BOOK REVIEW

Mental Health Homicide and Society: Understanding Health Care Governance, by David P. Horton

Oxford: Hart Publishing, 2019, 239 pp., £75.60 (hardback), ISBN 978-1-50991-214-8

Mental Health Homicide and Society deals with a crime that resonates throughout the community by virtue of the legal system, the political system, the economic system and mass media. Horton draws heavily upon the work of the German sociologist and systems theorist, Niklas Luhmann, whose work highlighted the division of society into functional spheres of closed autonomous communication with each sphere being regarded by him as impervious to direct influence, control and domination by other functional spheres.

Horton argues that the patient homicide governance space is constituted by moments of socially significant observations produced within closed social systems of communication. This results in his challenging the policy-maker assumption that health care provision is to be viewed from a privileged vantage point and that successful change to health services pursuant to predefined goals, such as improving services, is possible.

Horton draws upon two sources of empirical information for his analysis: documentation (conventions, legislation, inquiry reports, government circulars, National Health Service policies, and academic material) and face-to-face interviews with investigators, and, in one instance, an English charity leader and television producer, who speaks on behalf of families affected by mental health homicide.

He starts his analysis by reviewing the death of Christina Edkins, who was stabbed to death on a bus by Phillip Simelane, who had been treated for schizophrenia prior to his homicidal conduct. An independent inquiry

was established after the homicide, which found that those responsible for Simelane's care and treatment had not properly diagnosed his condition.

He reviews too the National Confidential Inquiry into Suicide and Homicide by People with Mental Illness, which found that 11% of all homicide convictions in the United Kingdom between 2005 and 2015 were committed by mental health patients, with 835 patient homicides over the report period, whereas there were many more suicides – 1,538 in 2015 alone. Horton notes that governments 'increasingly delegate more important tasks to external agencies and expert bodies ... as a way to manage complexity in society more reliably' (p. 19). Many independent investigations have been constituted into homicides perpetrated by persons who have received mental health treatment. They are obligatory in England under governmental guidance documents. However, they can be held in secret and eschew the public disclosure of evidence and can involve non-publication of a final report. Thus, in Luhmann's terms, such investigations constitute a closed social communication system.

Horton contrasts reports that have been experienced by those interviewed to be unpleasant and confronting with others, which have been claimed to have failed to ascribe blame where rightfully it belongs. This leads him to reflect on the concept of 'accountability' in this context. He maintains that it is an elusive term: 'It resembles a collection of loosely defined concepts and vague

images of good governance. Accountability is interchanged with responsibility, responsiveness and control' (p. 50).

Horton identifies what has been described by some as an 'inquiry industry'. He describes inquiries into mental health homicides as complex processes of high ambition. Their aim, of course, is to learn lessons from violent deaths at the hands of those with mental illness, to improve the provision of public health services and to achieve better public safety. However, with them comes a range of communications that can exercise a powerful effect on public understanding of mental illness, as well as on community fears and expectations. This is especially important given the role of stigma as a deterrent to persons with mental illness receiving the treatment they need.

The author argues that Luhmann's systems theory has the potential to provide deep insights into homicide deaths because it challenges conventional ways of understanding how change in society occurs. This is especially significant in the context of mental health homicides, as there is an ongoing community clamour for 'necessary measures' to be taken to avoid avoidable deaths perpetrated by those who are psychotically unwell. Horton notes a tension between investigations into such deaths between being too 'light touch' on the one hand and too radical on the other. They occur in a health care context that is sensitive and when the provision of services is often undertaken in an environment that is highly stretched and where there are difficulties with morale. He observes that patient homicide governance is 'inherently contingent' ... 'Making 'correct' decisions cannot be guaranteed or achieved because the future is inherently uncertain and prone to occasions of disagreement, objection, regret and misunderstanding in a polycentric communicational space of patient homicide governance' (p. 216).

Inevitably, as Horton identifies, accountability in the patient homicide governance space has a political element to it: while

investigators may reach conclusions that accord with clinical perceptions and understandings, these may not coincide with the expectations and perceptions of bereaved family members. All such deaths attract emotional and highly newsworthy responses, because generally what is unearthed by the investigative process is negligent or at least sub-standard treatment that has resulted in an avoidable tragedy.

Inherent to the Luhmann approach is a prioritisation of observation over explanation and prediction. However, as Horton concedes, this is not the approach of most investigations into mental health homicides: 'Independent investigations after patient homicide and the governance space they animate are managed and commonly understood as methods of explanation and prediction, albeit to varying degrees' (p. 219). This has resulted in calls from some quarters to move away from investigations with the potential for allocation of blame to audits that are more system-focussed. It is a debate that takes place in many investigative contexts.

Horton's sympathies lie with systemic analysis, and his hope is that unexpected spheres of meaning may be discerned from an application of systems theory in the Luhmann tradition not just to mental health homicides but to cognate areas of investigation: 'Systems theory may help produce practical solutions: an experimentation using different ways of approaching a problem and adjusting their use over a period of time' (p. 222).

Curiously, and unsatisfactorily, though, Horton does not advert to the main source of independent investigation of homicides committed by persons suffering the symptomatology of mental illness – that done routinely by coroners in open inquests. This deprives his analysis of a substantial component of what should be its empirical bedrock.

Mental Health Homicide and Society is not an easy book to read, given its theoretical orientation and its foundation in Luhmann systems theory. Its subject matter is important,

though, as it is vital that we as a community learn whatever can be learned about deficits and failures that find expression in psychotic acts that result in death. The many investigations undertaken into the phenomenon, including in the United Kingdom, are worthy of close analysis and evaluation to determine whether they are achieving the outcomes that we as a community need and desire. While Luhmann might have maintained that the concept of safety in mainstream social life is an oversimplification and risks in relation to homicide committed by mental health patients are not easy to identify, the community calls out for sound, empirically derived responses that can be implemented (promptly) so as to reassure us that we are taking steps to protect

ourselves against sources of danger that could be reduced.

Ultimately, *Mental Health Homicide and Society* tantalises as it works with an interesting and thought-provoking lens on the issues that it explores but it frustrates as ultimately its conclusions are few and its promise to provide new approaches to adverse event response ultimately does not bear much by way of fruit. Horton's work is a constructive beginning to analysing an issue well deserving of ongoing reflection and exploration.

Ian Freckelton, QC
i.freckelton@vicbar.com.au

© 2019 Ian Freckelton