

Insanity and Reliance on the Rational Man:  
Problems with the Integrationist Perspective

“No problem in the drafting of a penal code presents a greater intrinsic difficulty than that of determining when individuals whose conduct would otherwise be criminal ought to be exculpated on the ground that they were suffering from mental disease or defect when they acted as they did.”<sup>i</sup> As evidenced by this quote, the question of when or even whether or not to excuse an individual from a criminal action on the basis of insanity has always been a subject of philosophical and legislative difficulty. Countless tests have been devised to deal with this issue, and likely hundreds of papers have been penned regarding ways in which insanity legislation could be improved. A remote but distinct minority of individuals has even gone so far as to advocate a complete abolishment of the insanity defense altogether<sup>ii</sup>. While this latter view is far from the mainstream, it does much to demonstrate the unease generated by any criminal exculpation on the grounds of mental disease or defect.

One rather recent response both to this public unease regarding the current legal tests for insanity has been the creation of the integrationist test for determining legal culpability in cases of criminal insanity. While I feel this test is flawed in many regards, the most egregious of these errors results from a misattribution of rationality to the insane. The integrationist test requires an unreasonable standard of rationality to the point of being logically fallacious. I will illuminate the difficulties encountered by the integrationist perspective by first examining the virtues of its tenets, while ultimately presenting the means by which the test fails in its goals. In so doing, I will demonstrate the ways in which this error affects both actual and theoretical cases where the integrationist perspective is applied. Finally I hope to question, albeit inconclusively,

whether or not the flaws plaguing the integrationist test may be common to a plurality of legal tests for insanity.

There are three fundamental aspects to the integrationist test. The first of these is the clause found within seemingly every mainstream insanity test formulation. This test will exculpate those individuals on the grounds of mental illness “if *at the time of the offense, by reason of mental disease or defect...*”<sup>iii</sup> While this phrase may seem trivial or obvious, its maintenance is imperative for the appropriate treatment of any criminal insanity case. As a result of this clause, some of our less realistic fears regarding the exculpation of the criminally insane can be allayed. For example, an individual who has exhibited a history of mental illness is by no means given a free pass out of jail as a result of his or her perennial mental infirmity. A less obvious, though equally important, result of this phrase is to maintain the illegality of crimes that are not the direct result of mental illness. The actor must have lost rationality *with respect to the act in question*. So, for example, if an individual is hallucinating that he is on mars, but sees a man whom he wishes to kill and decides to kill him, he cannot successfully claim a defense of insanity. His delusions are tangential to his crime and thus cannot exculpate him from his legal fate.

This clause aside, the integrationist test does allow criminal exculpation on the grounds that the defendant:

- A) lacked the subjective mental state for the conduct, circumstance, or result element of the crime
- B) believed circumstances existed that, if true, would have justified the offense
- C) believed circumstances existed that, if true, would have amounted to duress, provided that
- D) he did not cause any of these mental states by purposely avoiding treatment knowing that such states would occur without treatment

In regards to the requirement of mens rea, this test allows leniency when an individual was completely unaware that he/she was committing a crime. It may seem unusual to find such an explicit claim to what should widely already exist in criminal sanctions, but upon further consideration this begins to make sense as a tenet of a criminal insanity defense. There likely exists a host of laws that one could not reasonably break without mens rea, excepting unforeseen circumstances like insanity. A specific example is the case of *People v. Wetmore*, where the defendant was charged with burglary after being found “in another person’s apartment wearing another person’s clothing.”<sup>iii</sup> Outside the schema of the criminally insane, it would have been difficult to predict that any citizen would find themselves in this situation. Thus it would seem that the original point of the integrationist test is reasonable. Furthermore, one finds little problem with the fourth test. It seems inherently reasonable to assume that an individual who avoids treatment for some disorder should be responsible for the repercussions of that avoidance, given the knowledge of the possible results of such avoidance.

It is with the second and third points that one can find difficulty. Both of these points allow an insanity defense when the defendant’s actions were justified, given the circumstances were as he thought them to be. On the surface, this appears to be an admirable addition to this insanity formulation. It provides for a defense of insanity based entirely on existing laws (those unrelated to insanity). According to the authors, this test allows culpability to be based on the “fundamental normative judgments of society.”<sup>iii</sup> The example cited in the literature for these tests is the historical case of M’Naghten, who famously committed murder as self-defense against members of the

Tory party who he felt were trying to kill him. Assuming for a moment that his claim to self-defense was justified given the circumstances in his delusion represented reality (a point beyond the scope of this paper), M’Naghten’s actions were legally defensible. One finds it relatively easy to place oneself in the shoes of M’Naghten and find merit in his actions. However, not all cases are so easily resolved.

The case of John Hinckley results in a much different outcome than that of M’Naghten under the integrationist test. John Hinckley attempted to kill President Reagan because “he thought that, if he did, Jodie Foster would fall in love with him or at least come to live with him.”<sup>iii</sup> Given this rationale, it seems obvious that Hinckley is suffering from some form of mental derangement. Furthermore, it would not be difficult to argue that this mental infirmity is of a similar severity to that found in the M’Naghten case. However, unlike the actions in the M’Naghten case, Hinckley’s actions lack a moral justification and thus disallow any pursuance of an insanity defense. Given the similarity in mental states of the two actors, how might this be the case? The answer is that in both cases, the integrationist test requires the insane act rationally given the circumstances of their derangement. As the love of Jodie Foster is difficult to rationally compare to the life of another human being (the president, no less), we conclude that any attempt to kill the president for the love of Jodie Foster would be immoral and thus legally reprehensible.

In order to be excused within the integrationist test, we require that the individual possess mere circumstantial irrationality, but forbid that same individual to have any deeper irrationality affecting their ability to work within the confines of either law or morals. Thus we require individuals under this test to be both insane given some set of

qualifications, e.g. the circumstances surrounding the crime, and perfectly sane given another, e.g. the moral and legal norms with which we are all well acquainted. It seems reasonable that an individual who is able to conclude that the murder of a famous political figure will result in the love of a famous actress may also suffer the inability to adequately prioritize the legal and moral ramifications of his or her actions.

Without stepping too deeply into the logic behind such a decision, the tenets of the integrationist test appear to contradict its very purpose. The standard excuses those criminals who have violated the law as a result of mental defect, given that they did not violate the law within the prism of that mental defect. At its most benign, this test draws arbitrary distinctions among equally severe symptoms. At its worst, this test is not so much a means of determining which crimes are morally excusable, but rather a conditional abolishment of the insanity defense altogether. Particularly damning evidence to this end is that the author advocates this approach in part due to its treatment of insane individuals “the same way we treat non-mentally ill people.”<sup>iii</sup> While it is easy to sympathize with the difficulty inherent in any reliable determination of criminal exculpation on the grounds of insanity, in the interest of justice it is imperative that a reasonable system exist for the excuse of those truly undeserving of their legal sentences as a result of some mental deformity<sup>iv</sup>. Clearly, this formulation is not that system. However, the difficulties in the integrationist scheme go beyond seemingly arbitrary enforcement of the law.

Aside from the moral difficulties surrounding an application of the integrationist test, there exist a whole host of practical difficulties not present in other insanity formulations. Juries may be required, as a result of this formulation, to assume the often

fantastic contrivances of the mentally infirm in order to make a determination as to whether or not the actions of the defendant were justified. Were the integrationist test applied in the Hinckley case, jurors would have been required to assume that murdering the president would, in fact, result in the love of Jodie Foster. Furthermore, they would have been required to navigate the relevance of such facts in the legal context. A less obvious example might be the case of Andrea Yates, where jurors would be expected to determine whether or not saving one's children from eternal damnation with Satan would be a worthy moral justification for murder<sup>v</sup>. Such a case transcends every aspect our current legal system, and would likely leave jurors without a spark of moral guidance. Still more colorful and less obvious examples are certain to exist, as it may be safe to say that many delusions of the insane are beyond our wildest capacity for imagination. This requirement of the integrationist test even feels a little nonsensical when truly considered. Taken in combination with previous findings, the integrationist test can be said to assume at least partial *rationality* on the part of the mentally insane criminal, and at least partial *irrationality* on the part of the (hopefully) mentally sane jurors. This reverse attribution of rationality requires that one consider the integrationist perspective with great care.

Given the egregious difficulties found within the integrationist test for insanity, it seems to obviously fail in its goals. However, a deeper question that must be asked as a result of this finding is whether or not this misattribution of rationality to the criminally insane is confined simply to the integrationist approach, or can be found in other insanity standards. Given that the basis of all criminal law is rationality, it seems almost impossible for the legally minded to eradicate from their biases an assumption that every individual must work off a sound grounding in both logic and reason. While a

determination of exactly what degree of reasonableness should be expected out of the mentally handicapped may be a question for another paper, it is safe to say that this determination will continue to make difficult the job of those required to adjudicate crimes of the criminally insane.

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<sup>i</sup> Model Penal Code and Commentaries. Section 4.01 pp. 164-172

<sup>ii</sup> Morris, Norval. Madness and the Criminal Law qtd in Excusing the Crazy

<sup>iii</sup> Slobogin, Christopher. The Integrationist Alternative to the Insanity Defense: Reflections on the Exculpatory Scope of Mental Illness in the Wake of the Andrea Yates Trial

<sup>iv</sup> Morse, Stephen J. Excusing the Crazy: The Insanity Defense Reconsidered

<sup>v</sup> Donno, Deborah W. Who is Andrea Yates? A Short Story about Insanity