

# REFUSING CARE

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FORCED TREATMENT  
AND THE RIGHTS  
OF THE MENTALLY ILL

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ELYN R. SAKS

# Refusing Care Forced Treatment And The Rights Of The Mentally Ill

**Katrin Zwirgmaier**



## **Refusing Care Forced Treatment And The Rights Of The Mentally Ill:**

Refusing Care Elyn R. Saks, 2024-05-31 It has been said that how a society treats its least well off members speaks volumes about its humanity If so our treatment of the mentally ill suggests that American society is inhumane swinging between overintervention and utter neglect we sometimes force extreme treatments on those who do not want them and at other times discharge mentally ill patients who do want treatment without providing adequate resources for their care in the community Focusing on overinterventionist approaches *Refusing Care* explores when if ever the mentally ill should be treated against their will Basing her analysis on case and empirical studies Elyn R Saks explores dilemmas raised by forced treatment in three contexts civil commitment forced hospitalization for noncriminals medication and seclusion and restraints Saks argues that the best way to solve each of these dilemmas is paradoxically to be both more protective of individual autonomy and more paternalistic than current law calls for For instance while Saks advocates relaxing the standards for first commitment after a psychotic episode she also would prohibit extreme mechanical restraints such as tying someone spread eagled to a bed Finally because of the often extreme prejudice against the mentally ill in American society Saks proposes standards that as much as possible should apply equally to non mentally ill and mentally ill people alike Mental health professionals lawyers disability rights activists and anyone who wants to learn more about the way the mentally ill are treated and ought to be treated in the United States should read *Refusing Care*

**A New Era for Mental Health Law and Policy** Piers Gooding, 2017-10-13 The Convention on the Rights of Persons with Disabilities CRPD has generated new ideas and standards in healthcare and disability law and policy In the mental health context the CRPD directs governments to ensure people with mental impairments are treated equally before the law including ensuring people have access to the resources necessary to enjoy their rights But what this means in practice remains unclear In addition current domestic laws that authorise involuntary psychiatric interventions stand at cross purposes with the CRPD which requires respect for the will preference and rights of persons with disabilities on an equal basis with others This book explores the implications of the CRPD for law policy and practice that respond to the complex issues raised by mental health impairment and disability It argues that the support framework of the CRPD holds the potential to address persistent shortcomings in mental health law and policy

**Routledge Handbook of Disability Law and Human Rights** Peter Blanck, Eilíonóir Flynn, 2016-07-07 This handbook provides a comprehensive and authoritative state of the art review of the current and emerging research and policy on disability law Bringing together a team of respected and experienced experts the handbook offers a range of jurisdictional and multidisciplinary perspectives The authors consider historical and contemporary as well as comparative perspectives of disability law Divided into three parts the contributors provide a comprehensive reference to the theoretical underpinnings ongoing debates and emerging fields within the subject The study provides a strong basis for consideration of contemporary disability law its research foundations and progressive developments in the area The book incorporates

interdisciplinary and comparative country perspectives to capture the breadth of current discourse on disability law This handbook provides a valuable resource for a wide range of scholars public and private researchers NGOs and practitioners working in the area of disability law and across national and transnational disability schemes The work will be of important interest to those in the fields of sociology history psychology economics political science rehabilitation sciences medicine technology and law among others

**Principles and Practice of Psychiatric Rehabilitation** Patrick W.

Corrigan,2016-05-06 This book has been replaced by Principles and Practice of Psychiatric Rehabilitation Third Edition ISBN 978 1 4625 5370 9

*Schizophrenia Bulletin* ,2006

The Center Cannot Hold Elyn R. Saks,2007-08-14 A much praised memoir of living and surviving mental illness as well as a stereotype shattering look at a tenacious woman whose brain is her best friend and her worst enemy Time Elyn R Saks is an esteemed professor lawyer and psychiatrist and is the Orrin B Evans Professor of Law Psychology Psychiatry and the Behavioral Sciences at the University of Southern California Law School yet she has suffered from schizophrenia for most of her life and still has ongoing major episodes of the illness The Center Cannot Hold is the eloquent moving story of Elyn s life from the first time that she heard voices speaking to her as a young teenager to attempted suicides in college through learning to live on her own as an adult in an often terrifying world Saks discusses frankly the paranoia the inability to tell imaginary fears from real ones the voices in her head telling her to kill herself and to harm others as well as the incredibly difficult obstacles she overcame to become a highly respected professional This beautifully written memoir is destined to become a classic in its genre

**Invincibility to Aspire** Rose Schriber,2020-01-24

Invincibility to Aspire shares the true stories about people who have pursued a career or started an organization due to or in spite of a particular challenge Read about well known activists s personal lives Find out about how they utilized their challenges to find meaning in their own lives and by bringing meaning into the lives of those around them The goal of this book is to inspire readers to aspire high and to support others despite whatever they may be facing Relax Read Aspire

