

I write as a psychiatrist who has had fairly intimate experience with the courts over the past 35 years and who is reasonably familiar with the literature, both medical and legal, dealing with the psychology of behavior. Although the views I express are those of myself alone, I think that they are reasonably representative of those of psychiatrists in general, and particularly of those psychiatrists who have occasion to come into contact with the courts.

First of all, what is psychiatry? Sir David Henderson, the dean of British psychiatrists, defines it thus:

"Psychiatry is that branch of medicine which deals with those individuals who, from a combination of circumstances, constitutional or acquired, are unable to adapt themselves satisfactorily to their particular situation in life because of certain signs and symptoms, certain maladjustments which may or may not require treatment in the home, the school, the college, the factory, the clinic, nursing home, or hospital."

The breadth of this definition illustrates forcefully the great advances which have been made in the last half century, and it is a far cry from the days when the only interest of the psychiatrist was either in testifying in court or in sending to the "asylum" those who were "furiously mad". We have indeed learned much of the way the human mind operates, and substantial advances have been made in the line of treatment of mental disorder, both institutional and extramural as well.

The modern era of psychiatry begins with the work of Sigmund Freud. There were to be sure, pioneers like Pinel and Dorothea Lynde Dix, who did much toward alleviating the lot of the institutionalized patients, but until the time of Freud, psychiatry was on a descriptive level. Just as Copernicus and Galileo shattered man's notions that the earth was the center of the universe and just as Darwin showed that man is after all not a special order of creation but a product of evolution, so Freud demolished the idea that man is entirely a reasoning animal. Rather he showed that man does not live and act by syllogisms alone. He demonstrated the driving force of emotion and the important and dynamic effect of unconscious factors in behavior. The fact that the emotions may on occasion overcome sound judgment has long been recognized by the law in the "heat of blood" doctrine as affecting premeditation, but recognition of the importance of unconscious emotional factors in the mental life has lagged in general acceptance. This, however, is not to say that all conduct is entirely predetermined, that man is blind, a puppet. Man is capable, even though conditioned by what has gone before, of testing his impulses and desires by reality and of making decisions; the prospect of penalties for violation of the prevailing code of conduct is one of the elements of reality. Indeed, it is only because there is determinism that rules of conduct can be expected to have any effect, or that any sort of treatment for mental disorders can be helpful. It is not entirely accurate to consider that to the psychiatrist the sick and the wicked are equally free of blame.

THE MAKEUP AND DEVELOPMENT OF PERSONALITY

Perhaps a few words are in order concerning the makeup and development of personality and concerning some of the disorders to which it is subject. What we generally term "mind" is an abstraction, an inclusive word which signifies the sum total of the ways in which the individual acts as a whole in response to stimuli, external and internal, which are constantly playing upon him. Mental activity, in other words, is merely one aspect of biological functioning. The mind does not have a separate entity, nor does it exist in a vacuum somehow separately from the body. The various parts of the body are unified through the actions of the nervous system, the central organ of this system being the brain, a complicated structure which receives the stimuli from the outside world as well as from the body itself, responds to these stimuli by motor phenomena of various sorts, and stores the various impressions which it has received. This phenomenon of storing these impressions is referred to as memory, a most important function, by means of which the effects of training are accumulated and various associations set in motion; some of these associations at least appear to result in what is known as logical thought.

On the basis of these memories and previous impressions, judgment is developed. It follows, then, that damage to the brain may be expected to have an effect upon judgment and the other higher mental functions. The damage may be due to failure of development (a condition known as mental retardation),