

Exploring the Insanity Defense: Historical and Modern Perspectives

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Abstract

This paper explores the historical and modern perspectives of the insanity defense within criminal law. It traces the evolution of the insanity defense from ancient legal codes to contemporary standards, focusing on key historical developments such as the M'Naghten Rule and the Durham Rule. The paper highlights how societal attitudes towards mental illness have influenced legal interpretations of insanity and the criteria for excusing criminal responsibility. The M'Naghten Rule, established in the 19th century, set a precedent by requiring proof that a defendant could not understand the nature of their actions due to mental illness. In contrast, the Durham Rule emphasized the relationship between mental illness and criminal behavior but faced criticism for its vagueness. The Model Penal Code introduced a more nuanced approach, incorporating cognitive and volitional components to define insanity. Contemporary applications of the insanity defense demonstrate its complexity, as jurisdictions vary in their standards. The paper discusses the ongoing debates about fairness, justice, and the impact of the insanity defense on marginalized communities. Ultimately, it advocates for a more informed understanding of mental health in legal contexts, emphasizing the need for reform to ensure equitable treatment of defendants with mental health issues.

Keywords: Insanity defense, Criminal law, M'Naghten Rule, Durham Rule, Model Penal Code, Mental illness, Legal standards, Historical perspectives

1. Introduction

The appeal to insanity in order to excuse or mitigate one's criminal responsibility is nearly as old as the criminal code itself. (Diamantis, 2021)

The concept of insanity in law is shaped by the medical knowledge available at the time and by societal views on the moral and legal implications of assigning criminal responsibility. This essay will provide a snapshot of the insanity defense from

historical and modern perspectives. It will also address briefly the specific doctrines, rules, or standards that have been employed historically and describe their purposes and chosen methods. In the study of criminal law, it is difficult to conceive of a precept more fraught with controversy than the defenses of mental disorder, including the "insanity defense." The system of criminal law has as one of its primary goals the protection of society from wrongful conduct. Historical attitudes toward mental illness have varied widely from culture to culture, decade to decade. The law essentially reflects the current views of society on this subject of mental illness. Some assert that the social underpinnings that formed the basis of the change from M'Naghten to ALI test illustrate that the reform is concerned with imposing greater social responsibility on psychiatric patients, an effort to return to a more moral model of punishment. In any case, the continued debate over the insanity defense illustrates the fundamental paradox of criminal responsibility. There are certain value judgments that the law must make. The reasonableness of current laws with respect to the defenses of mental illness may be impossible to measure since the law itself is a moral statement. (Deacon & Litman, 2021)

2. Historical Development of the Insanity Defense

The legal standards for dealing with an accused who is, or claims to be, mentally ill have varied widely across time and place. This section will give a brief account of the historical development of mental health issues in law as background for the detailed description in the remainder of this book of the insanity defense as it is part of law in the United States and, to a smaller extent, in England. In adopting the defense, law has been influenced by general social attitudes towards mental illness, a kind of punitive justice which classified most pathological behavior as that of sinners, to a kind of compassionate treatment of mentally ill persons in facilities or hospitals. This shift shows how society has moved from punishment of people who are mentally ill enough to break the law to the perception of most people suffering from mental illness in the criminal legal system as both involuntary actors and victims needing, or at least deserving, special consideration.

Historically, the law governing the criminal liability of those who were insane at the time of the crime was not clear, whether in terms of common law, canon law, or even

in ancient legal systems, such as the legal codes of the Sumerian and the Akkadian. In England, it took over six hundred years for the court and the parliament to formulate and rearticulate the common law that the insane should not be convicted or punished as a result of committing a crime they did not have the necessary capacity to commit due to insanity. In the United States, all federal and state systems of criminal law accepted this common law rule for most crimes from the late 19th century until the 1970s.

3. The M'Naghten Rule

From 1843 to 1844, two landmark cases moved through the English courts. Both involved defendants who had been charged with murder, and both claimed that they should not be held responsible for their actions due to mental illness. In both cases, expert psychiatrists testified that the defendants did not understand the nature of their actions and should be found "not guilty," with the courts ultimately supporting this opinion. The resolution of these cases led to a proposal in the British Parliament suggesting that defendants should be acquitted if they lacked the capacity to understand the wrongfulness of their actions due to a mental illness. This proposal served as the basis for a legal standard that has come to define the criminal law's understanding of insanity both in England and in many jurisdictions in the United States. The M'Naghten Rule thus represents a critical turning point in the history of the insanity defense, transplantation of psychiatric knowledge into the law, and the boundary between sanity and insanity in Anglo-American jurisprudence (Blocher & Ruben, 2016).

