

Symposium on Insanity as a Defense in Criminal Law: Introduction

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INTRODUCING THE PRESENTATIONS MADE IN CONNECTION WITH THE SYMPOSIUM ON INSANITY AS A DEFENSE IN CRIMINAL LAW

The advance of civilization can be gauged to a large extent by the interest its thinking men take in working out just rules of law. Presently there is a ferment in legal circles nationally over the enunciation of a rule of law which will better serve as a yardstick for the determination of criminal responsibility. This ferment has stimulated much thinking in judicial and legal circles in Wisconsin.

This atmosphere induced Marquette University Law School to offer a Symposium to think through in depth the whole question of the determination of insanity as a defense in criminal law. The Symposium faced up to a number of challenging questions. Have any advances in the knowledge of man and his behavior outmoded the *M'Naghten* rule? If so, to what rule should the shift be made? Should courts follow the *Durham* rule adopted by the federal court of the District of Columbia and by the legislature of Maine but already criticized by other federal courts? Should courts turn to the suggestion of the American Law Institute in its Model Penale Code?

This issue of the *Law Review* presents the thinking of the three men who made the major presentations at the Symposium. One presentation was made by a former law school dean and presently States Attorney of Cook County, Illinois, another by a nationally noted psychiatrist and a third by an eminent professor of criminal law.

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