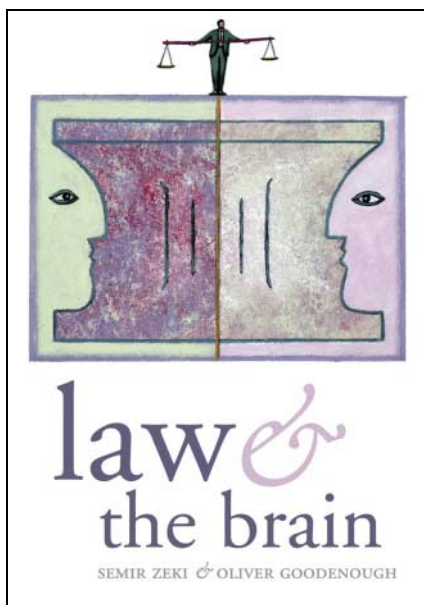


Book reviews

EDITED BY SIDNEY CROWN, FEMI OYEBODE and ROSALIND RAMSAY

Law and the Brain

Edited by Semir Zeki & Oliver Goodenough.
Oxford: Oxford University Press. 2006.
266 pp. £29.95 (pb); £75.00 (hb).
ISBN 0198570112 (pb); 0198570104 (hb)



Lawyers are a shallow, unreflective lot. By and large they plead, contract and imprison without worrying about why they do things the way they do. When they are cross-examined by philosophers they usually hint pompously that they are too busy and too important to have the luxury of navel-gazing. If they deign to debate at all, they plunder other disciplines for a theoretical justification for their activities. Theology and philosophy have helped out; so, more recently, have economics and sociology. Now it is biology's turn. Because biology's conclusions are so much more verifiable than those of theology and philosophy, the biological sciences (and particularly neuroscience) are likely soon to dictate the way the law develops, rather than being (as other disciplines were) mere fig leaves to cover up the law's occasional embarrassment at its intellectual nakedness. We are at

the start of a real revolution. This book sounds the first shots.

Law makes a number of very crude working assumptions. It assumes that apparently competent adults are free to make choices; that they act rationally in what they perceive to be their best interests; that they have reasonable foresight of the consequences of their actions; and that they generally mean what they say. Its yardstick is the man on the Clapham omnibus, the incarnation of reasonableness. Applying an unconsciously dogmatic theory of mind, it attributes to the reasonable man a fair amount of prescience: that bus whirrs with guessing, second guessing and third guessing.

These (usually) unspoken foundations of the law were always rather vulnerable to anyone who had read an undergraduate philosophy text. But they crumble before anyone armed with a bit of psychology and evolutionary biology. Take one example: are we free? In many respects we plainly are not. We are creatures of our genetic inheritance and our environments. There is a subtype of human epilepsy producing subtle personality changes including, typically, a preoccupation with religion. For someone in Mao's China that could have some nasty forensic consequences. In some male rodents a tendency to monogamy is associated with a high number of vasopressin receptors in the nucleus accumbens. If a similar phenomenon applied in humans, it may have significant repercussions for legislators considering whether bigamy should be a criminal offence. And so on.

The law's response is that everyone has tendencies, but true automatism is vanishingly rare. The law is about modelling a proper society and channelling tendencies in a socially desirable way. Science has nothing coherent to say about what amounts to a good society.

But science will not sit down and shut up. It insists that our values are generated by the imperatives of natural selection. Selfishness is the author of apparent altruism and social cohesion. Darwin dictates the very morality that the law purports to

protect and embody. If there is a real natural law, it is written not on our hearts by the finger of God, but in our DNA by desperate genes.

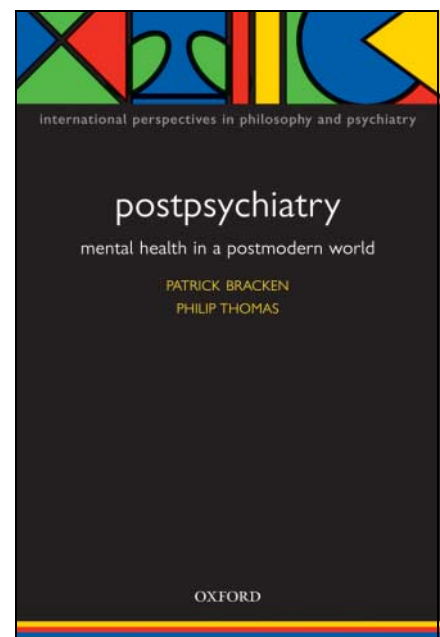
This collection of fourteen fascinating and beautifully written essays is the first emphatic assertion that the law needs neuroscience if it is not to be a hopeless intellectual ostrich, and the first attempt to write a tentative agenda for the debate that has to happen. Few subjects matter more. Anyone who wants to learn the vocabulary of the subject needs this book.

