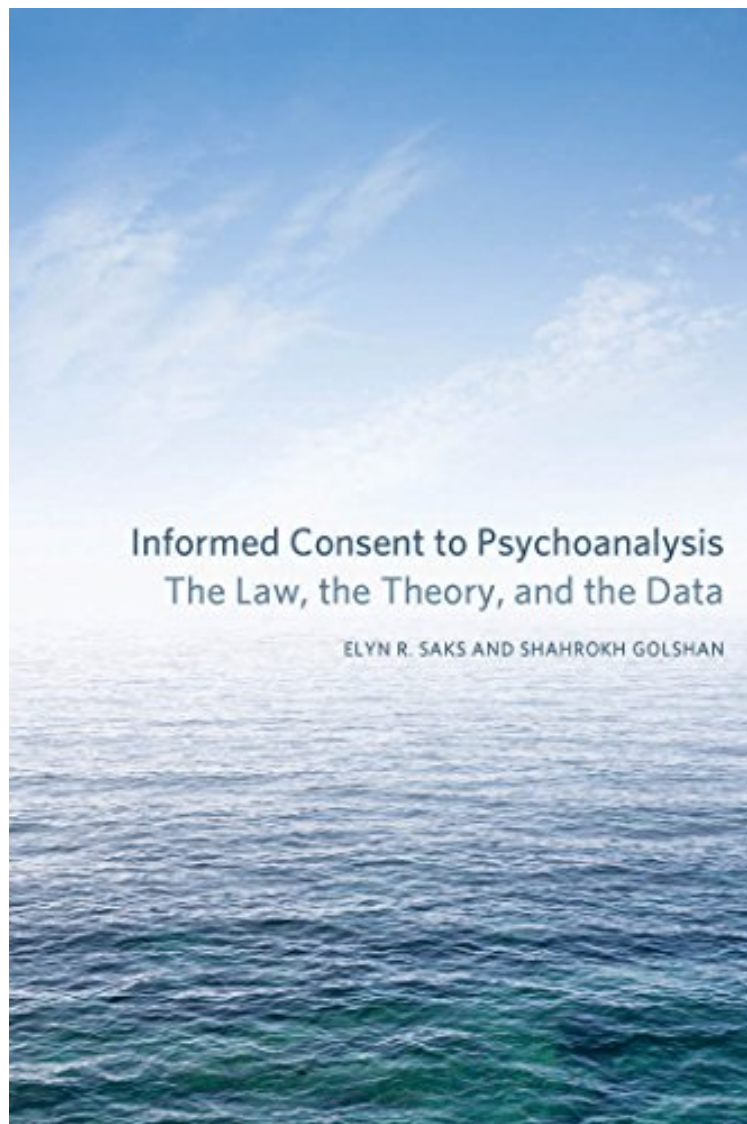


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(Psychoanalytic Interventions)

Informed Consent to Psychoanalysis: The Law, the Theory, and the Data (Psychoanalytic Interventions)

Elyn R. Saks, Shahrokh Golshan
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Elyn R. Saks, Shahrokh Golshan : Informed Consent to Psychoanalysis: The Law, the Theory, and the Data (Psychoanalytic Interventions) before purchasing it in order to gage whether or not it would be worth my time, and all praised Informed Consent to Psychoanalysis: The Law, the Theory, and the Data (Psychoanalytic Interventions):

