

President's Message: A Psychiatric Explanation Is Not an Excuse

And oftentimes excusing of a fault
Doth make the fault the worse by the excuse.
— Shakespeare: *King John*

The American way today is characterized by a morbid preoccupation with attributing blame. This fixation on blame is matched by the evolution of a system to lessen its impact; accordingly a whole system of justifications or excuses has developed to lessen responsibility for adverse individual or group behaviors.

The psychiatrist is one who has found himself put into the position of being one of society's excuse-givers and then being blamed for the behaviors for which his patients are excused. Halleck¹ has commented on the power, misuse, and inappropriateness of the psychiatric excuse. Not only psychiatrists but courts, lawyers, police, government officials, almost anybody in a position of power or public trust — all have been accused of being responsible for individual or social ills by virtue of policies which can be interpreted as excuse-giving.

The forensic psychiatrist in theory looks upon himself not as an excuse-giver but as a fact-finder or opinion-offerer. Nevertheless, he or she is often criticized as an excuse-giver for performing according to rules dictated by society itself.

The psychiatrist by virtue of his profession attempts to understand human behavior. For therapeutic purposes he shares this understanding with the patient, who can then analyze his own behavior and perhaps choose more effective ways of dealing with the problems of life.

People have an insatiable need to know why, to understand their world, to have a feeling of control based on knowledge. Uncertainty and fear are more terrifying in the absence of the solace of awareness, even if that awareness cannot change the external world. Parents want to know why children (of all ages) act as they do, schools want to know about their students, corporations about their employees, society about its misbehavers.

In the criminal process this search for understanding is based on many needs. The mental status of a person is relevant to decisions concerning capacity to stand trial and criminal responsibility; the rules for such decisions are dictated by the law. The courts also seek understanding of the individual to assist in the determination of disposition, sentences, probation conditions, and rehabilitative programs. The psychiatrists follow traditional and circumscribed roles in analysis and description. They hope to make these analyses objective, dispassionate, nonadversarial, unemotional, and nonspeculative.

The psychiatrist ostensibly is a fact-finder and an opinion-giver. He or she unavoidably becomes involved, however, in issues and incidents about which public feelings run high. Medical descriptions or explanations of natural phenomena may be the bases for unpopular acts or dispositions. The public's hatred of the psychotic mass killer, the public's distress at the freeing of a miscreant for alleged ill health, and the public's ambivalence about a deferred or avoided execution or other punishment are common themes. Commonly offenders charged with lesser crimes are dealt with more lightly than would be the case if empathy and remediation did not seem more important than punishment.

The public is rightfully suspicious of both the claims made and the workability of the system. Psychiatric data are in fact often generally misunderstood in the sense that the therapist's explanation is transmitted into a public expectation of magical control of the offender's future. Unfortunately, in most cases of behavioral deviance, understanding and empathy do not seem to make much difference in terms of subsequent behavior. When the offender re-offends, the public's sense of righteousness is in turn offended, and the psychiatrist is blamed for the "excuse" that he has provided. In particular, the rare but highly visible finding of not guilty by reason of insanity disturbs the public sense of morality and security.

Nonetheless the public must realize that if results are not what they wish them to be, they must weigh the process, not the participants. Criminal lawyers do not by virtue of their profession commit the crimes; they only defend those who do, often with results seen as injurious to society.

Lawyers do have a part in making the rules; others, particularly psychiatrists, do not. Psychiatrists and other professional experts are asked only to describe and analyze phenomena in as objective a fashion as possible. Assuming that they do so adequately, one cannot reasonably lash out at the findings or the finders. The explanation is not the excuse unless society through its own policies makes it the excuse.

If a multiple killer is a severely psychotic paranoid schizophrenic, then such a fact is an observation capable of substantiation. If the interpretation or extent of illness is unclear, that vagueness too is in a way factual. Not all events can be explained; not all behaviors can be pigeon-holed; not all classifications provide either understanding or a method of handling.

Purveyors of specialized knowledge must be allowed to describe and explain without accusations of blame for the results of the socially determined use of their findings. If the policies of society do not work, then the rules must be changed. To blame an observer for the fact observed is itself an irrational and socially harmful act which contributes to anti-intellectualism and professional nihilism and withdrawal. To minimize these possible consequences, both the profession and the public must be constantly reminded that a psychiatric explanation alone is not an excuse.

IRWIN N. PERR, M.D., J.D.
President, American Academy of
Psychiatry and the Law

Reference

1. Halleck SL: The Politics of Therapy. Science House, N.Y., 1971