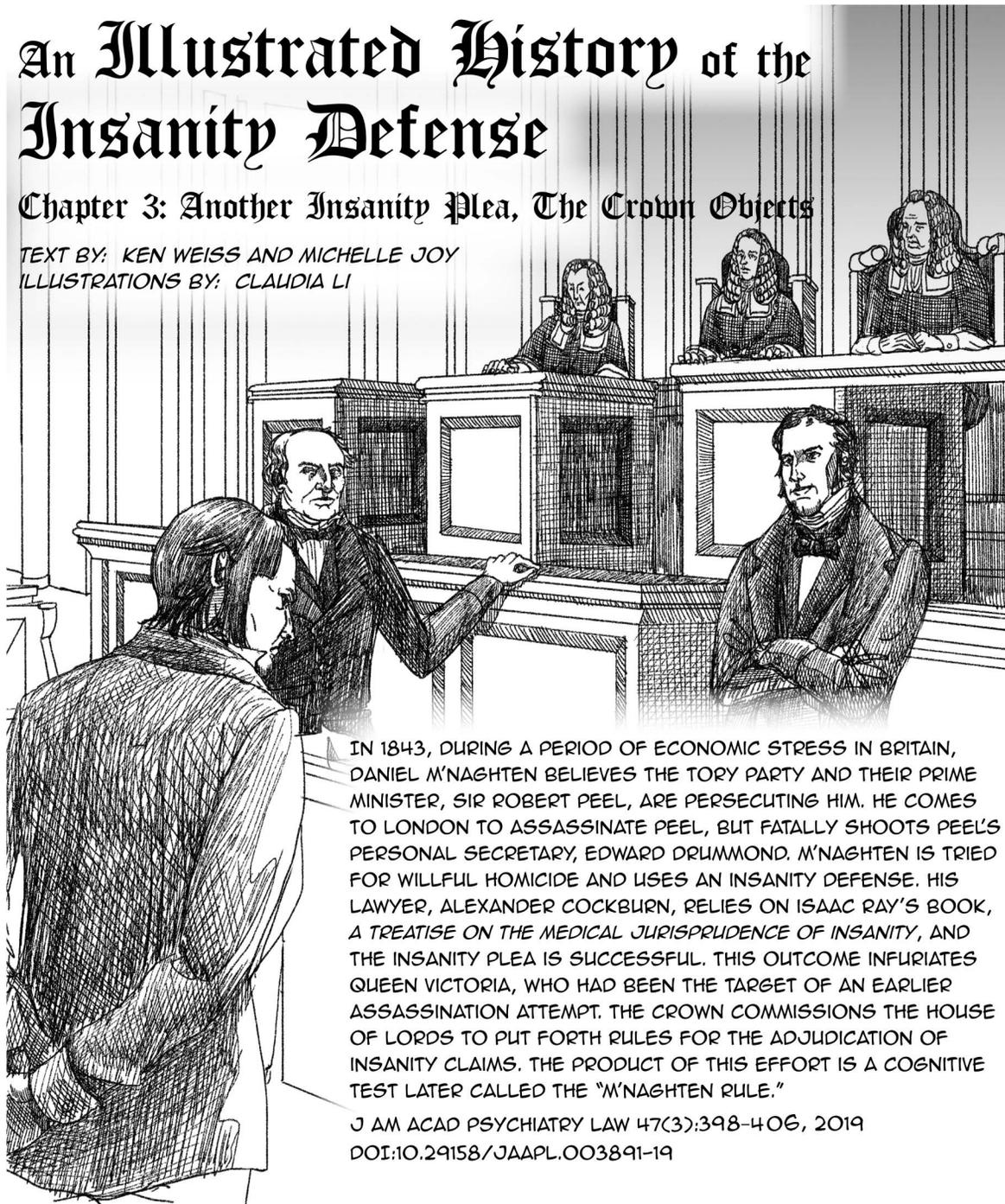


# An Illustrated History of the Insanity Defense

## Chapter 3: Another Insanity Plea, The Crown Objects

TEXT BY: KEN WEISS AND MICHELLE JOY  
ILLUSTRATIONS BY: CLAUDIA LI



IN 1843, DURING A PERIOD OF ECONOMIC STRESS IN BRITAIN, DANIEL M'NAGHTEN BELIEVES THE TORY PARTY AND THEIR PRIME MINISTER, SIR ROBERT PEEL, ARE PERSECUTING HIM. HE COMES TO LONDON TO ASSASSINATE PEEL, BUT FATALLY SHOOTS PEEL'S PERSONAL SECRETARY, EDWARD DRUMMOND. M'NAGHTEN IS TRIED FOR WILLFUL HOMICIDE AND USES AN INSANITY DEFENSE. HIS LAWYER, ALEXANDER COCKBURN, RELIES ON ISAAC RAY'S BOOK, *A TREATISE ON THE MEDICAL