

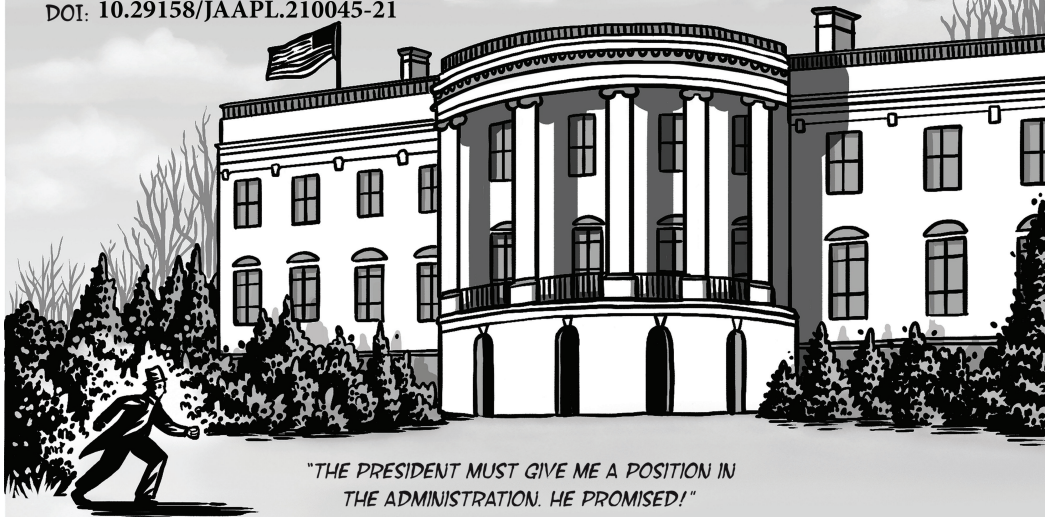
An Illustrated History of the Insanity Defense

CHAPTER 4: M'NAGHTEN RULES, BUT NOT WITHOUT A FIGHT

TEXT BY KEN WEISS & MICHELLE JOY
ILLUSTRATIONS BY HANNAH AGOSTA

IN NINETEENTH-CENTURY AMERICA, STATE LEGISLATURES AND COURTS ADOPTED THE M'NAGHTEN STANDARD OF LEGAL INSANITY. DR. ISAAC RAY, FRUSTRATED BY THE BACKLASH IN ENGLAND AFTER HIS BOOK WAS USED TO ACQUIT M'NAGHTEN, RESISTED AMERICAN ADOPTION OF THE M'NAGHTEN RULE. CLINGING TO A BROADER APPROACH, HE HELPED NEW HAMPSHIRE CRAFT A NEW LEGAL STANDARD FOR INSANITY IN THE LATE 1860s. NEW HAMPSHIRE JURIES SIMPLY HAD TO DECIDE WHETHER THE DEFENDANT'S BEHAVIOR WAS THE OFFSPRING OR PRODUCT OF MENTAL DISEASE. IF SO, THEY COULD FIND THE DEFENDANT INSANE AS A MATTER OF FACT. MEANWHILE, THE MOVEMENT TO ABOLISH DEFENSES BASED ON PARTIAL INSANITIES, LED BY DR. JOHN GRAY, GAINED STRENGTH. BY THE TIME OF THE TRIAL OF PRESIDENTIAL ASSASSIN CHARLES GUILTEAU IN THE 1880s, INSANITY DEFENSES WERE LARGELY RESTRICTED. WHILE GUILTEAU APPEARED MENTALLY ILL, HIS INSANITY DEFENSE NONETHELESS FAILED.

J AM ACAD PSYCHIATRY LAW 49:00-00, 2021
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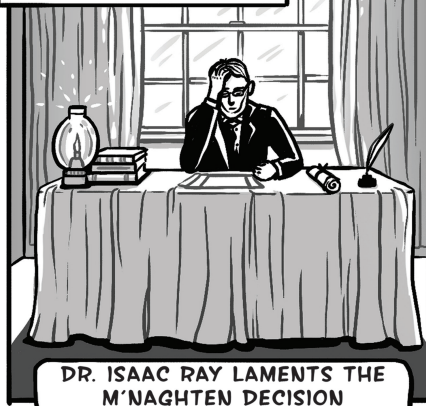
*"THE PRESIDENT MUST GIVE ME A POSITION IN
THE ADMINISTRATION. HE PROMISED!"*

