

Book Reviews

CONDUCTING INSANITY EVALUATIONS. By R Rogers. New York: Van Nostrand Reinhold, 1986. ix + 273 pp. \$34.95.

Reviewed by Karl Menninger II, JD

This book sets out the key clinical and legal issues involved in evaluating whether a person was legally responsible for a crime. Dr. Rogers, a clinical psychologist with extensive research and clinical experience in forensic evaluations, discusses the various legal standards for "insanity" in detail, breaking them down into the separate components the clinician must examine and translating the "legalese" into clinical concepts. He then reviews the clinical methods for conducting such an evaluation, unique problems involved (such as the fact that the clinician may be perceived by the defendant as an adversary), clinical data most relevant to determining the legal issues, clinical instruments developed to determine mental state at the time of the offense, assessments of those instruments, and preparation of the report of the evaluation.

This is intended as a "how-to" book for the clinician who has little experience conducting this type of evaluation. Some areas are not discussed in detail, but Dr. Rogers provides the references for the interested clinician to research the subject more thoroughly. Experienced evaluators should find some of

the latest research findings and the discussion of innovative evaluation techniques valuable. This book is a welcome addition to the surprisingly scarce literature on this subject.

THE CLOISTERED VIRTUE/FREEDOM OF SPEECH AND THE ADMINISTRATION OF JUSTICE IN THE WESTERN WORLD. By V Niekerk. New York: Praeger, 1987. xxii + 399 pp. Price not available.

Reviewed by Ralph Slovenko, JD, PhD

Members of AAPL will remember the eloquent address delivered by Professor Barend Van Niekerk of South Africa at the 1977 annual meeting in New Orleans. His address, "The Death Penalty in South Africa: Some Psychiatric and Psychological Elements," appears in the *Bulletin* (5:276, 1977).

In 1969, Van Niekerk published an article in the *South African Law Journal* under the title, "Hanged by the Neck until You Are Dead," in which he claimed, on the basis of a survey of advocates, that capital punishment in South Africa was meted out on a differential basis to the different races and that such differentiation was "conscious and deliberate." To the dismay of many, he was charged with contempt of court on the ground that his statement was calculated to bring the judiciary into contempt, and to cast suspicion on the administration of justice.

Though he was not convicted, the prosecution angered him. He became more outspoken on matters affecting the administration of justice in general. He became a public figure on issues of justice and was featured regularly in the popular press. He set out to study freedom of speech and the administration of justice in the western world. This book is the product, and it is published posthumously.

In 1981, shortly after completing the manuscript, Van Niekerk died of a heart attack, at age 42, in Bolivia, some 12,500 feet above sea level, where he had gone despite medical warnings that his high blood pressure would not permit travel to high altitudes. Thus South Africa lost its most active and controversial civil rights campaigner.

Van Niekerk was ebullient, engaging, energetic. Alan Paton, the renowned author, suggested in a eulogy at the funeral service that he should rest for a week or two before he starts campaigning for improvements in heaven. He enriched the lives of all who knew him. He was my cherished friend. He is sorely missed.

ADOLESCENT ABORTION: PSYCHOLOGICAL AND LEGAL ISSUES.

Edited by GB Melton. Lincoln, NE: University of Nebraska Press, 1986. 152 pp. \$17.50.

Reviewed by Elissa P. Benedek, MD

In 1985, I testified in a midwestern state in a landmark case dealing with adolescent abortion. My testimony centered

around the competency of an adolescent to consent to abortion, psychological issues surrounding abortion for adolescents, and the consequences of adolescent child bearing versus adolescent abortion. I wish I had had this slim volume as a source and guide at the time of testimony. However, I am sure it will be valuable to me in my future work with adolescents. The book is a product of a committee sponsored by four divisions of the American Psychological Association. It presents a scholarly, well-referenced account of the current state of knowledge about psychological issues in adolescence. From a well-researched knowledge base, the authors begin to develop social policy recommendations in regard to adolescent abortion. They also provide beginning guidelines for dealing with the ethical and legal dilemmas faced by clinicians and therapists who treat pregnant adolescents. The book would be valuable for child and adolescent psychiatrists, psychologists, and social workers. It provides a state-of-the-art commentary circa 1987 into one of the more perplexing and difficult legal and ethical issues facing today's mental health clinician.

THE CASE OF VALENTINE SHORTIS: A TRUE STORY OF CRIME AND POLITICS IN CANADA. By ML Friedland. Toronto: University of Toronto Press, 1986. xi + 324 pp. \$24.95.

