

the Social Security Act of 1973, provides a mechanism by which mental health services can be improved; the tangible standards developed by this approach can help solve the difficult problems which were imported into modern psychiatry by the development of the doctrine of "the right to treatment."

Provocative and helpful is Stone's advocacy of what he calls the Thank You Theory of Civil Commitment. The test he suggests is: "Would a reasonable man, given the patient's serious illness and suffering, be willing to give up a certain amount of freedom in that particular institution in exchange for treatment that in similar cases produces a specific range of results?" Says Stone: "It is my contention that the criteria of serious, reliably diagnosed mental illness, incompetent refusal, reasonable expectation of treatment in a decent institution are the essential ingredients which give moral content and legal justification to the doctrine of *parens patriae*." Stone proposes that dangerous behavior be returned to the province of criminal law, and that the possibility of receiving a benefit should be the justification for civil commitment, deserving the patient's "thank you."

Stone's "monograph" is full of other interesting and useful concepts, but perhaps most useful of all is the fact that it provides a good review of modern legal psychiatry, with the complexities of this field not at all minimized, in a form that should bring these ideas to the widest possible audience.

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PSYCHOSURGERY AND THE MEDICAL CONTROL OF VIOLENCE. By Samuel I. Shuman. Wayne State Univ. Press, Detroit. Pp. 360 with index. 1977. \$18.50.

This volume represents an explication of the theoretical, legal, social and legislative problems arising from the case of *Kaimowitz v. Department of Mental Health* (Civil Action, Wayne Co., Michigan, No. 73-19434, 1973). This emotion-provoking case concerned the legitimacy of an involuntarily committed patient's giving his "informed consent" to psychosurgery for purposes of controlling his "rage and antisocial behavior," as part of a research project of the Lafayette Clinic in Detroit. The well-thought-out plan contemplated placing depth electrodes in the limbic area of the brain to determine suitability for subsequent amygdalotomy. A writ of habeas corpus to release John Doe, the proposed subject, was granted on the grounds that the Michigan criminal sexual psychopath law had been rescinded and that the proposed psychosurgery was "cruel and unusual punishment" precluded by the 8th Amendment. John Doe was released by the court, but the important issue of the ethicality and medical justification for psychosurgery to control violence in certain persons was heard by a panel of three judges. After a prolonged hearing, the judges decided that "When . . . the type of psychosurgical intervention proposed here becomes an accepted neuro-surgical procedure . . . it is possible that the involuntarily detained

patient could consent to such an operation.”

The court’s decision opened up an enormous area for argument, and this is the area which Professor Shuman (of Law and Psychiatry at Wayne State University) has examined in minute detail in his book. From the complex medical, neurologic and legal skein, Professor Shuman teases out various threads: *i.e.*, the definition of psychosurgery, the causal relation between brain function and behavior, the ethical, political and legal implications of psychosurgery, the hegemony of psychiatric opinion in such matters, the scientific manipulation of behavior, the logic of “causation” of behavior and brain function. The spread of erudition of the author is impressive, reaching to such abstruse areas as the “inviolability-of-the-brain thesis” as a social, not a scientific construct. In his effort to find whether legislative intent can encompass this problem by ruling whether psychosurgery can or cannot be done on patients showing uncontrollable violence, the writer finds medical opinion against psychosurgery and implantation of electrodes in the limbic area for patients without brain disease, to be guided by emotion more than by well-based opinion. He quotes Delgado, who said: “The inviolability of the brain is only a social construct, like nudity”

In essence, the author arrives at the general conclusion that the issue of informed consent of an involuntarily confined John Doe to an experimental operation which might improve his violent behavior is “part of a broad general question about the proper relationship between all the various possible medical interventions and individual liberties.” Indeed, he argues, from an intensive analysis of medical reasoning of neurologists, neuro-scientists and psychiatrists, that the judges’ decision – not to permit this experimental procedure to persons who might benefit – to be a species of “role fascism.” This concept is defined as the “belief that scientists intrinsically possess special knowledge about areas other than their scientific specialties”

Granting that there is a possibility of help from experimental procedures that strive to isolate areas in the brain underlying aggressive impulses and then to attempt to chemically or surgically extirpate or neutralize them, medical instinct agrees with the court that such a procedure is not yet “an accepted neurosurgical technique.” However, a legalist may very well see another side of the picture. Shuman argues that with proper legal safeguards, “committed people deserve every opportunity for improvement.” He feels it is wrong to “shut them off from that which scientifically untrained judges believe is medically unimpressive.”

The work is somewhat difficult to read because of its philosophic bent, especially in the section on logical positivism and its relations to causation. Professor Shuman has brought a great mass of material together that gives one pause – the meaning of the brain-behavior relation, the ultimate “cause” of a biological disorder, the validity of “scientific” method, the threat of medical imperialism and the “right to be unhealthy.” There is a properly contentious note in his recital of medical opinion about psychosurgery. For example, he writes: “[the] generally unscientific character [of medical psychosurgery literature] . . . struck my philosophically disposed and legal eye . . . as, almost without exception anecdotal” And he generally raises hell with the “pernicious belief that disease and illness are the same, when

coupled with the pervasive belief that the only models for identifying either . . . generates a nearly incontrovertible justification for doctors, psychiatrists . . . to regard themselves as appropriate and exclusive labellers of deviance.”

This reviewer admits to a certain degree of sensitivity to Shuman’s dismissal of the psychiatrist’s experience as a “labeller of deviance.” Further, this volume is profound yet tendentious. For the forensic psychiatrist there is much meat in this book for cogitation. However, overall, this reviewer casts only one subdued vote of approval.

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