

## Book Reviews

LAWYERS, PSYCHIATRISTS AND CRIMINAL LAW: COOPERATION OR CHAOS? 203 pp., By Harlow M. Huckabee, JD, Published by Chas. C. Thomas, 1980, \$16.75.

Reviewed by DeWitt L. Weatherly, MD

Dr. Weatherly is Psychiatric Consultant for the Supreme Bench of Baltimore, MD.

The reader will not have to read far into Mr. Huckabee's book to answer the question presented in the title. The relationship between lawyers and psychiatrists is clearly chaotic rather than cooperative. In addition, many comments in the book make it clear that the relationship between psychiatrists and other psychiatrists is also chaotic.

Thus, this book should not be read in hopes of finding a comfortable position on issues like responsibility, mens rea or giving testimony in court. Any psychiatrist who had never been in court would probably resolve to stay as far away as possible after reading the many quotes offered in this book.

Curiously, that is the very strength of this book—its quotes and citations from so many well known jurists, lawyers and psychiatrists. It is an anthology of objection, exception and complaint organized in a chronologic way that paints a sense of history. We are led to see not only where we are now, but also where we were before and how we got from there to here. For all the dissatisfactions expressed about the current state of affairs, there is a pervasive, but unspoken, impression that we have made progress, that we are better off now than we use to be. That note of optimism is easily overlooked during the reading.

The law is a dynamic institution; so is psychiatry a dynamic body. Since neither field is comfortable and stable within itself, how can it be reasonably anticipated that they would be comfortable and stable when mixed together? Perhaps the chaos should be viewed as a sign of healthy dynamism giving rise to ruffled feathers found whenever distinctly different groups of ambitious people interface on a common issue.

To deal with the current chaos, Mr. Huckabee offers the recommendation that research and a clearinghouse program be sponsored by the National Institute of Justice. That's like saying, "let's keep collecting data, let's keep asking questions and let's keep talking to each other." Who can argue with that? Who could stop that process even if they wanted to? Can the government or the National Institute of Justice do a better job than the natural process unfolding over the last 137 years, since the M'Naghten test of 1843? Maybe, maybe not.

After focusing on the traditional issue of responsibility (sanity at the time of the crime), the author presents more than twice as much discussion of the difficult MENS REA (diminished capacity) issue. The extra attention is well worth it.

The last 50 pages of this 187-page book dangle somewhat, covering a variety of tangentially related topics. Topics like "briefing psychiatrists," "shopping for psychiatrists" and "are psychiatrists experts in criminal law matters?" should have been either tied in with the meat and potatoes of responsibility and MENS REA or should have been subject matter in subsequent writings.

In summary, **do** read this book for an historical overview. **Do** read it as anthology of what the best men in both fields have had to say about criminal law as applied to living human beings. **Do not** read it to feel comfortable as a psychiatrist in court, or to learn how to get along with lawyers and judges. □