

“The Issue is Dangerousness, Not Mental Illness”

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[with additional comments included in brackets]

The Issue is Dangerousness, not Mental Illness

James Gilligan, M.D.

Psychiatrists in America today have been told by two different official organizations that they have two diametrically opposite professional obligations, and that if they violate either one they are behaving unethically. The first says they have an obligation to remain silent about their evaluation of anyone if he has not given them permission to speak about it publicly. The second says they have an obligation to speak out and inform others if they believe he may be dangerous to them, even if he has not given them permission to do so. The first standard is the “Goldwater Rule” of 1973, which prohibits psychiatrists from offering a professional opinion in public about the mental health of anyone whom they have not personally examined. The second is the “Tarasoff decision,” which in 1976 ruled that psychiatrists have a positive obligation to speak out publicly when they have determined, or should have determined, that an individual is dangerous to another person or persons, in order both to warn the potential victim(s) of the danger they are in, and to set in motion a set of procedures that will help to protect the potential victim(s).

From both an ethical and a legal standpoint, the second of those two rulings -- no pun intended-- trumps the first.

Insofar as psychiatrists function as clinicians, their primary duty is to their individual patients. Yet, psychiatry, like every other medical specialty, involves more than just clinical practice – that is, diagnosing and treating one patient at a time after they have already become ill. It is also a branch of public health and preventive medicine, and

in that aspect of its functioning, we owe society a primary duty, for that is the level at which primary and secondary prevention can prevent individuals from becoming ill or violent in the first place, and injuring or killing others if either their illness or their behavior is contagious. In fact, this level of intervention can even prevent the whole society from becoming vulnerable to epidemics of illness, injury and death. Clinical psychiatry, from a public health standpoint, is merely tertiary prevention, and it represents the least useful contribution we can make to the public health, compared to primary and secondary prevention (Gilligan, 2001). From that standpoint, we have a positive obligation to warn the public when we have reason to believe, based on our research with the most dangerous people our society produces, that a public figure, by virtue of the actions he takes, represents a danger to the public health – whether or not he is mentally ill.

An intellectual precursor of the Goldwater Rule was a comment that one of the most influential and brilliant German intellectuals made not long before the rise of Hitler. In his essay on “Science as a Vocation,” Max Weber (1917) argued that intellectuals and scholars should not utter political opinions or say anything that could be regarded as “partisan.” They could talk about politics in general, but should not say anything that could be taken as support or opposition toward any particular party or politician.

I have always been troubled by that opinion, because it appears to me to have encouraged the intellectual and professional leaders of Germany to remain silent, even in the face of enormous and unprecedented danger. It does not seem to me that the German Psychiatric Association of the 1930s deserves any honor or credit for remaining silent

during Hitler's rise to power. On the contrary, they appear from our perspective today to have been passive enablers of the worst atrocities he committed – as were most German clergymen, professors, lawyers, judges, physicians, journalists and other professionals and intellectuals who could have, but did not, speak out when they saw a blatantly obvious psychopath gaining the power to lead their country into the worst disaster in its history. Our current president does not have to be a literal reincarnation of Hitler – and I am not suggesting that he is -- in order for the same principles to apply to us today.

The issue that we are raising is not whether Trump is mentally ill. It is whether he is dangerous. Dangerousness is not a psychiatric diagnosis. One does not have to be “mentally ill,” as both law and psychiatry define it, in order to be dangerous. In fact, most mentally ill people do not commit serious violence, and most violence is committed by people who are not mentally ill. The association between violence and mental illness is very tenuous at best. Only about one percent of the perpetrators of homicide in this country are found to be “not guilty by reason of insanity.” The rest are declared by our courts to be mentally healthy, but evil, as those concepts are used in relevance to people's “criminal responsibility” for whatever violence they have committed.

President Trump may or may not meet the criteria for any of the diagnoses of mental disorders defined in the *Diagnostic and Statistical Manual* of the American Psychiatric Association, or for many of them, but that is not a matter that is relevant to the issue we are raising here.