JURISPRUDENCE OF INSANITY*, AND THE INSANITY PLEA IS SUCCESSFUL. THIS OUTCOME INFURIATES QUEEN VICTORIA, WHO HAD BEEN THE TARGET OF AN EARLIER ASSASSINATION ATTEMPT. THE CROWN COMMISSIONS THE HOUSE OF LORDS TO PUT FORTH RULES FOR THE ADJUDICATION OF INSANITY CLAIMS. THE PRODUCT OF THIS EFFORT IS A COGNITIVE TEST LATER CALLED THE "M'NAGHTEN RULE."

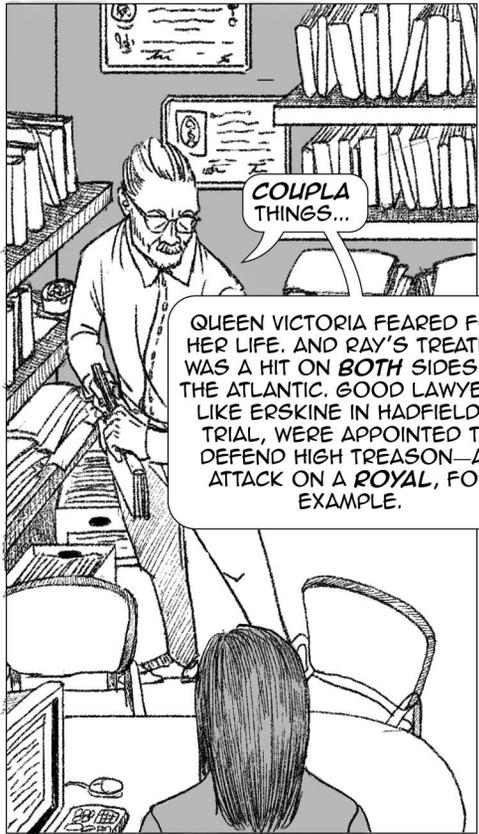
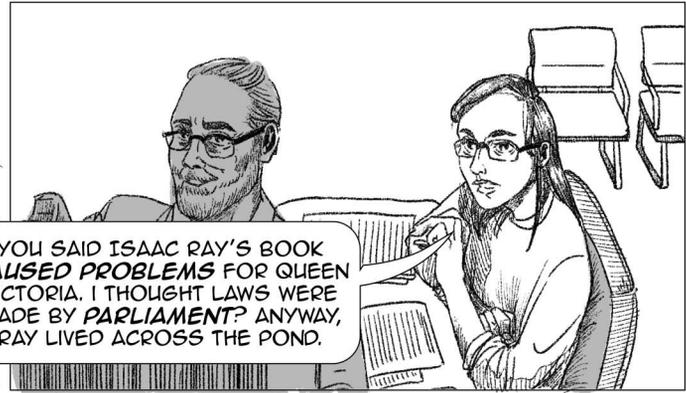
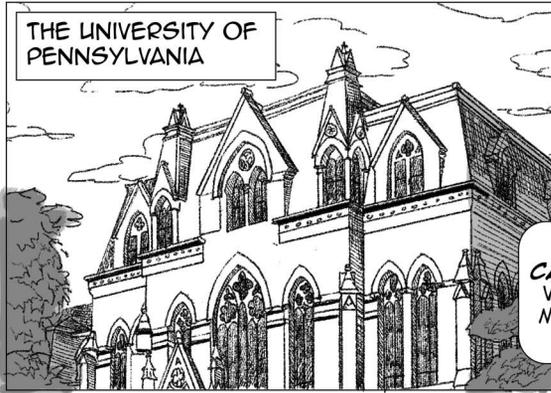
J AM ACAD PSYCHIATRY LAW 47(3):398-406, 2019  
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DISCLOSURE OF FINANCIAL OR OTHER POTENTIAL CONFLICTS OF INTEREST: NONE.