Charles Foster Barrister, Outer Temple Chambers, 222 Strand, London WC2R 1BA, UK.
Email: charles.foster@outertemple.com
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Postpsychiatry. Mental Health in a Postmodern World

By Patrick Bracken & Philip Thomas.
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304 pp. £29.95 (pb). ISBN 0198526091

A welcome manifestation of the reawakening of interest in the philosophical basis of psychiatry has been the recent series of books on the subject, edited by Bill Fulford and colleagues. Now comes a new addition to the series by Pat Bracken and Phil Thomas, who, over the years, have published a wide range of articles and commentaries, which have been critical of psychiatric orthodoxy. Their *BMJ* paper



on 'postpsychiatry' (Bracken & Thomas, 2001) created much animated and, at times, acrimonious debate. This book represents a more extended account of their views, and encompasses such topics as phenomenology, linguistics, narrative-based medicine and representation in art. Their chosen guides to this cultural terrain are Foucault, Heidegger and Wittgenstein.

At the core of the authors' thesis is a critique of what they see as the negative consequences of the European Enlightenment. While keen to acknowledge the successes of the legacy of the Age of Reason, they also wish to expose its limitations. Modern psychiatry has its origins in the Enlightenment, whose leading thinkers held that reason would solve the mysteries of humanity and unlock the mysteries of the mind. This, in the authors' view, has led to the inappropriate application of 'scientific' technologies to the mad and distressed. This approach places little weight on such factors as meaning, value and social context. The authors wish to bring to the fore these factors, which they regard as vital to a proper understanding of human beings, and they propose that a hermeneutic rather than a biological 'reductionist' approach is the most apt. Michel Foucault had famously stated that the language of psychiatry is a monologue of reason *about* madness. Postpsychiatry, the authors declare, aims to put an end to this monologue and allow other voices to be heard.

At one time Bracken and Thomas might have been perceived as operating on the

fringes of the discipline. However, a meeting on critical approaches to psychiatry at the annual meeting of the Royal College of Psychiatrists in Edinburgh in 2005 attracted a large audience and demonstrated that their concerns have a wide constituency, although apparently *not* in academic psychiatry. The growing division between clinical and university psychiatrists is noted by the authors, who attribute it to the impact on academia of the pharmaceutical industry, which is driving a narrowly neurobiological agenda to the exclusion of social and psychological factors.

A key chapter in the book is the fourth one, which examines the philosophical assumptions underlying models of psychopathology. Those who have looked into the subject will be aware that there has been a scholarly and often recondite debate concerning the origins of Jaspers' thought. The authors not only give a very lucid and balanced account of the debate, but they demonstrate why such matters have major implications for the way we interact with patients. Do we adopt a supposedly 'rigorous' and 'scientific' medical gaze which attempts to separate a person's experience from their social and bodily context? This, according to the authors, is the Jasperian position. Or do we adopt a non-Cartesian approach, which emphasises cultural factors and the search for meaning, and which the authors themselves favour?

Bracken and Thomas also bring a critical eye to such subjects as evidence-based medicine, cognitive theories of mind and the role of the humanities: underlying

intellectual assumptions are dissected and laid bare. The entire book seeks to stimulate debate, and one gains the impression that the authors would be disappointed if they did not provoke some discord. And, of course, they do provide much material for argument. Space does not permit the lengthy discussion which the book deserves, but we can consider one point. In their desire to pay heed to the voices of those who are mentally ill and to undermine those who would see psychiatry as a benign and essentially humane enterprise, the authors sometimes uncritically privilege the perspective of the sufferer or the critics of psychiatry. For instance, Andrew Scull's view that the Victorian asylum was a place for society to dump its 'inconvenient' people is presented without reference to studies, for example, of the Royal Edinburgh, Lancaster and Ticehurst Asylums, which demonstrate that patients were drawn from a wide range of society and were suffering from severe types of mental disturbance. However, enough has probably been said to indicate that this book provides an engaged and, at times, provocative critique of the current state of psychiatry. As such, it deserves a wide readership.

Bracken, P. & Thomas, P. (2001) Postpsychiatry: a new direction for mental health. *BMJ*, **322**, 724–727.

Allan Beveridge Queen Margaret Hospital, Whitefield Road, Dunfermline, Fife KY12 0SU, UK.

Email: allan.beveridge@faht.scot.nhs.uk

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