THE DEVELOPMENT OF THE INTERFACE BETWEEN LAW, MEDICINE AND PSYCHIATRY: MEDICO-LEGAL PERSPECTIVES IN HISTORY

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Summary

Medicine and law were related from early times. This relation resulted as a necessity of protecting communities from the irresponsible acts of impostors. Various legal codes dealing with medical malpractice existed in Egypt, Mesopotamia, China, Islam, Greece, Rome, Persia and India. Over the course of the past 30 years, interest in the history of psychiatry has boomed. Much of this proliferation of interest has taken place under the broad influence of postmodernism and has resulted in multiple and diverse histories that no longer seek to provide a linear narrative of constant evolutionary progress. Rather, these new histories explore and disrupt taken for granted assumptions about the past and provide a starting point for discussion and debate about the some of the very foundations of mental health care in South Africa. As a matter of practical importance knowledge of how knowledge accrues and knowledge of the mistakes of the past is of prime importance in preventing similar mistakes in present and future work. An important reason for specifically understanding historical psychiatry is the fact that many of the uncertainties experienced in the present are a direct result of decisions made in the past. The key issue is that while it is tempting to experience current psychiatric and legal approaches towards the mentally disordered as natural and permanent, an understanding of the past helps mental health and legal practitioners to see things in a different

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perspective. Psychiatric and legal approaches towards the mentally disordered have changed over time and can undoubtedly also be changed in future. Therefore, the research conducted in this article focuses on the history and development of law and psychiatry including prehistoric times, the Arabian countries, the Nile Valley as well as Greece and Rome.

**Keywords**

Law; medicine; psychiatry; history of psychiatry; history of law; Hammurabi; Hippocrates; Law in the Hippocratic Corpus; Canon Law; first documented Code of Laws by human civilisation; 'madness'; 'insanity'; mental disorders; physician liability; advent of medical specialism; paleopathology; pre-historical beliefs; Egypt; Mesopotamia; Nile Valley; Greece and Rome; *imperitia culpae adnumeratur*