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Trends. Psychiatric Follies Continue: The Moussaoui Case

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Zacarias Moussaoui, one of the individuals alleged to have been the 20th hijacker related to the 9/11 terrorist attacks perpetrated within the United States (US), has already been called incompetent to stand trial for demanding that his lawyers be fired; for wishing to legally represent himself; and for believing that his lawyers were working with the government in a mission to execute him, were playing a game of deception, and were being motivated by "greed, fame, and vanity." As IBPP has previously pointed out, the so-called proof of his incompetency may actually be proof of competence--especially when many social, cultural, and political aspects of the US criminal justice system are considered.

Now the judge in his case has accused Mr. Moussaoui of being "irrational" for refusing to submit to a psychiatric examination ordered to assess his competency to stand trial. Specifically, the judge has stated that Mr. Moussaoui "is merely frustrating his own goal of representing himself" by refusing the examination and that such behavior may be prima facie evidence of incompetence.

Instead, one might argue that Mr. Moussaoui continues to exemplify competence by his actions. Given his belief that the trial has inherent social, cultural, and political aspects that are anathema to his worldview, he reasonably is rejecting cooperating with a psychiatric evaluation imbued with these social, cultural, and political constraints and assumptions. Moreover, his request for self-representation and refusal to cooperate with a psychiatric evaluation already has lengthened the time before which the trial will officially begin--a reasonably desired consequence given his belief that the deck is stacked against him. As well, one can argue that the judge's further action of allowing the very lawyers rejected by Mr. Moussaoui to review court papers filed by the latter support the assumption that the deck is stacked against him and that there is a working together of his lawyers and the government that is not necessarily in his interests.

Could one infer that Mr. Moussaoui should completely cooperate with the criminal justice system to truly demonstrate incompetence? That competence is incompetence as well as the converse in some bizarre looking-glass world? That his astutely competent behavior may eventually become a smoking gun of incompetence? At this point, the trial and Mr. Moussaoui are on trial. (See Charland, L.C. (2001). Mental competence and value: The problem of normativity in the assessment of decision-making capacity. *Psychiatry, Psychology & Law*, 8, 135-145; Competency and terrorism in the Moussaoui. (May 10, 2002). *IBPP*, 12(17); Competency to stand trial: An international challenge. (July 3, 1998). *IBPP*, 5(1); Holloway, H. C., & Norwood, A. E. (1997). Forensic psychiatric aspects of terrorism. In R.G. Lande, & Armitage, D. T. (Eds). *Principles and practice of military forensic psychiatry*. (pp. 409-451). Springfield, IL, US: Charles C Thomas; Post, J. (2000). Terrorist on trial: The context of political crime. *Journal of the American Academy of Psychiatry & the Law*, 28, 171-178; Shenon, P. (May 16, 2002). Terror suspect rejects order to undergo psychiatric test. *The New York Times*, p. A20; Terrorism and legal competence. (November 1, 1996). *IBPP*, 1(1). (Keywords: Criminal Justice System, Legal Competence, Terrorism, Zacarias Moussaoui.)