

Law, Psychiatry, and Morality. Alan A. Stone. Washington, D.C.: American Psychiatric Press, Inc., 1984, xiv + 277 pages, \$27.50 hard, \$18.00 paper.

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Alan A. Stone, Touroff-Gluck Professor of Law and Psychiatry at Harvard University and former president of the American Psychiatric Association, is one of the leading contemporary experts on the relations between psychiatry and law. In *Law, Psychiatry, and Morality*, a collection of essays ranging from the political misuse of psychiatry to the sexual exploitation of patients by psychiatrists, Stone analyzes current psychiatric-legal issues and offers his judgments and recommendations for resolving the problems they pose. His tone throughout is thoughtful, his claims are invariably modest, and his judgments are consistently moderate.

Perhaps the most interesting feature of this book is what Stone reveals about himself and about how he came to hold his present views. Stone graduated from medical school in 1955. Ten years later he was invited by Professor Alan Dershowitz to collaborate in teaching a course on psychoanalysis, psychiatry, and the law. Well past his youth and professional training, already established as a psychiatrist, this is what Stone believed in 1965:

... as I now think back on those days, I realize that I then believed that psychoanalysis was a discipline separate from morality Thus, I then thought that the task was to tease out the law's psychological assumptions and examine them in the light of psychoanalytic theory. I now believe this was a basic misunderstanding on my part The person, and the self, central to any moral theory, were decomposed into objectified structures and functions. All of this now seems wrong to me (pp. ix-x)

If Stone did not realize these things earlier, he is to be commended for being open-minded enough—so late in his career as well as in the history of psychiatric criticism—to acknowledge the central role of ethics in matters of mental health policy. Still, it seems to me a remarkable self-revelation for an ostensibly intellectually sophisticated psychiatrist-psychoanalyst in his mid-thirties to acknowledge that not until the mid-1960's did he realize that psychoanalysis had anything whatever to do with morality. Even more astonishing revelations follow. Stone tells us that until he began to *teach* at Harvard Law School, he did not even realize that psychiatric coercion was a political issue and that political arguments could be marshalled both for and against compulsory psychiatric measures. Stone writes: "He [Dershowitz] introduced me to powerful civil libertarian arguments against every element of discretionary authority that the law granted to psychiatry, without denying the reality of mental illness" (p. x).

Sometimes remnants of Stone's former naiveté still surface, as when he declares that "Medicine has not yet solved the problem of how to balance the particular good of the

identified patient against the general good of the unidentified masses" (p. 71). While Stone finally recognizes this problem, he still mistakenly believes that it is a problem for medicine, when it is rather a problem, *par excellence*, for ethics and politics. And he still mistakenly believes that it is a problem that can be "solved," instead of one that is *resolved* through political institutions. One more example of such naiveté should suffice. "Forensic psychiatry," writes Stone, "is caught on the horns of an ethical dilemma" (p. 73). If by "forensic psychiatry" we mean that aspect of psychiatry concerned with the psychiatrization of law through the medicalization of crime and punishment, then this is simply not true. Forensic psychiatry is no more caught on the horns of an ethical dilemma (of free will versus determinism) than is psychiatry itself (and, of course, psychoanalysis as well). I believe—and Stone later acknowledges—that it is not forensic psychiatry but Stone himself, as a combination of forensic psychiatrist plus conscientious human being, that is "caught on the horns of an ethical dilemma."

On the whole, Stone's position on the vexing issues of psychiatry and law—epitomized by civil commitment and the insanity defense—is what some would call "balanced," and others might call "indecisive" or perhaps even "unprincipled." He sees good and bad in everything, from the psychiatric incarceration of Russian dissidents to the insanity acquittal of John Hinckley, Jr. Someone once satirized this intellectual posture by comparing it to that of a hypothetical 17th century scholar charged with evaluating the competing claims of the geocentric and heliocentric theories of our planetary system. His conclusion? That both the earth and the sun revolve around a fixed point situated precisely halfway between them. A few quotations should suffice to illustrate Stone's inconsistencies and vacillations.

Stone complains that "in many mental health centers the patient is treated by nonpsychiatrists and the psychiatrist has been reduced to signing prescriptions for 'patients' who are other people's 'clients'" (p. 146). He claims, nevertheless, that "Most of us spend our lives listening compassionately to people who are suffering We try to be nonjudgmental . . ." (p. 262).

Regarding the Hinckley case, Stone writes: ". . . I believe that before DSM-III, I would have diagnosed John Hinckley as a case of erotomania, and Freud's classic paper written in 1911 would have helped me to clarify Hinckley's psychopathology In fact, the man who killed Tatiana Tarasoff and created the Tarasoff case seems to have had the same kind of pathology as John Hinckley" (p. 92). Would it be nitpicking, or rather simply calling attention to the crucial role of language in these matters, to point out that the man who killed Tarasoff did not "create" the "Tarasoff case"? He created a corpse. Just four pages later, Stone writes: "Psychiatry is held hostage by the psychiatrists who testify in courts whatever their standards and whatever the test of insanity may be" (p. 96). Yet what does Stone propose to do about this? Apparently not much. He opposes the abolition of the insanity defense.

I do not want to belabor further what I regard as the shortcomings of this book. Other books on forensic psychiatry are so much worse—so much more naive and psychiatrically self-aggrandizing—that Stone's effort to moderate the psychiatric fanatics should not go unappreciated. What other establishment forensic psychiatrist today would have the dignity and modesty to conclude a book on psychiatry and morality thus: "What I have described thus far is an honest picture of my own perplexity, if not yours. I know that I do not abandon history, morality, and human values when I enter my office, but I do know how I decide what to take in with me" (p. 258).