

between government coercion and setting limits on state power, and by partnering with other stakeholders in the public health system.

In this book, Gostin examines complications that occur when government strives to prevent injury and disease or to enhance the public's health. He notes that the government may opt to persuade, use incentives, or sometimes compel individuals and businesses to promote health and safety standards in the interest of public safety. He contends that this power and obligation form the basis of public health law.

The book is organized into four major parts: Conceptual Foundations of Public Health Law, Law and the Public's Health, Public Health and Civil Liberties in Conflict, and The Future of the Public's Health. In Part 1, Gostin explains his theory and definition of the field of public health and offers a systematic evaluation of public health regulation. In Part 2, he describes and discusses legal concepts of constitutional, administrative, tort, and global health law. In Part 3, he provides a representative sample of public health practices, as well as the conflicts with individual rights and interests, and in Part 4, he gives his vision of the future of public health law.

The author covers a host of public health topics, including infectious disease (HIV, pandemic influenza, severe acute respiratory syndrome (SARS), and anthrax), vaccination, and quarantines. Bioterrorism is reviewed as a matter of public health and national security. The roles of international treaties and multiple international health organizations, such as the World Health Organization, World Trade Organization, and United Nations, are described. Several public health topics may be of interest to health care professionals, including litigations related to tobacco, obesity, firearm prevention, and product liability. The duty to warn people who unknowingly have been exposed to HIV is of particular interest to forensic psychiatrists, as are confidentiality, privilege, and the Health Information Protection and Portability Act (HIPAA). Concise commentaries are provided about civil commitment, the right to refuse treatment, and *Daubert*<sup>1</sup> requirements for expert witness testimony. In these discussions, the author examines each problem, summarizes the current legislative and regulatory guidelines regarding each one, and often outlines relevant conflicts be-

tween governmental intervention and individual liberties. Each discussion concludes with recommendations for future public health measures.

In his discussion of the right to refuse treatment, Gostin describes the elements of informed consent that are necessary to initiate treatment. Embedded in this concept is the patient's right to refuse treatment, but the right is not absolute. A summary of case law contains exceptions to the right to refuse treatment in special circumstances, such as inmates in corrections systems and mentally ill defendants who are adjudicated incompetent to proceed with trial. Public health justifications for mandatory treatment are set forth, including preservation of health and life and prevention of harm to others.

The text is dense with case studies, tables, diagrams, photographs, and summaries that will assist the reader who seeks to research specific topics in greater detail. There are over 200 pages of notes connected with the chapters, as well as an extensive bibliography and list of the court cases referred to in the text. This book is timely, given the current debate regarding national health care and the conflict between mandatory participation and individual choices. *Public Health Law* is a comprehensive work that represents a major contribution to the public health policy literature.

#### References

1. *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993)

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## **A Dangerous Method: Ethics at the Dawn of Modern Psychiatry**

Screenplay by Christopher Hampton. Directed by David Cronenberg. Produced by Jeremy Thomas. A German/Canadian co-production distributed by Universal Pictures (Germany/Austria), Lionsgate (UK), Sony Pictures Classics (US), BIM (Italy), and Mars (France). Released in the United States November 23, 2011. 94 minutes.

David Cronenberg's movie, *A Dangerous Method*, is based on Carl Jung's historically known sexual entanglement with his patient, Sabina Spielrein. The

portrayals of Jung (Michael Fassbender), Sigmund Freud (Viggo Mortensen), and Spielrein (Keira Knightly) are especially compelling to anyone who has an interest in this critical phase of modern psychiatry's birth. The storyline provides little action, but is a thoughtful biography of Jung and his struggles with Freud and with himself. Beautifully filmed in Germany and Austria, the movie records the constraints of the Victorian age with the tightness of a straightjacket.

Cronenberg, in bringing out the complex forces at work between Jung and Freud, imagines their relationship on the basis of the correspondence between them. Thus, the fictional interpretation of the basic well-known facts of the events feels authentic. The letter-writing motif, which is used in visuals throughout the film, is both crafty and symbolic, suggesting the creation of something important as the story unfolds. That something is psychoanalysis.