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and money. By Martin I appreciate that a book on this subject has finally been written. After reading it a few times, I still don't understand why a solely process view of informed consent for psychoanalysis is their conclusion. It seems they came to the book with that idea, and their musings about other options and their own data do not really link with that conclusion, and often just seem like remote flights of fancy. I don't understand why a robust consent process does not include both more traditional and process components. An informed consent process can include discussion of how there are things that are difficult to understand with experiencing them beyond what was already discussed, and if patient chooses to engage in psychoanalysis, analyst and patient will continually revisit and renegotiate consent. My biggest peeve was the comparison of deception research and psychoanalysis, as I believe deception research is usually far more ethically introduced and practiced. Deception research at least goes through a vigorous ethical review by an IRB that assesses and mitigates potential serious risks before a study can even begin. I don't know of any contemporary deception research in psychology that risks lasting psychological harm, and if it did, would immediately be stopped and the researchers would be liable for supporting the research subject. Potential minimal risks if they exist are explained to research participants before they engage in the study protocols and before they give consent to participate. It almost always includes a debrief after the fact that explains the actual intent of the study and how participation of the subject is valuable. And from the very beginning, participants know they are engaging in research, not treatment, and they participate for reasons that are not their own well-being, but furthering scientific knowledge. Psychoanalysis as is described has no kind of third party review/oversight that protects potential patients. If the analyst does not disclose risk or process of therapy to a potential patient, the analyst herself is making all of the assessment of potential risk and value. Besides this book, there is little scholarship not only on consent in psychoanalysis, but also potential negative effects and even rigorous effectiveness studies to even have a robust consent process. Unlike deception research where by the time debrief about the deception occurs the subject is already finished with the experience, the proposed exclusively process view of consent to analysis happens in the midst of treatment, basically pointing out to the patient that they did not give informed consent to participate before they began and only after investing in it and feeling distressed by it are they beginning to be informed. This really is deceptive as a treatment practice, and I'm afraid "sunk cost" decision-making is likely to occur, meaning patients, after already investing a lot of time, energy, and money in treatment who are only beginning to be more truly informed about it after they are already feeling mysteriously effected by it, may choose to stay in it not because they want to, but are put in position by the analyst's deception to continue because of their previous investment and burgeoning distress. The alternative, leaving treatment poorer, older, more distressed and distressed in ways that only psychoanalysis purports to cause and alleviate is not a pleasing option. Also unlike deception research (or even research in psychotherapy effects), participants who seek mental health support are folks looking to engage in a treatment for their own needs, not supporting research to advance knowledge. Research happens so that when people do engage in treatment, they can honestly be told of the known potential benefits and risks of such treatment. In order to make a decision about whether they are willing to participate in that treatment, they need a robust informed consent process. Participants in research, even in deception research, are made aware that they are choosing to participate in research and that the research itself may have unforeseen risks (though they have been thoroughly attempted to be pre-mitigated) and even may be to help determine risks. Research subjects consent to be willing to take those risks so that patients can be better informed of such risks. Ultimately, it is the patient who invests in a treatment and has to live with its consequences, and it is not their responsibility to unnecessarily be exposed to effects they would not have chosen if more robustly informed to be robustly informed. In all, I appreciate that the authors tackled an important issue, was a little horrified by the lack of interest in the subject by practicing dynamic therapists and thinkers (making me mistrustful of the ethical underpinnings of the psychotherapeutic endeavor, regardless of potential helpfulness), and I think simply demonstrate that psychoanalytic thought and therapy began before more modern ethical understandings of consent came to be, and that psychodynamic therapy rightfully does not belong in the zone of normative scientifically informed and derived treatment. This does not mean it is not potentially very helpful for many, just that it may necessarily exist outside ethical medical treatment guidelines as it is conceptualized, and should remain so. Even this then, should be part of a robust consent process for psychotherapy if referred by licensed medical and mental health professionals.

The goal of this book is to shed psychoanalytic light on a concept informed consent that has transformed the delivery of health care in the United States. Examining the concept of informed consent in the context of psychoanalysis, the book first summarizes the law and literature on this topic. Is informed consent required as a matter of positive law? Apart from statutes and cases, what do the professional organizations say about this? Second, the book looks at informed consent as a theoretical matter. It addresses such questions as: What would be the elements of a robust informed consent in psychoanalysis? Is informed consent even possible here? Can patients really understand, say, transference or regression before they experience them, and is it too late once they have? Is informed consent therapeutic or countertherapeutic? Can "process view" of informed consent make sense here? Third, the book reviews data on the topic. A lengthy questionnaire answered by sixty-two analysts reveals their practices in this regard. Do they obtain a statement of informed consent from their patients? What do they disclose? Why do they disclose it? Do

they think it is possible to obtain informed consent in psychoanalysis at all? Do they think the practice is therapeutic or countertherapeutic, and in what ways? Do they think there should or should not be an informed consent requirement for psychoanalysis? The book should appeal above all to therapists interested in the ethical dimensions of their practice.

Professors Elyn Saks and Shahrokh Golshan have given us a fascinating and eye-opening account of the legal, theoretical, and empirical dimensions of informed consent to psychoanalysis. (Anne Dailey, University of Connecticut School of Law Journal of the American Psychoanalytical Association) An important and well-designed study. Saks and Golshan have described a new, uncharted field of inquiry: how standards of 'informed consent' might bear on -- and matter within -- psychoanalytic treatment. Their book intelligently frames a variety of new practical questions. (Martin Stone Cardozo Law School) About the Author Elyn Saks is Orrin B. Evans Professor of Law, Psychology, and Psychiatry and the Behavioral Sciences at the University of Southern California Gould School of Law; Adjunct Professor of Psychiatry at the University of California, San Diego, School of Medicine; on the faculty of the New Center for Psychoanalysis; and Director of the Saks Institute for Mental Health Law, Policy, and Ethics. She is author of *The Center Cannot Hold: My Journey Through Madness* (Hyperion 2007) and a MacArthur Fellow.