**Mental Health Care Issues in America** Michael Shally-Jensen,2013-01-07 This two volume encyclopedia examines the social cultural and political dimensions of mental illness in America Americans are becoming more cognizant of the importance of mental wellness as incidents of bullying random shootings and eating disorders pervade our society This comprehensive resource provides an expansive overview of mental health and illness in the United States analyzing the current state of the health care system and objectively examining the therapies and treatment options traditionally recommended by the medical community Mental Health Care Issues in America An Encyclopedia covers major mental disorders theories and treatments delves into major advances and ongoing controversies in the field and shares the most current research on the subject in varied disciplines including ethnic studies criminal justice education and social work Each entry features a clear definition of the issue along with a brief review of its history Additionally the author situates the material within the mental health field as well as within society in general Organized alphabetically topics include advocacy

legal issues media portrayals of psychological disorders and homelessness and mental illness      **The Virtue of Defiance and Psychiatric Engagement** Nancy Nyquist Potter, 2016 This book offers a nuanced and complex look at defiance taking seriously issues of dysfunction while also attending to the social contexts in which defiant behaviour may arise Case studies a framework for differentiating different forms of defiance and a realistic picture of phronesis practical reasoning are all covered      *Mad Muse* Jeffrey Berman, 2019-09-03 Many of the well respected scholarly studies of autobiographical writing have little or nothing to say about mental illness This book uncovers the mysterious relationship between mood disorders and creativity through the lives of seven writers demonstrating how mental illness is sometimes the driving force behind creativity      *Far From the Tree* Andrew Solomon, 2012 Solomon tells the stories of parents who not only learn to deal with their exceptional children but also find profound meaning in doing so      *The Best Minds* Jonathan Rosen, 2024-04-16 PULITZER PRIZE FINALIST Named a Top 10 Best Book of the Year by The New York Times The Wall Street Journal The Atlantic Slate and People One of Barack Obama's Favorite Books of 2023 Brave and nuanced an act of tremendous compassion and a literary triumph The New York Times Immensely emotional and unforgettably haunting The Wall Street Journal Acclaimed author Jonathan Rosen's haunting investigation of the forces that led his closest childhood friend Michael Laudor from the heights of brilliant promise to the forensic psychiatric hospital where he has lived since killing the woman he loved A story about friendship love and the price of self delusion The Best Minds explores the ways in which we understand and fail to understand mental illness When the Rosens moved to New Rochelle in 1973 Jonathan Rosen and Michael Laudor became inseparable Both children of college professors the boys were best friends and keen competitors and when they both got into Yale University seemed set to join the American meritocratic elite Michael blazed through college in three years graduating summa cum laude and landing a top flight consulting job But all wasn't as it seemed One day Jonathan received the call Michael had suffered a serious psychotic break and was in the locked ward of a psychiatric hospital Diagnosed with paranoid schizophrenia Michael was still battling delusions when he traded his halfway house for Yale Law School Featured in The New York Times as a role model genius he sold a memoir with film rights to Ron Howard But then Michael in the grip of an unshakeable paranoid fantasy stabbed his girlfriend Carrie to death and became a front page story of an entirely different sort Tender funny and harrowing by turns The Best Minds is Jonathan Rosen's magnificent and heartbreaking account of good intentions and tragic outcomes whose significance will echo widely      [Ethics, Law, and Aging Review, Volume 9](#) Marshall B. Kapp, JD, MPH, FCLM, 2003-08-15 This volume explores the concept of safety as applied in the long term care context Chapters examine the way in which the quest for safety may work either synergistically or adversely upon other worthy social goals Among the initiatives considered are promoting the decision making autonomy of patients clients and their surrogates enhancing the quality of care and quality of life available to long term care residents and providing fair compensation for injured victims when serious harm occurs Questions addressed that are of concern to legal and ethical

theorists social science researchers and patient client advocates include To what extent do litigation and or regulation accomplish the safety and other legitimate objectives of public policy in the long term care arena Do the costs of various approaches outweigh the benefits in promoting safety and other goals How do litigation and regulation compare with alternative approaches to achieving the same goals in terms of an acceptable cost benefit balance

**Life Stories** Maureen O'Connor, 2011-08-23 Memoirs autobiographies and diaries represent the most personal and most intimate of genres as well as one of the most abundant and popular Gain new understanding and better serve your readers with this detailed genre guide to nearly 700 titles that also includes notes on more than 2 800 read alike and other related titles The popularity of this body of literature has grown in recent years and it has also diversified in terms of the types of stories being told and persons telling them In the past readers advisors have depended on access by names or Dewey classifications and subjects to help readers find autobiographies they will enjoy This guide offers an alternative organizing the literature according to popular genres subgenres and themes that reflect common reading interests Describing titles that range from travel and adventure classics and celebrity autobiographies to foodie memoirs and environmental reads Life Stories A Guide to Reading Interests in Memoirs Autobiographies and Diaries presents a unique overview of the genre that specifically addresses the needs of readers advisors and others who work with readers in finding books

