Philosophy of Law

An introduction

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11 Insanity and diminished responsibility

When the criminal law is dealing with mentally disturbed or insane offenders, is it justified to any extent to hold them accountable and punish them for their criminal offences? This is the basic question to be broached here. What makes it particularly difficult is the enormously variable and problematic nature of the phenomenon of mental disturbance, the popular perception and scientific understanding of which have varied from one society and epoch to another. The practical difficulty in law has always been the articulation of a reliable and stable test for the kind of abnormality or insanity that would, if established, either absolve the defendant from responsibility, or at least reduce the degree of blame.

It is disagreement about the ways in which mental disturbance affects personal responsibility that makes the insanity defence or the plea of diminished responsibility controversial. On the one hand, liberal thinkers in this area regard it as pointless and unenlightened to punish people who, through no fault of their own, are afflicted with the kind of mental condition that leads them to commit harmful acts. Punishing them as if they were responsible agents is no more rational, it is argued, than the medieval practice of putting animals on trial for assault or murder. On the other hand, those with a more sceptical outlook argue that these defences are loopholes through which the guilty escape justice. This kind of scepticism is directed both at the defendants' pleas of insanity, and at the opinions of medical experts. In particular, it tends to involve the belief that moral choices can still be made by many classified as insane or mentally ill. From the liberal point of view, by contrast, it is assumed that it is in the very nature of mental illness that no such choices can be made. This is essentially the controversy, but there are many variations in the arguments, depending on the degree and type of mental disorder.

In this rather stark dispute, the most basic ideas about responsibility and its nullification are not usually contested. Even the most sceptical of critics are inclined to accept that it is not rational to blame anyone for what can be demonstrated to be an entirely unknowing, unintended or involuntary action. What is doubted in practice is that such demonstration is possible, or that perpetrators of evil deeds are genuinely in a mental condition that

would justify such a description of their acts. This scepticism is compatible with the further assumption that serious mental disturbance – which under some classifications would count as insanity – does not necessarily involve the kind of cognitive impairment that would affect the ability to make moral judgements and decisions. What tends to be agreed, however, is that where impairment of these faculties is genuine, it should indeed absolve the victims of such illness from responsibility. If the mental disturbance is such that they genuinely do not know what they are doing, or believe themselves to be doing something good, or are wholly incapable of controlling their actions, it would seem impossible in all conscience to brand them as criminals.

Traditional problems with insanity

The problem of when to absolve the mentally disturbed from criminal liability has recurred and evolved throughout the history of Western legal systems. Attitudes to insanity have ranged from the relative tolerance and understanding displayed at times in European societies under the naturalistic influence of Aristotelian science and Galenic medicine, to the mystification of madness and association of it with witchcraft and demon possession in late medieval and early modern Europe. The witch-craze period between 1400 and 1700 was an age of darkness as far as the understanding of insanity was concerned. In witch trials, which were very frequently prompted by behaviour that would otherwise have been recognised as symptomatic of mental illness, the insanity defence was simply unavailable. The symptoms were regarded, not as possible grounds for exculpation, but as offering further evidence of guilt (Robinson 1996: 55).

It was the philosophical and religious problems of free will that hampered the early modern development of an understanding of insanity. The Christian doctrines of sin and redemption, requiring freedom of action as a condition for reward or damnation, evolved in such a way that the onset of mental illness was seen either as a punishment for past sins or as evidence of possession by evil spirits. Either way, the misfortune was regarded as the responsibility of the victim, who was assumed to have voluntarily consorted with the devil.

The general process of intellectual enlightenment, initiated by Descartes and his contemporaries, and culminating in the eighteenth-century Age of Enlightenment, steadily eroded this entire world-view. With the advance of natural, mechanistic explanations of human physiology, the belief in universal causation in an immanent material world led to a deterministic view of human actions in general. It was within this framework that it became possible to understand, with some semblance of scientific rigour, the various manifestations of mental illness.