Set against the background of Jung's developing and then deteriorating relationship with Freud, the story follows Spielrein's progression from a regressed and barely functional hysteric, treated by Jung, to a newly minted physician, Jung's lover, and eventually, a psychoanalyst herself!

As a teacher of ethics, I have often pointed to certain Hollywood movies as exemplars of unethical behavior by psychiatrists, particularly in the films' treatment of boundary ethics. Their plots are inventions, however, and knowing that the characters and stories are only fictional provides a bit of comfort. Not so with *A Dangerous Method*. The danger to which the title refers is Jung's unconscionable breach of ethics.

The early ethics in the pioneering era of the talking cure were challenged by the likelihood that one's patient might become one's colleague and co-author in a few years, and vice versa. The traditional model of the doctor-patient relationship had already been established, with appropriate sexual boundaries. Freud is shown reacting negatively to the initial rumors that Jung might have been erotically involved with his Russian hysteric patient, whom he treated at his Burghölzli clinic (idyllically and beautifully rendered by the cinematography). Jung, however, was unprepared for the effect that the intimacy of this new method of revealing the inner psychic life could have on the treatment relationship. That energy propelled him down a boundary black hole. It started with his asking his patient, Spielrein, to be his labo-

ratory assistant when they were not having sessions, and eventually ended in a sexual relationship, which the director unfortunately depicts as (possibly) healing for the obviously oedipalized Spielrein. The boundary-transgressing Jung is depicted as a wounded healer (a common motif in movies and in real life), stultified by an empty marriage to a far too young, uninteresting, and unexciting woman, and restrained by Victorian mores that approved of libido only in service of childbearing. Poor Carl. No wonder he eventually has his own nervous breakdown, as related in the film's epilogue.

The habit during that era of colleagues' analyzing each other—their dreams, affairs, and career choices—is shown in the relationship between Jung and Freud. The co-counseling exchange of insights and information, typical during the nascent days of psychoanalysis, is especially portrayed in Jung's work with another patient (and also colleague), Ottos Gross. Gross's libertine libido, which Jung is trying to tame, stimulates and broadens Jung's own, propelling his attraction toward the brilliant, unbridled, and alluring Spielrein. Like Gross, she is Id personified. Once given free reign, Jung's libido drives him to indulge in affairs with colleagues for years to come.

Jung's bursting through traditional ethics boundaries with a degree of sexual liberation more familiar to modern audiences foreshadows his eventual transcendence of Freud's strict world view. Freud was trying to be as conventional as possible by adhering to the values of science. Jung's move toward mysticism and ideas such as the collective unconscious is rendered as almost heroic, leaving old, ossified Freud literally paralyzed on the floor in one scene. Modern audiences are as likely to celebrate Jung's pioneering New Age genius as they are his freeing of the libido in the natural pursuit of sexual freedom. Freud is shown policing boundaries, but the boundaries with which he is almost fanatically obsessed involve protecting the edifice of his new psychoanalytic theories and methods.

Unlike portrayals of psychiatrists in other movies, this depiction of the seminal psychiatrists' weaknesses and ethics transgressions cannot be dismissed as fictional. The lives of these founding fathers, who are known by name and reputation to most filmgoers, demonstrate that what we do as psychiatrists is so essentially human. We may be as fraught with weaknesses and vulnerabilities as any of our patients.

## Books and Media

They can literally become we and we they. This prospect demands extra care, discernment, and consultation in the conduct of the delicate and sometimes intense psychiatric treatment relationship, when we use our own potentially dangerous method. Jung had Freud to consult about the Spielrein matter, but Freud's response produced only guilt in Jung, not behavioral restraint. With our modern resources that

enable informal discussions with numerous colleagues and formal consultations with ethicists and ethics committees, we can do better.

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