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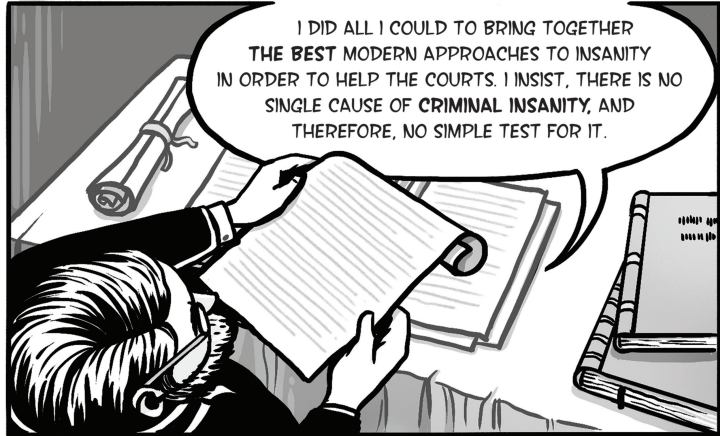
DISCLOSURES AND CONFLICTS OF INTEREST: NONE.

An Illustrated History of the Insanity Defense

AUGUSTA, MAINE, 1843



DR. ISAAC RAY LAMENTS THE M'NAGHTEN DECISION



I DID ALL I COULD TO BRING TOGETHER THE BEST MODERN APPROACHES TO INSANITY IN ORDER TO HELP THE COURTS. I INSIST, THERE IS NO SINGLE CAUSE OF CRIMINAL INSANITY, AND THEREFORE, NO SIMPLE TEST FOR IT.



THE ENGLISH HOUSE OF LORDS PLACED TOO MUCH EMPHASIS ON KNOWING THE DIFFERENCE BETWEEN RIGHT AND WRONG.

DERANGEMENTS OF THE MIND, IN NATURE, DO NOT CONFORM TO LEGISLATIVE PRONOUNCEMENTS!



IT'S ALL WELL AND GOOD THAT MY BOOK HAS BEEN CIRCULATED. BUT AS FOR MY WORK HERE IN MAINE...



MAYBE I SHOULD LOOK TO GREENER PASTURES...

FEBRUARY 12, 1845



DEAR SIR,

AFTER GIVING THE SUBJECT THE MOST SERIOUS REFLECTION, I HAVE CONCLUDED TO ACCEPT THE INVITATION OF YOUR TRUSTEES TO BECOME THE SUPERINTENDENT OF YOUR ASYLUM WHEN IT SHALL BE OPENED. FOR ABOUT A YEAR PAST IT HAS BEEN MY INTENTION TO RESIGN MY PRESENT OFFICE WITHIN A VERY LIMITED PERIOD, FOR I FOUND ITS CARES AND TRIALS AND CONFINEMENT GREATER THAN MY HEALTH COULD WELL BEAR.

DR. RAY WILL SOON HEAD TO RHODE ISLAND

DISCUSSING MID-19TH CENTURY INSANITY DEFENSES

I'VE LOOKED UP THE STATUS OF THE INSANITY DEFENSE IN AMERICA, AFTER M'NAGHTEN.

U OF PENN

WAS DR. RAY ABLE TO HOLD BACK THE TIDAL WAVE OF THE "RIGHT AND WRONG" DEFENSES COMING OUT OF LONDON?

NOPE! NOT BY AN IOTA OR A SCINTILLA. ZERO. ZILCH, JACK S...

GOT IT! I SEE YOU APPRECIATE HIS FRUSTRATION. IT'S YOUR TURN WITH THE FELLOWS TODAY

PLEASE ENLIGHTEN US.

THE M'NAGHTEN RULE SWEEPED THROUGH AMERICA. COURTS AND LEGISLATURES IN NEW YORK, NEW JERSEY, AND PENNSYLVANIA READILY ACCEPTED IT. YOU SEE, IT AVOIDS MESSY PROBLEMS, LIKE WHETHER A DEFENDANT WAS OVERCOME BY EMOTIONS OR UNABLE TO CONTROL AN IMPULSIVE PARTIAL INSANITIES.

AND THE COURTS LIKE SUCH CLARITY.

SO, DID DR. RAY GIVE UP?

NOT EXACTLY.

HE ACCEPTED A JOB IN PROVIDENCE, AS THE SUPERINTENDENT OF THE NEW BUTLER HOSPITAL. WHILE THE HOSPITAL WAS UNDER CONSTRUCTION, HE VISITED THE MAJOR ASYLUMS OF BRITAIN AND EUROPE.

