

CLASSIFIED
STARTS ON PAGE F5

COMMENTARY

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Erotomania enlightenment

When Sol Wachtler, the chief judge of New York state's highest court, was arrested for extortion and threatening to kidnap the 14-year-old daughter of his ex-lover, many New Yorkers were under the impression that some crimes may have been committed.

Not so, according to John Money, a prominent sexologist and medical psychologist. In an op-ed piece in New York Newsday last week, Mr. Money wrote that Judge Wachtler "was manifesting advanced symptoms of ... Clerambault-Kandinsky syndrome (CKS) ... a devastating illness."

CKS is a disease that can be diagnosed from 300 miles away (Mr. Money is professor emeritus at the Johns Hopkins University and Hospital in Baltimore). In fact, it is so easy to spot that the diagnoser need not even telephone the diagnosee or know much about him. All the diagnoser has to know is that the accused is blameless. In plain English, Mr. Money suggests that Judge Wachtler was irresistibly lovesick — i.e., suffering helplessly under "the spell" of erotomania.

Mr. Money is very hard on the FBI for failing to recognize that it had a spellbound CKS sufferer on its hands and not some kind of criminal. "The law-and-order treatment of

people with CKS," Mr. Money wrote sternly, "is the equivalent of making it a crime to have epileptic spells."

He is no novice at converting dreadful behavior into dreadful disease. In 1990, when the president of American University was arrested for repeatedly harassing women with sexual phone calls, Mr. Money thought that such cases were similar to epilepsy too. Referring to obscene phone callers and other "paraphiliacs," he said: "Society regards them as immoral sinners, much as it did people with epilepsy 150 years ago."

But people with epilepsy have no control over the possibility of seizures, whereas judges, even those under stress and facing the end of a romance, presumably have some room not to engage in extortion, blackmail, and the mailing of condoms and sexual material to a teen-aged girl.

Mr. Money sets out on a familiar path that has become a highway over the past century or so: presenting an enlightened medical model of quirky and criminal behavior. You and I may think that rash and lovesick people are responsible for what they do. Mr. Money knows better. They are helpless pawns of disease, in this case, erotomaniac type delusional disorder, diagnostic code 297.10 of the American Psychiatric Association.

This trend has reached the world of sports. Steve Howe, the major league pitcher, banned from baseball for life for a long series of cocaine violations, beat the rap in arbi-

tration: The players' union successfully argued that he was a victim of "attention deficit hyperactivity disorder (ADHD)." The novelty here is that apparently no one had ever thought of using ADHD (a diagnosis usually referring to hyperactive children) to excuse drug behavior in a 34-year-old. But it worked. Like gold lying around inside mountains, psychiatric syndromes and disorders are there to be mined.

In Milwaukee earlier this year, an imaginative defense lawyer cited "cultural psychosis" as the reason why one teen-aged girl shot and killed another girl for her leather coat. (Society, in this case the violence of inner-city life, conditioned her into thinking that problems are resolved by gunfire.)

This is a version of "the devil made me do it," not very far from post-traumatic stress disorder (PTSD), which shows signs of developing into an all-purpose excuse, covering almost every variety of ugly behavior undertaken in the wake of some other ugly behavior. The director of Chicago's Community Mental Health Council argues that the predatory aggression of city life can cause PTSD. This sounds as though it would make almost anyone arrested in a rough neighborhood eligible for a PTSD defense.

It should be said, however, that people at the top of society are far

more likely to get away with psychologized and neurologized excuses than people in rough neighborhoods. John Money offered his epilepsy analogies not after drive-by shootings, but in defense of a college president and a chief judge.

Mr. Money was hardly the first to smother the Wachtler case in dubious psychiatry. From the day of Judge Wachtler's arrest (he was hustled off to a hospital with a psychiatric ward, not to jail), the newspapers have bristled with the terminology of psychological excuse — stress, sickness, aberration. "It must be attributable to some illness," said one former justice.

In part, the psychological blather is tactical. The public is being prepared for the fact that Judge Wachtler is extremely unlikely to serve a day in jail (or even to be brought to trial), though everyone knows that any nonjudge convicted on these charges would certainly earn some time in the slammer.

The psychologized vocabulary of moral evasion afflicts the whole society, but it is most corrosive when it lets the powerful off the hook. If a society is constantly being corrupted from the top, as ours is, it is crucial to our sense of justice that high-placed perpetrators be held accountable, and not disappear into the mists of psychology.

Let's bring Judge Wachtler to trial like anyone accused of extortion and threat to kidnap. Can anyone imagine a street kid, arrested on the same charges, getting off with a diagnosis of lovesickness?