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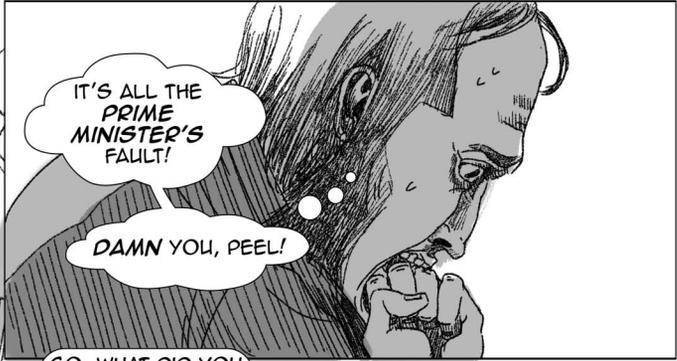
MEANWHILE, IN ENGLAND, THE CORN LAWS WERE WORSENING WEALTH DISPARITIES BETWEEN THE CLASSES...



...AND DANIEL M'NAGHTEN TOOK IT PERSONALLY.



THE TORIES ARE PERSECUTING ME. THEY'RE GOING TO KILL ME, I KNOW IT.



IT'S ALL THE PRIME MINISTER'S FAULT!

DAMN YOU, PEEL!

BACK IN THE OFFICE...



SO, WHAT DID YOU LEARN ABOUT BRITAIN IN 1843?

THERE WAS A LOT OF CLASS FRICTION. PRIME MINISTER PEEL HAD NOT YET BEEN PERSUADED TO RELAX THE TARIFFS ON IMPORTED GRAIN, WHICH KEPT LANDOWNERS RICH.



HOWEVER, M'NAGHTEN HAD MORE THAN AN OVERVALUED IDEA.

HE REALLY BELIEVED THE CONSERVATIVES WERE OUT TO GET HIM.



SO, HE TRIED TO SETTLE IT WITH A GUN?



SORTA. IN THE MIST OF HIS DELUSION, HE FELT HE HAD TO ELIMINATE HIS TORMENTOR.

A DELUSION, LIKE HADFIELD AND OXFORD HAD?

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I SEE SOMEONE'S BEEN PAYING ATTENTION! BUT THERE'S MORE...

M'NAGHTEN'S LAWYER HAD A SECRET WEAPON...

THAT FATEFUL DAY IN LONDON

MY OPPORTUNITY HAS ARRIVED! HE WILL NOT DISTURB MY PEACE OF MIND ANY LONGER!

DR. ISAAC RAY'S TREATISE, OF COURSE!

