined above. Further, it will show how the types of information generated in a cross-cultural evaluation can be integrated into the deliberations of the court system. The evaluation was done for the Alaska Superior Court in Nome. The accused, Mr. H., was a 31-year-old married Eskimo man from a remote Bering Sea village of about 300 people. He was charged with homicide in the death of his infant son and with assault in the shooting of his wife. The events took place during the summer of 1972.

The accused stated that he was at home with his family during the day in question. After dinner he and his wife had some drinks, and around 11 p.m. he decided that he would go down to his boat to try to sober up for his next day's work. (One of the unusual features in this particular case is that this man was employed as a barge captain for a company which delivers goods from the Bering Sea up the Yukon River. He is one of very few Eskimos to have this type of employment.) An argument developed with his wife, who accused him of leaving early so that he could be with another woman. He then was unable to reconstruct the subsequent events, which included his shooting his wife while she held their infant son. The son died and the wife was seriously injured. He emerged from his "black-out" some hours later walking around at the village airport.

Two areas which contributed to the outburst of violence in this case will be discussed. They are the relationship of Mr. H. to his wife and his relationship to his job.

The relationship between husband and wife had been strained for many years. Mr. H. said that the problem began prior to their marriage when Mrs. H.'s father died of a heart attack, an event soon followed by her brother's death by accidental drowning. His description of his wife's behavior over the years is a good description of a prolonged grief reaction. He said:

I try to keep her happy, it just seemed like the more I try to keep her happy it works out the opposite. It started from way back, it started from her father: I was lonesome and she wouldn't talk . . . She didn't see either body . . . she wished her father was living; she wished she had seen his body . . . At times when I am tired I hear about it on and on. I say don't talk about them, don't think about the past. Why don't you smile? You don't ever have anything to say. Why did we get married?

This marital tension had existed through the years and increased in intensity during the two years prior to the violent behavior. There were increasingly frequent accusations of infidelity on both sides and also increasing drinking and several alcohol-related wife-beating incidents.

The job situation was quite unusual. Mr. H., being a boat captain, faced very definite tensions. He said that the most difficult situation for him was "bossing other men around." In the several days prior to the shooting, his boat was in port, and Mr. H. had asked some of his men to do some repair work to get the boat ready to meet a tanker. He returned to the boat on several occasions and found that the men had not accom-

plished their task, and finally without insisting he did it himself. In many ways he felt himself trapped between his non-Eskimo boss and his own men.

The above brief case presentation focuses on areas of great difficulties for Eskimo men. Lubart¹¹ has outlined three main areas which were functional in traditional Eskimo society but which seriously threaten adaptation to a changing environment. The three areas include 1) male dominance, inflation of the male ego and depreciation of the female; 2) female resentment of the male, and of the female role; 3) impounding of hostile and competitive impulses. Briggs¹² examines in great detail the Eskimo aggression management system, and it has been our experience that Alaskan Eskimo people share to a large degree in this very elaborate repression of angry impulses. Another whole area of literature on Eskimo personality has to do with the extensive use of hysterical mechanisms both in psychological adaptation and in psychopathology.¹³ These mechanisms were postulated early by Brill¹⁴ to be at the root of the culture specific Eskimo disorder of "Pibloktoq."

Mr. H. was thus in an extremely difficult position for an Eskimo male. He was married to a woman who for a number of years seemed to be suffering from a distorted grief reaction and who to a large extent shut him out. This left him with an internal sense of frustration and no culturally acceptable way of expressing it. Further, he was in a responsible job with pressures coming at him from both his non-Eskimo boss and from his workers. To be a good boss from the non-Eskimo point of view is to take command of his boat and his men. To be a good Eskimo means that he is not to be a "boss" to anybody. The frustrations described boiled over because of the accusations made by his wife, resulting in the deadly outcome.

A more extensive presentation of the above material, using different homicide cases involving an Eskimo store manager and village policeman, has been offered at an earlier time.¹⁵ In each of the cases the man felt severe yet culturally normal inhibitions against the expression of anger, and in each case the aggression came out after prolonged "provocation" in a dissociative state associated with alcohol.

Each of the court reports presented to the Nome Superior Court contained traditional explanations of behavior. They also contained descriptions of the pressures which were brought to bear on these men in a transitional period in which old norms exist along with severe psychological challenges coming from "outsiders." In the court reports I also listed the references to relevant literature as outlined above. Although all of these men were found by me to be responsible under the ALI test, the reports helped in determining diminished capacity and providing cogent data for sentencing.

The sentencing proceeding in the case described above was unique. As a result of the social changes described earlier in the section on native movements, the sentencing was held in the man's home village. It was held in the Army National Guard building with the court entourage of lawyers, judge, court recorder and psychiatrist coming by bush airplane to this very remote Bering Seacoast village. This was the first such hearing ever to be held in the village. It allowed Mr. H. to call witnesses who had hardly ever been out of the village and who had never before seen a court in operation. People could testify in either the Eskimo or English language. Numerous people spoke up for Mr. H. and told the court that they wanted him to be allowed to stay at home, that he was an important man for the village and basically a good man. The village council provided a letter stating that they had met and found no reason to be fearful of his staying in the village. The hearing involved two especially poignant episodes: first, an extremely old man told about his acquaintance with Mr. H. from his birth and ended by saying, "Mr. H. is a good man . . . that's all I have to say"; and second, in the midst of the judge's explaining to the Eskimo audience how he arrived at a sentence for an individual, the defendant's two-year-old daughter wandered from the back of the building to sit on her father's lap. (Children were present throughout the hearing.) The defendant received a seven-year sentence and was immediately placed on probation in his village.

Conclusion: This paper has attempted to delineate some of the areas which are important in combining cross-cultural studies and forensic psychiatry, using examples from the Alaskan setting. Whether the same sets of factors would be applicable to other psychiatrists working with ethnically diverse people and traditional court systems awaits further discussion. Extending the logic of the proposed model, which combines cross-cultural and forensic issues, will naturally lead to discussion of other points of interest to the examining psychiatrist, as well as attorneys and judges. For example, there is the question of the individual's understanding of the Miranda Rights, the problem of many young people coming into the criminal justice system for deviant behaviors.

Earlier in the text two questions were posed regarding the presence of Eskimos in the courtroom. The answer to the first question is obvious. He is in court because he is accused of breaking some law, either state or federal, and he has to answer the charges, as would any citizen in a similar position. The answer to the second question is less obvious. It is our contention that the court should recognize that he is an Eskimo and should as fully as possible try to determine how the cultural level of behavioral organization impinges on the charge. Although the role of the psychiatrist in the courtroom is an issue that continues to be hotly debated, it is clear that his presence is increasingly demanded. We believe that one appropriate function of the examining psychiatrist is the presentation of an individual to the court as fully as possible, including the facts of his ethnic diversity.

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