

Book Reviews

WYATT V. STICKNEY "RETROSPECT AND PROSPECT." Edited by L. Ralph Jones and Richard R. Parlour. New York: Grune & Stratton, Inc., 1981. 245 pages, \$24.50.

Reviewed by Barry F. Rudnick, MD

"No person shall . . . be deprived of life, liberty, or property, without due process of law;"

" . . . Nor cruel and unusual punishments inflicted."

" . . . Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

"The patients at Bryce Hospital, for the most part, were involuntarily committed through noncriminal procedures and without the constitutional protections that are afforded defendants in criminal proceedings. When patients are so committed for treatment purposes they unquestionably have a constitutional right to receive such individual treatment as will give each of them a realistic opportunity to be cured or to improve his or her mental condition. Adequate and effective treatment is constitutionally required because, absent treatment, the hospital is transformed "into a penitentiary where one could be held indefinitely for no convicted offense." The purpose of involuntary hospitalization for treatment purposes is treatment and not mere custodial care or punishment. This is the only justification from a constitutional standpoint, that allows civil commitments to mental institutions such as Bryce" (*Wyatt v. Stickney*, 325 F. Supp. p. 784).

This book is the result of the Proceedings of a Conference on the Rights of Mental Patients that was held at the University of Alabama on September 25 and 26, 1980. The background of the class-action suit initiated by terminated employees of the Bryce Hospital in 1970 in the name of Ricky Wyatt and its evolution into what is perhaps the most significant mental health law case of the 1970s is discussed. The consequences and ramifications, practical and theoretical, of Judge Johnson's decision are looked at from different points of view by principals in the case, mental health and legal professionals. Issues discussed include the effect of *Wyatt* on patients, the difficulties of compliance with the decision, changes in state mental health service systems since *Wyatt*, a view from the Bench concerning Mental Health Law, and a discussion of the consequences of the case.

In *Wyatt v. Stickney*, Judge Frank M. Johnson, Jr., building on previous decisions, enunciated the doctrine that committed patients have a constitutional right to adequate treatment, and he defined specific standards for such care. The principle of the least restrictive alternative, the right of

patients to refuse treatment, the forbidding of institutional peonage, the definition of hazardous treatment, and the judicial insistence that the Government of Alabama obey its Order are all part of this decision. For the first time a court attempted to define what should be acceptable treatment for all patients in a state hospital system.

Judge Johnson's decision has affected the mental health system nationally and has given rise to what has become the field of "institutional litigation." Issues such as deinstitutionalization, community care, rights of institutionalized patients, the mentally retarded, and later, of prisoners in the penal system, all relate to a greater or lesser extent to *Wyatt v. Stickney*. This book provides the reader with a clear understanding of the issues involved in the case, a detailed account of the effect of the decision on the mental health care system of Alabama, and a broad perspective on both the benefits as well as the difficulties resulting from this case. I found this volume to be well organized, informative, and in a useful format. Certainly the history of the decline of state mental health services in the first half of the twentieth century, which is chronicled in this volume, is enlightening and saddening. I believe this book should be considered an essential part of the library of any professional involved in the fields of forensic or institutional psychiatry, and I recommend it highly. □

LAW AND PSYCHOLOGICAL PRACTICE, By Robert L. Schwitzgebel and R. Kirkland Schwitzgebel.

Reviewed by Joel A. Dvoskin, PhD

In their introduction, Drs. Schwitzgebel describe their work as an "introductory book that seeks to be practical." They somewhat apologetically add, however, that such an effort will "(inevitably) present some of the lowest and most mundane aspects of the legal craft." The criticism is thoroughly unfounded. While this volume indeed serves as an introductory guide to human service professionals unfamiliar with the law, there is a surprising depth and thoroughness to its treatment of complicated issues. The authors have created a resource as useful to attorneys as to human service professionals, especially those with limited experience in combining the two disciplines. To those with more extensive experience in Law and Psychiatry, this book serves as a comprehensive and time-saving reference with extensive bibliographies in most areas discussed.

The first two chapters deal with civil commitment and patients' rights. Included is a handy listing of commitment requirements in every state. The reader is directed to most of the important case law in both areas, with a somewhat more extensive treatment of *Wyatt vs. Stickney*.

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The third and fourth chapters deal with prisoners' rights and constitutional and procedural guidelines to the use of punishment. It is in the areas of competency to stand trial and criminal responsibility (treated minimally in the chapter on prisoners' rights) that one finds one of the book's few flaws. These two areas, which occupy such a large percentage of work in this field, are given a mere page each, leaving the novice with the erroneous impression that they are indeed simple.

The next three chapters deal with organic therapies, token economics, and psychological testing, all of which are given a very fair, though brief, critical treatment, touching on constitutional and practical issues.

The rest of the book deals with an interesting assay of specialty areas not often covered in the same work. Chapter eight deals with hypnosis, "lie-detectors," and "instrumentations" such as the breathalyzer, and narcoanalysis. Though quite brief, this chapter offers an extensive and useful bibliography. Chapters nine and ten deal with school and family law, respectively. They provide the same type of brief, yet insightful, overview of the areas coupled with more than adequate bibliographies.

Chapters eleven through thirteen form a section on professional ethics, dealing with human research, confidentiality, and professional issues such as licensing. It is in this section, along with chapter fifteen on Malpractice, that the writers reveal a deep sense of concern for practitioners of the behavioral sciences. Important ethical and professional considerations are presented in practical and understandable language. These four chapters alone recommend this book, even to those with little or no interest in the law.

Chapters fourteen and sixteen are practical guides to those starting out in forensic psychological and psychiatric work in the Court system. They are likewise of value to attorneys who may be inexperienced in using such professionals as expert witnesses or consultants.

The book ends with an impressive and extensive set of appendices including guidelines for legal research, a glossary of legal terms, examples of contracts and consent forms, and handy lists of standards and licensing laws in various states.

In general, this volume is an outstanding success. A few areas are covered too briefly and presentation of a few more case examples would be helpful, but these are small criticisms. Drs. Schwitzgebel have given us a valuable and comprehensive guide, and they have done so with humility and humor. This book deserves the highest recommendation. □