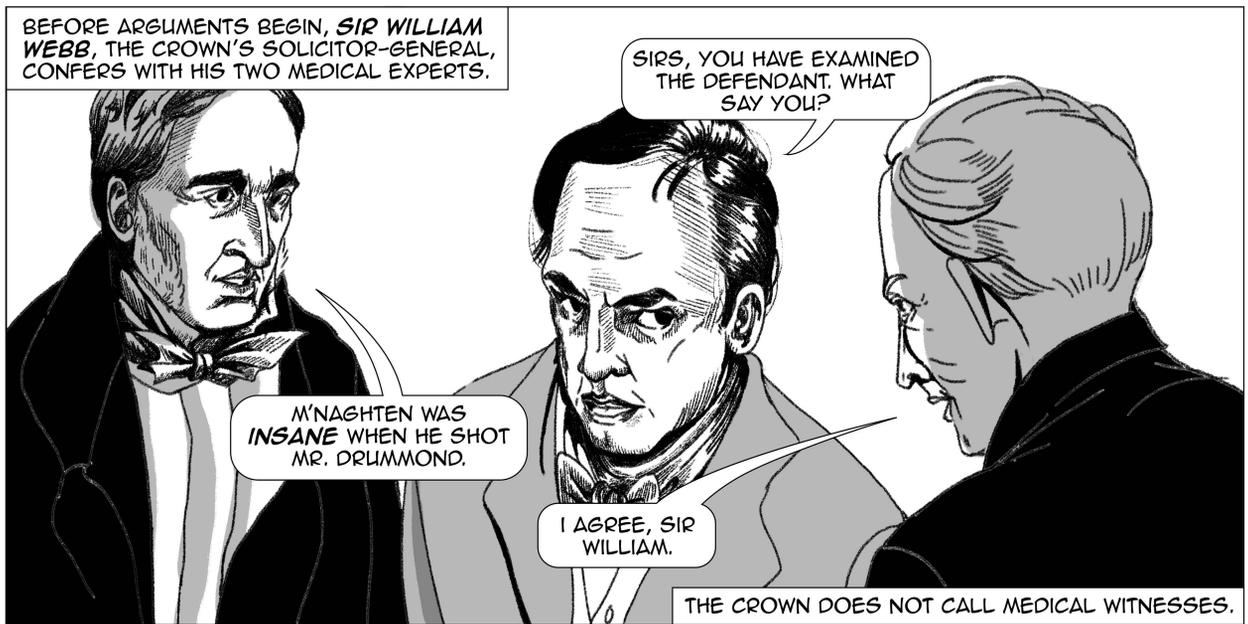
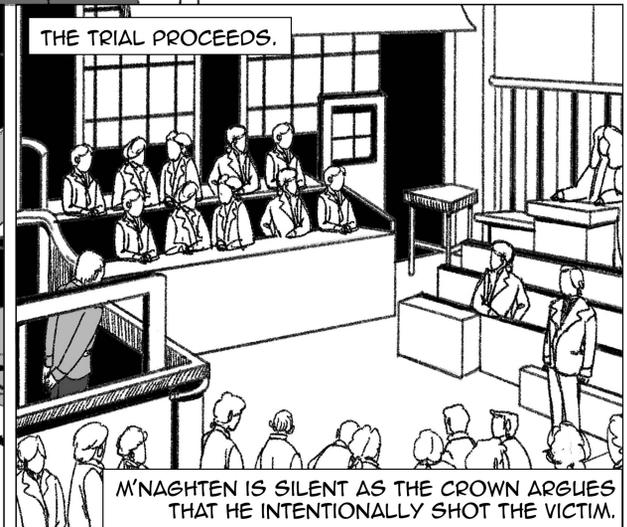
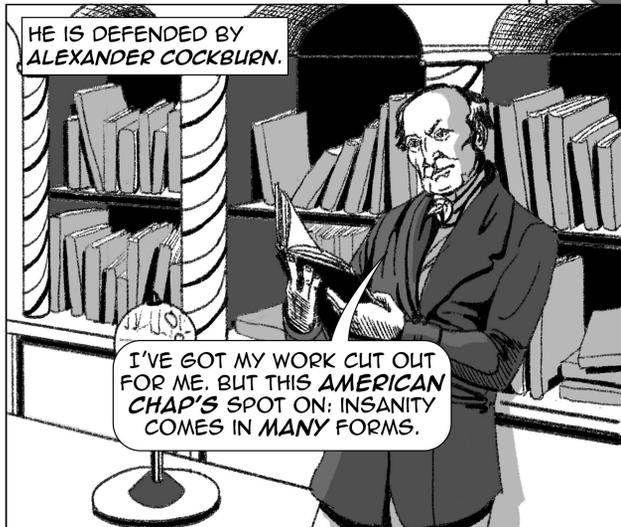
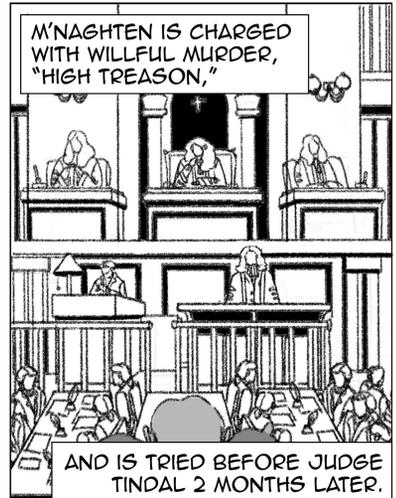
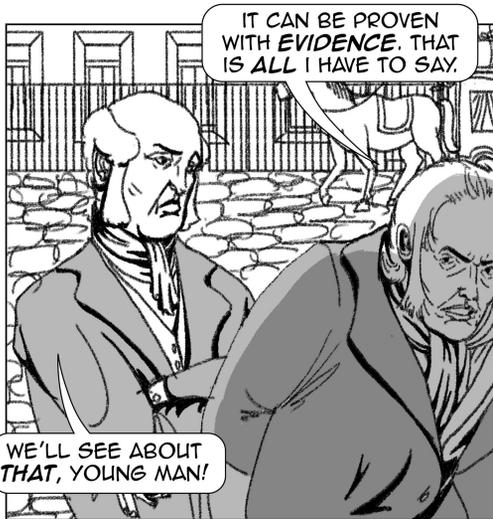
INSTEAD OF SHOOTING PEEL, HOWEVER...

