

McNaughton's Rules

Written by K B Napier
Thursday, 10 March 2016 10:03

I first came across these 'rules' (the name is also written as M'Naghten) in the early 1970s when I came across the brutality of violent mental patients. A psychiatric nurse sees violence at closer quarters than the police and can readily observe its dynamics. The rules came about after a man named M'Naghten murdered Edward Drummond, in the mistaken belief he was the Prime Minister, Robert Peel (1843).

M'Naghten shot the Prime Minister's Secretary in the back, and he died a short while later. The case raised questions about insanity, and the principles discussed then allowed someone who was 'insane' to have a lesser judgment. The principles became known as 'M'Naghten's Rules'. Now, they are a standard test for criminal liability in common law, when crimes are committed by someone found to be 'insane' or otherwise mentally unbalanced. (Carl Elliott, *The rules of insanity: moral responsibility and the mentally ill offender*, SUNY Press, 1996, ISBN 0-7914-2951-2, p.10; Michael T. Molan, Mike Molan, Duncan Bloy, Denis Lanser, *Modern criminal law* (5 ed), Routledge Cavendish, 2003, ISBN 1-85941-807-4, p.352; United Kingdom House of Lords Decisions. "DANIEL M'NAGHTEN'S CASE. May 26, June 19, 1843". British and Irish Legal Information Institute).

Using the Rules, a defendant may be found "not guilty by reason of insanity", or, "guilty but insane" (a better assumption, because guilt precedes judgment). The defendant is then usually sent to a security mental hospital (in Britain this could be Broadmoor or Rampton, or one of the provincial hospitals with secure forensic units, such as the one I worked in). The length of stay is usually said to be 'indeterminate' – but, in reality, patients can be released after a few years. Such patients rarely enter the prison system. Not all countries recognise the Rules as legitimate.

I questioned these Rules when I was second-in-charge of a secure unit that housed thirty males, half of whom had committed murder, and the other half being guilty of extreme unpredictable violence and injury. I came to despise the Rules because I saw the REAL person behind the 'patient' label, and saw no true evidence of 'insanity', only a psychopathic hatred for people and a desire to commit violence. Am I saying that psychiatrists who examined these people on behalf of the law were duped by crafty individuals? Yes, I am.

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I say it because I often heard 'patients' say things to their consultants that I knew to be false, and construed to maintain an 'ill' tag. This was true of almost every patient in the hospital (and we had 2,000 of them). Almost no patient tells the truth, or the full truth. They all said things to their consultants that were very different to what they said to nurses. They told them what they thought they wanted to hear.

Consultants only saw an individual patient for about half an hour irregularly, once a week or less; consultants usually depended on nursing reports rather than on a regular clinical need to assess. Nurses saw them 24 hours, day and night, and could see and hear patients in their real state. And what I saw turned me completely against psychiatry as it was linked to non-physical behaviours and 'conditions'. To me, M'Naghten's Rules were an excuse made by liberal atheistic authorities who had no grip on the truth. Today we are seeing another erosion of reality by overturning the 'joint enterprise' rules in favour of sympathy for joint killers.

When I worked on the secure unit (bluntly called by nurses 'the violent ward', because violence took place several times a day and night: the hospital tried renaming it with a Welsh name meaning 'peaceful river in the valley'!! River of blood maybe!) I received a number of injuries, even after I was strangled almost to death by a convicted murderer on the unit. One could be very careful, as we all were, but injuries still came our way. It was during this period that the consultant asked us into his office. Only two of us were working that day. To give a very brief description – I was a slim person of ordinary height, and my second was a big man over six feet tall.

In the office (door unlocked because we were with him) he enthusiastically told us of a conference he had attended the day before, in which he heard that when facing a violent man one should not look him in the eye. This was supposed to defuse a situation. The two of us looked at each other and shook our heads. I told the consultant that looking at the person's eyes was invaluable, because we could see violence coming from the eyes! If we looked away when a man was already at boiling point, we would be 'dead meat'! The consultant waffled some more and left (accompanied by myself of course – he never walked alone in the unit) and I relocked the doors. He had no idea of life on a violent ward, especially not the 'nuts and bolts' of how to deal with a violent man whose only aim is to kill you. Needless to say, we ignored his advice, but this kind of socialist folly is widespread in psychiatry.

