**The Insanity Defense**

The term "insanity" is a legal one, not a psychological term. Although definitions of legal insanity differ from country to country, generally a person is considered insane and is not responsible for criminal conduct if, at the time of the offense, as a result of a severe mental disease or defect, he was unable to appreciate the nature and quality or the wrongfulness of his acts.

This reasoning is, because willfull intent is an essential part of most offenses, a person who is insane is not capable of forming such intent. Mental disease or defect does not alone constitute a legal insanity defense. The defendant has the burden of proving the defense of insanity by clear and convincing evidence. . Some states in the US have instituted a verdict of "guilty but mentally ill". This verdict recognizes the need for treatment and mandates it, but imprisons those convicted if they are judged recovered before their sentence is completed.

The insanity defense is also complicated because of the underlying differences in philosophy between psychologists and legal professionals. In the United States, a psychologist (or other mental health professional) is often consulted as an expert witness in insanity cases, but the ultimate legal judgment of the defendant's sanity is determined by a jury, not by a psychologist. In other words, psychologists provide testimony and professional opinion but are not ultimately responsible for answering legal questions

The insanity defense is one of the most popularly depicted criminal defense strategies in television and film culture. This had given life to the perception that the defense is an easy solution to evading jail time. Nonetheless, the insanity defense as a strategy is fascinating and its validity widely debated since its inception in the twentieth century, mainly due to the difficulty in proving beyond the reasonable doubt that the criminal was insane during the commitment of their crimes and the ethical implications of allowing deranged criminals to avoid incarceration.

Technical Requirements of meeting the insanity defense in Canada:

The defendant has the burden of proving the defense of insanity. For you to return a verdict of not guilty by reason of insanity, the defendant must prove both of the following things by clear and convincing evidence:

(1) [he] [she] had a severe mental disease or defect at the time that the acts constituting the crime were committed;

and

(2) that as a result of this severe mental disease or defect, [he] [she] was not able to understand what [he] [she] was doing, or to understand that what [he] [she] was doing was wrong.

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https://www.psychologytoday.com/blog/almost-psychopath/201208/the-insanity-defense

What is it? In paragraph #1, please explain the insanity defense and some key components to it:

* What are the two legal components necessary in committing a crime? Explain what each means.
* When does the “Insanity Defense” come in to a crime?
* Would you say the “insanity defense” is easy to use in a criminal case? Why or why not? Statistically, how often is it successful/used?
* What qualifies as a “mental disease, or defect” that would be applicable to the insanity defense?
* What has been the traditional role of neuroscience in proving or disproving an insanity defense? How might this change as advances in neuroscience and genetic research improve?
* In your opinion, is the insanity defense a fair and viable one?

Finally, find a case where the insanity defense has worked and talk about whether you think it was fair or not, and why. How did it match, or not match, the criteria of meeting the insanity defense? Here are some potential cases: Ed Gein, John Wayne Gacy, Jeffrey Dahmer, Lorena Bobbitt, Jonathan Schmitz, John Hinckley Jr., Andrew Goldstein, Steven Steinberg, Daniels Sickles. Feel free to find a different case as well.