

The definition and criticism of an insanity defense



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Insanity Defense of Institute] The Definition And Criticism of Insanity Defense

Insanity defense typically refers to a plea that defendants are not guilty because they lacked the mental capacity to realize that they committed a wrong or appreciate why it was wrong. It may also allow defendants to argue that they understood their behavior was criminal but were unable to control it.

Insanity defense is an attempt to impose a moral check on a system which is largely designed to weigh facts and evidence. Some countries/states have abolished the use of it while others have made amendments. For instance, a number of US states have replaced the option of pleading "not guilty by reason of insanity" with pleading "guilty but mentally ill". Very few people plead insanity though and among those who plead it, a very minor part wins the plea. An important point here is people acquitted under insanity defense are seldom allowed to walk free. In almost all cases, the acquitted people are allowed to go to treatment centers and kept there until mental health officials determine they do not pose a danger to anyone.

Criticism to insanity defense is a common phenomenon. Critics argue that some defendants misuse insanity defense, effectively faking insanity to win acquittals or less severe convictions. And often the trials involving an insanity defense get the most attention because they involve crimes that are peculiar within themselves. Nevertheless, studies suggest the overwhelming majority of defendants acquitted by reason of insanity suffer from schizophrenia or some other mental illness (Fersch, 2005).

A study conducted in the early 1990s involving eight states found that less than one percent of criminal defendants used insanity defenses. A quarter of these resulted in successful acquittals.

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There could be several reasons for criticizing the insanity defense, including political, legal as well as humanistic. In USA, for instance, the insanity defense received harsh public criticism when, after the 1981 assassination attempt on Ronald Reagan by John Hinckley Jr., Hinckley was found not guilty by reason of insanity. Lot of people argues argued that his premeditation of the crime was undeniable proof of his sanity. Public criticism of the insanity defense has continued to grow with each high profile case.

In conclusion, insanity plea is a poor excuse for serious lawbreaking, and should not ideally influence or ease the punishment. In a majority of criminal cases, especially murder trials, an insanity plea is used as a defense strategy aimed at saving guilty defendants from death penalty or serving time in prison. The accused usually pretend to be mentally ill and their lawyers use this as a way to confuse jury and influence their judgment. And then most of the accused, by reason of insanity, are released from mental hospitals much earlier than they would be had they served prison sentences. The insanity defense effects the legal requirements and has the tendency to help criminals avoid the punishment (Blacks, 1991).

On the other hand, although high profile cases have been a reason undermining the good part of insanity defenses and the actual reason behind them, the insanity plea is a valid legal defense. They are not something prepared and executed instantly; Insanity defenses involve a thorough process of psychiatric evaluation to determine the mental health of the accused. The accused need to request a hospital or state appointed board and only after they get an approval for the request, could the defendants get a release. There may be a few instant pleas as well but they are very rare and are usually uncontested by prosecutors (Perlin, 1994).

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