**The Ethics of Total Confinement** Bruce A. Arrigo, Heather Y. Bersot, Brian G. Sellers, 2011-06-29 In three parts this volume in the AP LS series explores the phenomena of captivity and risk management guided and informed by the theory method and policy of psychological jurisprudence The authors present a controversial thesis that demonstrates how the forces of captivity and risk management are sustained by several interdependent conditions of control These conditions impose barriers to justice and set limits on citizenship for one and all Situated at the nexus of political social theory mental health law and jurisprudential ethics the book examines and critiques constructs such as offenders and victims self and society therapeutic and restorative health harm and community So too are three total confinement case law data sets on which this analysis is based The volume stands alone in its efforts to systematically diagnose the moral reasoning lodged within prevailing judicial opinions that sustain captivity and risk management practices impacting 1 the rights of juveniles found competent to stand criminal trial the mentally ill placed in long term disciplinary isolation and sex offenders subjected to civil detention and community re entry monitoring 2 the often unmet needs of victims and 3 the demands of an ordered society Carefully balancing sophisticated insights with concrete and cutting edge applications the book concludes with a series of provocative yet practical recommendations for future research and meaningful reform within institutional practice programming and policy The Ethics of Total Confinement is a thought provoking and timely must read for anyone interested in the ethical and legal issues regarding madness citizenship and social justice It has become clear that there is no criminological exit from embrace of degrading punishments and practices to which our increasingly distorted risk perception commits us Instead the path forward must run through a return to the

ethical and psychological roots of security and justice The Ethics of Total Confinement is a quantum step forward in defining and advancing that path Jonathan Simon Adrian A Kragen Professor of Law Jurisprudence and Social Policy Program UC Berkeley School of Law This book boldly calls for a total transformation in the way the law deals with people who are confined because of their perceived depravity or dangerousness It focuses on three outcast groups juveniles tried as adults people with mental illness subjected to hospitalization and sex offenders committed as dangerous and based on an innovative analysis of the relevant caselaw and empirics shows why current practices not only visit substantial harm on these people but also brutalize those who deprive them of liberty and damage the rest of us by feeding our basest most uninformed fears Relying on Aristotelian philosophy therapeutic and restorative principles and commonsense justice the book persuasively argues that we must reorient the training and thinking of all major players in the system if our goal is to promote the maximum amount of human flourishing Christopher Slobogin Milton Underwood Professor of Law Vanderbilt University Law School The Ethics of Total Confinement A Critique of Madness Citizenship and Social Justice deepens our understanding of how our legal system justifies its treatment of those it confines By bridging gaps among relevant disciplines the book clarifies to an interdisciplinary audience just how inadequate those justifications turn out to be when measured by psychological ethical or justice based standards The book s provocative conclusions and recommendations offer much food for thought and suggest potential directions for action Dennis Fox Emeritus Associate Professor of Legal Studies and Psychology University of Illinois at Springfield The Ethics of Total Confinement shows how captivity diminishes the keepers and the kept It is a book that synthesises in creative new ways reformist visions of justice virtue and the cultivation of habits of character This is profound work that opens new paths to dignity healing and social justice John Braithwaite Australian Research Council Federation Fellow Australian National University The Ethics of Total Confinement offers a useful and wide ranging perspective grounded in psychological jurisprudence With its emphasis on the harm done to those most vulnerable to extremes of risk management this volume makes a welcome addition to the literature on confinement Lorna Rhodes Professor Department of Anthropology University of Washington The provocative thesis of this book develops psychological jurisprudence to conceptualize the ethics of existing total confinement practices aspiring to greater justice and human flourishing for all A timely intervention of this kind is most welcome George Pavlich Associate Vice President Research Professor of Law and Sociology University of Alberta