MR. DRUMMOND, SIR, ARE YOU ALRIGHT?

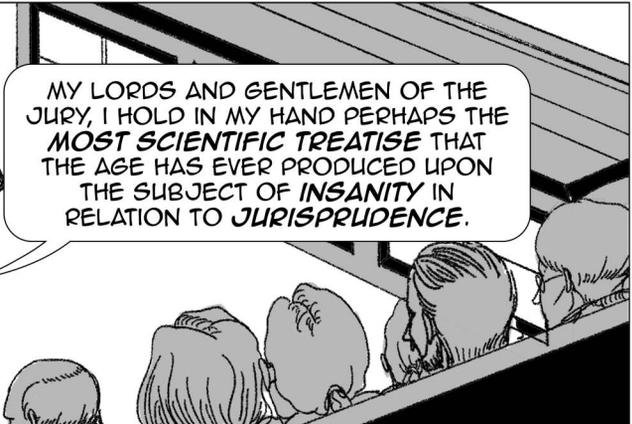
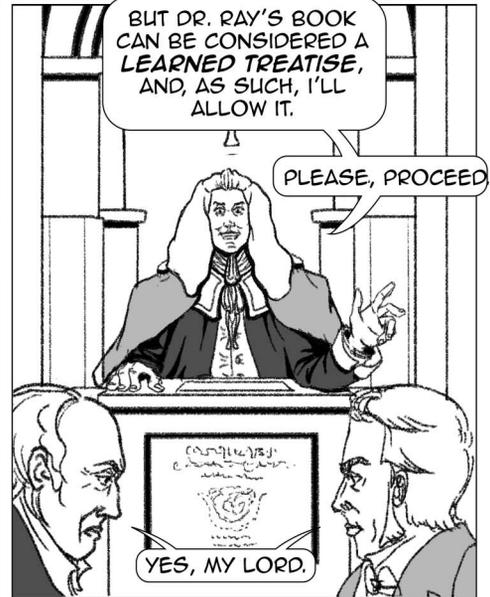
...M'NAGHTEN SHOOTS THE PM'S SECRETARY, MR. DRUMMOND.

I SEE YOU'VE COME HERE FROM GLASGOW. WHAT DO YOU HAVE TO SAY FOR YOURSELF?

