

GCE

# LAW: CAPACITY DEFENCES OF INSANITY AND INTOXICATION

## SUGGESTED IDEAS FOR TEACHING AND LEARNING



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| <b>Teacher /Lecturer:</b> |  |
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| <b>Course:</b>  | <b>A Level Law</b>                                    |
| <b>Topic:</b>   | <b>Capacity defences of insanity and intoxication</b> |
| <b>Session:</b> | <b>Insanity</b>                                       |

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|-----------------------------------|----------------------------------|
| <b>Component:</b>                 | <b>A Level Component 2 and 3</b> |
| <b>Ref. to specification:</b>     | <b>Criminal Law</b>              |
| <b>Suggested time allocation:</b> | <b>4 – 6 hours</b>               |

**Aims & Objectives:** At the end of these sessions the student will be able to:

- **Explain** the defence of insanity
- **Define** the M'Naghten Rules with case examples to illustrate their application
- **Critically evaluate** the effectiveness of insanity as a defence
- **Analyse** the need for reform of the defence

### **Main Teaching and Learning Activities**

#### **Teacher/Lecturer Activities:**

- Give all students in the group a copy of the article: ““Deal with Jesus” led to bomber’s hate campaign” Daily Telegraph 22.10.01 and get them to read it (internet link below).
- Explain the defence of insanity from the M'Naghten Case 1843 using PowerPoint presentation questioning understanding throughout.
- Refer students back to the article above and get them to see whether they can apply the M'Naghten Rules to the facts to create some discussion.
- Give students handout with brief details of main cases and ask them to make a list of all of the conditions that the Courts have decided could fall within the definition of insanity.
- Facilitate open group discussion on what the problems are with the defence.
- Explain the outcome of a successful plea of insanity using PowerPoint presentation questioning understanding throughout.
- Explain the reforms suggested in this area of law using PowerPoint presentation questioning understanding throughout.
- Give students a copy of the case of Jules Lowe (internet link below) “Sleepwalker is cleared of murder after savage attack on his father” Times Online 19.5.05 and go through the details briefly with discussion.
- Explain the difference between insanity and automatism and that automatism may be used instead as this will be a link to the next lesson.

### Student Activities:

- Read article and have open group discussion on the verdict – do students agree or not and give their reasons.
- Make notes from the PowerPoint presentations throughout.
- Discuss how the M’Naghten Rules can apply to Glynn Harding in the article.
- Read handout and make a list of all the conditions that the Courts have considered to be insanity.
- Divide students into small groups and ask them to consider any problems there may be with the defence and whether the people in the cases in the handout should have been able to plead insanity or whether they would consider them insane.
- Read through the Jules Lowe case and discuss details.

### Suggested links / resources:

- <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2001/09/22/nbomb22.xml>
- PowerPoint presentation
- Handout of cases
- <http://www.timesonline.co.uk/article/0,,2-1531603,00.html>
- Criminal Law Jaqueline Martin

### Assessment of Learning

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| During the lesson    | Students will be continually assessed throughout the session on the basis of their contributions to discussion points and the answering of questions throughout presentations. |
| Subsequent to lesson | Homework –question on insanity<br>Link to next lesson on automatism  |