The impetus for the development of the M'Naghten Rule was its infamously benighted predecessor, the "wild beast" test. Prior to M'Naghten, insanity provided a complete defense to all crimes, but because this rule was seen as being too generous to criminal defendants, politicians and legal scholars sought to develop a narrower conception of insanity that could accommodate individual circumstances without opening the floodgates to innumerable abuses of the law. The practical outcome of M'Naghten was a change in the test for insanity, reducing the occasion for the insanity defense and focusing its protective scope to a very narrow range of cases. Although the current legal landscape surrounding the insanity defense is more lenient for

defendants than the predicament preceding M'Naghten, the development of M'Naghten resonates with those tensions and reminds us that the concept of legal insanity "is as much ethical or moral and philosophical as it is psychiatric." (Laczniak & Shultz, 2021)

4. The Durham Rule

The Durham Rule, formulated in the mid-twentieth century, offered an alternative to the inflexible M'Naghten Rule, considering the relationship between mental disease and the criminal act, rather than just the defendant's cognitive abilities. River "Y" challenged traditional views of criminal responsibility. His attorneys argued that society should respond to mental illness not with punishment but with treatment. Thus, crime was punishment enough. (Gröning et al.2022) This prompted public outcry, demonstrating the unease that characterized the times and showing a growing chasm between the public and the courts on this issue. The Durham Rule, when applied, expanded the ever-lengthening test for insanity, acknowledging the complex nature of mental illness. In doing so, it inaugurated a standard of 'moral blame' that entwined itself with vital crisis issues in American justice.

The subjective standard of the Durham Rule, although progressive, generated several criticisms and controversies. Chief among them was its vagueness. Not only was 'mental disease or defect' a term left undefined, but 'product' opened up loopholes where the practical rigors of the law faltered. Emphasis was put on judges and juries to explore the genesis of an act, in itself a suspect position for a justice system presupposing free will and full consciousness of the expected lion's share of the American standard of justice. It especially seemed to conservationist parties that the Durham test significantly shifted the balance of societal rights to the offender, causing the appearance of an expedient device for the criminally minded to escape punishment. The practical difficulties of causality were equally problematic. The attempted application brought the unwieldy creation of psycho-legal records and the courtroom mobilization of various clinical mental health experts with conflicting assessments and treatment plans. (Calegari et al., 2021).

5. The Model Penal Code

William H. Lawrence developed the Model Penal Code from 1952 to 1962. This section essentially argues that the insanity defense was revised to reflect a more current understanding of mental health. The Model Penal Code rated the insanity defense and convened a task force to study current statutes and case law. The Model Penal Code suggested a new framework for the insanity defense based on the conclusions reached by the task force. The proposed insanity defense taken in the task force report had a cognitive as well as a volitional component. Under the Model Penal Code, insanity equaled the "lack of a substantial capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law." It focused on the volitional aspect of insanity. The definitions provided above are helpful to determine the doctrine one might rely on, but undergoing extraordinary or expensive mental health evaluations might be too much of a challenge for some defendants. This might have been the reason some states looked to the Model Penal Code for guidance (Molnar & Loewenstein, 2022). The reduced knowledge requirement associated with this definition might make the process of determining whether a defendant was legally insane at the time they committed the crime much simpler. The Model Penal Code may also improve judicial decision-making by setting out the specific evidence that ought to be addressed in cases dealing with the insanity defense. Some of the criticisms of the Model Penal Code included the argument that the provisions were equivocal regarding the possibility that more people might be found legally insane, and it failed to take into account the "far more sophisticated forms of treatment" presently available. Despite these criticisms, a wide majority of states followed a standard similar to the Model Penal Code. (Meynen, 2021)

Some states kept the total irresistible impulse standard, but the diminished capacity defense was removed in some jurisdictions by July 1979, making it so 95% of these jurisdictions followed a standard of insanity that bore resemblance to the Model Penal Code. While the Model Penal Code definition is adapted to a more current understanding of mental health, it also builds on the knowledge of the historical tests. In fact, knowledgeable decision-making takes place at the "intersection of history and an understanding of current state." Thus, it is useful to compare the various

interpretations of the insanity defense to learn more about the development of our understanding of the same

6. Contemporary Applications of the Insanity Defense

Mental health considerations are becoming increasingly important factors in legal systems all around the world. The insanity defense, a legal concept originally from English common law, depicts a criminal defendant with a recognized mental illness and sufficiently diminished capacity to allow them to be evaluated and treated by the mental health system rather than the criminal justice system. The standard for evaluating the insanity defense has evolved over time, and the system has been amended in a variety of ways. Jurisdictions may differ significantly, but determining a defendant's mental state when committing a criminal act is a significant feature of the modern insanity defense. (Ahmad, 2019)

The two most common contemporary standards for these determinations are the M'Naghten rule and the "irresistible impulse" rule. Some jurisdictions have added additional variables, allowing the use of either of these elements in addition to the prosecution's burden of evidentiary proof. The power of the insanity defense should not be understated. Some recent and high-profile criminal defendants have been acquitted using the insanity defense in cases ranging from tax evasion to unsuccessful presidential assassinations. Given this, it is no surprise to find that the role of these mental health professionals and the reliability of the determination process are contentious social issues. The defense of insanity appears to be a widely misrepresented and abused plea in the public's eyes, and individuals want to ascertain who will be classified as "morally, legally, and physically disabled" under these requirements, unlike the rest (Munandar & Newton, 2021)

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