

BOOK REVIEW

Lawrence B. Erlich,¹ M.D.

Review of Jekyll on Trial (Multiple Personality Disorder and Criminal Law)

REFERENCE: Elyn, Elyn R. and Behnke, Stephen H. *Jekyll on Trial (Multiple Personality Disorder and Criminal Law)*, University Press, New York 1997, 252 pages; \$29.95.

At the outset of this review, you should know that I have a bias. This book was written by a law professor and a psychologist and I am a forensic psychiatrist. As a psychiatrist, my focus is on the biological and biochemical nature of mental illness. As a forensic psychiatrist I am focused on if not obsessed by the source of the subject of evaluation and the reason why he is in the evaluator's office. Neither of these issues are dealt with in this book.

The authors of this book present an intricate, delicate, and well reasoned set of arguments about the phenomenology of multiple personality disorder and the skeptical arguments that are presented by others. The authors argue that MPD is a valid disease and they present powerful arguments against those who believe that the condition is iatrogenic, malingering, etc. One of the main buttresses of their argument is that the DSM-IV recognizes the existence of MPD and therefore it is the opinion of the leaders of the field of psychiatry the illness exists. The authors feel that the courts should recognize it as a disease and accept it as the basis for an insanity plea at least as a rebuttable presumption.

I feel that the authors have failed to appreciate the fact that a psychiatric examination is always for a purpose and the result that is produced is for a purpose. There is no question that MPD is a real disease and that it causes real suffering. The fact that the illness is recognized in the DSM-IV indicates that it is recognized for the purpose of diagnosis and treatment, because the DSM-IV was developed to standardize and validate psychiatric diagnoses. There is a large body of research that indicates that the DSM-IV is an effective tool for psychiatrists for these purposes. However, there is no evidence at all that the DSM-IV is of any use in a legal setting. For that matter, there is no evidence at all as far as I know that it is a valid tool in

the hands of psychologists, social workers, or mental health workers. The fact that the law recognizes the DSM-IV as authoritative is a legal fiction and it is valid and true for the law. It makes sense for the law to use the DSM-IV, and things that make sense are answers for the law. But truth is very different for a physician. As scientists we cannot say that something is true until there is a study validating it, even if it makes sense. And there are no studies saying that the DSM-IV has any validity at all for psychologist, social workers, licensed counselors, or the courts. All we can honestly say when asked about this is that we do not know.

Let us compare MPD with alcoholism, since even today there are people who insist that alcoholism is not disease. A psychiatric diagnosis must be made for a purpose, and alcoholism is a disease for the purposes of treatment. If an alcoholic gets drunk, drives drunk, insists that he is not an alcoholic and he is not drunk, we know that he is lying and he believes his own lies. If someone believes his own lies, that does not mean that he is telling the truth. He is still lying. If that man then drives his car into another car and kills someone, he is guilty of homicide while intoxicated, even though he sincerely believes that he is not an alcoholic and was not drunk. From the point of view of the therapist, the alcoholic is sick and needs treatment. From the point of view of the law he is a guilty criminal. Both are right.

The person suffering from MPD also has an illness that also consists of lying to oneself and believing the lies. The illness, like alcoholism, can cause suffering and death. However, MPD has no biochemical basis that we know of, as does schizophrenia, mania or depression. The MPD patient is not poisoned by his own chemistry, as are psychotics. From the point of view of a therapist, the MPD patient is sick and suffering and as a therapist I certainly agree with this. But I find it hard to believe that a jury, whose reasoning is based on common sense and a judge, whose reasoning is based on the law would agree with us. And we would all be right.

In the Middle Ages philosophers argued about how many angels could dance on the head of a pin. This book argues about how many alters can dance in the head of a patient with MPD. Neither argument is very fruitful.

¹General and Forensic Psychiatry Baton Rouge, LA.