

***Infanticide: Psychosocial and Legal Perspectives on Mothers Who Kill***, edited by Margaret G. Spinelli, M.D. Arlington, Va., American Psychiatric Publishing, 2002, 272 pp., \$40.95.

The purpose of this book is to influence public and legal opinion in the United States, following some high-profile cases in which women patently suffering from mental illness have been convicted of murder and jailed for long periods. To a European, it offers an insight into a culture completely foreign—a nation thirsting for vengeance against mothers who, when severely ill, killed (and lost) their children; a nation that can afford psychoanalysis but not inpatient mother-and-baby units; a nation that still relies on the M'Naghten rules to define exemption from homicidal responsibility; a nation encapsulated within its own literature, insulated against the accumulated wisdom of the world.

Professor Oberman's analysis of the purposes of punishment and Judith MacFarlane's explanation of American defense options are illuminating, but I have reservations about the psychiatric contribution. The starting point must be classification, because there are many forms of infanticide, each with different causes and manifestations; this has been delegated to a lawyer, and not surprisingly her classification is incomplete. Five psychiatrists summarize postpartum disorders. They seem to recognize three entities—depression, psychosis, and obsessional disorders. The psychiatry of childbirth is much more complex than that (1). Conspicuously absent is any mention of severe mother-infant relationship disorders (hatred and rejection of the infant), which are crucial to fatal abuse and neglect; even the chapter on the mother-infant relationship deals only with minor forms of these disorders. These psychiatrists believe that “cognitive disorganization” sets puerperal psychosis apart as a distinct “organic” disease. This is a feature of acute polymorphic or cycloid psychoses, long known to be linked to childbirth, and (although not recognized by DSM) occurring in greater than 10% of nonpuerperal psychotic patients (2).

Dr. Spinelli interviewed 17 women accused of neonaticide and identified dissociative states as a key factor. Interviews with defendants facing the death penalty are not clinical or research interviews. As in all medicolegal inquiries, truthfulness is an issue. Likewise, Dr. Miller equates “denial” of pregnancy with dissociative unawareness. What about deliberate concealment of pregnancy? It is astonishing that a book on infanticide omits to mention the other psychopathological syndromes occurring around parturition (1). When Judith MacFarlane turns her legal mind to psychiatry, she believes that depersonalization would be an effective defense. But people overpowered by aggressive impulses sometimes feel “taken over” by something outside themselves and distanced from what is happening. Should this be a defense against homicide?

Any attempt to overturn entrenched and time-honored jurisprudential principles must start with comprehensive knowledge. This book cites most of the recent American publications on infanticide, a fraction of the English-language literature on postpartum mental disorders, and only three foreign works (by Marcé, Esquirol, and Gerchow). The world literature on puerperal psychosis and infanticide extends to

more than 2,000 articles each, of which about a third are in English.

Dr. Spinelli disparages “early and outdated literature.” The study of infanticide, however, has not benefited from modern medicine. There have been no major advances since the application of histopathology to the proofs of live birth 80 years ago. We have everything to learn from the “legal doctors” of the 19th century—men who not only examined the cadaver but visited the scene of the crime, conducted gynecological examinations, and interviewed the mothers. Tardieu (3) and Brouardel (4) amassed 783 cases between them, and the German experience is more extensive. No one can brush this evidence aside without studying it.

In a resourceful final chapter, Dr. Spinelli urges the reader to “take heart” because the goal of preventing infanticide is attainable. Of course it is. Anomic neonaticide, once a public health problem, has dwindled to an occasional scandal. This was achieved partly, no doubt, by contraception and the relaxation of the abortion laws but largely by a change in attitudes toward single mothers. I suspect that persuading APA to accept doubtful propositions or persuading 50 states to change archaic laws is not the way forward. Rather, the United States needs a medical philanthropist to change public attitudes. Perhaps Dr. Spinelli can do for the United States in the 21st what Hunter did for Britain in the 18th and Jörg for the German-speaking world in the 19th centuries (5)—persuade Americans to show mercy and compassion to mothers in extremis.

#### References

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***Monday at the Charm***, by Dinah Miller. Frederick, Md., Publish America (America House), 2001, 216 pp., \$19.95 (paper).

Although many psychiatrists choose nonpsychiatric subjects for nonprofessional reading, *Monday at the Charm*, a first novel by psychiatrist Dinah Miller, is an accurate, beautifully written book certain to gain many readers' attention. The eight chapters tell, in first-person accounts, about the personal lives of four women at a community mental health center: a social worker, a patient, a psychiatrist, and a secretary. Each reveals through introspection her current personal life issues and life choices as well as her clinic role. For those who are psychotherapists and for those who choose not to be, as well as for trainees in all mental health and primary care fields, the book is a fast, interesting, informative look into women's lives, written by a creative, thoughtful professional.

In this age of categorizing by gender, the unique female characters described in this book clearly encourage professionals to understand patients beyond what is visible by ask-

ing, allowing, and encouraging each to share fears, hopes, and courage. Well worth reading.