DR. RAY STAYED WITH THE BUTLER GIG FROM 1847 UNTIL 1867. AFTERWARDS, HE TOOK DR. KIRKBRIDE'S ADVICE AND MOVED TO PHILADELPHIA - A FEW BLOCKS FROM WHERE WE ARE NOW!

COOL!

CLICK

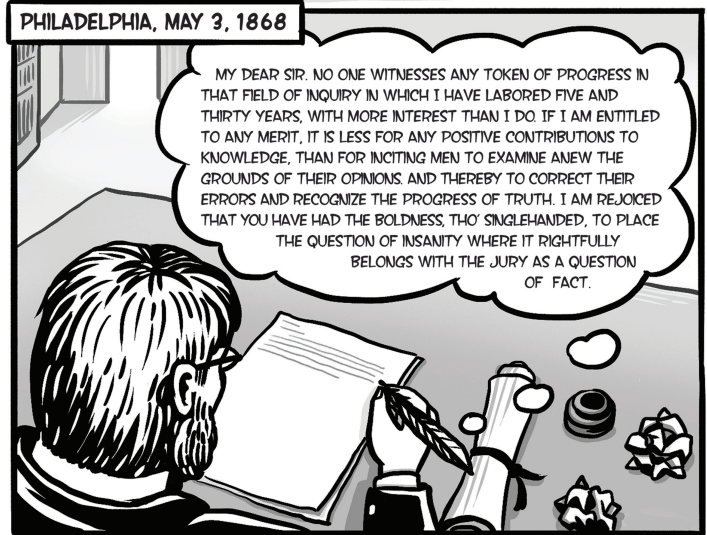
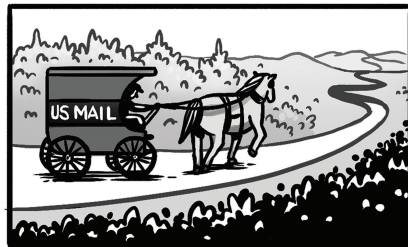
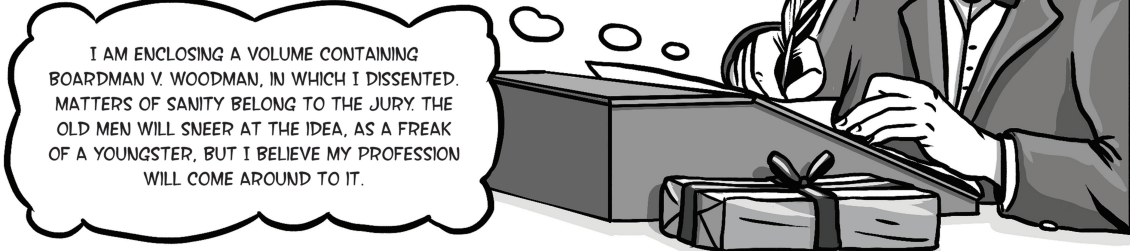
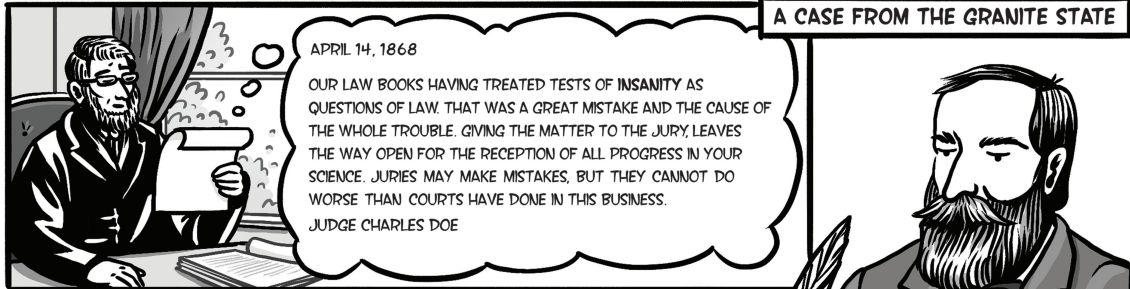
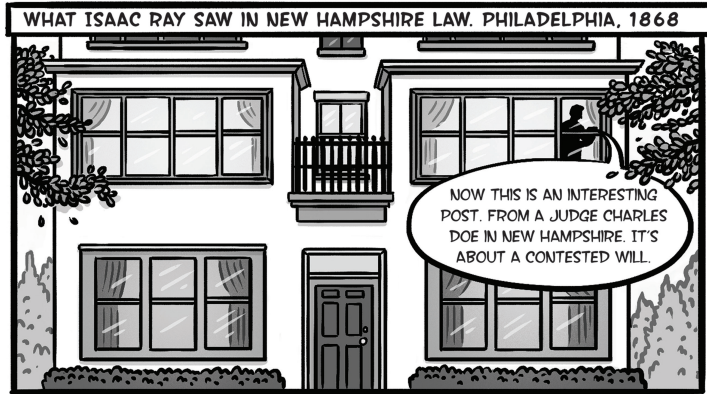
MEANWHILE, ANOTHER PENNSYLVANIAN, DR. JOHN GRAY, TOOK OVER AS EDITOR OF THE AMERICAN JOURNAL OF INSANITY IN 1854. EXPLOITING HIS AUTHORITY, HE TOOK ISSUE WITH DR. RAY'S INCLUSIVE FORMULATION OF INSANITY. IN HIS VIEW, ONLY MEDICAL DISEASES COULD GIVE RISE TO INSANITY.

