

MPC §4.01

- ◆ As a result of a *mental disease or defect* he or she lacked *substantial capacity* to:
 - *Appreciate* the criminality (wrongfulness)
 - *Conform his or her conduct* to the requirements of the law.

Questions about the Insanity Defense

- ◆ Should the definition of insanity include a volitional prong?
- ◆ What is the definition of “know?”
 - Formal cognition, or
 - The ability to evaluate conduct in terms of its impact on others and appreciate its consequences.



M'Naghten (p. 879)

- ◆ Defect of reason or defect of mind; *and*
 - Did not know the nature of the act, *or*
 - Knowing the nature of the act, did not know that it was wrong.

- ◆ Problems with test:
 - Complete impairment
 - Restriction to impairment of cognition
 - Artificial restriction on expert testimony

Questions about the Insanity Defense

- ◆ Should the definition of insanity include a volitional prong?
- ◆ What is the definition of “know?”
 - Formal cognition, or
 - The ability to evaluate conduct in terms of its impact on others and appreciate its consequences.
- ◆ What is the definition of “wrong?”
- ◆ What is the meaning of “mental disease or defect?”