THE TORIES IN MY NATIVE CITY COMPELLED ME TO DO THIS. THEY FOLLOW, PERSECUTE ME WHEREVER I GO. THEY HAVE ENTIRELY DESTROYED MY PEACE OF MIND.



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IT IS THE WORK OF DR. RAY, AN AMERICAN PHYSICIAN AND WRITER ON MEDICAL JURISPRUDENCE, AND A PROFESSOR IN ONE OF THE GREAT NATIONAL ESTABLISHMENTS OF THAT COUNTRY.\*



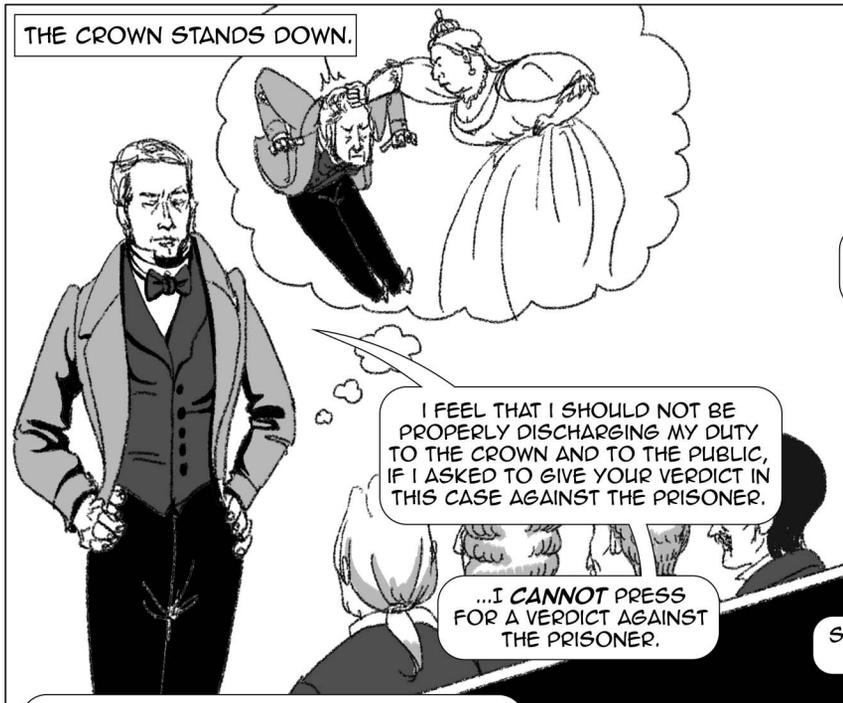
DR. RAY'S SAYS, "INSANITY NOT ONLY IMPAIRS THE INTELLECTUAL OR REASONING POWER, BUT PERVERTS THE MORAL FACULTIES, VITIATING THE TASTES AND SENTIMENTS, AND FURNISHING STRANGE MOTIVES AND IMPULSES—TRANSFORMING THE MAN INTO A FIEND."





WE FEEL THE EVIDENCE, ESPECIALLY OF THE TWO MEDICAL MEN WHO TESTIFIED, AND WHO ARE STRANGERS TO BOTH SIDES, AND ONLY OBSERVERS OF THE CASE, TO BE **VERY STRONG**, AND SUFFICIENT TO INDUCE THE CROWN AND MYSELF TO **STOP THE CASE**.

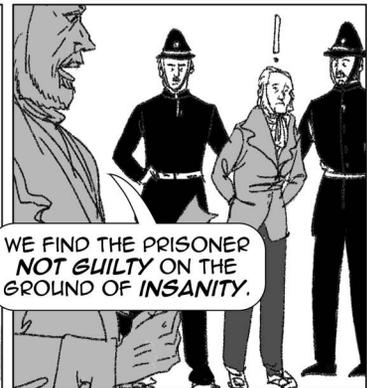
THE COURT HEARS DEFENSE MEDICAL TESTIMONY AND STOPS THE CASE.



THE CROWN STANDS DOWN.

