

## Literature Review on the Controversies and Changes in the Insanity Defense since the Wild Beast Standard in 1723 until the Federal Insanity Defense Reform Act of 1984

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**Abstract :** Many variables led to the changes in the insanity defense since the Wild Beast Standard of 1723 until the Federal Insanity Defense Reform Act of 1984. The insanity defense is used in criminal trials and argued that the defendant is 'not guilty by reason of insanity' because the individual was unable to distinguish right from wrong during the time they were breaking the law. The issue that surrounds whether or not to use the insanity defense in the criminal court depends on the mental state of the defendant at the time the criminal act was committed. This leads us to the question of did the defendant know right from wrong when they broke the law? In 1723, The Wild Beast Test stated that to be exempted from punishment the individual is totally deprived of their understanding and memory and doth not know what they are doing. The Wild Beast Test became the standard in England for over seventy-five years. In 1800, James Hadfield attempted to assassinate King George III. He only made the attempt because he was having delusional beliefs. The jury and the judge gave a verdict of not guilty. However, to legal confine him; the Criminal Lunatics Act was enacted. Individuals that were deemed as 'criminal lunatics' and were given a verdict of not guilty would be taken into custody and not be freed into society. In 1843, the M'Naghten test required that the individual did not know the quality or the wrongfulness of the offense at the time they committed the criminal act(s). Daniel M'Naghten was acquitted on grounds of insanity. The M'Naghten Test is still a modern concept of the insanity defense used in many courts today. The Irresistible Impulse Test was enacted in the United States in 1887. The Irresistible Impulse Test suggested that offenders that could not control their behavior while they were committing a criminal act were not deterrable by the criminal sanctions in place; therefore no purpose would be served by convicting the offender. Due to the criticisms of the latter two contentions, the federal District of Columbia Court of Appeals ruled in 1954 to adopt the 'product test' by Sir Isaac Ray for insanity. The Durham Rule also known as the 'product test', stated an individual is not criminally responsible if the unlawful act was the product of mental disease or defect. Therefore, the two questions that need to be asked and answered are (1) did the individual have a mental disease or defect at the time they broke the law? and (2) was the criminal act the product of their disease or defect? The Durham courts failed to clearly define 'mental disease' or 'product.' Therefore, trial courts had difficulty defining the meaning of the terms and the controversy continued until 1972 when the Durham rule was overturned in most places. Therefore, the American Law Institute combined the M'Naghten test with the irresistible impulse test and The United States Congress adopted an insanity test for the federal courts in 1984.

**Keywords :** insanity defense, psychology law, The Federal Insanity Defense Reform Act of 1984, The Wild Beast Standard in 1723

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