These kinds of ideas float around the heads of theoreticians. They are unreal and useless when it comes to those who kill. Also, at that time, after I had moved to another ward, I wrote three double-page articles for the local newspaper. I advised on these episodes of violence and exposed the attitude of the state. I even advised that some patients who were killers were

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demon-possessed.

You can guess what happened – consultants scoffed at the idea, maintaining that violence and murder were caused by ‘mental illness’. But, when you face a killer and you are alone, you can see what is going on in that person. I can say without doubt that some were definitely demon-possessed, given what they said and did, and the quality of their thoughts and actions. That was the first time I openly questioned M’Naghten’s Rules. It was my honest view, from experience, that the Rules exempted those who should really be hanged or locked away for life. The liberals howled in protest!

Background to the Rules

The idea behind the Rules is ‘compassion’, but they effectively mean two things: God’s laws are broken or ignored (that a murderer *must* be put to death), and consultants replace God with their own meagre authority. They insist that at the time of the killing the patient was incapable of making a rational choice.

My comment was that no consultant was on site when the murder was committed, so they could not possibly know what really happened. They rely solely on the person’s own testimony and, of course, on their own analysis, though they were removed from the actual incident. They arrogantly believe they can see through a person’s lies and attempts to place deceptions in the way. Yet, time and again, I witnessed patients deliberately lie to consultants AND dupe them!

Indeed, I have seen this many times in those who have a lifetime of lying and living with their own rules in life. They are ‘professional liars’ and can dupe just about anybody. Police come across these all the time, and just sigh when judges come to ridiculous conclusions. And many of these people actually boasted to me how they had done so! But, try telling this to arrogant consultants and judges!

No man can confidently assert that there was no criminal intent to kill, if he was not even there to see what happened. But, consultants and social workers always think they know best, so they decide to ‘treat’ the ‘patient’ instead of punishing him.

“... since they are without sense and reason and can no more commit a tort or a felony than a brute animal, since they are not far removed from brutes, as is evident in the case of a minor,

for if he should kill another while under age he would not suffer judgment." (Bracton, On the Laws and Customs of England II.424.24–27 [1210].).

This should sound alarm bells in anyone with an enquiring mind! But, these centuries-old ideas gained greater traction in Hadfield's Trial (1800 27 How St.Tr. 765). In this case the court said that if a person was deluded then the outcome could be excused. E.g. if a killer cut through a person's neck thinking it was a loaf of bread, then there was no crime, only a delusion-driven death. In truth, the killer murdered, whether or not he was 'deluded'.

In the same security unit I remember one man (who had tried to slit his mother's throat) stood on top of a table and launched himself at me with great ferocity, screaming that I was a Martian (what an old-hat comic excuse). That was a thwarted strangling episode, because other nurses were there to grapple with him. After that he wanted to strangle me several times, but without the convenience of thinking I was a Martian! It turned out that he hated me because I was a Christian, and he was an atheist. God protected me against this foul person, who knew exactly what he was doing; he was intelligent, so could easily divert attention from reality by claiming to be deluded or hallucinated. I cross-examined many violent patients and could only conclude they were rational and used psychiatric terminology to get away with their wickedness. Indeed, most of them knew psychiatry inside out!

The Hadfield Decision

James Hadfield had been awfully wounded in a battle, being struck eight times on the head by sabres, and these wounds had a decisive effect on his general life. He felt led to assassinate King George III in 1800, but was acquitted by reason of 'insanity'. His lawyer based his argument not on obvious insanity but on an underlying delusion, which made the attempt seem true at the time. The man was kept in an institution for life, because surgeons and a doctor advised that his previous war wounds were the real cause of the murder attempt.

In that case I must raise a query – how can experts come to a decision on something they did not witness, and could not determine as being the cause (because a man up for attempted treason can say anything he wishes to bring a not guilty verdict).

But, I can also say that if the man had been severely wounded in the frontal lobe of his brain, then his ability to be rational can be badly affected. So, the experts may indeed have been right ON THAT OCCASION. But, there is no way to check that idea or decision. Today, several X-rays and other mechanical tests can verify injuries to sensitive areas of the brain. But, even if

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such wounds had such an effect, it does not allow us to excuse a man, who still has the societal sense that murder is wrong. Look at it logically – if they do not know they did wrong, why do they run away and hide? Whether deluded or not, murder is a universal crime. Are terrorists deluded? Maybe so, but they also know that what they do is murder. They are guilty and we cannot excuse them because of delusional Islamic beliefs.

Hadfield was a member of a Millennialist group, and said that the Second Coming of Christ would be facilitated if he was killed by the British government. This raises yet another question – what teachings did he take in by this movement's preachers? Did they imply that such a hastened Coming was possible by being killed? It is not beyond the realms of reality, given what many false cults teach. In which case, he was guilty of a deliberate murder for political and fake religious reasons.

At that time (early 1800s) those thus acquitted were sent back to their families. So, in an attempt to stop another act of 'delusion' (such delusion not proven to exist), Parliament quickly cobbled-together the Criminal Lunatics Act, 1800. This allowed for such a person to be detained for an indefinite period. In this case Hadfield was kept locked up in the notorious Bethlehem Royal Hospital (known as Bedlam) for life; he escaped briefly but otherwise lived out his life there.

There is no way someone who was not present at a crime can, with confidence, say that the killer, or attempted-killer, had a mental derangement that caused his crime. It must all come from detailed interviews. But, I can assure readers that a clever criminal can manufacture a whole scenario and convince an 'expert' he was not in control of his mind at the time of the crime. All he has to do is to put his mind into the scenario and play it out in his own head, so that he will have no apparent contradictions in his story. I have seen it in operation many times. The very idea of insanity as an excuse comes from socialism, which does not accept the reality of sin and evil. Because of this the mental state of a person is assumed and to be responsible. But, it does not square with reality.

When devising the Rules, the House of Lords said:

"the jurors ought to be told in all cases that every man is to be presumed to be sane, and to possess a sufficient degree of reason to be responsible for his crimes, until the contrary be proved to their satisfaction; and that to establish a defence on the ground of insanity, it must be clearly proved that, at the time of the committing of the act, the party accused was labouring

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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." (United Kingdom House of Lords Decisions. "DANIEL M'NAGHTEN'S CASE. May 26, June 19, 1843.")

After studying law I can question that decision. The axis on which the whole argument spins is "*it must be clearly proved that, at the time of the committing of the act, the party 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*".

The essential words are "at the time". If the experts were not there at the time, and rely only on their own supposed knowledge, then they cannot claim that the person was acting out of an insane mind's delusion. It is even possible that the person WAS deluded before and after the act, but rational during it. There is no way to prove it.

Insanity in such cases is rebuttable, because it is a presumption. It is up to the experts to deny sanity. But, what does this denial rest on (that is, the person is insane)? Nothing more reliable than "the balance of probabilities". In this situation an expert must prove that mental aberration was more likely than rational thought! And this depends on the opinion of the expert/s, not on proved facts. The problem in raising this defence is that a lawyer is more concerned with winning his case, than with any underlying problem that might, or might not, be relevant.

The case of R v Clarke, 1972, in which Clarke claimed not to have realised she was shoplifting, was dubious because she based her claim on having depression. This carries with it many dangers for society. It was 'only' shoplifting but the precedent of M'Naghten's Rules was used in her defence. To give such a dismissal of judgment, one has to prove she was unable to use mental judgment *at the time*. Also, one has to accept the claim of 'depression' as an excuse, though mental 'illnesses' have yet to be proved to exist!

The case above was thrown out, but many use the precedent of the Rules to try to escape punishment. However, the criminal has to show substantial evidence of his or her mental inability. As I have said, there are very clever, and often highly intelligent, people who can defeat the investigation even of trained consultants.

In law a disease of the mind is not necessarily a disease of the brain (which I agree with in part – one has to believe there are 'mind' diseases first). In other words if one has a supposed

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'disease of the mind' it allows for the Rules to operate. In reality there are a few diseases of the brain that can cause malfunction, and I have seen these myself. I was in a mental health workshop, and a young man suddenly started to smash up everything he could get his hands on. He appeared to be in a state of wild anger and attacked those who tried to stop him. After a while he stopped and just collapsed. He was said to have had a *furor*, a violent episode caused by severe epilepsy. Now, though I was present, as were others, none of us could assert with confidence that his actions were caused by epilepsy; we could only say that it is *likely* they were caused by it. There are many other examples.