One danger here is the temptation to respond to the sceptical attitude to the insanity defence by exaggerating the typical case to be regarded as deserving exculpation. In practice, there is probably no such thing as ‘total

insanity', or *complete* removal from reality. If the impairment were this severe, it would be difficult to imagine its victim even having the capacity to commit a crime. In ancient society and through much of the history of the common law, there was a tendency to paint insanity in black and white terms, with a caricatured lunatic understood to be completely devoid of reason. The standard test for insanity set by Bracton (1210–68) was the ability to count twenty shillings and name one's own parents. All this established was absolute basic rationality, and what was known as 'the wild-beast test' stipulated that, to qualify as insane, one had to have no more reason than that of such a beast. 'A madman is not able to bargain nor to do anything in the way of business for he does not understand what he has done • such [mad]men are not greatly removed from beasts for they lack reasoning' (Biggs 1955: 82). In 1581, it was declared by Lambard that 'if a mad man or a naturall foole, or a lunatike in the time of his lunacie • do kil a man, this is no felonious act, nor anything forfeited by it' (Biggs 1955: 84). Only complete 'lunacy' and total absence of knowledge of good and evil were regarded as grounds for exculpation. It was nevertheless significant that this bare minimum was established, because it meant the recognition in principle of insanity as a defence to murder, even if it applied to very few offenders.

Despite this tendency towards an all-or-nothing approach to insanity, the great common law authorities moved inexorably towards naturalistic explanation. The seventeenth-century classifications of mental disorders by Sir Edward Coke (1552–1634) and Sir Matthew Hale (1609–76) pointed towards complete secularisation of the law. What was increasingly recognised, with the growing influence of medical science, was the different kinds of 'idiocy' and 'dementia' within the category of *non compos mentis*, including the recognition of temporary insanity. Despite Hale's traditional reliance on Holy Scripture and his personal belief in witchcraft, his approach to mental illness and the legal problem of responsibility was guided by the science and medicine of his day (Hale 1972). Throughout this period, however, the test for insanity remained that of a complete deprivation of reason at the time of the offence.

The radical break with the past came in 1800 with the case of *Hadfield*, who had made an ineffective attempt on the King's life at Drury Lane Theatre. A veteran soldier who had sustained severe head wounds, Hadfield was in the grip of a delusion that he was the new messiah, commanded by God to assassinate George III. With the benefit of being defended by the famous advocate Thomas Erskine (1750–1823), and with medical testimony from one of the founders of modern psychiatry, Sir Alexander Crichton, Hadfield was acquitted on the grounds of insanity. Using Crichton's testimony to maximum effect, Erskine succeeded in persuading the court that, in the light of the new science, the traditional law on insanity – requiring total deprivation of reason – was hopelessly outdated. Despite his brain injuries, which had also led him to attempt to kill his own child, Hadfield was in

many respects sane and rational. The legal turning point here was that this partial rationality was readily conceded by the defence, who argued that it should not count against the case for insanity. This was because, or so they argued, legal insanity was no longer to be determined by the wild-beast test, but the test of *delusion*. If it could be proved that the defendant was suffering from a specific delusionary belief that caused him to commit the offence, then – notwithstanding his being in other respects sane and reasonable – he was not responsible for the act. What this meant was that partial insanity, in the sense of being judged insane without being completely devoid of reason, was to be recognised by the law for the first time.

The case of Daniel M'Naghten

The case that led to the settling of English law on insanity for more than a century was that of *M'Naghten* (1843). Daniel M'Naghten, charged with the murder of Edward Drummond, secretary to the Prime Minister, Sir Robert Peel, pleaded insanity. It was undisputed that his real target was Peel himself. The defence for M'Naghten was that he was in the grip of an insane delusion that the local Tory Party in his native Edinburgh was conspiring to kill him. Even when he attempted to escape to France, he believed that he was pursued by Tory agents disguised as Jesuit priests. Convinced that Peel, as leader of the party, was personally responsible, he decided that he could only stop the persecution by killing him. The unanimous opinion of the doctors who examined M'Naghten was that this delusion was and remained quite genuine.

The prosecution argued that Erskine (in *Hadfield*) had been wrong to maintain that delusion was sufficient for the insanity defence, when the accused knew the difference between good and evil, as M'Naghten in this case surely did. This argument, however, was overwhelmed by another dazzling display of advocacy in conjunction with the new medical science. For the defence, Alexander Cockburn – the future Lord Chief Justice – quoted extensively from Dr Isaac Ray to discredit all the tests and assumptions of the prescientific age. Crucially, he persuaded the court that the new scientific psychiatry proved beyond all doubt that a man could be 'the victim of the most fearful delusions, the slave of uncontrollable impulses' (Robinson 1996: 168), while still able to function normally in other respects. With regard to M'Naghten, he persuaded them that he had acted under the influence of such a delusion, believing it to be a reasonable act of self-defence. Faced with one-sided medical evidence for the defendant, the judge stopped the trial and gave the jury what amounted to a direction to acquit on the grounds of insanity.