I THOUGHT DR. RAY WAS ALL ABOUT PATHOLOGICAL ANATOMY AS THE ROOT OF BEHAVIOR...?

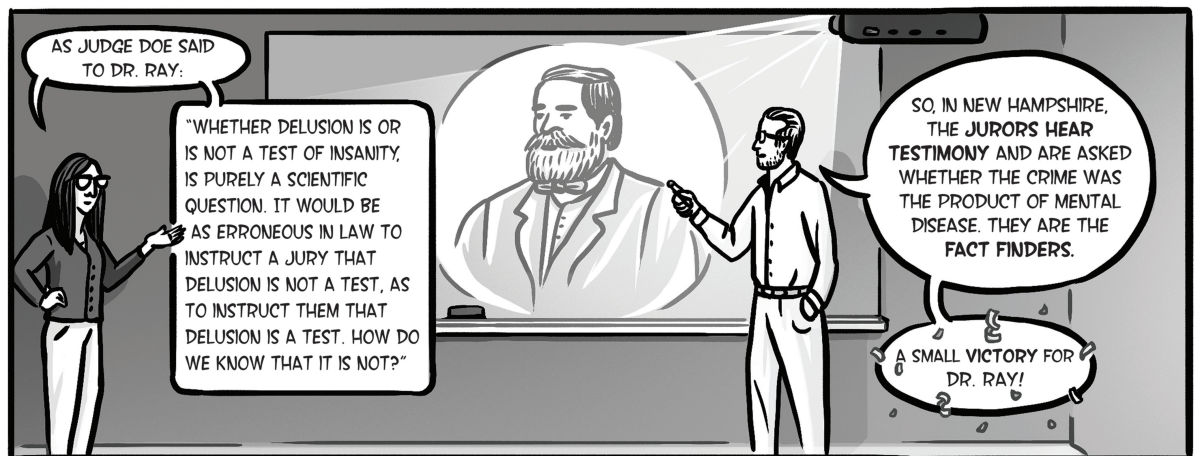
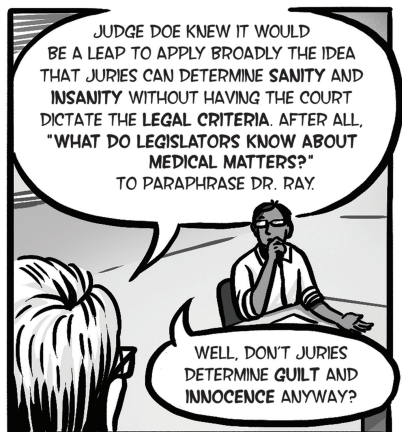
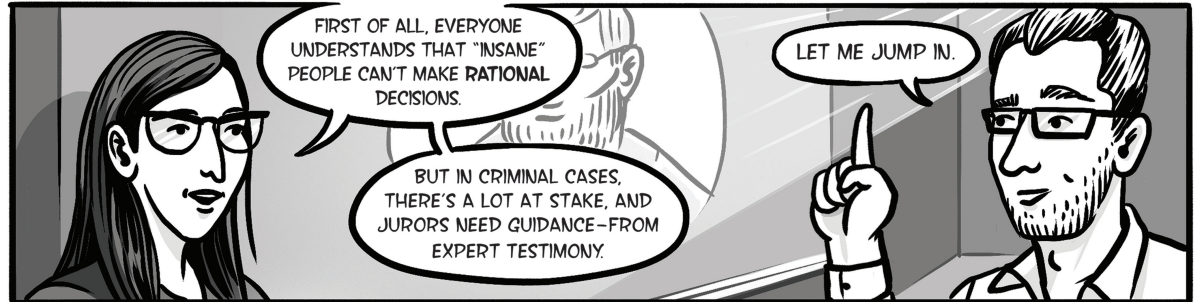
GOOD MEMORY. BUT DR. GRAY WAS TOO IMPATIENT TO WAIT FOR THE PROOF SO, HE DID NOT SUPPORT USING EMOTIONAL CAUSES OF INSANITY IN CRIMINAL CASES, WHAT WAS THEN CALLED "MORAL INSANITY".