And the most reliable data for assessing dangerousness often do not require, and are often not attainable from, interviewing the individuals about whom we are forming an opinion. They often (though not always) deny, minimize, or attempt to conceal the very

facts that identify them as being dangerous. The most reliable data may come from the person's family and friends, and just as importantly, from police reports, criminal histories, medical, prison and judicial records, and other publicly available information from third parties. However, in Trump's case, we also have many public records, on tape recordings, video tapes, and his own public speeches, interviews and "tweets," of his numerous threats of violence, incitements to violence, and boasts of violence that he himself acknowledges having committed repeatedly and habitually.

Sometimes a person's dangerousness is so obvious that one does not need professional training in either psychiatry or criminology to recognize it. One does not need to have had fifty years of professional experience in assessing the dangerousness of violent criminals, to recognize the dangerousness of a president who:

1. **Asks what the point of having thermonuclear weapons is if we cannot use them.** For example, in an interview with Chris Matthews on MSNBC Town Hall, he said, "Somebody hits us within ISIS, you wouldn't fight back with a nuke?" When Matthews remarked that "the whole world [is] hearing a guy running for President of the United States talking of maybe using nuclear weapons. No one wants to hear that about an American president," Trump replied, "Then why are we making them?" Another MSNBC host, Joe Scarborough, reported that Trump asked a foreign policy advisor three times, "If we have them, why can't we use them?" (Fisher, 2016) [But of course he gives no indication as to where he would drop hydrogen bombs in order to "nuke" ISIS: the middle of Iraq? Afghanistan? Syria? Ominously, his more recent threats to use nuclear weapons ("fire and fury") against North Korea do not suggest any change in his

attitude toward the technology that represents the most immediate threat in today's world to the continued survival of the human species.]

2. **Urges our government to use torture or worse against our prisoners of war.** Throughout his presidential campaign, Trump repeatedly said that “torture works,” and promised to bring back “water-boarding” and introduce new methods “that go a lot further.” After being reminded that there were by then laws prohibiting those behaviors, he responded by insisting that he would broaden the laws so that the U.S. would not have to play “by the rules,” since the Islamic State does not do so. (Haberman, 2016) [Our concern about Mr. Trump here is not just a disagreement over specific governmental policies. It is whether we are going to have a government at all -- that is, a nation ruled by law -- or the kind of anarchy or autarchy in which everything is decided by the whim of a dictator who does not have to play “by the rules” and can violate those he dislikes with impunity.]

3. **Urged that five innocent African American youths be given the death penalty for a sexual assault even years after it had been proven beyond a reasonable doubt to have been committed by someone else.** In 1989, Trump spent \$85,000 placing ads in New York's four daily papers calling for the return of the death penalty so that five African-American youths who had been wrongfully convicted of raping a woman in Central Park could be killed, and was still advocating the same penalty in 2016, 14 years after DNA evidence and a detailed confession had proved that a serial rapist had actually committed the crime. (Burns, 2016) [The only mystery here is how anyone could consider any politician with that degree of contempt for empirical evidence,

due process of law, and the elementary principles of justice, to be even remotely fit to be the chief law enforcement officer of the United States.]

4. **Boasts about his ability to get away with sexually assaulting women himself because of his celebrity and power.** Trump was recorded saying, about his way of relating to women, that “I just start kissing them. It’s like a magnet. ...I don’t even wait. And when you’re a star they let you do it. You can do anything. Grab ‘em by the pussy. You can do anything” (*N.Y. Times* Transcript and Video, 2016)

5. **Urges his followers at political rallies to punch protestors in the face and beat them up so badly that they will have to be taken out on stretchers.** In an Editorial, the *New York Times* quotes the following remarks by Trump at his rallies: “I’d like to punch him in the face, I’ll tell you.” “In the good old days this doesn’t happen, because they used to treat them very, very rough.” “I love the old days. You know what they used to do to guys like that when they were in a place like this? They’d be carried out on a stretcher, folks.” “If you see somebody getting ready to throw a tomato, knock the crap out of them, would ya? Seriously. Just knock the hell out of them. I will pay for the legal fees, I promise you.” He even complained that his supporters were not being violent enough yet (even though many had assaulted protestors severely enough to be arrested and tried for assault and battery): “Part of the problem, and part of the reason it takes so long [to remove protestors], is because nobody wants to hurt each other any more, right?” (*N.Y. Times* Editorial, 2016)

6. **Suggests that his followers could always assassinate his political rival, Hillary Clinton, if she were elected President, or, at the very least, throw her in prison.** He

has led crowds in chants of “Lock her up! Lock her up!” In his words, “If she gets to pick her judges, nothing you can do, folks. Although the Second Amendment people – maybe there is, I don’t know” (remark made during rally on Aug. 9, 2016). [Only dictators assassinate or imprison their political rivals, and we know from history that, as targets, the people are not far behind.]

