

☐ Review Sheet for "Adjudication in Court" Unit

Instructions:

- Review the main ideas from the unit in the text.
- Test your understanding by completing the questions. If you want help answering the questions, go to exercise 7, "Understanding the insanity defense."

The Insanity Defense

Insanity as a legal defense has been employed in various ways for hundreds of years. In this defense, the offender usually admits to committing the crime but argues that he was not responsible for his actions because he was insane. As a result, the offender usually receives medical treatment instead of imprisonment. The modern standard for the "not guilty by reason of insanity" (NGRI) verdict goes back to the case of Daniel M'Naghten in England, 1843. Since then, our understanding of insanity has changed dramatically, becoming more accurate and scientific, and less based on religious or moral ideas. Nevertheless, the insanity defense is very rare; it is used in less than 1 percent of all criminal cases, and in those cases only 25 percent of the defendants are found not guilty by reason of insanity. Since the M'Naghten trial, there have been other standards used to determine criminal insanity, the Durham rule and the substantial capacity test among them.

Explain what each of the following standards say is a condition or behavior that is necessary for a "not guilty by reason of insanity" verdict.

The M'Naghten rule:

The Durham rule:

The substantial capacity test: