

# Critical thinking reaction paper



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## **Critical Thinking / Reaction Paper**

The Insanity Defense The Insanity defense is commonly misunderstood as a smart ploy performed by well-paid advocates to save their rich and famous clients. But the truth is far from that. Mark Gado explains the background history and implications of the insanity defense and argues for a better use of its clauses in the legal system. One cannot reject the significance of insanity defense in an age where scientific studies on the human mind are fast progressing. The interesting part of is that those who are acquitted of their crime due to their proven insanity are not normally allowed to lead a free life, since they have to undergo long periods of institutionalization, sometimes until their death. In my opinion, the insanity defense has to be maintained, but with strong restrictions and clearly defined parameters to avoid any loopholes and to discourage people from misusing it.

The main purpose of Marc Gado's study is to explicate the evolution and relevance of the insanity defense. It also demystifies the popular misconceptions regarding it, often generated by the media. It explains the basis of the insanity defense as derived from the M'Naghten Rules, "that at the time of the committing of the act, the party accused 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 he was doing was wrong" (Melton, 1997, p. 191). Gado addresses the key question of whether the insanity defense had been used properly since its inception a century and half ago. The most important information he provides about the topic is that the insanity defense is not used as abundantly as the public fancies, since it is very difficult to prove it. The

percentage of the insanity defenses that were approved by the court through the decades is also very low. And those who were acquitted on the grounds of insanity were not in fact freed, since they had to undergo long periods of institutionalization, which was not in fact better than imprisonment.

The main conclusion of the essay is that the insanity defense has to be studied with reference to the recent advancement in human psychology/psychiatry. The misuse of the insanity defense has to be curbed with the help of proper measures and clear definition of its parameters. It also points out that the insanity defenses get undue publicity because they are used mostly in murder cases. This leads to a distortion of facts, and the public is more or less misinformed of its real implications. The essay serves the purpose of creating awareness among the public regarding the real merits and demerits of the insanity defense.

The key concepts that are raised in the reading are related to the way in which insanity influences human beings in their sudden reactions. The insanity defense is capable of redeeming those who have committed a murder at the spur of the moment, taking into account the mens rea (state of mind) that led to it. This helps demarcate those ordinary people who commit murders under intense stress that their minds are unable to cope with and those born criminals who commit murders after proper contemplation, in cold blood. The cases of M’Naghten, Charles Guiteau, John Hinckley, Colin Ferguson, the Mad Dogs brothers Anthony and William Esposito, Dan White, Robert Torsney and John du Pont evince the comparative and contrastive significance of insanity defense through history. The article connects the related fields of psychology and psychiatry that has to work hand in hand with the legal field in order to carry out a flawless

execution of the defense. The information on the history of lunatic asylums like the Bedlam and their working conditions reveal the extent to which ‘freedom’ is allotted to those who make use of the insanity defense and are institutionalized afterwards.

The reading implies the need to create public awareness on the insanity defense and to deconstruct its present implications in the public sphere. It does not diminish the significance of the insanity defense in any way, but focuses on the need to strengthen its implications with the help of a well thought out interdisciplinary research and analysis.