

Book Reviews

Law and Psychiatry: Legal Responsibility and Mental Defects

By Yaacov Bazak

Nevo Publishing Co., Israel, 2006

Hbk, ISBN: 965-442-037-6, 429 pp.

Professor Bazak was, until his retirement in 1995, deputy president of the District Court of Law in Jerusalem. As a judge for more than 40 years, he witnessed from time to time some “exciting legal issues in the area of psychiatry and law,” as he wrote in the preface to this book (p. 16). He also taught this subject at the Hebrew University of Jerusalem and at Bar-Ilan University, and he still conducts a course in law and psychiatry at the Faculty of Law at the Kiryat Ono Academic College.

Professor Bazak successfully tries to bridge the various conceptual differences between the two disciplines, dealing mainly (but not exclusively) with the mutual and most known subject of criminal responsibility. The 21 chapters of the book cover a variety of issues, among them legal definition of mental disorders; criminal responsibility and mental illness; diminished responsibility and reduced punishment; civil and criminal commitment of the mentally ill; the legal status of the mentally disordered in civil law; patients’ rights and confidentiality; hypnosis and the law; and the criminal responsibility of the mentally ill in the Hebrew (Rabbinic) Law, as well as brief descriptions of various mental disorders mentioned in it. For the convenience of those readers who are experts in law, a special appendix was added, containing a psychiatric survey of mental disorders and their classifications.

The book is rich in case vignettes written in language that appeals to both psychiatrists and lawyers. Some famous Israeli legal cases are thoroughly dis-

cussed and criticized, e.g., Rohan (pp. 98–101) and Okev (pp. 217–230). The author does not hide his opinion regarding the need for some changes, among them giving the court authority to order a comprehensive psychiatric examination of a suspect before the decision to accuse him, or giving absolute authority to the court in deciding issues of dangerousness (pp. 255–264).

The book expresses a balanced view of the complicated and delicate interactions between psychiatry and the law, both subjects familiar and well known to the author. Professor Bazak has a great deal of experience and knowledge in both of these disciplines. In 1964 he published the first edition of his famous Hebrew book entitled “Criminal Responsibility and Mental Illness,” later published in two other editions (1972, 1985) and which became a must read for every Israeli psychiatrist and lawyer interested in forensic psychiatry. The author’s other 10 books also reflect his wide interests apart from law, e.g., “Beyond the Senses: A Study of Extra-Sensorial Perception in Biblical, Talmudic and Rabbinical Literature in Light of Contemporary Parapsychological Research” (1968, 1985) and “Contents and Shapes in the Book of Psalms” (1987).

It has been argued elsewhere in this issue that psychiatry and law share “a language problem,” and that an “impossible dialogue” characterizes their mutual relations. In my opinion, Bazak’s book only proves the opposite and can better be thought of as a kind of “bridge over troubled water.” This book should be a permanent item on the bookshelf of every Hebrew-speaking psychiatrist or lawyer interested in the fascinating world of forensic psychiatry.

Jacob Margolin