

Insanity essay examples

[Law](#), [Criminal Justice](#)



Introduction

Walter and Bandura developed the social learning theory in 1963, which was Dollard and Miller's proposal of their psychoanalytic research work conducted in 1941. These theorists reached a conclusion that people learn from their respective social context and that one learns through a process involving attention, retention, reproduction and Motivation. Notably, they assumed that people have control over their actions; people can learn from observation, and relate them to the resultant effect of their learnt behavior, self-regulation is an important aspect in learning; it helps one to have an inner judgment or self-observation. With regard to these assumptions, the paper seeks to conduct an argumentative analysis of how insanity should not be used as a legal defense to avoid conviction in the court of law; hence, it should be abolished.

Insanity is not a legal defense and should be abolished

In 1972, experts from the American Law Institute enacted a rule for insanity as quoted in the Model Penal Code. In the developed rule, the defendant was not liable for any criminal conduct resulting from mental illness, defect, or any related problem. Although this is so, the regulation has been paving way for an increase in crimes committed intentionally and later perpetrators defend themselves with the mental illness or defect. Admittedly, it is known that people have control of their own act and that are aware of the resultant consequences of their behavior. With regard to this, the Model Penal Code should be reviewed to ensure that any criminal action done by an insane person should face the full force of the law. On January 3 1999, in New York,

Goldstein Andrew pushed Webdale to the path on a speeding and approaching train. The young writer died instantly after the accident and upon appearing in the court of law, the defense team used the legal insanity provisions to escape the rule of law. However, the jury sentenced the accused with second-degree murder, which meant that he was to serve a 20-25 years in a correction facility. To prove that the accused was aware and responsible for the actions, he later confessed in 2006 that he killed the young writer intentional and was avoiding the legal responsibility claiming that he had suffered from schizophrenia. The allegations were true, but the crimes committed could not be shielded with the mental condition.

In 1981, Hinckley watched a film, *The Taxi Driver* and from it, he developed an obsession to behave like Jodie, a character in the film. He attested that he watched the film more than 15 times and even looked for the actor to ensure that he gets personal and face-to-face experience with the actor. After learning from experience, as one of the social learning assumption asserts, Hinckley assassinated the then President Regan after shooting six bullets, which wounded some of the people around the President and the President Himself. He was arraigned in court and faced judgment where he learnt that he was responsible for the death of 13 people and the possession of a weapon. However, the court acquitted him as all the judges because the defense team argued that insanity was the reason behind the criminal offense. From there, most states were forced to review this legal provision and that currently, a few cases, where the accused takes insanity as a legal defense, have succeeded.

Concisely, to avoid many people from setting precedent of cases, which have

succeeded because of insanity as a defense, states and countries should review their constitution to ensure that everyone, whether sane or insane should be responsible of his actions. Initially, several loopholes were created in the judicial system, which have sacrificed the lives of many people including Regan, President of the United States. Highlighting the tenets of the social learning theory, people learn from the social environment and that they are usually aware of the repercussions of their learnt behavior.

Bibliography

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