The question then is, do these claimed conditions *excuse* a criminal act? And, if excused, is it justifiable to also excuse the judgment? Sadly, the answers have been provided by socialistic, humanistic, atheistic thinking, which contradicts God's word.

Other physical diseases *could* cause a person not to act rationally. I say 'could' because there are people who will use their problem to cover their own anger or intentions. We know that in road accidents, a person's brain injuries can cause him to thrash about or hit out at people, as he becomes more and more agitated. So, there are certain reasons for what seems to be bad behaviour... but there cannot be a generalised law based on this kind of thing. And there is no true transfer of the same causation to 'mind' problems; as I have said many times, there is no actual proof that mental illness *as illness* exists. Unfortunately, 'experts' appear to think that certain sinful actions and behaviour equal illness. This is not necessarily so!

Hennessey had mild hyperglycaemia and stole a car. He did not take his insulin and was under stress. But, was this a real excuse? My own blood sugars have been high – but I don't steal cars as a result! And even under great duress, I do not murder anyone, or beat them without mercy.

The Conclusion?

Can being under a delusion prevent a man from being judged criminally guilty? Unless the man has a definitely diagnosed condition of the brain (examples are dementia, brain trauma, serious infection, etc.), he has no excuse. Supposed 'diseases of the mind' are academic and not proved by science to exist, such conditions as schizophrenia, depression, etc., do not, for me, hold water.

Experts assume a man acting under delusion does not know right from wrong. I would argue

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against this idea, given the facts in such cases. A murderer, for example, KNOWS he is doing wrong – he runs away and hides the weapon and tries to evade capture. These actions show that he knows he has done wrong and knew it was wrong at the time.

Most with a so-called 'mental illness' KNOW what they do is wrong or right. It is obvious in their pre- and post- arguments.

Given the possibility of being duped as an expert, serious crimes should be given a guilty verdict, but where there is no witness we should apply a biblical solution – no death penalty but a lifetime locking-up, to prevent any future similar crime occurring. This is common sense, given the number of killers given freedom because 'experts' say they are no longer a threat to society, and yet kill again.

We should not assume that an underlying condition is necessarily the 'cause' of a criminal act. Almost no 'expert' today accepts either psychopathy or sin to be causation, but Christians must apply scripture to all situations. I look at the rise of ISIS in Syria and elsewhere, and watch their horrific enjoyment when cutting off someone's head. In no way are their actions caused by an underlying 'condition', or even a religious delusion (Islam); the 'delusion' (from the Koran) is only a readily available excuse, even though its contents are irrational.

Their actions are caused by their psychopathic minds – that is, in my terms, a complete disregard for life and a love for murder. Few experts accept that someone can act this way rationally for enjoyment, but they do! And even fewer accept that such people act out criminally because of sin, the real underlying reason for *all* evils.

Do not, then, sympathise with those who commit murder or any criminal act, no matter how small, because they claim insanity or any number of 'mental' problems. Even today, African Muslims who commit rape in Europe are being excused because of 'the trauma they have endured in their countries'. This is a very liberal and false reason! The reason they rape is because it is taught to them by Islam and, of course, it excuses them when they wish to have sex! They pretend they are doing the will of Allah! But, the Rules will no doubt be used to free them.

The only rational and good laws are those based on God's laws and scripture. M'Naghten's

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Rules, coupled with the notion of 'rehabilitation and not death penalty', are based on liberalism and atheism. That is why criminality increases, especially murder and violence. And in mental hospitals and clinics today, many thousands dupe doctors into thinking they have a 'mental illness', because they simply wish to throw away responsibility for their lives. Anything they do after that kind of diagnosis (excuse) gives them room to do what they wish, and be called 'mentally ill'. Thus, they can literally 'get away with murder'.

What about crimes enacted because of influence of drugs, alcohol, etc? To me, those who take substances deliberately and then act criminally are not excused, because they *deliberately* altered their state of mind! They must receive the fullest judgment of the law, whether or not they realised what they were doing at the time. Anything else is a mockery. Christians have no right or warrant to follow the ideas of liberal laws and thinkers if such laws excuse sin, murder and violence. We are seeing the results of this faulty idea in the case of Islamic migrants in Europe, whose crimes and violence are excused by atheistic ideals. Be assured that this will increase all crimes, especially violence and murder.

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