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## The Insanity Defense: History and Background

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Although the insanity defense is probably the most controversial of all criminal defense strategies, it is also, somewhat ironically, one of the least used. It is also infrequently successful. However, when it has been used, particularly in the much-publicized 1984 acquittal of John W. Hinckley, Jr. for the attempted assassination of President Ronald Reagan, the insanity defense has tended to provoke public debate.

Few defenses cause as much public outrage as the insanity defense. If it were used as often, or as successfully, as it is on TV and in movies it would be easy to escape punishment for the most serious crimes simply by acting bizarrely. Read on to learn more about the insanity defense's historical background.

### The Basis For The Insanity Defense

The insanity defense asserts that a criminal defendant should not be found guilty due to the defendant's insanity, but insanity in this context refers to a very specific dysfunction. The theory behind the defense is that a person who is insane [lacks the intent \(http://criminal.findlaw.com/criminal-law-basics/mens-rea-a-defendant-s-mental-state.html\)](http://criminal.findlaw.com/criminal-law-basics/mens-rea-a-defendant-s-mental-state.html), required to perform a criminal act because the person either does not know that the act is wrong or cannot control his or her actions even when the person understands that the act is

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wrong. This theory is controversial because insanity itself is difficult to define (<http://criminal.findlaw.com/criminal-procedure/the-model-penal-code-test-for-legal-insanity.html>), and the circumstances in which insanity can be used to excuse criminal responsibility are difficult to characterize.

## The Insanity Defense End-Game

The insanity defense has existed since the twelfth century, but initially it was not considered an argument for the defendant to be found not guilty. Instead, it was a way for a defendant to receive a pardon or a way to mitigate a sentence. The idea that insanity could bar the conviction of a defendant arose in the early nineteenth century in *The Medical Jurisprudence of Insanity* by an influential scholar named Isaac Ray, as well as in the seminal decision in England called the M'Naghten case (<http://criminal.findlaw.com/criminal-procedure/the-m-naghten-rule.html>).

In addition to its low success rate and public hostility to insanity defenses, there are other reasons to consider whether an insanity defense is the best option. Those acquitted of a crime using an insanity defense (<http://criminal.findlaw.com/criminal-procedure/insanity-defense.html>) are frequently committed to a mental institution. These institutions may have conditions as bad as, or worse than, a prison. Those held in mental institutions do not know when they will be released and some of those committed spend the rest of their lives imprisoned.

John Hinckley Jr., mentioned at the beginning of this article, was released from a mental institution after 35 years of confinement. He continues to be closely monitored and will likely never be entirely free. Certainly, had he been convicted, he may have been more seriously punished but his successful defense in criminal court didn't exactly prevent him from having his freedom taken from him for the rest of his life.

## Get Help With Your Criminal Defense From a Legal Professional

The insanity defense has always been quite controversial, while courts have wrestled with its meaning and practical application. Whether you believe you have a viable insanity defense or have other questions regarding your case, exercising your right to legal counsel is the best way to defend against charges. Get in touch with a local criminal defense lawyer (<http://lawyers.findlaw.com/lawyer/practice/criminal-law?fli=dcta>) today.

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