

the doctor-patient relationship does not pretend to be the final word. Specifically, the social character of medicine is in the process of profound alteration and a challenge is posed for some rational controls, some judicious containment of expanding medical influence. A chapter on 'Discretionary Space in Professional Judgment' examines the degree of latitude in decision-making that society accords its medical experts while specifying the forces that tend to narrow that latitude today. Consistent with the method of the entire book, the authors provide an historical discussion on the origins of society's queries into the limits of latitude in medical decision-making.

This study is an earnest attempt to engage the interest of health-professionals, philosophers and sociologists alike. While some of the language used may be unnecessarily cumbersome and technical, overall the project steers a middle-course in striving for accuracy of clinical input and clarification of philosophical concepts which are often left too obscure for the non-professional.

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## Mental Illness: Law and Public Policy

Eds Baruch A Brody and H Tristram Engelhardt Jr  
D Reidel Publishing Company, Dordrecht, Holland 1980.  
\$28.95

This is of the nature of a symposium on the rationale governing the relation in which the law stands vis-à-vis the mentally sick as contrasted with the normal person. The use, or misuse, of the word 'normal' incidentally directs attention to one of the main basic problems. The professional qualifications of the respective contributors are interesting – eight philosophers, two doctors of medicine and two lawyers. Inevitably this has led to a certain amount of repetition in some of the papers. On the other hand, if the basic concepts which do, or should, influence the relation are to be seriously examined this is best done by philosophers. The book is of the greater interest to lawyers and doctors because of its study of the problem by members of other than their own specialties. It thus avoids the substitution of arid technicalities for the examination of principles.

The weakness in the dichotomy normal/insane is one which is apparent to the psychiatrist, accepted willingly by the philosopher, and admitted, but reluctantly and only recently, by the lawyer. The criminal lawyer is largely concerned with 'responsibility' – a better word is 'answerability'. The judicial introduction in Scotland in 1865 of the status 'diminished responsibility' was strongly criticised by some other judges, on the ground that a man or woman was either responsible or was not. That criticism, namely that normalcy is not a matter of degree, is not now heard, although the decreased utility of the plea, since death has ceased to be the mandatory punishment for murder, may revive logical objections to it.

Much of the symposium is, naturally, taken up with criticisms of the McNaghten Rules, and of the attempts, such as those of Rae and Doe, to formulate law more consonant with what is now known about mental illness. One aspect of the problem was not, I think, considered. It would not be profitable to devise a formula which is intellectually and scientifically satisfactory only to psychiatrists, academic lawyers, and even judges. The rule must be capable of being intelligibly explained to the ordinary men and women who constitute the jury, because theirs is the decision. The point was well made by a very distinguished judge in his evidence before the Royal Commission on Capital Punishment (1953): 'However much you charge a jury as to the McNaghten Rules or any other test, the question they would put to themselves when they retire is – "Is this man mad or is he not?"'. Probably it is not worthwhile looking for a just criterion unless you are prepared to remove this part of the decision from the province of the jury.

Legal maxims may outlive any virtue they once had. At least two of the essayists, in their treatment of involuntary civil commitment, quote the old saying 'Better that 99 guilty men escape than that one innocent man be convicted' (or some other proportion), and ask why the same anxiety is not shown in admissions to mental hospitals. Others give rational answers, but there may be a deeper, though perhaps unpalatable, consideration. The saying was undoubtedly true when all felons might be sentenced to death. But is it sound today? Or perhaps we are just not allowed to doubt it. An even more questionable proposition, the 'presumption of innocence', has now been enshrined in the various declarations of

human rights, and so is protected from discussion.

I don't know whether this book is more valuable for its sheer expertise or for making the reader take out his own ideas, look at them, and think hard.

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## Under the Doctor

Stanford Bourne  
Avebury Publishing Co: Gregg International, Amersham, Bucks  
£12.00 hardback, £5.95 paperback

This is an important and interesting book. It is an account of a study based on a two-year seminar with a group of physiotherapists. The leader is a psychoanalyst, and the theoretical underpinning is psychoanalytic. However, concepts are used economically, are explained in simple language, and are carefully linked to what happens in real situations. The book is divided into two parts: part one is a synthesis based on observations from the sessions; part two contains the 'primary data' of the sessions themselves, as recorded by the seminar leader.

The result is a lucid account of the complex tangle of feelings and problems which surround and impinge upon the patients and their families as they interact with a group of professionals, and of the inter-professional tensions. Much contemporary medical care involves, increasingly, 'teams', whose members have different skills and roles and who, supposedly, work together. However, many problems are often not thought out. The resulting stresses affect, in different ways, the various members of the team, and, of course the patient. Problems are particularly difficult in chronic, severe, or 'hopeless' cases.

Though based on the particular professional roles of the physiotherapist, and taking up such issues as the feminine professional image; the conflicts involved in relating in a 'talking' and a 'physical' way; the relationships between the physiotherapist and her colleagues, and professional isolation, the book contains much that will interest all concerned with patient care, both in hospital and in the community, from consultant to student. It deserves to be widely read, studied and discussed.

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