

Analysis of a Thomas Szasz Paragraph

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Presumption of competence. Because being accused of mental illness is similar to being accused of crime, we ought to presume that psychiatric "defendants" are mentally competent, just as we presume that criminal defendants are legally innocent. Individuals charged with criminal, civil, or interpersonal offenses ought never to be treated as incompetent solely on the basis of the opinion of mental health experts. Incompetence ought to be a judicial determination and the "accused" ought to have access to legal representation and a right to trial by jury.

How incompetence determinations should be made

What the presumption of competence should be for those accused of mental illness

Consequence of the approach argued for in the paragraph under analysis

