

# Expanding the Contours of Forensic Consulting

John L. Young, MD, MTh

Forensic psychiatry as a subspecialty discipline is presently experiencing a broad and essentially constructive conversation concerning its foundations and their implications for teaching and practice. The essay by Griffith and Greenidge proposes developing the art of consultation to include bringing out the contextual realities often invisible at first to the quarreling parties. Often enough they can thus be spared embarrassment as they come to recognize that their shared values matter more than any differences. This outcome may prove especially broadly true in the religious arena.

**J Am Acad Psychiatry Law 48(4) online, 2020. DOI:10.29158/JAAPL.200097-20**

**Key words:** community; compassion; consultation; dignity; transcultural; wisdom

To most observers it must be at least somewhat unsettling to hear that a priest would find it necessary or even appropriate to bring a lawsuit against his own bishop. Yet this evidently could happen, considering how litigious our culture has become. It can even happen in a place like Barbados, no matter the easy-going and pacific image most of us have of the island. In contrast, authors Griffith and Greenidge<sup>1</sup> are native Barbadians and, as such, are steeped thoroughly in the relevant history and culture. This perspective imparts to the readers the advantage of appreciating more deeply and justly the impact that history imposes on the parties to any dispute. In other words, as the authors suggest, the full context becomes more visible to the court and the parties. And to the extent that the impact of the relevant social and historical forces on themselves and on one another are clarified, the more fully one can expect justice to be served.

## Serving Justice out of Court

The authors mention that this case became the talk of all Barbados, a development that did not please very many, especially the participants. They

come across as respectable and responsible. The impression given to the reader is that most such cases do indeed settle outside the courtroom. Most people expect their clergy to be above suing one another, especially other men of the cloth, and above all their own superiors. It is simply unbecoming, beneath the dignity of human nature and its cultivation. Lamentably enough, some disputes require more than a well-meaning attitude on the part of both litigants. Expert consultants who can enable such liminal litigants to recognize the contingent, contextual, and psycho-social underpinnings of their clients' disagreements can be figuratively worth their weight in gold to them. As Jesus warned the crowds listening to him,

When you are going to court with your opponent, make an effort to settle with him on the way, or he may drag you before the judge and the judge may hand you over to the officer, and the officer have you thrown into prison. I tell you, you will not get out till you have paid the very last penny [Gospel of Saint Luke, 12:58–59, Jerusalem Bible translation].

Griffith and Greenidge portray the two litigants as having an attitude marked by a probably habitual polite mutual deference, which left them unprepared for what they were about to experience in court. Thus, they were surprised to find themselves caught up in a process that seemed to elude their control. The unmistakable presence of their mutual courtesy

Published online November 19, 2020.

Dr. Young is Clinical Professor of Psychiatry Emeritus, Yale University School of Medicine, New Haven, CT. Address correspondence to: John L. Young, MD, MTh. E-mail: john.young@yale.edu.

Disclosures of financial or other potential conflicts of interest: None.

is striking from the start. Each individual comes across as duly caring about the circumstances of the other. Whether like situations are more prevalent among the few hundred thousand citizens of a tropical island than in the United Kingdom or the United States would be well worth knowing. It would be challenging to identify them and to instruct professionals who would serve as pioneering experts dealing with somewhat outlying cases between properly disposed parties. Some experts might focus especially on such secular virtues as fairness or neutrality and striving for objectivity. Others could find it meaningful to regard their work as a response to a solemn or even a sacred calling.<sup>2</sup> Doubtless there are still other expert witnesses who would see the proposal of Griffith and Greenidge as simply another interesting and welcome angle for them to use to accomplish what experts in general are happy to do: get their clients to settle and so avoid going to the courts.

### Not for Religion Alone

At first it might appear that the approach Griffith and Greenidge have outlined would prove suitable only or primarily for disputes that involve significant religious dimensions. Fortunately, this is not truly the case. Reduced to its simplest terms, they have illustrated how a historian and a sociologist might readily collaborate with a transculturally knowledgeable forensic psychiatrist to resolve a divisive dispute and avoid having it escalate to become a lawsuit. This is always a significant achievement. Similar collaboration also occurs routinely enough among the 6,600 members of the American Academy of Forensic Sciences, across their dozen disciplines.<sup>3</sup> Considering the accelerating pace and scope of technological advances, it is reasonable to expect continued growth in the need for pioneering work like that of Griffith and Greenidge.

Edward Gatherer and Drexel Wellington Gomez both continued their lives and religious careers apparently free of further religious entanglements in the courts. The bishop went on to be promoted to archbishop and himself retired in 2009 at the age of 70. As for Gatherer, he was awarded damages of \$200,000 and permission to continue indefinitely his ministry as Rector of Saint Andrew's. He remained there until his death in February 2019 at the age of 97 years. His well-attended funeral service was noted in the secular press, and his

dispute with Bishop Gomez was not forgotten.<sup>4</sup> He also received from Gomez's successor, John Holder, the honorary title of Canon of Saint Michael's Cathedral in Bridgetown, the capitol city of Barbados. It is analogous to the title of Monsignor in the Roman Catholic Church.

### Conclusion

With their fundamental proposal, Griffith and Greenidge advance the contouring process that has been at work shaping forensic psychiatry ever since it began to emerge as a subspecialized application of the behavioral sciences. They convey the importance of making the effort to walk, as it were, in the shoes of both disputing parties. In so doing they refine our sense of such fundamental and valued concepts as the place of narrative, a robust professionalism,<sup>5</sup> truthfulness, and especially of a searching and spirituality-based compassion.<sup>2</sup> More particularly, they also outline a strictly defined and useful view of human dignity as the basis for respecting persons. With this work, they are in all likelihood pointing to an important aspect of forensic psychiatry's future. Thanks also to advances in communication, experts from fields not often seen together will be able to work effectively to achieve a mutual understanding complete enough to avoid having to go to court for a resolution.

To the extent that disputing parties and their consultants can focus on their disagreements with the openness contemplated by Griffith and Greenidge, it will be possible to view forensic psychiatry as the use of psychiatric expertise to bring wisdom to bear on the situations of parties in need of legal assistance. At the very least, as Griffith and Greenidge conclude, the effort will be worthwhile.

### References

1. Griffith EH, Greenidge N: Dignity and transcultural forensic consultation. *J Am Acad Psychiatry Law* 48 (4) online, 2020
2. Norko MA: What is truth? The spiritual quest of forensic psychiatry. *J Am Acad Psychiatry Law* 46:10–22, 2018
3. American Academy of Forensic Sciences: Membership. Available at: <https://aafs.org/aafs/Membership/AAFS/Membership/Membership.aspx?hkey=e3557550-2235-41e6-81b3-61c527115aca>. Accessed October 5, 2020
4. CBS News Barbados: Father Gatherer Laid to Rest. Available at: [www.facebook.com/CBCNews.bb/videos/260874171479949](http://www.facebook.com/CBCNews.bb/videos/260874171479949). Accessed October 4, 2020
5. Candilis PJ, Martinez R, Dording C: Principles and narrative in forensic psychiatry: toward a robust view of professional role. *J Am Acad Psychiatry Law* 29:167–73, 2001