A QUESTION OF RESPONSIBILITY: THE DEVELOPMENT OF AMERICAN FORENSIC PSYCHIATRY, 1838-1930

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Abstract

Major efforts to systematize the relationship between law and psychiatry in the United States were undertaken in the early nineteenth century. The medico-legal publications of that era marked the beginning of a professional debate over the role of psychiatry in the adjudication and treatment of criminal offenders. One of the issues in the debate was individual responsibility. Lawyers, physicians, philosophers, theologians and social scientists have argued for generations over standards for distinguishing between criminality and mental illness. My dissertation is a history of this debate as revealed in the writings and actions of America's most influential medico-legal theorists between the years 1838-1930.

In 1838, the first major examination of the responsibility question written by an American physician was published. Isaac Ray's Treatise on the Medical Jurisprudence of Insanity, symbolizes the entrance of American medical men into a debate which had been dominated by lawyers. Following the publication of this book, legal and psychiatric professionals established vested interests in the responsibility question. It was during this period that both professional groups came to recognize and accept the "other" profession's claim to special knowledge about this question. More significantly, in the years between 1838 and 1930 a key intellectual shift took place. This was the movement away from traditional legal and moral views of free will and individual responsibility toward ones in which scientifically-derived determinisms play a role. The first three chapters describe the awakening of American medico-legal theorists to the fact that they had a shared interest in, but very different approaches to, the problems of the mentally ill offender. This awakening stimulated an interest in reforming the legal system and in medico-legal collaboration. In the middle two chapters my focus is the intellectual, professional and personal forces which worked against reform attempts. This struggle between law and psychiatry had implications for forensic psychiatry in the twentieth century. Nineteenth-century medico-legal theorists bequeathed a sophisticated system for dealing with the possibly insane offender, as well as a reform legacy of frustration and conflict. The last chapters delineate the institutional forms and scientific theories that transformed this legacy into a "modern" reform movement.

Subject Area

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a companion book to DSM-5® DSM-5® readers seeking to learn more about treatment can turn to the Textbook - Part II, which discusses psychiatric The Center has the responsibility of providing psychiatric services including both evaluation and treatment to those individuals who are involved in the criminal justice system. The Clinic staff also provides consultation and education involving forensic psychiatric issues to the city, town, and county courts, parole and probation departments, and pre trial release program. Training for Fellows in Psychiatry and the Law has been associated with the Center since the founding of the Psychiatry and Law Program at the University of Rochester in 1986. 2. APA Insanity Defense Work Group. American Psychiatric Association Statement on Insanity Defense. American Journal of Psychiatry, 140(6):681-688, 1983. 3. Ciccone JR. The Rebirth of Forensic Psychiatry in Light of Recent Historical Trends in Criminal Responsibility. In order to clarify how forensic psychiatrists interact with the legal system and what they contribute to achieving fair and just outcomes, we will begin with some background on the areas of law that generated the controversy: the insanity defense and diminished capacity. Most American jurisdictions have some form of a general insanity defense; very few have completely abolished it. [52,70,106] although in practice a jury verdict for the defense is a rarity. In response to Morse's contention that a uniform standard of responsibility best respects the dignity of the accused, Dressler asserts, “We treat criminal actors with dignity when we treat each individual as unique.” [28].