

## The Devil's Advocate

This is the swan song for this Devil's Advocate, who, with your indulgence, will engage in a Remembrance of Things Past. Such was Swann's way. And for this ugly duckling it is time to stop swanning.

There will be no difficulty in finding a replacement, for like the Sorcerer, there will be many apprentices. What we have tried to do is to give the light touch to heavy problems, and often we have used what passes for humor for the most serious matters. If our jokes have been flat, or you have gagged on our gags, and have taken a bromo for our *bon mots*, we apologize. We are serious when it matters.

First of all, professionalization, which usually is followed by specialization, tends to sequester and compartmentalize. We need connections as well as communications inter-professionally. Far too many of us fall into a trance over our particular subject matter and cut off all peripheral awareness. We tend to forget that man and his problems may be viewed from several differing perspectives.

Unfortunately, what passes for liberal education these days does not concern itself with law, the legal process, and the administration of justice. It was not always so. The Italian universities of the Renaissance used the Codes of Justinian for their core curriculum. Blackstone wrote his *Commentaries* for Oxford undergraduates. Law was the educated person's concern until quite recently. But in the past fifty years that subject matter usually is avoided by social scientists, except as their target for sarcasm.

Medical education, in particular, inculcates hostility towards law, lawyers, and the courts. Educational malpractice in this regard should be of concern to psychiatrists because the other favorite whipping boy or scapegoat is psychiatry. Today, liberal undergraduate education, and medical education itself, badmouths both psychiatry and law. Among professionals, we are the persecuted minorities.

So psychiatrists and lawyers are fellow victims. We are the *bête noires* of academia. The young instructor in psychology, sociology, or anthropology chalks up points with cheap shots at our expense, even when he doesn't know the score. Why should this be so? A cynic might say that it is because psychiatrists and lawyers make a good living, and because members of the law and medical faculties earn considerably more than social scientists and classical scholars. But there must be additional contributing factors to our acquisition of a bad name.

One of the most rabid anti-psychiatry men I have known was a celebrated sociologist-criminologist, and as I got to know him better, I

learned that he was afraid. A short man, who had been through a traumatic divorce, he developed some symptoms that were obvious even to me. Among other things, he was a hypochondriac. I barely withstood his scorn when I suggested psycho-therapy. He was one of many people who are afraid of psychiatrists and lawyers, especially when they have something to hide. So we are the objects of widespread fear.

Fear also may exist due to our techniques. Lawyers often engage in incessant questioning or cross-examination. With psychiatrists, the technique is different, but the end result may be comparable. Human frailties emerge. Even though we avoid being judgmental we appear to sit in judgment. And it is the father image that we most often evoke.

On still another level we have much in common. Each profession has an oversupply of eccentrics and characters. Our work may make individualists out of us. It also is common for intellectuals to drift into either profession, and for our practitioners to lead active intellectual lives. To us, most other occupations are boring.

The above generalizations on what we share may be too broad and we should not ignore our differences. The differences become conspicuous when we have a conflict of interest on such issues as responsibility, retribution, and reformation. We often start from different premises. The law, instead of accepting the determinism of psychiatry, remains committed to the religious or philosophical concept of free will. Note, however, that in its promiscuous fashion, the law considers the psychiatrist's evaluation and report and is tolerant enough to at least listen to the expert's opinion. That is a major concession, for ordinarily, opinion evidence is inadmissible at trial.

The infamous image of psychiatrists and lawyers also is supported in public opinion by our chronic failure to weed out our incompetents. There is no real policing of our professions internally or externally. That may be why we attract mavericks, odd balls, and a few charlatans. It is a safe professional haven. We all know of brothers — and sisters — who are a public menace. Only rarely do we do anything about it.

As we see it, the essence of the American system is its checks and balances. But who is there to check on us? The checkers have been stalemated. The egalitarian spirit not only has leveled the standards of undergraduate education, it also has infected professional education. We don't know how good the current crop of students are or what they will become. Many educators have given up caring. Route them through the flexible curriculum with the least possible fuss; that is the current objective.

A good case may be made that every president since Harry Truman was put over by a P.R. job. The habit of the electorate is to vote against, nor for, a particular candidate, if they even bother to go to the polls. What Uncle Walter has to say on CBS, or those high school kids on the Today Show, is the basis for decision for the typical American voter, as long as a special self interest doesn't get in the way.

And speaking of politics, in this farewell address, it is a depressing thing that every president since Ike has left the White House under abnormal circumstances. Perhaps that should tell us something about our system and institutions. Like the British, we hope to muddle through, but the time frame and the pace are far too swift for us to muddle with confidence.

We have not accomplished what we had hoped to do with this column. We had thought that the name and subject matter would trigger off "letters to the editor." But there has been only one such letter, and that from a psychiatrist who presumed to adopt the lawyer's prerogative of being argumentative. However, even if we have failed to provoke thought and challenge, if there has been a chuckle now and then, it may not have been all in vain. Perhaps we should have known that we are more curmudgeon than gadfly.

The new management has been gracious enough to offer us continued access to this column but we feel that it is time for a successor, although, if the mood strikes us, we will submit an occasional piece. For those of you who have read the Devil's Advocate, thanks for listening. And stay in touch.

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