WHEN HE EXAMINED A MAN ASSOCIATED WITH LINCOLN'S ASSASSINATION IN 1865, HE FOUND THE MAN DEPRAVED, NOT INSANE. DEPRAVITY WAS NO EXCUSE, ONLY BRAIN DISEASES.

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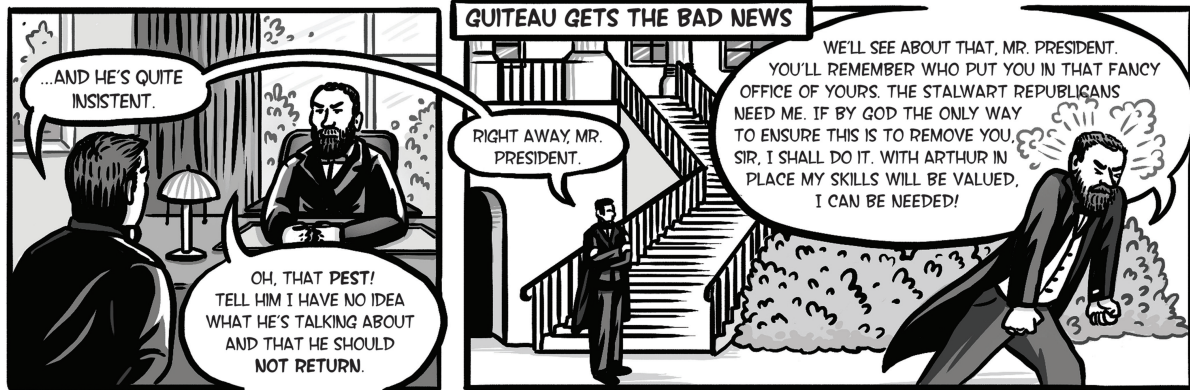
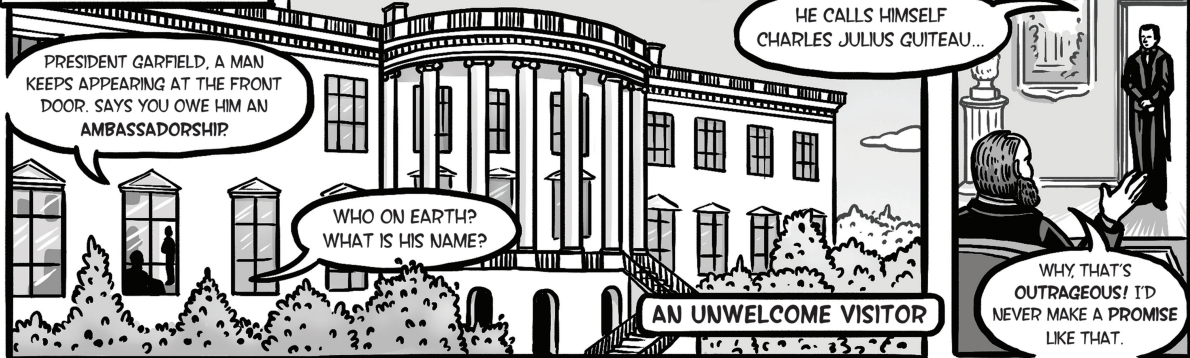
BACK AT PENN



