

Mad or Manipulative: The Insanity Defense and the Shadow World of Serial Killers

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Abstract

This paper examines the controversial use of the insanity defense in cases involving serial killers. It explores how the legal system grapples with distinguishing genuine mental illness from manipulative behavior in individuals who commit horrific crimes. Grounded in the M’Naghten Rule, the research delves into high-profile cases like Ed Gein and Ted Bundy to question whether mental illness should absolve criminal responsibility. It also considers emerging concepts in neuroscience and proposes potential legal reforms to better address the complex intersection of mental health and criminal justice.

Introduction – The Labyrinth of Law and the Mind

Imagine a courtroom. A man sits placidly charged with unspeakable crimes — dismembering victims, displaying their remains, lacking any sign of regret. His defense? Not guilt—but madness. The insanity defense, one of the most contentious concepts in the legal system, dances a tightrope between justice and ambiguity, especially in the case of serial killers.

Rooted in the M’Naghten Rule (1843), which effectively says a person could not know right from wrong, the insanity defense says someone committed a crime and was unaware that their actions were wrong or that the act or crime occurred due to a “mental defect.” It leaves a deeply uncomfortable question for society to grapple with, too: Should a killer be released from full punishment because his mind was “ill”? In this paper, I explore the complex interplay of criminal law, psychology, and morality by commenting on several serial homicide cases where the insanity defense served as either a defensive shield or a smokescreen.

The Psychology of Monsters – Serial Killers and Madness

Serial killers are not ordinary criminals. They are frequently controlled and patterned and calculated—characteristics that seem to fly in the face of the randomness of real craziness. But, many of them have diagnosable mental illnesses, including antisocial personality disorder, schizophrenia, and psychosis.

The likes of Ed Gein, the grave robber and murderer who inspired such characters as Norman Bates and Buffalo Bill. Gein, who was diagnosed as a schizophrenic, was found not guilty by reason of insanity and confined to a mental hospital. Was that justice?

Compare that with Ted Bundy, who said no to any insanity plea and was executed. Although clearly a psychopath, Bundy had sufficient presence of mind and manipulation skills to act as his own attorney. He laughed at lunacy — for him the excitement came from commanding, not commotion.

And so we go ’round and ’round in circles, because here's the crux of the paradox: many serial killers are also, make no doubt about it, mentally ‘unwell’, but you can't deny they have an absurdly calculated,

well-executed method to their madness. So, does the fact that an evil mind is also diseased make the law crazy to hold it accountable?

Justice or Loophole or Legal Labyrinth?

The insanity plea is not a get-out-of-jail-free card. It's applied in less than 1 percent of felony cases, and successful in far fewer. But in serial killer trials, where it is pulled out, the public reaction inevitably tilts toward outrage.

John Hinckley Jr., who was found not guilty by reason of insanity of trying to assassinate President Reagan to impress the actress Jodie Foster. Reform efforts and more stringent laws followed in states across the nation.

Its critics say the defense creates a loophole for exploitation — particularly by serial, "highly intelligent" killers lacking emotions. Some of them may even play madmen to escape a more severe punishment.

Advocates for mental health, however, highlight that real insanity negates intent, an essential element of criminal liability. So also is punishing someone who was mentally incapable of understanding his actions, for an act which, in light of the circumstances, was unethical, and which, according to the principles of criminal law, ought to have been regarded as unnecessary when committed by him.

But does the fact that a person could plan, hide evidence and select victims over time disqualify that person as legally insane?

Blurred Lines – An Artistic Legal Tomorrow

In an age of neuroscience and brain scans, we may be heading toward "neuro-law" — where mental states are judged not just by human experts and psychology but also by data. Consider AI systems that help the courts to identify malingering, or real-time assessments of cognitive capacity.

What if the law budged to invent a new third category — neither guilty nor insane, but "pathologically dangerous"? A legal medium, acknowledging mental illness without excusing cold-blooded violence. They could be confined to hybrid facilities: secure, indefinite mental custody with no presumption of release.

In the end, the insanity defence in serial killer cases is not about softness or loopholes. It's the acknowledgement of an uncomfortable truth: that the human mind is a battleground and that evil sometimes hides itself behind the mask of illness.

If we ever succeed in deciphering the insane, we may discover that the law itself requires a psychiatric examination.

Conclusion:

The insanity defense forces us to rethink how we define "justice." And for the victims, there's never any real closure. For society, there is the fear of what is unleashed when the mentally ill commit murder. And there's for the law still that reoccurring puzzle of morality and responsibility — and the feeling that Sunday morning question: Was the killer mad — or just transcendently human?

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