

MENTAL DISORDER AND CRIMINAL LAW IN
AUSTRALIA AND NEW ZEALAND by Ian G Campbell,
Sydney, Wellington, Butterworths, 1988, 237pp

Unfortunately Ian Campbell does not seem to know what is appropriate to the book format as distinguished from the CD-ROM format for the presentation of some excellent material. In a very short preface he states that his concern is with the absence of a major Australian study of the law relating to mentally disordered offenders, as they progress through the criminal justice system, and of the interaction between the criminal justice system and the mental health system. He then comments on the daunting task of unravelling the intricacies of the Australian statutes. At no other place in the whole 237 pages does the author make any statement about the objectives of the book, the organization of the material, or the conclusions that can be reached.

The book does more than discharge the tasks adverted to in the preface. This it does and does superbly but much more is also achieved. The book is divided into three parts dealing with Investigative Phase, the Adjudicating Phase and the Dispositional Phase. Each phase is fully and comprehensively dealt with but there is nothing to hold the parts together other than a heading. It is not to be implied that the author is slow to draw conclusions. He does not draw back from providing comment on specific legal issues but his statements are reasoned resolutions of the issues provided that they do not attempt to draw on any wider policy base.

The book is a thorough work of legal scholarship which includes not only the Australian and New Zealand law together with the expected references to relevant British decisions but also the less usual reference to Canadian law. Indeed, it is a testimony to the thoroughness of the book that the reviewer noticed the failure to refer to the decisions of the Canadian Supreme Court in *R v Beland and Phillips* (1987) 36 CCC (3d) 481 omitted from the material on pages 88-89.

There is another book¹ dealing with much the same subject currently sitting on the reviewer's desk. The second book sets out to explore the policy issues of how the insanity defence should be dealt with by the courts. It places the policy issue against a historical background. "The insanity defense debate", it explains, "has come full circle, again." The current round of the debate, as is explained, was sparked by Hinckley's attempt to assassinate President Reagan in 1981. The book then proceeds to examine the common law concerning the insanity defence with particular attention to both British and American sources. It is divided into four parts, entitled "the Historical Development of Anglo-American Insanity Perspectives; Background Issues, Basic Concepts, False Hopes, and Erroneous Beliefs; Prevailing Currents, Unsettling Consequences; Future Directions and Recommendations." It contains an Introduction and a Conclusion and a lot of connective material. It would clearly not be as much use to lawyers with agendas of their own when

1 Finkel, N J, *Insanity on Trial*, Vol 8 in *Perspectives in Law and Psychology* (1988).

they approach the book as Campbell's book but it does give an overview of the issues.

The two books are as different as chalk and cheese. Perhaps this was to be expected in light of the fact that Campbell is a lawyer and Finkel is a psychologist but the reviewer hoped in vain to find a book that combined both virtues. It is hoped that in future legal scholars will be encouraged, when presenting their work in the format of a book to pay some attention to those features that are proper to that format such as introduction, conclusion, and connective material.

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