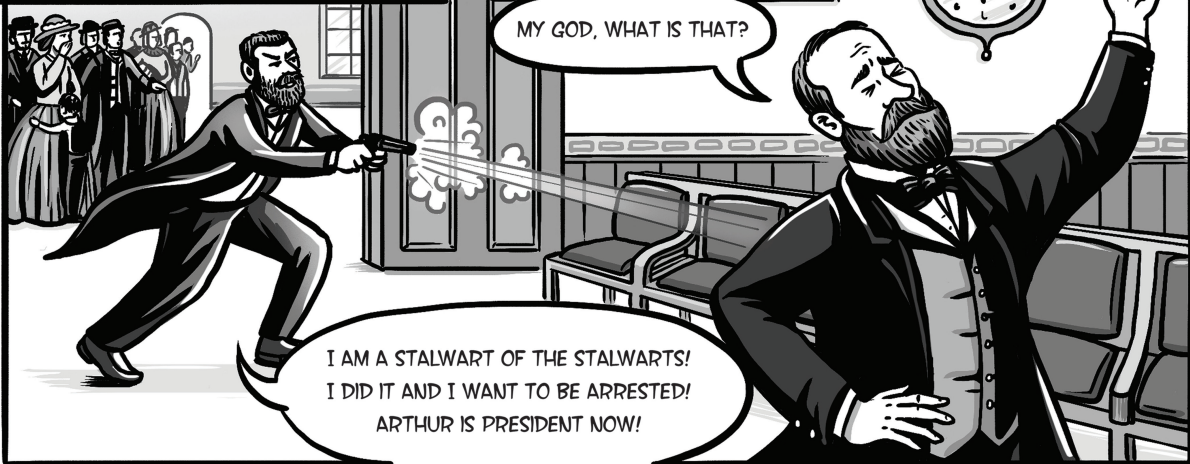
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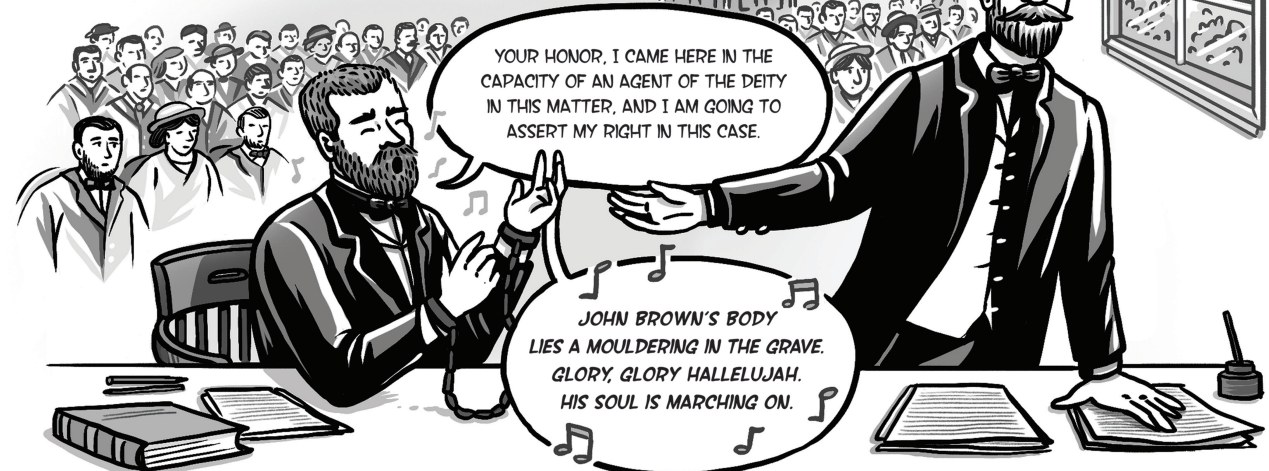
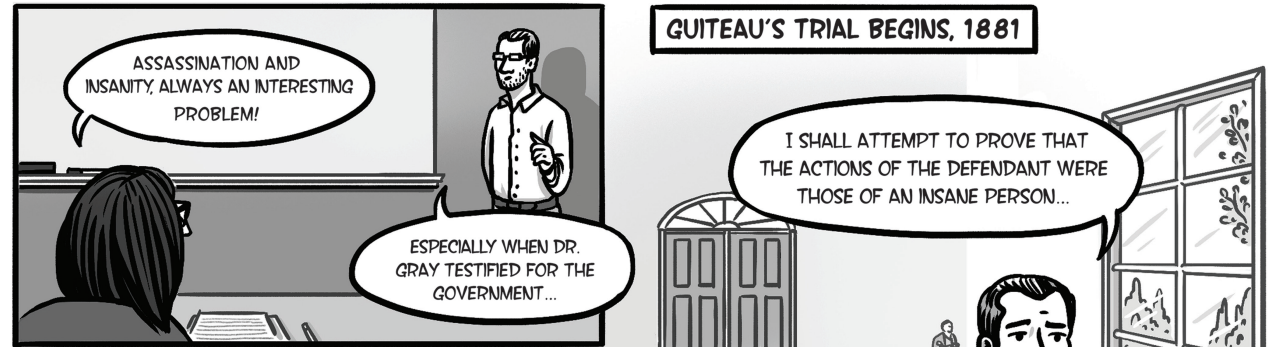