**Becoming a Clinical Psychologist** Silvia Fiammenghi, Robert Keisner, Danielle Knafo, 2015-02-06 Whether you are thinking about starting therapy going to graduate school or are yourself a practicing healer of hearts and minds Becoming a Clinical Psychologist Personal Stories of Doctoral Training offers a wealth of useful information about today s training and trainees This book is a collection of accounts written by a diverse group of early career psychologists and doctoral students in their final stages of training Each of the twelve authors provides a deeply personal inside perspective on becoming a therapist Some of the chapters combine qualitative research with the

author's particular experience while others emphasize the author's personal journey as s/he moves from novice to clinician. Some of the issues that are covered include the ways in which training affects personal and professional relationships with spouses, friends, peers, faculty and supervisors and clients; how budding clinicians deal with their own issues and feelings of inadequacy and how trainees learn to develop the right balance of empathy and detachment in working with clients. Also unique to this collection is the diversity reflected in the contributors which include an Orthodox Jewish gay man who came out during training; a Black woman of African descent who found a home in the psychoanalytic approach; a White man who experienced minority status in his mostly female doctoral program; a bisexual White woman who had to negotiate misperceptions and judgments as she moved through her clinical training; and a dissident student who came from another profession and found herself at odds with most of her professors and supervisors about the role of trauma in the etiology of mental illness. *Becoming a Clinical Psychologist* is a compelling read for those both inside and outside the field of psychology.

*The UN Convention on the Rights of Persons with Disabilities* Ilias Bantekas, Michael Ashley Stein, Dimitris Anastasiou, 2018-10-25. This treatise is a detailed article by article examination of the United Nations Convention on the Rights of Persons with Disabilities (CRPD). Each article of the CRPD contains a methodical analysis of the preparatory works followed by an exhaustive examination of the contents of each article based on case law and concluding observations from the CRPD Committee judgments from national and international courts and tribunals pertinent UN and other reports, the key literature on the article under review. The volume features commentary from a broad range of scholars across a variety of disciplines in order to provide a comprehensive study of the legal, psychological, education, sociological and other aspects of the CRPD. This encyclopaedic commentary on the CRPD effectively covers all the issues arising from international disability law and practice and will be an ideal resource for all working in the field.

**Encyclopedia of Applied Ethics**, 2012-01-10. The Encyclopedia of Applied Ethics Second Edition Four Volume Set addresses both the physiological and the psychological aspects of human behavior. Carefully crafted, well written and thoroughly indexed, the encyclopedia helps users, whether they are students just beginning formal study of the broad field or specialists in a branch of psychology, understand the field and how and why humans behave as we do. The work is an all-encompassing reference providing a comprehensive and definitive review of the field. A broad and inclusive table of contents ensures detailed investigation of historical and theoretical material as well as in-depth analysis of current issues. Several disciplines may be involved in applied ethics; one branch of applied ethics, for example, bioethics, is commonly explicated in terms of ethical, legal, social and philosophical issues. Editor in Chief Ruth Chadwick has put together a group of leading contributors ranging from philosophers to practitioners in the particular fields in question to academics from disciplines such as law and economics. The 376 chapters are divided into 4 volumes, each chapter falling into a subject category including Applied Ethics, Bioethics, Computers and Information Management, Economics, Business, Environmental Ethics, Ethics and Politics, Legal, Medical Ethics, Philosophy, Theories, Social and Social



Media Concise entries ten pages on average provide foundational knowledge of the field Each article will features suggested readings pointing readers to additional sources for more information a list of related websites a 5 10 word glossary and a definition paragraph and cross references to related articles in the encyclopedia Newly expanded editorial board and a host of international contributors from the US Australia Belgium Canada France Germany Ireland Israel Japan Sweden and the United Kingdom The 376 chapters are divided into 4 volumes each chapter falling into a subject category including Applied Ethics Bioethics Computers and Information Management Economics Business Environmental Ethics Ethics and Politics Legal Medical Ethics Philosophy Theories Social and Social Media     The Handbook of Forensic Psychology Irving B. Weiner, Allen K. Hess, 2006-04-20 This is a fully revised and updated version of the top academic work in forensic psychology Focussed mainly on the practical aspects of forensics this volume provides all readers need to know to be effective practioners Detailed sections cover both civil and criminal forensic practice forensic report writing treating mental illness in the incarcerated andethicsal issues Contributors are the best known and most respected practitioners in the field from the US and Canada All chapters are completely revised from the previous edition including 6 which have new authors Forensic psychology is one of the fastest growing specialties in the field Its practitioners are able to avoid managed care and structured settings and they often focus on assessment rather than long term treatment of clients With the growing public interest in all things forensic most graduate programs in psychology have added at least one course in forensic psychology over the past few years and more established professionals are entering the field every day     **Violence and Mental Health** National Academies of Sciences, Engineering, and Medicine, Health and Medicine Division, Board on Global Health, Forum on Global Violence Prevention, 2018-04-22 On February 26 27 2014 the National Academies of Sciences Engineering and Medicine s Forum on Global Violence Prevention convened a workshop titled Mental Health and Violence Opportunities for Prevention and Early Intervention The workshop brought together advocates and experts in public health and mental health anthropology biomedical science criminal justice global health and development and neuroscience to examine experience evidence and practice at the intersection of mental health and violence Participants explored how violence impacts mental health and how mental health influences violence and discussed approaches to improve research and practice in both domains This publication summarizes the presentations and discussions from the workshop

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