

Ethics and Medics

A CATHOLIC PERSPECTIVE ON MORAL ISSUES IN THE HEALTH AND LIFE SCIENCES

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MEDICAL-MORAL DILEMMA: *The Psychiatrist's Duty to Warn*

(THIRD OF A SERIES)

CASE: In October, 1969, a graduate student at the University of California killed with a butcher knife Tanya Tarasoff, a girl who had rejected his suit of marriage. The student, Prosenjit Poddar, underwent a severe emotional crisis at Tanya's rejection and sought psychiatric help from a University psychologist, telling him that he was going to kill Tanya. The counselor believed Poddar, informed the campus police, and requested that Poddar be committed. Poddar was briefly detained by the police but was released, and at the order of the counselor's superior Poddar was not committed and Tanya was not warned. After the killing the girl's parents brought suit against the counselor, his superior, the police, and the University of California for having failed to alert them of the danger.

In a 1976 decision (*Tarasoff v. Regents of U. California* 551 P. 2 & 334), the California Supreme Court ruled 5-2 that a counsel who believes that his patient is a danger to another person has a duty to warn that person. The Court also ruled 4-3 that if the counselor should have predicted the danger, he has a professional duty to take reasonable care to protect the potential victim. Prescinding from the legal considerations upon which the decision was based, should the counselor be viewed as having the *moral* responsibility to warn? (This case is discussed by George J. Annas in "Confidentiality and the Duty to Warn," *Hastings Center Report*, December, 1976, pp. 6-8.) Annas' discussion provides the basis for the present comments.

NEGATIVE: Those who oppose saying that the counselor has a professional responsibility to warn the potential victim rely on two arguments. The first is that predictions concerning who is likely to engage in acts of violence are notoriously unreliable and that we lack both a theoretical framework and a statistical basis that would permit us to make realistic estimates of the extent to which a patient constitutes a threat to another. In the absence of reliable indicators, the counselor is tempted to commit all his potentially violent patients, leading to a significant increase in unnecessary civil commitments and a decrease in the freedom of the mentally disturbed. A second argument appeals to the fact that disclosure would constitute a violation of the professional's duty to maintain confidentiality, that such a violation would seriously weaken the integrity of the doctor/patient relationship, and that prospective patients would therefore either be deterred from seeking treatment or would be less than perfectly candid with their therapist.

AFFIRMATIVE: Those who believe that the therapist has a responsibility to warn reply to these arguments, first, by maintaining that the counselor need not be infallible in order to justify the requirement to warn: all that is necessary is that he display reasonable expertise and care in determining the degree of risk his patient poses for others. In reply to the second argument it is pointed out that there are a number of instances

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Joyous Christmas!

In terms of human standards and expectations, the most unlikely event of human history took place in the least likely of circumstances: God chose to unite to Himself a Human nature in a manner which most respected the true needs and sensitivities of a fallen race.

In light of this supreme gift we have all received from the Father, the Board of Directors and Staff of The Pope John XXIII Center extend their thankful greetings to each and every one of their friends and benefactors. May the Prince of Peace bless all of you with the joy that only the Holy Spirit can impart.