The furore that followed this acquittal was largely due to the belief that M'Naghten – like others before him – was simply a political assassin trying to escape justice by taking the insanity defence. Given that the 1840s was a time of growing unrest and revolutionary agitation, this was not entirely

implausible. In response to this controversy, Queen Victoria – herself a victim of three assassination attempts – intervened by demanding from the House of Lords a clarification of the law on insanity. Five questions on the test for criminal responsibility in cases of insanity were then put by the Lords to the sixteen most senior judges. The answers delivered on behalf of the majority by Lord Chief Justice Tindal became the text known subsequently as 'the M'Naghten Rules'.

The formulation of the M'Naghten Rules

Over the years since the Hadfield decision, the law had dealt with insanity cases in an *ad hoc* manner, with various cases decided on apparently contradictory principles. What the authors of the M'Naghten Rules now sought to lay down was a clear guideline on how the law stood and on how juries were to be instructed. The meaning of the text that emerged from their deliberations on the history of common law on the subject was not entirely clear. The main difficulties arose from the abandonment of the clear-cut rationality tests of Bracton and Hale, the intrusion into law of medical science and the problem of understanding partial insanity and delusion. In other words, the conceptual difficulties started when the law began to take mental disorders seriously and to formulate general principles to guide the legal response to these disorders. Bearing this in mind, it is hardly surprising that the Rules that were laid down in these circumstances were not a model of clarity.

The main preoccupation of the questions and answers was to clarify the law on cases of partial delusion, in which offenders 'are not in other respects insane' (Allen 2001: 216). Three main issues arose from the judges' answers to questions about the criminal responsibility of such offenders:

- the offender's knowledge of the nature and quality of the act;
- the offender's knowledge of right and wrong, moral and legal;
- the excusability of the act that the offender believed himself to be committing.

The central point in the Rules is the judges' opinion that the insanity defence can only succeed if it is proved that:

> at the time of committing the act, the accused was labouring 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 what was wrong.
>
> (Allen 2001: 216)

What they appear to mean here is that he must either not know what he is doing, in the sense that he does not understand that he is killing, or he does not know that this act of killing is wrong.

On the matter of knowing right from wrong, the answers are ambiguous. On the one hand, the judges reply that a partly deluded offender is punishable 'if he knew at the time of committing such crime that he was acting contrary to law'. On the other hand, switching to the language of moral value, they concede that the offender is punishable if 'conscious that the act was one that he ought not to do', if this coincides with violation of the law.

The most important point here concerns the distinction between the offender having general awareness of the difference between right and wrong – which indicates no more than the antiquated rationality test – and, more specifically, his 'knowledge of right and wrong, in respect to the very act with which he is charged'. In other words, he might have complete moral integrity without understanding that his own act is wrong, because of the nature of his delusion. M'Naghten and Hadfield, like many others, knew perfectly well that murder was wrong, but did not regard their own acts as murder. If the offender has the more specific understanding, the judges decided, then he is punishable. The question of knowing the law of the land, which virtually all offenders will be aware prohibits murder, obscures this issue of specific understanding.

The third point is the most difficult. The fourth question had asked whether a person committing an offence as a consequence of an insane delusion as to existing facts is thereby excused. The judges replied by dividing possible cases of delusion into two categories, those in which the imagined facts would have excused the act, and those in which they would not. 'We think he must be considered in the same situation as to responsibility as if the facts with respect to which the delusion exists were real' (Allen 2001: 217). Had the situation actually been as he in his deluded state imagined it, the criminal liability that would then have obtained is applied to the situation in which he now finds himself. The example given in the Rules is that if he believes himself to be responding legitimately to a deadly threat, he will not be held liable. If, on the other hand, he believes himself to be avenging an injury to his character or fortune, he will be held liable. This is how it would be if there were no delusion. In place of the plea of self-defence, those in the position of M'Naghten, for example, can plead insanity. Those who imagine themselves to be avenging an insult cannot.

Criticisms of the M'Naghten Rules

Despite the resilience and longevity of these Rules as the legal test for the insanity defence, they have been subjected to relentless criticism since their adoption in the 1840s. There are several types of criticism, coming from different directions.

The most general criticism is that, due to the ambiguity and vagueness of the language, especially on the legal–moral distinction, they are open to multiple interpretation that undermines their credentials as a clear and reliable guideline. Coupled with this is the criticism that they fail to provide

general principles adequate to the task of dealing with the variety of particular cases that the courts have to face. The vagueness especially applies to the concept of *knowing*. 'Knowing' the nature and quality of the act can be taken to indicate a literal understanding that, for example, guns are potentially lethal; or it can be taken in the more complex sense of appreciating the implications of the act of firing a gun. If the usage of the word is such that it can be taken either way, interpretation can be either factual or normative. This applies also to the phrase 'nature and quality'. This is interpreted by some to mean simply that the agent understands what he is doing, the two words being taken as near-synonyms. By others, it is interpreted as meaning an understanding of the nature of an act as what it factually *is*, and seeing the *moral* quality of the act. This confusion of factual and normative, it is commonly suggested, will inevitably lead to inconsistent interpretations of what the Rules require.

A more specific criticism relates to the coherence of the delusion test. The division of delusion into two categories – those in which the act would be justified if the imagined facts were real, and those that would not – is initially plausible, but on closer analysis is not entirely clear. One aspect of this criticism is that this rule is based on an artificial compartmentalisation of beliefs, implying the kind of distinctions that only an unimpaired rational mind can draw. With the partially insane, the ability to distinguish between life-threatening situations and relatively harmless ones is precisely what is said to have been lost or at least impaired. If someone commits murder in the belief that it is an appropriate response to an imagined insult, would this really be any less insane a delusion than that of one who believes himself to be defending his life? With all such delusions, the ability to make rational discriminations is at least seriously impaired. There is, furthermore, a deeper problem here. Is it really intelligible to instruct sane members of a jury to assess the excusability of an act carried out in the deluded belief that, for example, the defendant is the new messiah commanded by God to sacrifice himself, or that his victim is an agent of Satan, as if these 'facts' were *real*?

Historically, the most significant criticism of the Rules is that, in their tests for liability, they are narrowly and exclusively cognitive. They are said to be narrowly cognitive in the sense that they treat the state of knowing in a very restricted way, ruling out any emotional component of knowledge. It is therefore sufficient that defendants have formal knowledge of the nature and quality of the act, without needing full realisation and understanding. The Rules are said to be exclusively cognitive in that they focus solely on the cognitive, to the exclusion of other aspects of the defendant's state of mind, in particular, the volitional.

As we saw in the last chapter, one of the basic conditions for *mens rea* is that, at the time of the offence, there is an unconstrained will. If this freedom of will is absent or severely constrained, it is assumed to be an injustice to hold the agent responsible for the act. We also saw, however, that this was deeply problematic in the context of the defences of necessity and

duress. It is no less so with the insanity defence. Most critics of the M'Naghten Rules have focused their fire on the absence of the volitional condition, which is simply ignored in the Rules, thereby – the critics argue – opening up a wide gap for unjust convictions.

It is undeniable that the sole concern of the Rules is with what the agents believe and understand about what they are doing and about the rights and wrongs of it. There is no provision for offenders whose mental disturbance consists in their inability to prevent themselves from committing offences that they fully understand to be criminal and morally wrong. The criticism has been based on the claim that a large proportion of those who should be excused on grounds of insanity can be shown to be suffering from this kind of inability, rather than a demonstrable cognitive impairment. They might know perfectly well how bad the act is, but be unable to control themselves. For such offenders, treatment is said to be more appropriate than punishment. The most prominent demand of the campaign for the amendment of the Rules has accordingly been the inclusion of an 'irresistible impulse' clause, whereby those who are demonstrably incapable of resisting criminal impulses are also treated as insane.

Before we consider the problems with the irresistible impulse argument, it should be noted that this was not a post-M'Naghten innovation or an expression of an ultra-liberal interpretation of mental illness based on modern psychiatry. It was a response that arose immediately in Britain and the USA to the M'Naghten tightening up of the legal definition of insanity. In fact, it does no more than hark back to the original challenge to the anachronistic rationality test in Erskine's speech in 1800 and Cockburn's advocacy for M'Naghten in 1843. Each of these – rightly or wrongly – understood the new medical science to have demonstrated a close link between 'fearful delusions' and 'slaves of uncontrollable impulses' (Robinson 1996: 168). A volitional insanity defence, then, should have arisen naturally from the admissibility of partial insanity as a defence. Instead, the M'Naghten Rules closed the door on it.

