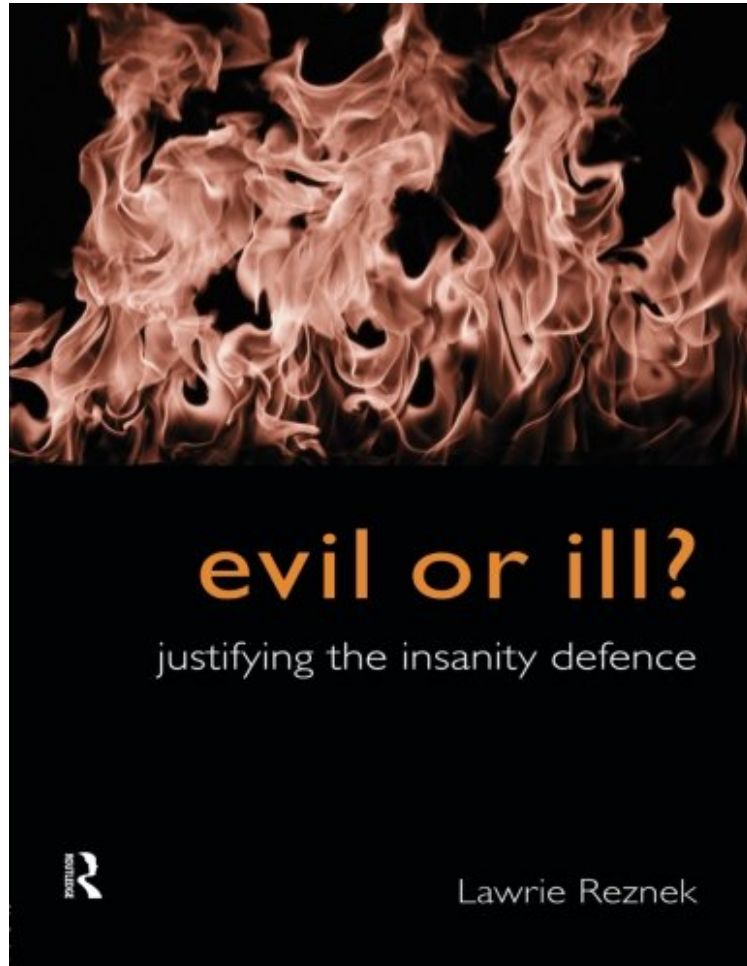


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## Evil or Ill?: Justifying the Insanity Defence (Philosophical Issues in Science)

*Lawrie Reznek*

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**Lawrie Reznek : Evil or Ill?: Justifying the Insanity Defence (Philosophical Issues in Science)** before purchasing it in order to gauge whether or not it would be worth my time, and all praised Evil or Ill?: Justifying the Insanity Defence (Philosophical Issues in Science):

2 of 2 people found the following review helpful. Mad or Bad By Hande Z What do we mean when we hold that a man is not guilty of a crime by reason of insanity? Can insanity justify a criminal act? These are the questions raised in Evil or Ill? Reznek begins by asking whether the excuses for a criminal act are factual, that is, whether the offender suffers from an illness that renders him incapable of controlling his actions; or whether, they are normative in that there are circumstances in which a man can be excused from criminal conduct. In the first instance, the question is best answered by psychiatrists, and in the second, by the jury, presumably, the point is that social norms are best decided by the representatives of society. Can the second instance question be answered by a judge? Can it not be better

answered by the legislature which should have a better gauge on the public pulse than a single judge unaccountable to no one? Accepting that a person can be morally excused if he has made every effort to control his actions but failed, Reznek enquires into the circumstances and criteria upon which we determine when a person has lost his self-control; and also to distinguish between an inability to control and a refusal to control. This book covers a very wide field and takes into account matters of psychiatry, law, and philosophy. In the area of jurisprudence, the author discusses the defences of insanity (in the varied ways in which that defence has been defined) and automatism, and the relationship between mental defences, that is, defences that depended on a state of mind that blots out mental culpability, and the general legal defence of an absence of mens rea, that is, the absence of the requisite mental state of mind that accompanies an act, rendering that act criminal. In the editorial description of the book, it was stated that Reznek proposes a third alternative to the traditional excuses for an offender, namely, ignorance and compulsion; and that third excuse was the character transformation of the offender, changing him from a good person into an evil one. If that was a major thesis of the author (and I do not think that it was) then it would be fair to say that it was not fully developed. The admirable study that preceded the last few pages in which the issue of a change in character was discussed was not sufficiently linked to the theory to support it. On the whole, however, this is a marvelous book for the layman (it was written with little professional jargon in spite of the wide field of diverse professional subjects) as well as the professional, particularly the lawyer and psychiatrist. It compels us to think hard and deep about what it means to be insane, and whether insanity should be an excuse for crime. The moral ambiguities of the many case studies are a good enough reason to read this book. How would you distinguish, for example, the surgeon who takes a 10% risk with his patient and the man who sprays a shotgun blindly into the woods?

Lawrie Reznek addresses these questions and more in his controversial investigation of the insanity defense in *Evil or Ill?* Drawing from countless intriguing case examples, he aims to understand the concept of an excuse, and explains why the law excuses certain actions and not others. In his easily accessible and elegant style, he explains that in law, there exists two excuses derived from Aristotle: the excuses of ignorance and compulsion. Reznek, however proposes a third excuse - the excuse of character change. In introducing this third excuse, Reznek raises a controversial possibility - the abolition of the insanity defence.

..."an important contribution to enlightened philosophical anthropology." - "Journal of the History of the Behavioral Sciences, Spring 2000" Reznek covers an impressively broad array of topics in relatively few pages. His presentation is entertaining, relevant, and readable. He shows courage in taking on some of the most difficult issues in forensic psychiatry.. - American Academy of Psychiatry and the Law, Volume 26, No. 3, 1998 About the Author Lawrie Reznek is a trained psychiatrist and philosopher who teaches psychiatry at the University of Toronto. He is the author of *The Philosophical Defence of Psychiatry* (Routledge 1991), *The Nature of Disease* (Routledge 1987) and *The Medicine Men* (1990).