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ORIGINAL ARTICLE

# Sexuality in psychiatric institutions: Initiating some ethical reflections<sup>☆</sup>



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## KEYWORDS

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**Summary** Changes in behaviors and patients' rights in psychiatric hospitals have brought about some paradoxical situations: co-existence of the paternalistic concept of care alongside the contractual requirement for care; the need to protect vulnerable people, but at the same time enable them to exercise autonomy. Each situation raises questions that deserve in-depth ethical reflection about representations, values torn between the concept of care and the needs of the patients. We know that social norms change from one era to another, and the authors have studied the regulations under which the hospital operates since it opened. For a large part of the 20th century, any mention of sexuality was totally absent from such regulations. In the 1980s, at the same time as the abolition of segregated-gender wards by law and the rise of sexual freedom, some bold innovations appeared with the aim of fostering sexual expression within the psychiatric hospital. Currently, the internal regulations of the hospital state that "sexual relations are prohibited within hospital premises". Are we still applying the historical rules and regulations of the past to our hospital? Amid all the rhetoric to define the human being, his rights, his ideals of health and happiness, what ethical principles should we use to analyze this human question? The way in which we behave and interact with others is revealing of the way we consider human beings. Psychiatry is at the very heart of these questions pertaining to the human being, whether he is affected by a pathology or not, in his relationship with the world around him, and this concerns every one of us; patients and medical staff alike, in our way of being in touch with our humanity, our own and that of other people.

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## Introduction

The ethical commission of Montfavet Hospital (CHM) held its third symposium on 20th November 2015, with the theme of sexuality in psychiatric hospitals: "Challenging our representations and practices regarding sexuality in psychiatric hospitals". Between the principles, the values, the rules of unity, the hospital's official regulations and the respect of

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individual liberties, duty to care for patients who are often vulnerable, there is no obvious solution apart from the “by the book” application of article 19 of the hospital’s official regulation that “sexual relations are prohibited on hospital premises”. In a 2013 legal case, a French court ruled that a Bordeaux hospital should be convicted for prohibiting sexual relations in its official regulations, clearly showing that from a legal point of view, the right to privacy and freedom takes precedence over rules that focus on medical care for patients (Vernet et al., 2014). There can be no generalized ban on sexual relations, and in theory, the ban should always be adapted to specific circumstances. Changes in behaviors and law have brought about paradoxes in hospital practices: the paternalistic concept of care runs alongside the contractual concept of care, we need to protect the vulnerable but at the same time allow them to exercise autonomy. This in turn creates several concerns; fear of transgressing fundamental values of respect and morality, the fear of failing in one’s duty to protect vulnerable patients, and also the risk of being taken to court for not respecting fundamental rights.

According to the WHO (Giami, 2002), the right to sexual health is clearly established, not only to promote well-being, but also to improve health in general. Sexual health has become a new social norm that tends to encourage behaviors that comply with this norm in order to “remain normal” according to the societal ideal of our times. Each situation requires an in-depth ethical analysis of the conflicting representations and values.

### Interdicts in the official regulations of Monfavet hospital before 1960

The hospital opened in 1844, but the oldest texts and regulations to which we have access date back to the end of the 19th century. These documents contain very few mentions of anything to do with sexuality. We discover implicitly that the institutional organization allows very little freedom or expression of individual liberties. However, a commercial prospectus for Montdevergues drafted in 1868 is rather surprising. It offers a bucolic and dreamlike vision of the asylum, with “pleasant musical distractions”, promises of “all sorts of games” – (what “sorts” exactly are left to the reader’s imagination!) – and finally “affectionate care, thoughtfulness and consideration, gentleness in all its forms as the basis for extensive moral therapy”. This text is rather unexpected in terms of its suggestive and allusive nature! In those days, before the era of psychoanalysis, it was apparently possible to talk about “affectionate care”; no one would dare do that today. This text is in strong contrast with the more austere official regulations that we will see later.

### Archives: from the 19th century to the 1960s

The archived official regulations allow us to understand how the hospital was organized. The hospital – initially called asylum – was a “closed” institution. The patients were kept in behind high walls and locked doors with strict supervision preventing them from “escaping” (term used in the document). The arrangements as a closed institution also applied to the nurses and doctors; everyone lived on the premises

and even the director was not allowed to leave the hospital without informing the Prefet, and even then, only for 2 days at a time!

The oldest regulation document we found in the archives dates back to 1897.<sup>1</sup> It contains no mention of sexuality or a ban on sexuality. The word “sex” appears several times to identify gender, male or female. Men and women are kept totally separate; male staffs are not allowed to enter the women’s area and vice versa, except for the needs of the service with authorization of the senior physician. Everything is closely monitored by the nurses; visits in the visiting rooms (or in exceptional circumstances in the patient’s room with authorization of the physician and Director), the hospital yard, intellectual occupations and other distractions such as games and exercise all take place under the supervision of the male and female nurses (Archives du Centre Hospitalier de Montfavet – Règlement du service intérieur, Asile public d’Aliénés de Montdevergues, 1897).

The instruction manual concerning nursing care from 1901 onwards states that any member of staff found guilty of disloyalty or theft would be immediately dismissed. Other rules concerned a ban on the introduction of alcohol, or for staff found to be in a state of intoxication (Archives du Centre Hospitalier de Montfavet – Règlement particulier du service intérieur de l’asile public d’Aliénés de Montdevergues, Instructions pour les infirmiers et les infirmières, Hôpital psychiatrique départemental de Montdevergues, Avignon, 1901).

The status of secondary staff, in 1937: Article 22: (...) they are prohibited from entering the hospital in a state of intoxication, to bring in spirits, to cause a commotion, to distribute pamphlets, newspapers, to make collections (...) subject to immediate dismissal. Any employee causing a scandal will be dismissed, (...) having committed a theft (...). There are no details regarding what the nature of the scandal might be (Archives du Centre Hospitalier de Montfavet – Statut du Personnel Secondaire, Asile public d’Aliénés de Montdevergues, Avignon, 1937).

The official regulations of 1942, based on the ministerial directives of 1938 (aiming to harmonize the regulations in force in all psychiatric hospitals) do not show any significant changes. The medical aspects are reinforced. Article 130 states that patients of both sexes should be completely segregated inside the chapel (Archives du Centre Hospitalier de Montfavet – Règlement du service intérieur de l’hôpital psychiatrique départemental de Montdevergues, décembre 1942).

The instruction manual for nurses in 1948 does not reveal any significant changes either.

On reading these documents, the morals and social norms of the period suggest that the main concern is focused on the carers’ reputation, their discipline and rigor in supervising the patients. Disloyalty is a cause for immediate dismissal. They must maintain order at all times and ensure that the men and women are kept apart. This separation of men and women, patients and nurses, is something evident in the texts, without ever being explained or justified (Archives du Centre Hospitalier de Montfavet – Instructions pour les

<sup>1</sup> Archives du Centre Hospitalier de Montfavet – Règlement du service intérieur, Asile public d’Aliénés de Montdevergues, 1897.

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