

## Book Reviews

CLINICAL PSYCHIATRY AND THE LAW. By RI Simon. Washington, DC: American Psychiatric Press, 1987. 507 pp. + index. Price not available.

Reviewed by Kirby VanCleve Turner,  
MD

This book is a highly readable, well-referenced guide to the legal issues of clinical management of psychiatric patients. Each chapter explores a specific problem area, which is presented in a clinical vignette and followed by a question and answer format. The book's purpose is well suited to psychiatric physicians, providing clear and ready answers in the form of problem, solution, and methods of prevention. The 24 subjects covered include the right to refuse treatment, abandonment and the nonpaying patient, the impaired physician, and lawsuits.

The appendices include principles of medical ethics, annotated for psychiatry, a procedural guideline for handling complaints of unethical conduct, and 10 sample forms, including informed consent and power of attorney for health care. This book will be an excellent addition to *any* general psychiatric library, not just that of the forensic clinician.

INSANITY: THE IDEA AND ITS CONSEQUENCES. By T Szasz. New York: John Wiley & Sons, 1987. xi + 415 pp. \$17.95.

Reviewed by Robert L. Vosburg, MD

This book, the 18th of psychiatric professor and critic Thomas Szasz, examines the idea of mental illness and its consequences. In short, Szasz maintains that mental illness is a metaphor; that all discussions of insanity that ignore this fact are fundamentally fallacious; and that psychiatrists, lawyers, and the public participate in a self-deception similar in scope and power to the belief in God in the Middle Ages.

Readers might expect that Szasz, now in his sixties, would be more mellow in style, perhaps tired from years of disputation. Not so. Szasz characterizes as silly, or worse, the psychiatric pronouncements of a number of leading lights including Sigmund Freud, Karl Menninger, C. Everett Koop, Samuel Guze, Seymore Kety, Paul Chodoff, Robert Spitzer, Donald Klein, Morris Lipton, Torrey Brown, Abigail van Buren, Alfred Korsybski, Herbert Fingarette, James Marshall, and even R. D. Laing. It would be wrong to imply that Szasz hates everyone, however. He cites Mark Twain, Kenneth Minoque, Terence, Plato, Thomas Jefferson, and James Madison sympathetically.

The book is built upon a series of definitions and examples illustrating actions of persons called "mentally ill." The author cites authoritative interpretations (false) of these actions followed by his interpretations (true). Illness is defined as an idea, "being a patient" as a role, and disease as a physical state. He provides trenchant analyses of the problems of malingering, intentionality, and determinism. This discussion (in Part III) is especially useful to understanding forensic questions, the topic of Part IV. In that section he discusses "mental illness" used as (1) strategy, (2) justification, (3) legal fiction, and (4) explanation. He asserts that psychiatrists lie more often than patients, justifying the practice as good for the patients.

Szasz repeats this major theme relative to concepts of illness and the uses of illness, distinguishing between "ill" and "sick." He writes, "I am convinced that psychiatric explanations and interventions are fatally flawed, and that deep in their hearts, most people think so too." The arguments will appear familiar to the reader knowledgeable of Szasz' writings, but they retain their punch. Not only does Szasz threaten us with an attack upon our "game" but he uses rhetorical devices rather than the customary cautious evaluation of statistics or other evidence to make his case. He will not play by our rules.

This reviewer, a student of Freud, admirer of Menninger, and professor of the Doctrine, is indebted to Szasz for articulating the ethical position of the psychiatrist in public actions, whether

in the courtroom or the admission ward. As for the thrust of his argument, Thomas Kuhn has correctly observed that incorrect scientific hypotheses—the Freudian paradigm might prove to be an example—are not disproved; they simply fade away.

**CHILDREN AND CRIMINALITY: THE CHILD AS VICTIM AND PERPETRATOR.** By RB Flowers. New York: Greenwood Press, 1986. 223 pp. Price not available.