WASHINGTON, DC, 1881

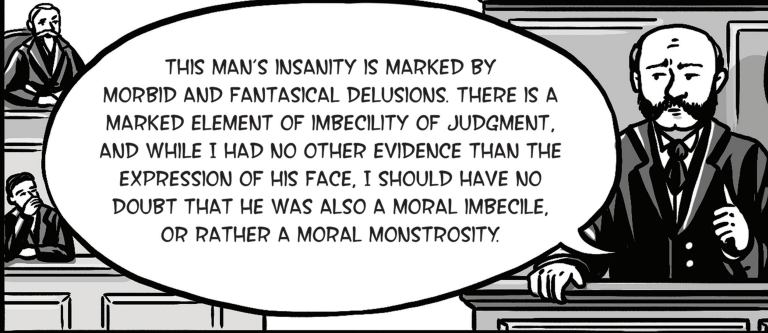


THE ASSASSIN STRIKES, JULY 2, 1881



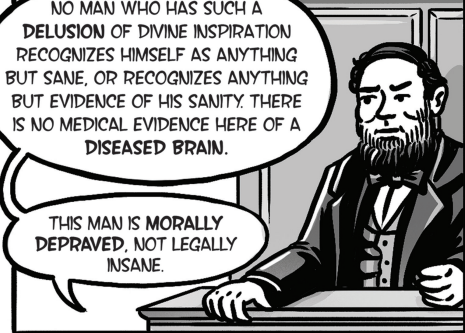


DEFENSE TESTIMONY—DR. SPITZKA



THIS MAN'S INSANITY IS MARKED BY MORBID AND FANTASICAL DELUSIONS. THERE IS A MARKED ELEMENT OF IMBECILITY OF JUDGMENT, AND WHILE I HAD NO OTHER EVIDENCE THAN THE EXPRESSION OF HIS FACE, I SHOULD HAVE NO DOUBT THAT HE WAS ALSO A MORAL IMBECILE, OR RATHER A MORAL MONSTROSITY.

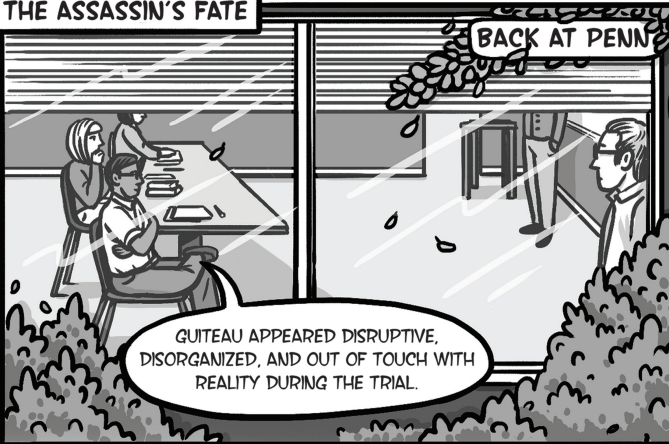
DR. GRAY FOR THE PROSECUTION



NO MAN WHO HAS SUCH A DELUSION OF DIVINE INSPIRATION RECOGNIZES HIMSELF AS ANYTHING BUT SANE, OR RECOGNIZES ANYTHING BUT EVIDENCE OF HIS SANITY. THERE IS NO MEDICAL EVIDENCE HERE OF A DISEASED BRAIN.

THIS MAN IS MORALLY DEPRAVED, NOT LEGALLY INSANE.

