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Guttmacher & Weihofen: Psychiatry and the Law.

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PSYCHIATRY AND THE LAW. By *Manfred S. Guttmacher* and *Henry Weis-*
hofen. New York: W. W. Norton & Company. 1952. Pp. 484. \$7.50.

Law and psychiatry have much in common. They are both concerned with problems of human behavior and the development of human personality. The law attempts to regulate certain aspects of human behavior and makes provision for particular types of personalities. Psychiatry tries to understand, classify and treat deviant behavior and deviant personality. But while psychiatry and law have much in common, their relationships have been marred by considerable mistrust, bickering and misunderstanding. They have acted like relatives who neither loved nor trusted one another. Psychiatrists have bewailed the fact that legal rules crystallized long before modern developments in psychiatry and were, therefore, based on inadequate and outmoded concepts of behavior and personality. Lawyers have countered that the findings of psychiatry are so uncertain and so unscientific that they cannot be made the basis for changing traditional legal rules. Psychiatrists have complained that the adversary, partisan procedure used in a courtroom made it difficult to present honest, truthful, diagnoses of mental conditions, a difficulty which was not present in their clinics and offices. Lawyers, however, have noted with scorn that partisan psychiatric testimony could be obtained for almost any desired psychiatric opinion.

These are but a few of the charges and counter charges that are exchanged between psychiatrists and lawyers. At times the controversy waxes so fierce, that truth is mangled in the process.

We do not expect lawyers to know much about psychiatry. Nor do we

expect psychiatrists to know a great deal about the law. A considerable part of the recrimination and fault-finding between lawyers and psychiatrists rests fundamentally upon the basic ignorance that psychiatrists and lawyers have of each other's discipline.

The book by Guttmacher and Weihofen makes it possible to change this fundamental fact and to substitute knowledge for ignorance. This is its outstanding merit. It is the product of the collaboration of a distinguished psychiatrist and a distinguished law professor. It presents a panorama of the various types of mental disorders and personality malformations, in simple understandable language that even a lawyer can grasp. It also presents a thorough-going discussion of the various legal problems involved in deviant behavior and abnormal personalities, that will not tax the understanding of a psychiatrist. This book provides the fundamental factual foundation for a joint discussion of common problems, which must inevitably inure to the benefit of both psychiatry and the law.

One of the great advantages of this book is that it is not restricted to the problems raised by the criminal responsibility of mentally disordered and mentally defective persons. Instead the book runs the entire gamut of legal problems of the mentally ill. In addition the book analyzes the special problems involved in psychiatric testimony and the role of the psychiatrist as a witness.

The reader cannot fail to be impressed with the balanced nature of the presentation of all of the aforementioned matters. Criticism there is aplenty, for both psychiatry and the law, since neither discipline has been free from error. But the criticism is constructive in character. Many remedies are suggested for deficiencies in legal rules and procedures. The remedies are likely to be accepted because they rest upon a sound factual basis and because they are conservative in character and do not involve too sharp a break with the laws' traditions and practices.

The authors state that their chief purpose "is to provide a source book and practical guide on medico-legal psychiatry for students and practitioners of law and medicine." They have done this and much more. Their book will serve for many years to come as a basis for a thorough-going revision of legal rules and legal procedures relating to the mentally sick and mentally abnormal behavior. The book will undoubtedly help to eliminate the lag between the expanding science of psychiatry and the relatively static science of law.

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