Reviewed by Don D. Howe, MD

This is the first of a four-volume set undertaking the study of criminality and its demographics in children, women, and minorities. This first volume gives an overview of the history of exploited children through the ages and illustrates patterns of violence within society and the family with children as victims and perpetrators. This book also gives a comprehensive view of the etiologies of social behavior in delinquency, child abuse, and family violence. The legal definitions and current laws are explained in historical perspective to give a better understanding of the current status of juvenile delinquency and family violence.

The information in this book is comprehensive, well researched, and presented in a forthright and understandable manner. It would be helpful for the clinician with special interest in child

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abuse, family violence, and juvenile delinquency.

THE FATAL SHORE. By R Hughes. New York: Alfred A. Knopf, 1987. \$24.95.

Reviewed by Melvin G. Goldzband,  
MD

The appearance of a review of a best-seller in the pages of this august scientific journal is a rare event. But so is the publication of a book such as this that, by becoming a best-seller, might teach so many new readers about the manifold, seemingly always insurmountable problems of punishing miscreants. This book can teach forensic psychiatrists enormous amounts of the history of this specialty and, if it teaches laypersons as well, the world benefits.

Hughes describes the sometimes horrific story of the settling of the vast Australian continent by the dregs of Britain, the prisoners whose crimes fill the entire spectrum from murder to the theft of a crust of bread to prevent starvation and whose ages range from the senium to childhood. At times, it is positively Dickensian.

Hughes also writes with enormous verve about the repetitive failures of the seventeenth and eighteenth century British governments to deal with crime, often reminding me of Silberman's *Criminal Violence, Criminal Justice* in another setting. The history of public hangings, of prisons of the worst pos-

sible types (both private and governmental, for at least half of the English jails were privately owned well into the nineteenth century), and of consistently abortive attempts to reform both penal and criminal laws, are detailed fascinatingly, and a direct line is drawn between those failures and the struggle-filled development of a new land by the children of those societal castoffs. The intrapsychic phenomena of dealing with one's background as the descendant of a prisoner are also described very meaningfully.

There is much to learn from this book. How often is a book published that is so good, so very readable and popular, so educational, and so hopeful?

THE CUSTODY OF CHILDREN: A BEHAVIORAL ASSESSMENT MODEL. By RA Marafiotte. New York: Plenum Press, 1985. xii + 277 pp. No price available.

Reviewed by Anthony E. Atwell, MD

This book begins with a historical perspective of child custody that is interesting and well annotated with both legal and psychiatric/psychological references. Marafiotte summarizes traditional theory, evaluation, and adjudication as falling into three schools of thought, focusing on (1) the best interest of the children, (2) the psychological parent, and (3) the least detrimental alternative. He then reviews the tradi-

tional modes for assessing the relationships between parent and child in custody disputes and criticizes each.

The author then lays the foundation for his "behavioral assessment alternative model," which grew out of personality research and the person-situation controversy among psychologists. He concludes that "trait and psychodynamic models of personality and their assessment are of questionable value" in making predictions (and thus recommendations) regarding postdivorce situations and therefore should not be used. In Parts II and III of his book, Marafiote develops his behavioral model for child custody evaluations and determination. He views a behavioral approach to be more reliable and valid than the traditional (trait and psychodynamic) methodologies.

In his preface, Marafiote states that this book is primarily intended for those performing child custody evaluations. I believe that it would be more useful to those doing or contemplating research

projects regarding divorce and custody issues. I found the book lacking convincing argument or practical examples to support his opinions. The author gives few examples of the way that his theory would be applied to evaluations, interviews, or observations. Beyond stating his conclusions, he shows no short- or long-term studies in which the results of his behavioral approach have been compared with the results of traditional assessment techniques. After being prepared to find out how Marafiote's behavioral approach might avoid pitfalls of interviewing error and bias in child custody evaluations, I found his conclusions disappointing. To his credit, Marafiote outlines an alternative approach a researcher might use to evaluate one of the most difficult and demanding clinical assessments in child mental health—child custody. This is an important contribution, but the book falls short of its intended goal of offering a viable alternative to traditional methodology.