I FEEL THAT I SHOULD NOT BE PROPERLY DISCHARGING MY DUTY TO THE CROWN AND TO THE PUBLIC, IF I ASKED TO GIVE YOUR VERDICT IN THIS CASE AGAINST THE PRISONER.

...I CANNOT PRESS FOR A VERDICT AGAINST THE PRISONER.



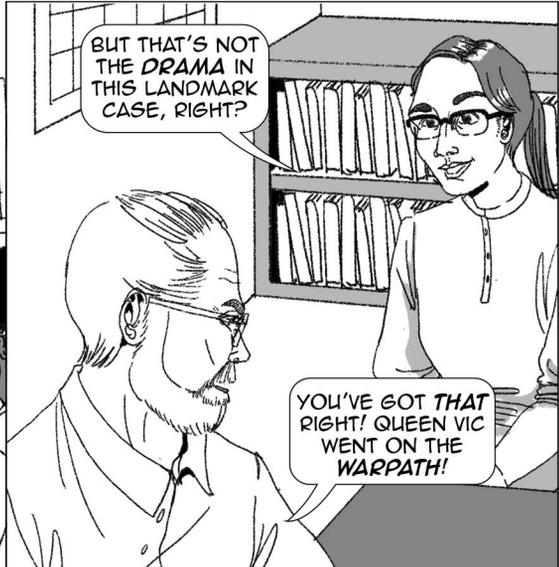
WE FIND THE PRISONER **NOT GUILTY** ON THE GROUND OF **INSANITY**.



BACK IN THE OFFICE

SO, WHAT HAPPENED TO THIS GUY?

WITH THE PRECEDENT SET BY HADFIELD AND CONTINUED WITH OXFORD, M'NAGHTEN WAS CONFINED TO BETHLEM FOR ABOUT 20 YEARS. TRANSFERRED TO THE FORENSIC HOSPITAL, **BROADMOOR**, WHEN IT OPENED, HE SPENT THE LAST YEAR OF HIS LIFE THERE.



BUT THAT'S NOT THE **DRAMA** IN THIS LANDMARK CASE, RIGHT?

YOU'VE GOT THAT RIGHT! **QUEEN VIC** WENT ON THE **WARPATH!**

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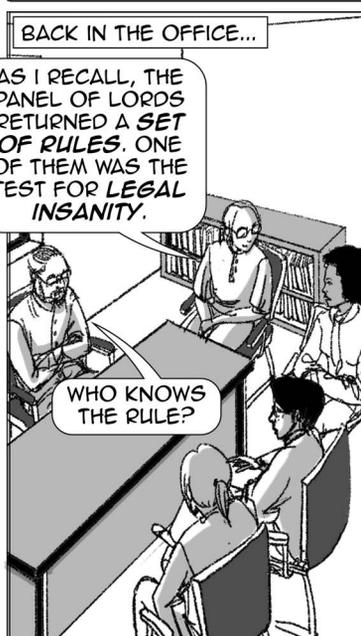
THE PRIME MINISTER GETS UNWELCOME CORRESPONDENCE.

PRIME MINISTER PEEL, THIS JUST CAME FROM THE QUEEN, SIR.

HER MAJESTY MUST BE FURIOUS!



WHAT DID THE JURY MEAN BY SAYING HE WAS NOT GUILTY?! I WILL NEVER BELIEVE THAT ANYONE COULD BE "NOT GUILTY" WHO WANTED TO MURDER A CONSERVATIVE PRIME MINISTER!



BACK IN THE OFFICE...

AS I RECALL, THE PANEL OF LORDS RETURNED A SET OF RULES. ONE OF THEM WAS THE TEST FOR LEGAL INSANITY.

WHO KNOWS THE RULE?