Reviewed by Abraham L. Halpern, MD

This is the story of a Cleckley psychopath who at the age of 20, on March 1,

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1895, shot and killed two men and critically wounded a third. Facing the death penalty, he had no alternative but to plead insanity. The foremost psychiatrists in Canada, one of whom was later to become President of the American Psychiatric Association, testified for the defense under a modified M'Naghten rule. The jury rejected the strong arguments in support of exculpation on the grounds of "moral insanity" ("moral imbecility") and irresistible impulse. However, the story of Valentine Shortis does not end with the verdict or the last minute commutation of the death sentence to life imprisonment. With exceedingly painstaking research, delving into long buried original source material, the author, professor of law and University Professor at the University of Toronto, follows the perpetrator through 42 years of imprisonment, including lengthy stays in special units for insane criminals and the criminally insane, and well into his post-release life in Toronto. Although he suffered an extended episode of paranoid psychosis, Shortis emerged as a gentleman and a scholar, even serving in the Army for a brief period at the beginning of World War II when he was 64 years of age.

I strongly recommend this book to forensic psychiatrists everywhere. It is a true and fascinating account. The insanity trial took place almost a century ago, yet all the drama and expert witness testimony are typical of the modern Hinckley-type courtroom experience.

The reader interested in corrections and in correctional health care will find the book extremely valuable because prisons today the world over are not very

much different from St. Vincent de Paul and Kingston penitentiaries where Shortis was incarcerated for several decades, and reforms recommended years ago by various royal commissions might well have current relevance.

For the reader interested in Canadian political history, the book is a must because of the influence of Shortis' prominent and well-to-do family and the post-trial involvement of many high government officials, including five prime ministers and three governors-general.

MASS MURDER. By J Levin and JA Fox. New York: Plenum, 1985. 252 pp. \$16.95.

Reviewed by Emanuel Tanay, MD

The 16 chapters of this volume have intriguing titles like "The Psychiatric Mistake," "Dissecting the Mass Murder," and "Living with Mass Murder." However, the structure and content of the book differ but little from chapter to chapter. The authors follow the technique of giving fragments of histories of innumerable multiple-victim homicides interspersed with brief comments. For example, in the context of a one-and-a-half page long account of the killings by Charles Whitman, the authors comment "Psychiatric theories and explanations for killers like Whitman have filled pages of professional journals. Writers have also popularized theories of "murdering mind," reaching millions of readers of magazines sold at supermarket checkout counters. Stories of rocky childhoods

and wild fantasies of people like David Berkowitz or Kenneth Bianchi appeal in much the same way as soap operas do. They may be entertaining but they don't tell you much about mass murder (p. 17). Unfortunately *Mass Murder* neither is entertaining nor does it tell you much about mass murder.

The kaleidoscope of gruesome details is not put into some meaningful configuration. Part Four of the book entitled "Conclusions," is four pages long and provides no conclusions. This compilation of mass murder tidbits may be interesting to some readers but it will be of little value to a serious student of the subject.

CLINICAL TREATMENT OF THE VIOLENT PERSON. Edited by LH Roth. New York: Guilford, 1987. xxx + 270 pp. \$30.00.

Reviewed by William H. Reid, MD

This is another one of those rare books that I review myself, because I want to keep it for myself. Dr. Roth and 14 contributors, virtually all senior scholars and clinicians in the field of treatment of violent patients, have produced a very concise, practical book.

There are 11 chapters on topics of clinical assessment of violent patients, behavioral analysis, psychotherapy, psychopharmacology, violent sex offenders, seclusion and restraint, violent juveniles, legal and ethical issues, treatment in correctional settings, and specific management programs at the Western Psychi-

atric Institute and Clinic. Each is well written and tightly edited. Each has a useful reference list. Some chapters contain extraordinary bibliographies (e.g., Dr. Roth's on correctional treatment); others are less helpful and a bit dated (e.g., Dr. Lewis' on special issues concerning violent juveniles).

The book does not cover every nuance of clinical treatment of the violent person. It does, however, cover virtually every basic *principle* of evaluation, management, and treatment. It examines institutional and administrative concerns in addition to clinical ones, a welcome addition because no one treats these patients in a vacuum.

You will have to buy your own copy; I'm keeping mine.

THE SOCIOPATHIC PERSONALITY. By BB Wolman. New York: Brunner/Mazel, 1987. viii + 210 pp. \$25.00.

Reviewed by William H. Reid, MD

This book has 178 pages of large-print text, in which it purports to cover the etiology (genetic, neurological, biochemical, sociocultural, and family), symptomatology (narcissistic-parasitic personality, aggressive and violent behavior, childhood and adolescent antisocial behavior, juvenile delinquency), theoretical viewpoints (psychiatric manuals, other theories, psychoanalysis, learning theories, hyperinstrumental-narcissistic interpretation), and diagnostic and treatment methods (diagnosis, neuropharmacological treatment, psychoanalysis and related methods, behavioral modi-

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fication and related methods, interactional psychotherapy, family and group therapies, residential treatment, and "the Road to Life") related to "sociopathic personality". It provides a bibliography of over 200 publications, not all of which are cited in the text.

