

Preface

Insanity cases may attract a lot of media attention. The severity of the crimes and their nature play an important role in this. The crimes tend to be strange, inexplicable, and shocking. Every decade has its examples of famous—or infamous—insanity cases, such as *Hinckley* and *Breivik*. Looking closely, debates about such memorable cases—and they are bound to be the subject of debate—are not limited to the cases themselves. The discussions may well involve the insanity defense as such. After John Hinckley attempted to assassinate U.S. president Ronald Reagan and was acquitted of his crime by reason of insanity, major revisions regarding insanity were made in many U.S. states; some even abolished the defense. After *Breivik*, legal insanity in Norway was reviewed by a commission as well. In fact, the defense has many components, and it is safe to say that most—if not all—of them are subject of debate.

Why should insanity be a component of our legal system? What should be the criteria for a successful insanity defense? What would be the reasons for abolishing it? Who should bear the burden of proof? This book addresses central questions about insanity from a multidisciplinary perspective. The perspective must be multidisciplinary because, even though insanity is a legal matter, it brings together three disciplines: law, ethics, and psychiatry. Each of them is relevant to answering central questions, and, therefore, it is not only natural, but necessary, to examine the concept and evaluations of insanity from a combined legal, psychiatric, and ethical perspective.

The reason why insanity is often debated, I suspect, cannot be explained merely by the legal relevance of the defense. Part of the explanation is the fascinating and puzzling nature of the issues under debate. They touch upon a variety of intriguing and perplexing subjects, such as serious crimes, getting away with crimes, fairness, ‘madness’ and the nature of mental illness, the reliability of psychiatric diagnosis and expert testimony, the use of neuroscience in the courtroom, blame, punishment, and free will. Some of these issues are practical in nature, others highly conceptual. They are drawn together by the topic of legal insanity. At least some of these notions are ones we tend to care deeply about, such as fairness, responsibility,

and freedom of choice. From my perspective, insanity is much debated not just because of practical qualms and interests, but also because we care about the concepts and values attached to it.

Even if this is not generally true, it is definitely what made me gravitate towards the concept during the first year of my postdoc in philosophy, working on a grant about free will and mental disorder. Legal insanity forcefully brought together my interests as a psychiatrist and my curiosity as a philosopher. Later on, the legal and neuroscientific intricacies only added to the appeal of the concept. Yet, in the end, it is the practice, it is the seriousness, and often the tragic sequence of events that gives the topic its relevance for me. I believe that, as a medical doctor, I would never have studied this subject for going on a decade now if, in the end, it were not about real people suffering from severe mental disorder—and doing justice to them.

Even though the topic of insanity as such is intriguing, writing this book would not have been as exciting as it has been without the input of many other people. For commenting on the manuscript, I am indebted to Sanne Buisman, Lisa Claydon, Iris Haenen, Tijs Kooijmans, David Ludwig, Ronnie Mackay, Marije Martijn, Bert Musschenga, Dennis Patterson, Hans Radder, Susanna Radovic, Henk de Regt, Dick Swaab, Jacco Verbugt, and an anonymous reviewer for Springer. I am particularly grateful to Stephen Morse, Nicole Vincent, and David Widerker, who contributed to this book through their thought-provoking writings and enlightening discussions. Furthermore, I am indebted to Stichting Koningsheide, and to Chris Wilby at Springer for his guidance and kind advice. Part of the research on which this book is based was funded by The Netherlands Organisation for Scientific Research. Finally, I thank my wife, Eva, for her many valuable remarks, but most of all for her loving support.

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