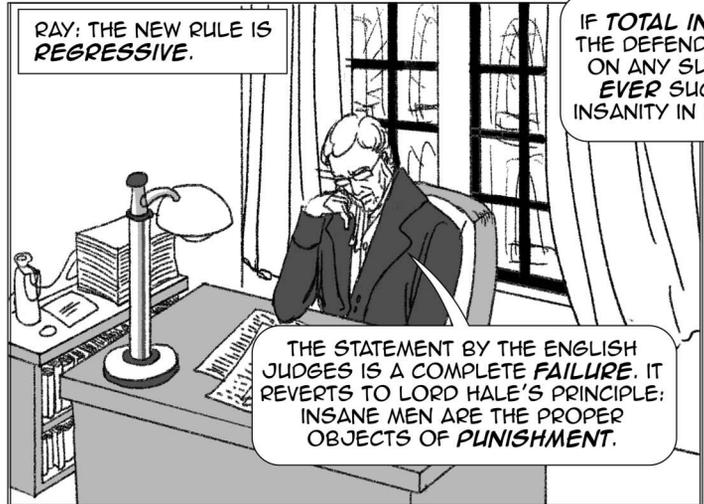


A MAN IS EXCLUDED IF HE WAS LABORING UNDER SUCH A DEFECT OF REASON, FROM DISEASE OF THE MIND, AS NOT TO KNOW THE NATURE AND QUALITY OF THE ACT HE WAS DOING.

OR, IF HE DID KNOW IT, THAT HE DID NOT KNOW WHAT HE WAS DOING WAS WRONG.

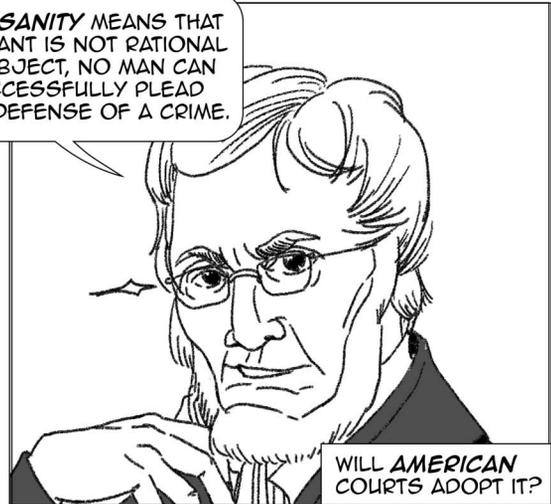


HMMM...WHAT DID DR. RAY HAVE TO SAY?



RAY: THE NEW RULE IS REGRESSIVE.

THE STATEMENT BY THE ENGLISH JUDGES IS A COMPLETE FAILURE. IT REVERTS TO LORD HALE'S PRINCIPLE: INSANE MEN ARE THE PROPER OBJECTS OF PUNISHMENT.



IF TOTAL INSANITY MEANS THAT THE DEFENDANT IS NOT RATIONAL ON ANY SUBJECT, NO MAN CAN EVER SUCCESSFULLY PLEAD INSANITY IN DEFENSE OF A CRIME.

WILL AMERICAN COURTS ADOPT IT?

## RECOMMENDED READING

1. AAPL TASK FORCE: AAPL PRACTICE GUIDELINE FOR FORENSIC PSYCHIATRIC EVALUATION OF DEFENDANTS RAISING THE INSANITY DEFENSE. J AM ACAD PSYCHIATRY LAW 42(4) SUPPLEMENT:53-76, 2014
2. PERLIN ML: THE JURISPRUDENCE OF THE INSANITY DEFENSE. DURHAM, NC: CAROLINA ACADEMIC PRESS, 1993
3. DIAMOND BL: ISAAC RAY AND THE TRIAL OF DANIEL M'NAGHTEN. AM J PSYCHIATRY 112(8):651-56, 1956
4. PLATT A, DIAMOND BL: THE ORIGINS OF THE "RIGHT AND WRONG" TEST OF CRIMINAL RESPONSIBILITY AND ITS SUBSEQUENT DEVELOPMENT IN THE UNITED STATES: AN HISTORICAL SURVEY. CAL LAW REV 54:1227-60, 1966
5. COVENTRY CB: MEDICAL JURISPRUDENCE OF INSANITY. AM J INSANITY 1(2):134-44, 1844