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## FORENSIC PSYCHIATRY

***Psychiatry in the Everyday Practice of Law: A Lawyer's Manual for Case Preparation and Trial, 4th ed.,***  
by Martin Blinder, M.D., Eagan, Minn., Thomson West, 2003,  
1,251 pp., \$195.00.

In the preface to this book, Martin Blinder says that it "is designed to assist the attorney in representing his or her client more effectively" (p. xi). Published by a leading publisher of law books, *Psychiatry in the Everyday Practice of Law* originated with lectures given in the clinical program at the University of California Hastings College of Law. In an introduction reprinted from an earlier edition of the book, retired Supreme Court Justice Tom C. Clark reminds legal professionals that "psychiatry is beyond a doubt wedded to the effective administration of justice" (p. xiii).

It goes without saying that the publishing history of a book is indicative of its appeal; this is not the second but the fourth edition. It is a pragmatic book rather than an academic book. Its premise is that an understanding of psychiatry would help attorneys to be better advocates across the board—from preparing a mitigation defense to selecting jurors or examining witnesses. Although aimed at the legal profession, the book would also be of interest to psychiatrists engaged as expert witnesses.

The early chapters set out several psychological and neurological concepts. The book begins with the basics of psychiatry, that is, brain function, diagnosis, causation, and treatment. It then moves on to more specific examples of the interplay of psychiatry and the law such as mental competency, criminal responsibility, eyewitness reliability, and psychiatric malpractice. The final chapters of the book focus on how an attorney may best use the lessons of psychiatry in the courtroom (e.g., picking and persuading jurors and using psychology in negotiations) and on the specifics of examining psychiatric experts.

Each chapter is followed by a bibliography, but citations to law cases are made in the text, and their frequency varies by subject matter. The primary case law for each topic is set out in a "rulings and verdicts" section at the end of each subcategory, but the subcategories are not identified in the table of contents. The table of contents and the index leave much to be desired in locating a topic, and there is no table of cases or index of names.

Seemingly more often than citing case law on which a lawyer might rely in court, Blinder refers to case reports and transcripts from his own work as a forensic psychiatrist. He has more than 40 years of clinical practice. The book is replete with sample reports, and each edition contains additional reports. Ostensibly, these reports, written for the court or attorney, are designed as illustrations to help in understanding a particular diagnosis or pathology, but in actuality they do little to add to our understanding and are distractions from the

body of the text. The reports would seem to be of more interest to psychiatrists than lawyers.

The most famous of the cases presented in the book involved Dan White, the disgruntled former San Francisco supervisor who was prosecuted in 1978 for the murder of San Francisco mayor George Moscone and supervisor Harvey Milk. Blinder served as an expert witness for White. In more than 13 pages, Blinder sets out the facts of the case, including a brief comment at the end on the "Twinkie defense." Blinder offered evidence of the psychological effects of ingesting lots of sugary junk food to support a then-applicable standard diminished claim that reduced murder to manslaughter. White was convicted of manslaughter. Because of the notoriety of the case, the inclusion of this case report is more interesting than most of the others, but it adds little to an analysis of criminal behavior, the chapter in which it is included. In his acknowledgments at the beginning of the book, Blinder says that writing does not come easily to him. Perhaps for that reason he simply includes case reports to try to illustrate his arguments and advice, but the reports do little to "assist the attorney in representing his or her client more effectively."

Despite these criticisms, the book has much to offer attorneys unfamiliar with psychiatry who may be looking for either background on a specific psychiatric disorder or ways to incorporate the basics of psychiatry into their trial work. There are useful appendixes on psychological testing and a glossary of psychiatric terms. The sections devoted to meta-communication, attorney persuasiveness, and picking juries are enlightening and might well be used as supplemental materials in trial advocacy classes for law students. For example, Blinder cites a study showing that attorneys who follow the common practice of thanking jurors for their service to the community are often seen as demeaning, patronizing, or presumptuous. Other similarly small but useful insights abound in the latter chapters of the book. In the end, it is for that type of basic information that the book is best used and may be the reason that the book is in a fourth edition.

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***Determining Damages: The Psychology of Jury Awards,***  
by Edie Greene, Ph.D., and Brian H. Bornstein, Ph.D. Washington, D.C., American Psychological Association, 2003, 238 pp., \$49.95.

Outside observers have often been mystified and perplexed by jury decisions in both civil and criminal matters. Much popular mythology surrounds the jury decision-making process in these cases. In civil cases (except for those in which the judge is the trier of fact), the jury first decides whether the defendant was the responsible party in the plaintiff's claim and then is charged with calculating the amount of compensation to be awarded to the plaintiff. In this book the two psychologist-authors explore the process by which a jury determines this amount.

The authors divide the book into three sections. The first section is arguably the most interesting and involves a compilation of data and research about the principal players in the civil courtroom drama, namely, the plaintiff, defendant, and jurors. The other two sections focus on how factors such as the severity of the alleged injury, the conduct of the litigants,