Defences of the M'Naghten Rules

Defences of the Rules have been aimed in two directions: at those who regard them as too broad and liberal, allowing the insanity defence to offenders who do not merit it; and at those who see them as too restricted and illiberal, unjustly condemning as criminal and often executing too many mentally ill offenders.

The charge of ambiguity and vagueness can come from either direction. It can be argued by critics that this looseness of language allows too much discretion for the judicial direction of juries, allowing judges to exercise their own bias for or against those taking the insanity defence. Or it can be argued that this indeterminacy results in unreliable general principles, inevitably leading to inconsistency and injustice. Against either of these criticisms,

defenders of the Rules have seen this indeterminacy as the virtue of flexibility, rather than as the vice of ambiguity. It enables the court to deal with the unique facts of each individual concrete case appropriately.

As far as the charge of incoherence is concerned, there is no real answer other than to deny it and reassert the validity of the delusion test. If it is true that the Rules do not make good sense, it would seem that there is no convincing answer to the case for replacing them. A very general reply to this is that the Rules have provided a legal definition of insanity, rather than a medical one. As such, they are concerned not with a definitive distinction between the sane and the insane, but rather with a delicate balancing act between the requirements of justice and the need to protect the public from the criminally insane. What this involves is a practical decision within the legal profession on who is to be held criminally responsible and who is not. Bearing this in mind, it is said to be impossible to formulate general principles that are perfectly coherent.

Within the English legal system, resistance to the century-long campaign for an irresistible impulse amendment to the M'Naghten Rules has been implacable. A parliamentary bill in 1923, proposing the addition of a clause that it be proved that the defendant was capable of conforming his action with the law, was defeated in the House of Lords. Several recommendations in later years were also emphatically rejected. The reasoning behind this peculiarly English scepticism towards the idea of impulses that cannot be controlled is very complex, but there are three main types of argument.

The first and most obvious objection, frequently voiced in Parliament, is that the admission of irresistible impulse would have the effect of increasing the number of insanity defences beyond an acceptable level. In one sense, this implies that too many sane and cunning people would be capable of exploiting this defence; in another sense, it implies that the defence itself would be suspect, because even people genuinely subject to irresistible impulse should not be excused; everyone should be responsible for their own impulses – especially when the impulses are murderous – irresistible or otherwise.

A second type of argument questions the intelligibility of the concept of irresistible impulse. Kenny, for example, has argued that an impulse is by definition something that can be resisted (Kenny 1978). He argued further that, if there really is such a thing as the kind of compulsive behaviour that would remove criminal responsibility, it would have to be a literally unstoppable causal force. The test he suggests for such a force is that the agent would be compelled to perform these irresistible acts even if a policeman was standing next to him. People who display enough cunning to avoid the attention of the law cannot be deemed to be out of control of their own actions.

This scepticism was also voiced by Barbara Wootton (Wootton 1981), arguing from a quite different point of view that all criminals should be treated rather than punished. Her influential argument in this context was that one should not be too ready to infer from the fact that an impulse *has*

not been resisted, to the conclusion that it *could* not have been resisted. The assumptions she challenged were that impulses are always overwhelming, rather than mere temptation; that the more evil the impulse, the more difficult it must be to resist.

In Britain, sceptical arguments such as these against the introduction of irresistible impulse as a defence have prevailed. The significance of this issue, however, was radically altered by two pieces of legislation, the 1957 Homicide Act and the abolition of capital punishment in 1965.

Diminished responsibility and the 1957 Homicide Act

Instead of any amendment to or clarification of the M'Naghten Rules, a new special defence of diminished responsibility, adapted from Scottish law, was introduced into English law in 1957. This was partly a response to the long-standing dissatisfaction with the Rules, designed as it was to cover cases that do not involve the kind of cognitive impairment required for the full insanity defence. Insanity was and remains a complete defence – under the same Rules – which if successful leads to acquittal and confinement for life in a psychiatric hospital. In such cases, there is no responsibility. With the plea of diminished responsibility, the defendant is pleading not guilty to murder, but guilty to manslaughter on the grounds that he is less than fully responsible for his action. It is this reduction, this partial responsibility, that constitutes the important innovation. The defendant is held to be less than fully culpable, by virtue of what is now called 'abnormality of mind', in place of the much more specific 'defect of reason' in the M'Naghten Rules.