7. **Believes that he can always get away with whatever violence he does commit.** He said “I could stand in the middle of Fifth Avenue and shoot somebody, and I wouldn’t lose voters” (remark made during rally on Jan. 23, 2016).

And so on and on and on, in an endless stream of threats of violence, boasts of violence, and incitements to violence.

While Trump has not yet succeeded in undoing the rule of law to such a degree as to become a dictator, it is clear that he speaks the language of dictatorship. Only dictators assassinate or imprison their personal political rivals and opponents.

Trump did not confess that he personally assaulted women himself; he boasted that he had. That is, he acknowledged having done so repeatedly, and gotten away with it, not as an expression of personal feelings of guilt and remorse for having violated women in this way, but rather as a boast about the power his celebrity gave him to force women to submit to his power to violate their dignity and autonomy.

As for inciting violence by his followers against his enemies, he sometimes used the same tactic that Henry II used to incite his followers to assassinate Thomas Beckett, by implication rather than by an explicit order: “What miserable ... traitors have I nourished and promoted in my household, who let their lord be treated with such

shameful contempt by a low-born clerk!" But of course his vassals got the point, and did what Henry had made it clear he wanted done.

In this regard, however, Trump sometimes went further than his historical predecessors, and actually did explicitly, rather than implicitly, encourage his followers to "punch protestors in the face," and "beat them up so badly that they'll have to be taken out on stretchers." Indeed, a number of his supporters did assault anti-Trump dissenters, and are now being tried for assault and battery. The defense of some has been that they were merely doing what Trump had asked them to do, though the courts may reject that defense on the grounds that Trump was indeed as indirect (notwithstanding that he was just as clear) as Henry II.

If psychiatrists with decades of experience doing research on violent offenders do not confirm the validity of the conclusion that many non-psychiatrists have reached, that Trump is extremely dangerous – indeed, by far the most dangerous of any president in our lifetimes – then we are not behaving with appropriate professional restraint and discipline. Rather, we are being either incompetent or irresponsible, or both.

However, while all psychiatrists, by definition, have studied mental illness, most have not specialized in studying the causes, consequences, prediction, and prevention of violence, considered as a problem in public health and preventive medicine. Nor have most studied the principles on which the assessment of current and future dangerousness is based, regardless of whether or not any particular individual is mentally ill, and regardless of what diagnosis or diagnoses, if any, he may or may not merit according to the criteria outlined in *DSM-V*.

That is why it is so important and so appropriate for those few of us who have done so, whether by investigating the psychology of Nazi doctors and Japanese terrorists, as Robert Lifton has done, or by studying sexual violence (rape, incest, etc.), as Judith Herman has done, or by examining murderers and rapists in prisons and jails throughout the world (including those who have committed “war crimes”), as I have done, while working with the World Health Organization’s Department of Injuries and Violence Prevention on the epidemiology and prevention of violence -- to warn the potential victims, in the interests of public health, when we have recognized and identified signs and symptoms that indicate that someone is dangerous to the public health.

One implication of this is that we need to identify the potential causes of injury and illness before they have harmed any given population of potential victims as severely or extensively as they would if allowed to go unchecked. In other words, we need to recognize the earliest signs of danger before they have expanded into a full-scale epidemic of lethal or life-threatening injury. The analogy here is to the proverb about how to get a frog to become unaware that it is being boiled to death: place it in a cold pot of water and heat it up bit by bit. Something analogous to that is the danger with the Trump presidency.

