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## Legal Medicine and Psychiatry in Turkey

Fahrettin Kerim Gokay\*

**T**HE UTILIZATION OF PSYCHIATRISTS in the handling of legal matters in Turkey began with the reformation in 1908 when "The Legal Medicine Institute" and "The Legal Medicine Council" were founded. The Faculty of Medicine at the University of Istanbul created professorial chairs in psychiatry and legal medicine.<sup>1</sup>

Prior to this time hospitals for the mentally ill (*Asile des Alienes*) functioned in the cities of Kayseri, Edirne, and Bursa, in addition to the large mental hospital in Istanbul (*Topbasi*) and the French hospital for the mentally ill, "Hospital de la Paix." The varied cultural pattern in Turkey is attested to by two other hospitals then in existence—the Greek Mental Home in Yedikule, and the Mental Home of Suleymaniye located near the Mosque of Suleymaniye, built by Suleyman the Magnificent many centuries ago.

Before the Constitution of 1908, in cases of crime and murder the doctors in the mental hospitals would act as medico-legal consultants in the "inquiries."<sup>2</sup> Another source of consultation was the Clinic of Gulhane under the auspices of the Turkish army where army physicians were trained. Services in Neurology and Psychiatry are available here as well as at other Army installations. After the reforms of 1908, the "Council of Legal Medicine" was developed with a separate chief and director.<sup>3</sup> This organization includes an "observatorial clinic," a morgue, and the "Institute of Toxicology." Another function is the training of medico-legal experts (*medecin legiste*); these physicians come

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<sup>1</sup> Psychiatry—Professor Rasit Tahsin; Legal Medicine—Professor Bahattin Sakir.

<sup>2</sup> This project was headed by Professors Avni Mahmut, Ali Muhlis, and Lufti Akif.

<sup>3</sup> The first chief of the Legal Medicine Council was Dr. Bahattin Sakir, who was succeeded by Professor Vasfi. Specialists at the observatorial clinic were Dr. Veliyettin Tahsin, Dr. Eflambos, Professor Mazhar Osman, and Professor Hayrullah Diker. The directors of the Institute for Legal Medicine were Dr. Halit Tekin, Dr. Sukru Emet, and Dr. Cahit. The Clinic of Psychiatry at the Faculty of Medicine was headed by Rasit Tahsin, followed by Dr. Rustu Recep Duyar, Osman Cevdet Cubukcu, Professor Fahrettin Kerim Gokay, Ord. Professor Mazhar Osman, and Professor Sukru Aksel.

from all the provinces and in turn are used as court experts in their home areas. In cases of necessity, cases are referred to the Legal Medicine Council and the observatorial clinic. Those who are proved mentally sick are sent to the Mental Hospitals for custody, care, and treatment.

When Ankara became the capital, courses for legal-medicine were introduced in the university. There has been representation in neurology and psychiatry.<sup>4</sup> In addition to prominent Army specialists, various non-Muslim doctors have played an important role in psychiatry and forensic medicine.<sup>5</sup>

The preceding information briefly presents the types of institutions in Turkey dealing with forensic psychiatry and lists those who have contributed to progress in this field.

In Turkey there are certain aspects of legislation pertinent to the "expertizing" in this field. In Civil law, cases of "Tutoring" and "Guardianship" are considered (*ed. note*—as they are in probate work in this country). In penal law, the prime considerations are those that mitigate penalty or result in the reduction or removal of criminal responsibility. These are applied in some cases under article 46-47 of the penal law and can result in the mitigation of sentences.

The cases in Turkey which involve expert psychiatric testimony are those of homicide, poisoning, toxicomania, sexual impulse cases, those caused by drunkenness in cases of accident and murder—pathological drunkenness, rarely delirium tremens, and often "alcoholic intolerance." Often criminal cases are seen which are the result of abuse of such drugs as hashish, heroin, and cocaine. Many cases of schizophrenia have been found amongst the users of hashish produced from *cannabis indica*.<sup>6</sup> Hashish is a drug which is smoked in cigarettes and water pipes in prisons and shady coffee-houses. The prevalence of this habit is indicated by the large number of articles on the subject by Professor Mazhar Osman and Professor F. K. Gokay. Analysis of suicides is another subject of interest; causes of suicide are melancholia, psychopathy, schizophrenia, and paranoia as well as some very in-

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<sup>4</sup> Section on mental diseases—Dr. Behcet Kamay, Rasim Adasol; Section on Neurologic Diseases—Dr. Sukru Saribas.

<sup>5</sup> Army—Professor Hilmi Kadri, Professor Nazim Sakar. Non-Muslim doctors of note in the history of Turkish psychiatry are Monceri, Castro, and Zilanaki.

<sup>6</sup> Ed. Note—*Cannabis indica* is a type of hemp plant. The dried flowering tops of hemp plants, *cannabis sativa*, are more popularly known in this country as marihuana (also known as hashish or bhang).

teresting cases of "hallucinations" caused by psychopathic basic weaknesses (*debile*) and reactions (*poussee*).<sup>7</sup>

In addition to the mental hospitals mentioned, there is an Institute for Criminals at the mental hospital in Istanbul, and at the University of Istanbul the Institute of Criminologie was founded by Professor Tahir Raner, Professor F. K. Gokay, and their colleagues. At present there is an Institute of Criminologie connected with the faculty of Law which studies only cases of death.<sup>8</sup> Scientific societies of note are the Legal Medicine Society, the Neuro-Psychiatry Society, and the Mental Health Society.<sup>9</sup> The Anti-Alcoholic League is represented by the Green Crescent and the Youth Organization of Turkey.<sup>10</sup> These various societies have annual congresses and are related to the appropriate international societies. There are various publications dealing with psychiatry in its various aspects and last year the proceedings on literature on Psychiatry published in Turkey was the subject of a week's meeting.<sup>11</sup> Professor Osman publishes a magazine, "Istanbul Seririati" and for thirty-two (32) years, Professor F. K. Gokay has published "The World of Health."

Thus, historically Turkey has shown an expansion of psychiatric facilities for the care, treatment, and custody of the mentally ill as has been the case in most countries. Hand in hand with this development has been the increasing collaboration of physician and psychiatrist with the lawyer, and many specialized facilities utilizing the services of both professions as well as those of allied sciences have developed.

<sup>7</sup> Ed. Note—Apparently as in the United States, suicide is found in many diagnostic categories. "Debile" and "Poussee" are concepts without clear cut American equivalents.

<sup>8</sup> This Institute is headed by Professors Donmezer, Kunter, and Erman. Now there are also "Mental Asylums" at Manisa and Elaziga, and most provinces have psychiatrists available.

<sup>9</sup> Ed. Note—Professor F. K. Gokay is the honorary president of the Mental Health Society. The president of the Neuropsychiatric Society in Istanbul is Professor Aksel, and the presiding officer in Ankara is Professor Adasal.

<sup>10</sup> Professor F. K. Gokay is the honorary president, and the presiding officer is Mr. Divitci.

<sup>11</sup> Contributors were Professors Rasit Tahsin, Mazhar Osman, Fahrettin Kerim Gokay, Saim Ali, Hikmet Yalkin, Vasfi, Bahattin Sakir, Ihsan Sukru Aksel, Behcet Kamay, Rasim Adasal, Hayrullah Diker, Ethem Akif, Nazim Sakar, Halit Naci, and Dr. Avni Mahmut.