THE ASSASSIN'S FATE

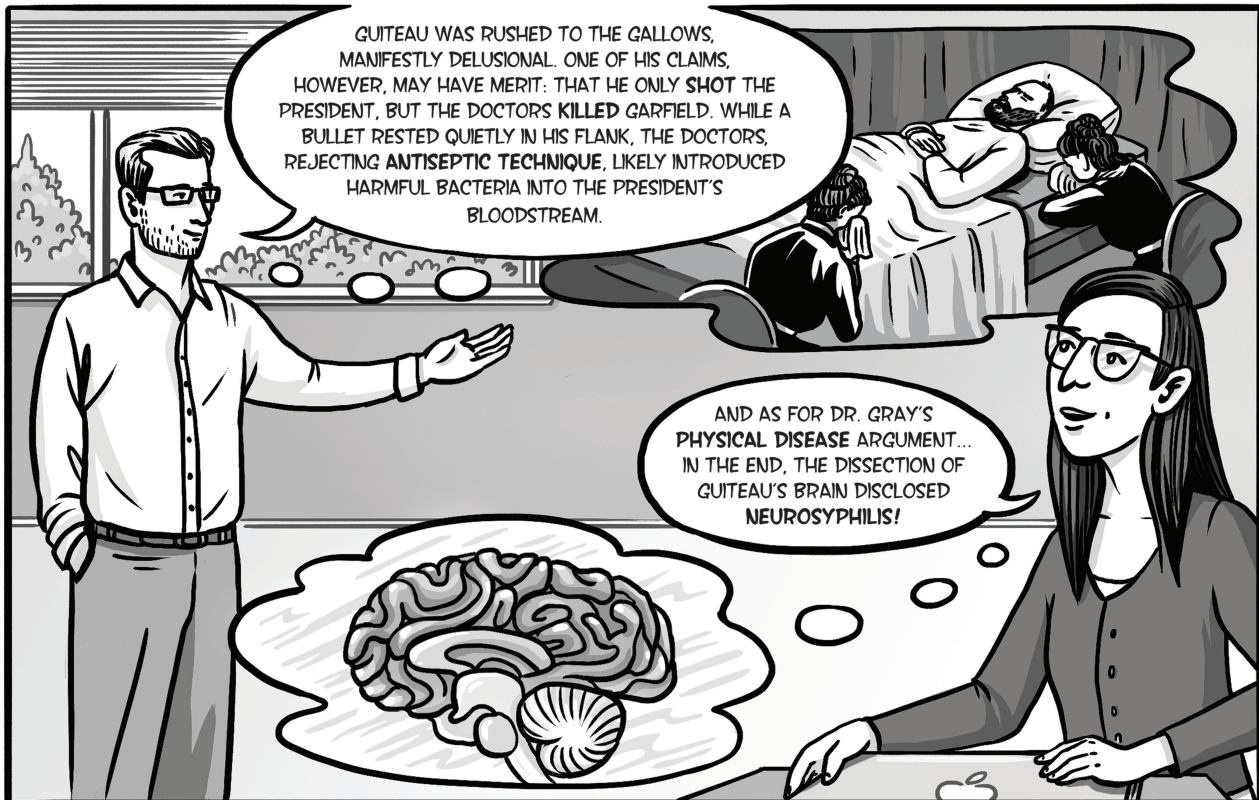


GUITEAU APPEARED DISRUPTIVE, DISORGANIZED, AND OUT OF TOUCH WITH REALITY DURING THE TRIAL.



AGREED. HIS BEHAVIOR AT TRIAL INDICATED MENTAL ILLNESS, THOUGH THESE ANTICS MAY HAVE WORKED AGAINST HIM BY ANTAGONIZING THE JURORS.

SO, WHAT HAPPENED?



GUITEAU WAS RUSHED TO THE GALLOWES, MANIFESTLY DELUSIONAL. ONE OF HIS CLAIMS, HOWEVER, MAY HAVE MERIT: THAT HE ONLY SHOT THE PRESIDENT, BUT THE DOCTORS KILLED GARFIELD. WHILE A BULLET RESTED QUIETLY IN HIS FLANK, THE DOCTORS, REJECTING ANTISEPTIC TECHNIQUE, LIKELY INTRODUCED HARMFUL BACTERIA INTO THE PRESIDENT'S BLOODSTREAM.

AND AS FOR DR. GRAY'S PHYSICAL DISEASE ARGUMENT... IN THE END, THE DISSECTION OF GUITEAU'S BRAIN DISCLOSED NEUROSYPHILIS!

Suggested 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:S3-76, 2014
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4. ROSENBERG CE: THE TRIAL OF THE ASSASSIN GITEAU. CHICAGO, UNIVERSITY OF CHICAGO PRESS, 1968
5. REIK LE: THE DOE-RAY CORRESPONDENCE: A PIONEER COLLABORATION IN THE JURISPRUDENCE OF MENTAL DISEASE. YALE LAW J 63:183-96, 1953
6. WEISS KJ, FRIEDMAN SH, SHAND JP: INSANITY: A LEGAL AND CINEMATIC DIAGNOSIS. J NERV MENT DIS 207:749-54, 2019
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8. BOARDMAN V. WOODMAN, 47 N.H. 120 (1868)
9. STATE V. PIKE, 49 N.H. 399 (1869)
10. REID JP: THE WORKING OF THE NEW HAMPSHIRE DOCTRINE OF CRIMINAL INSANITY. MIAMI L REV 15:14-58, 1960

Postmortem examination of Giteau's brain revealed evidence of "dementia paralytica" (neurosyphilis).

Giteau's Brain