

Book Reviews

KNOWING RIGHT FROM WRONG: THE INSANITY DEFENSE OF DANIEL McNAUGHTAN. By Richard Moran. New York: Free Press, 1981. 234 pages. ISBN 0-02-921890-X. \$14.95.

Reviewed by Mark J. Mills, JD, MD

Knowing Right from Wrong is a provocative book. It offers intriguing observations on the landmark case in the history of the insanity defense and raises important concerns about the role of psychiatry in suppressing political dissent. Many readers will be surprised to discover the questionable circumstance leading to the McNaughtan Rules that have had such a significant impact on legal tests for criminal responsibility. There is an interesting story here, well-documented and well-written.

Daniel McNaughtan was a politically radical Scotsman who was active in the Chartist movement for universal suffrage. In 1843 he fatally wounded the private secretary of Prime Minister Robert Peel, mistakenly believing him to be Peel. Since he was apprehended immediately after the shooting, there was never any doubt regarding the act itself. According to newspaper accounts of the time, the defense presented a picture of a desperate madman beset by delusions of persecution, a view supported by nine unrefuted medical experts. The Court virtually directed the jury to return a verdict of not guilty by reason of insanity, which they did after only a few minutes deliberation. McNaughtan spent the remaining 22 years of his life in quiet obscurity in asylums for the criminally insane.

A large outcry against the verdict followed the trial. The House of Lords summoned the 15 judges of the Supreme Court of Judicature to answer questions about the proper application of the insanity plea. Speaking for the majority, Justice Nicholas Tindal, who had presided at McNaughtan's trial, articulated opinions that became known as the McNaughtan Rules. Moran points out that Justice Tindal's answers to the House of Lords, while politically judicious, were "a near total repudiation of his own handling of the trial." Daniel McNaughtan was not tried under the rules that bear his name.

Moran asserts that McNaughtan would almost certainly have been found guilty if the jury had been properly charged and particularly if the prosecution had presented all of the evidence at its disposal. He suggests that the prosecution could have maintained that McNaughtan was motivated by his political beliefs, that his "delusions of persecution" had a rational base, and even that he was well paid to assassinate Peel. While the evidence Moran offers for this case is largely circumstantial, it is sufficient to suspect that McNaughtan represents an abuse of the insanity plea.

Moran's central thesis is that the established order, which was under intense and often violent attack, was best defended by having McNaughtan's crime labeled as the act of a lunatic, rather than a legitimate protest against the social and economic inequities of nineteenth century England. Equally important, psychiatry supplied the mechanism for stripping McNaughtan's act of its political meaning. According to Moran,

McNaughtan's trial provided the fledgling psychiatric profession with a public forum in which to demonstrate the social value of their new craft. The fact that patients were confined in asylums for their political beliefs (driven mad by political events) or that "addiction to socialism" was considered a mental disease did not seem especially problematic to them (pp. 121-122).

The final section of the book considers what plea alternatives should have been available to McNaughtan. Moran argues that his defense should have been based on a political or moral justification of the act. He goes on to assert the general importance of allowing such pleas in criminal proceedings involving political acts and cites historical and modern examples of civil disobedience (not involving assassination) to support his point of view. However, he cautions that most courts view "jury nullification" as a questionable action. Thus they have historically refused to instruct the jury on their right and responsibility to nullify the law in individual cases where social morality would not be served by a guilty finding.

This last section is interesting; however, the McNaughtan case is an unusual peg on which to hang argument for permitting pleas of moral justification in criminal proceedings. Moreover, Moran does not give adequate attention of his implication that psychiatry has had and continues to have an important role in protecting the status quo. The charge is entered, but not carefully examined; this is the most disappointing aspect of the book.

Despite these shortcomings and a tendency to repeat information unnecessarily, *Knowing Right from Wrong* is a useful and interesting work. It fills a significant gap in our knowledge of the origins of the McNaughtan Rules and raises important questions about the potential for abuse of the insanity plea. □

DELINQUENCY: ITS ROOTS, CAREERS, AND PROSPECTS. By D.J. West. Cambridge, MA: Harvard University Press, 1982. 186 pages. \$15.

Reviewed by Robert L. Sadoff, MD

This relatively small but firmly packed volume depicts the so-called Cambridge Study of Delinquency, a twenty year project (1961 to 1981) that studied over 400 youngsters ages 8 to 25. The project was designed to search