This plea has largely replaced that of insanity, because it leads to a definite prison sentence, rather than an indefinite confinement under the 1959 Mental Health Act. Until the abolition of capital punishment in 1965, defendants successful in either defence avoided the death sentence.

According to Section 2 of the 1957 Homicide Act, any person accused of killing or being a party to killing:

> shall not be convicted of murder if he was suffering from such abnormality of mind – whether arising from a condition of arrested or retarded development of mind or any inherent causes or induced by disease or injury – as substantially impaired his mental responsibility for his acts and omissions in doing or being a party to the killing.
>
> (Allen 2001: 528)

The key points here are abnormality of mind and substantial impairment of responsibility. What a jury is called upon to decide is, first, whether there is such abnormality, and, second, whether this has led to sufficient impairment of the defendant's responsibility to merit a reduction of the verdict from murder to manslaughter. At the same time, it must be found that there is sufficient responsibility – it is diminished, not negated – to merit a sentence

appropriate for manslaughter. In reaching these decisions, the jury is expected to take into account the evidence of medical experts only as one component of the evidence as a whole, including all witness statements and the demeanour of the defendant.

The 1957 Act, then, has replaced the 'insanity or nothing' situation with an alternative flexible enough to counter many of the criticisms of the M'Naghten Rules. The criterion of mental abnormality, replacing the strictly cognitive test, is deliberately phrased in such a way that juries are free to interpret it as emotional instability or constrained will, if they believe that this is enough to prove substantial impairment of responsibility. When a judge in 1961 attempted to exclude these non-cognitive factors, he was overruled on appeal (Bavidge 1989: 26). It was also through the 1957 Act that irresistible impulse was tacitly admitted, as acknowledged in the ruling on *Byrne* (1960), in which it was accepted that the 'inability to exercise will power to control physical acts', providing this inability results from the kind of mental abnormality specified in the Act, is allowable as a defence to murder (Allen 2001: 533).

Conclusion

What this reform of the law has amounted to in practice is a recognition that both mental disturbance and responsibility are a matter of degree, and a belief that the borders of insanity are grey areas in which the good sense of the jury, with the benefit of all evidence available, is the most reliable method for determining the presence of abnormality and the degree of responsibility. Historically speaking, this is a long way from the wild-beast test. Neither the 1957 Act nor the M'Naghten Rules require the defendant to be entirely devoid of rationality. The tension between liberal and sceptical responses to mentally disturbed offenders persists, but the test for criminal liability remains distinctively legal.

Study questions

General question: Is there a coherent and fair rationale behind the current excusing conditions for insane and mentally disturbed offenders?

Further study questions: Are the M'Naghten Rules consistent with the doctrine of *mens rea*? Is the delusion test a reasonable one? Is the criticism that the Rules are narrowly and exclusively cognitive justifiable? Was the exclusion of the volitional clause of *mens rea* from the insanity defence justifiable? Should an 'irresistible impulse' defence excuse an offender from criminal responsibility? Has the introduction of the concept of diminished responsibility solved all the problems raised by the M'Naghten Rules?

Suggestions for further reading

Recommended general works on insanity and the law are Robinson (1996), Reznek (1997), Fingarette (1972), Fingarette and Hasse (1979), Bavidge (1989) and Schopp (1991). There are also important analyses in Hart (1968: chaps 8, 9), Jacobs (1971: ch. 2), Ten (1987: ch. 6), Norrie (1993: ch. 9), Murphy (1979: chaps 9–11) and Kenny (1978: ch. 4). Porter (1987) and (2002) are excellent short histories of insanity.

For further information and analysis of the M'Naghten Trial and Rules, see Robinson (1996: ch. 5), Keeton (1961), West and Walk (1977), and Biggs (1955: ch. 4). See also the selections on 'legal insanity' in Morris (1961: VIII). The M'Naghten Rules are reprinted in numerous anthologies, including Morris (1961: 395), as well as in *Elliott & Wood's Casebook on Criminal Law* (Allen 2001: 4.1), which also contains other relevant cases and critical discussion of the problems dealt with in this chapter.