

Book Review

Neither Mad nor Bad. The Competing Discourses of Psychiatry, Law and Politics

Deirdre N. Greig. Jessica Kinglsey Publishers 2002.

The title of this book, as the author reminds us, is derived from Lady Caroline Lamb's description of Lord Byron as "mad, bad and dangerous to know". The phrase serves neatly to encapsulate a central problem faced by law and psychiatry explored in the book and (the timing of publication is fortuitous) faced by the government's draft mental health bill; how to distinguish between madness, badness and dangerousness?

Greig's book focuses in detail on the history of one man in the state of Victoria, Australia and the responses of the law, psychiatry, politicians and the community to the "problems" presented both by his behaviour and by his diagnosis of severe personality disorder.

By the age of eighteen, Garry David had accumulated a large number of convictions for separate offences, mainly of theft. His major term in prison, 14 years for wounding and attempted murder, came in 1980 when, aged 27, he attempted to ambush police with, it would seem, the desire to be killed in a dramatic shoot out. Even including this latter drug fuelled incident, David's criminal career could not be regarded as exceptional. Yet, as he was approaching the end of his custodial sentence and was appealing his continued detention as a security patient, the government moved to pass "one-person" legislation, the Community Protection Act 1990, requiring the Supreme Court to assess expert evidence of his dangerousness as a basis for his continued incarceration.

That the state reacted so dramatically and in a way that, arguably, led to David's death from injuries inflicted upon himself as part of a campaign of resistance, was not, Greig argues, attributable to proven criminality or a diagnosed mental illness but rather the use, as a form of professional knowledge and a basis for policy, of the concept of "dangerousness"; a concept that "signals a self-fulfilling prophecy of incontrovertible evidence that a dangerous propensity exists" thereby demonising the subject, arousing public fear and inviting political intervention.

Although an unexceptional criminal, it must be said that David was a highly unusual prison inmate who was to develop a broad range of tactics to destabilise both the psychiatric and penal authorities. This ability was demonstrated first at his trial in 1980 where his disruptive behaviour ranged from disdain for the court by refusing to stand, to threats of violence, including those of self-mutilation which resulted in the need for a daily x-ray to guard against his proven ability to swallow sharp objects and regurgitate them at will.

This pattern, with inventive variations, continued in custody where David developed and mastered the arts of prison anarchy; hunger strikes, cell barricades, threats, physical violence, self-mutilation and the inciting of other prisoners to resist. These cruder activities were accompanied by a written

campaign and an extraordinary and sometimes highly subtle ability to undermine and create conflict amongst the prison staff, particularly his treating doctors and nurses. The dimensions of David's public persona were amplified by the leaking of official documents to the sensationalist press detailing, among other things, his puerile and fantastic plans for a war on the public when released. Such fantasies might have been dismissed were it not for the image that the public were forming, chiefly through David's own writing to the press, of a man with extraordinary capacity for self-harm, of someone beyond pain, lost to himself and capable of anything, of somebody who must be mad.

Greig traces how David's strategies opened up a divide both practically, professionally and theoretically between the criminal justice and mental health authorities. The difficulty of "placing" him within a suitable structure of care and containment made the establishment of a suitable treatment regime impossible. The problem of locating him managerially was in part a product of the diagnosis of severe personality disorder and the ambiguities this raised as to the appropriateness and efficacy of treatment. The superadded notion of dangerousness, Greig argues, was useful because it removed the need for a complete understanding of David's condition, serving both as a bridge between criminality and mental illness, making continued incarceration an acceptable goal, and as a signal of the potential rather than the actual, something seized upon by the media who distorted David into a "Hannibal Lecter" figure in the minds of the public and politicians.

Greig's description of the frenzied way in which the options for Garry David were explored by the authorities is disturbing because they strongly suggest the issue had been pre-decided. These included the possibilities of certification, provided psychiatrists would recognise David as mentally ill, the recommendation, by a special committee set up for the purpose, that personality disorder be viewed as a mental illness and the enjoining by the Attorney General of the Law Reform Commission to focus its attentions on that part of the Mental Health Act which specifically excluded certification of those with an "anti-social personality". Whilst the government pursued options for confinement, a specially formed group of four psychiatrists delivered their, no doubt, unwelcome view that David was not mentally ill for the purposes of commitment.

The culmination of these efforts was the Community Protection Bill 1990 which, hastily drafted as it was, did nothing to disguise the government's central aim of preventing David's release, the purposes being, "to provide for the safety of members of the public and the care and treatment of Garry David ... and to provide for proceedings to be instituted in the Supreme Court for an Order for the detention of Garry David." The Bill thus shifted the burden of making a decision and the blame for the outcome to the judiciary. Whether prisoner or psychiatric patient, the court was empowered, on the finding of a serious risk to the public or likelihood of violence, to order preventive detention. But the finding of such a risk or likelihood was to be based upon evidence by experts who had previously been unable to resolve how David should be managed or clarify their views on his condition. The order for preventive detention which almost inevitably followed allowed David further opportunities to highlight the conflicts between the law and psychiatry which had been exposed at the hearings by styling himself a "psychiatric prisoner". David died in 1993 from complications of his self-inflicted injuries while still engaged in legal testing of the legislation which kept him a prisoner and the attacks on his body which were, Greig suggests, a way of demonstrating power over himself of a kind denied to the authorities.

Throughout, the charting of David's convoluted history at the hands of the state, the competition and contradictions between psychiatry and law and the reactions of politicians to public and media pressure is done with care and facility. The picture that emerges is that of guild like structures, each concerned to protect its interests but confronted by the impossible task of overcoming the incompatibilities. Psychiatrists could agree on a personality disorder but not its type whilst lawyers struggled with their need for precise meanings requiring of the psychiatrists discriminations they were not prepared or able to give. The accounts of the Mental Health Review Board hearings on the arguments as to whether David's personality disorder was borderline or anti-social are particularly interesting if unedifying.

The sub-title, the *Competing Discourses of Psychiatry, Law and Politics*, hints at the author's application of arguments and insights from less traditional sources. This accords with the Forensic Focus series of which this book is part and its intention of embracing such other disciplines as "language, literature, criminology, ethics and philosophy as well as psychiatry and psychology". My feeling is that Greig's use of, for example, commentators such as Foucault, Gusfield and Ignatieff is a little coy – these authors might have been mined more substantially, they tend to appear suddenly as if slotted in rather than contextualised.

This minor and rather personal quibble aside, this is a book I thoroughly recommend. It has much of importance to say to anyone in the wide field of subjects touched upon by the series but most especially to those concerned with the current debate on dangerousness and severe personality disorder. For politicians who share the concerns over the moves to legislate for broad criteria for the detention of those with diagnosed DPSD, it should be required reading. The history of Garry David as told in the book might have been the origin of the phrase "hard cases make bad law" but what politicians might also learn is that hard law has a nasty propensity for making bad cases.

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