The author takes some of this already limited space to talk anecdotally about unrelated topics (e.g., two pages on general introductory genetics in a five-page chapter on genetics of sociopathy). Many of the studies cited use pre-DSM-III criteria and pre-Research Diagnostic Criteria for diagnosis, and thus may confound one's understanding of their results. The discussions of psychodynamic issues in the genesis of antisocial syndromes (here generally lumped into "sociopathic personality") are to me the most interesting parts of the text.

This is an important and frequently misunderstood subject. Unfortunately, *The Sociopathic Personality* does not meet this reviewer's expectations.

THE MURDERER AND HIS VICTIM, 2nd ed. By JM Macdonald, with a chapter by S Boyd. Springfield, IL: Charles C Thomas, 1986. xiv + 328 pp. \$39.25.

Reviewed by George F. Solomon, MD

This book arises from Dr. John Macdonald's psychiatric examination of over 400 murderers and attendance at over 50 homicide scenes. The second edition includes research of the Behavioral Science Unit of the FBI Academy and a new chapter on the criminal investigation of murder. The book attempts to "cover the waterfront" on homicide in-

cluding chapters on the psychology of murder; victims (only 1 of 16); madness; character disorders; mass, serial, and sex murders; the death penalty; and prevention. It even attempts in Stuart Boyd's chapter to function as a literary review of criminal fiction. There are large numbers of case illustrations (often in grisly detail).

Although the frequent role of a history of parental brutality, the often provocative or interactive role of victim, and the close relationship between murder and suicides are made clear, there is no discussion of the concept of responsibility—legal, psychiatric, developmental, or moral. ("Murderers should be sent to prison for many years. . .") The death penalty is discussed more in terms of method than of the complex issues raised. The insanity defense is briefly discussed only in terms of M'Naghten and American Law Institute standards, and the issue of "diminished capacity" is not covered at all. Lack of forensic clarity is exemplified by the case of E. M., at whose trial the writer testified he was legally insane, although "not psychotic" and "suffering from a psychopathic (sociopathic) personality." There is psychiatric inaccuracy, such as mislabeling multiple personality as a personality disorder and not referring to intermittent explosive disorder as such.

In trying to cover so much ("L shaped" apartment houses are the "safest shape"), nothing is covered well. In answering "just about any question that may arise concerning murderers and their victims" (dust jacket), the book leads one to ask, "Whose questions?" This book is noteworthy more for its

comprehensive breadth, facts, cases, and categorization than for its depth, sophistication, or integration. It might be useful to students of criminology and members of the criminal justice professions but is unlikely to provide useful information to mental health professionals, especially those with forensic experience.

PSYCHOTHERAPY AND THE LAW.
 Edited by L Everstine and DL Everstine.
 Orlando, FL: Grune & Stratton, 1986.
 xvi + 288 pp. + index. \$34.50.

Reviewed by Will A. Kouw, PhD

This collection of presentations by 15 jurists and psychotherapists covers a broad (but not exhaustive) range of critical issues deriving from the interface of two professional domains, psychotherapy and law. The aim of the book is to bring the conflicts between law and psychotherapy into perspective. That aim is served reasonably well. The reader will find presentations on trauma, criminal responsibility, competency to stand trial, duty to report and confidentiality, duty to warn and the prediction of dangerousness, and professional liability.

The interface between psychotherapy and the law is complex and bewildering. What appears to be a prominent principle of law may simultaneously seem to represent a flagrant breach of accepted professional ethics in psychotherapy, for example, in the laws that mandate reporting of certain information acquired in the course of psychotherapeutic sessions. The reader is forced to confront the divergent universes of legal and mental health discourse. The absence of a

common language forces the judicial system to redefine many of the mental health professions' canons in its own terms, which one may find a provocative and demeaning exercise of judiciary power, but which, on the other hand, may be the legal system's reaction to the many unwarranted claims of scientific rigor in mental health enterprises.

Not unlike a Stephen King novel, the book creates an atmosphere of helplessness, suspense, and horror in the (psychotherapist) reader. The gap which separates law and psychotherapy seems unbridgeable; comparing the two language systems side by side seldom provides comfort. The message is: practice defensively and be of good cheer if sued—the issue is the amount of damages that can be awarded, not the potential damage to the professional's self-respect, reputation, or commitment to psychotherapy. Colleagues who read this book will reflect long and hard on their dedication to our profession. The specter of legalization of psychotherapy to the point at which personal integrity and commitment to sound practice are outweighed by considerations of legal vulnerability is, indeed, frightful.

CORRECTION

In Volume 14, Number 2, pp. 193–194, 1986, of the *Bulletin*, a review of *Disabled Persons and the Law: State Legislative Issues*, by BD Sales, DM Powell, and R. Duizend was published. The reviewer was erroneously given as William H. Reid, MD. In fact, the review was written by Karl A. Menninger II. Our apologies to Mr. Menninger for this error.