

## Editorial

This issue is devoted to the interface between law and psychiatry, termed forensic psychiatry. Psychiatrists and attorneys from the field of forensic psychiatry contributed to this issue, each from his profession's point of view. In daily practice these two disciplines interact mainly when decisions have to be made regarding involuntary or compulsory hospitalization, and criminal responsibility. Involuntary admission of mentally ill patients may well be one of the most distressing needs of society. These admissions comprise up to 25% of all admissions to mental health facilities.

In the opening paper we discuss the differences in the focus of concern and in the language between the medical profession and the judiciary, at times when a decision has to be made regarding the level of dangerousness or the criminal responsibility of an individual. The clinical tools available to psychiatrists often seem insufficient or unconvincing as far as the legal system is concerned. In his interesting commentary, attorney Dr. Wolfman denies the existence of a language gap between the medical and the judiciary systems. Yet at the same time he insists that evidence of dangerousness has to be convincing according to the strict judicial requirements.

Still, the difference exists: when a prosecutor cannot present evidence to convince the court, the defendant goes free, while a physician who is not sure about the collaborating evidence watches the patient for a few days so as not to cause harm by withholding treatment.

Attorney Terry Carney and colleagues discuss coercion in the treatment of anorexia nervosa, one of the conditions that often leads to conflict between the medical and legislative systems regarding civil rights and freedoms. This severe disturbance, which can be life-threatening, is not currently defined as a psychotic illness in Israel and thus does not offer any legal recourse for imposing treatment. Prof. Carney discusses the changes in Australian mental health legislation and how they have affected treatment of this disorder.

Katz and Zemishlany present three cases of Asperger's syndrome, another disorder not catego-

rized as a psychotic condition. These illustrate how the special characteristics of the syndrome, namely the inability to assess social situations and appreciate others' point of view, constitute the main cause for possible criminal behavior. People suffering from Asperger's syndrome may not be criminally responsible for some of their acts as they lack the criminal intent (*mens rea*).

Kertzman and colleagues present the subject of forensic evaluation using neuropsychological examination. This approach putatively leads to a more objective examination, thereby reducing the gap between the medical and legal systems.

Witztum and Kalian present a 50-year perspective of the uniquely Israeli model of District Psychiatrist. This broad and in-depth review is thought provoking. The question of whether to amend the law so that it is within the exclusive jurisdiction of the legal system has been under much deliberation during the past few years, and there are both very strong pros and cons.

Attorney Toib presents the challenges of a new Mental Health Law, comparing it to the experience accumulated in the United States, and reviewing the difficulties encountered there, including deinstitutionalization. Appelbaum and Anfang expand on the subject of the American experience and describe the evolution of the issue of involuntary treatment across time, from a broadly informative perspective.

In Witztum and Margolin's concluding paper they discuss whether there is a need for legislation specific to the treatment of the mentally ill. This scholarly discussion is followed by comments from Prof. Perlin of the New York Law School.

We hope that the various aspects of law and psychiatry presented in this Special Issue of the *Israel Journal of Psychiatry* will promote better mutual understanding of the respective fields, and contribute to their cooperation for the benefit of patients, psychiatrists and society.

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Guest Editors