The United States has been blessed with a little over two centuries of democracy. That is actually a rather short period, in comparison with the millennia of monarchies [and dictatorships]. However, it is long enough to have made most of us complacent, and perhaps overconfident, with respect to the stability of our democracy. In fact, if we are prone to making a mistake in this regard, we are far more likely to

underestimate the fragility of democracy than we are to become unnecessarily alarmist about it.

Here again, it is the behavioral scientists who have studied violence, including but not limited to psychiatrists, who owe it to the public to share what we have learned, before we experience the epidemic of violence that would be unleashed by the collapse or undermining of the rule of law, the system of checks and balances, the freedom of the press, the independence and authority of the judiciary, the respect for facts, the unacceptability of deliberate lying, the prohibition on conflicts between a political leader's private interests and the public interest, and the even stronger prohibition on physically assaulting one's political rivals or opponents and threatening to imprison or even assassinate them – in other words, dictatorship – all of which have been characteristic of Donald Trump's public statements throughout his electoral campaign and presidency.

To wait until the water reaches boiling temperature – or our democracy collapses – before we begin saying anything about the fact that the water is warming already, would mean that anything we said or did in the future would come too late to be of any help. Let us not make the same mistake that the German Psychiatric Association did in the 1930s.

There is an unfortunate and unnecessary taboo in the social and behavioral sciences generally against regarding politics and politicians as appropriate and legitimate subjects for discussion and inquiry and conclusions. On the contrary, if a psychiatrist or psychologist, or any other behavioral scientist, expresses an opinion that is relevant to the political debates that occur in our country, he is likely to be accused of being “partisan”

rather than “professional,” or engaging in a discussion that is “just political” rather than “scientific.”

I would argue that the opposite is true. At a time when more and more medical scientists are urging us to practice “evidence-based medicine,” isn’t it even more important that we learn to practice “evidence-based politics”? But of course we cannot do that unless we are willing to apply the methods and accumulated knowledge of all of the social and behavioral sciences to this subject, and to publicize the conclusions we reach so that all of our fellow-citizens, which means all of our fellow voters, can benefit from the knowledge we have gained through our clinical, experimental and epidemiological research into the causes and prevention of violence – concerning which data from politics and economics certainly figure prominently (Gilligan, 2011; Lee, Wexler and Gilligan, 2014).

[As one of the greatest physicians in history, a founder of the field of public health and preventive medicine, the nineteenth-century German physician and statesman Rudolph Virchow, put it, “Medicine is a social science, and politics is simply medicine on a larger scale.”]

If we are silent about the numerous ways in which Trump has repeatedly threatened violence, incited violence, and boasted about his own violence, we are passively supporting and enabling the dangerous and naive mistake of treating him as if he were a “normal” president, or a “normal” political leader. He is not, and it is our duty to say so, and to say it publicly. He is unprecedentedly and abnormally dangerous.

This is not to inform the public of something it does not already know, for most people in the lay public already appear to know it. Most voters voted against Trump. As

our most recent Nobel Prize-winner in Literature put it, “You don’t have to be a Weatherman to know which way the wind is blowing!”

In fact, Trump’s dangerousness is so obvious that he might be said to have preempted the role other people might otherwise have to play in warning the public as to how dangerous he is. For he himself has warned us about how dangerous he is in his many public statements on that subject, far more clearly and eloquently than we have been able to do, or need to do. Our role here is not so much to warn the public ourselves, but merely to heed the warnings he himself has already given us, and to remind the public about them.

In that regard, one final clarification is in order. Trump is now the most powerful head of state in the world – as well as one of the most impulsive, arrogant, ignorant, disorganized, chaotic, nihilistic, self-contradictory, self-important, and self-serving. He has his finger on the triggers of a thousand or more of the most powerful thermonuclear weapons in the world. That means that he could kill more people in a few seconds than any dictator in past history has been able to kill during his entire years in power. Indeed, by virtue of his office Trump has the power to reduce the unprecedentedly destructive world wars and genocides of the twentieth century to minor footnotes in the history of human violence. To say merely that he is “dangerous” is debatable only in the sense that it may be too much of an understatement. If he even took a step in this direction, we will not be able to say that he had not warned us – loudly, clearly, and repeatedly. In that case, the fault will not be his alone. It will also be ours.

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