The Defence of Insanity: An Escape Route for Jack the Ripper?

*Target Audience*
A2 Law students who are interested in exploring the defence of insanity.

*Key Concepts*
Insanity; Jack the Ripper; M’Naghten Rules.

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**The Activity**
Using the website [http://www.a-level-law.com/criminal/insanity.htm](http://www.a-level-law.com/criminal/insanity.htm), investigate the defence of insanity. What would Jack the Ripper (had he been caught) need to have proved in order to rely on the defence? To find out more about the history of the case, have a look at the information provided on the metropolitan police website, at [http://www.met.police.uk/history/ripper.htm](http://www.met.police.uk/history/ripper.htm).

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**Background Knowledge**
A basic grasp of the essential elements of a crime will be helpful for this task; namely *actus reus* and *mens rea*.

**Resources**
The pages from [www.a-level-law.com](http://www.a-level-law.com) regarding insanity will provide enough information for you to complete this task. You should, however, also read M’Naughten’s case, which is available via hyperlink on [www.a-level-law.com](http://www.a-level-law.com). This was a seminal case and is still the leading authority for the legal definition of insanity. To supplement your understanding, you could also refer to your A-level textbook, which should contain further information. Obviously, having some background knowledge of the Ripper case is essential to this task. For this, you need go no further than the Metropolitan police website, which gives facts on the investigation of the murders, the victims and the suspects.

**Outcomes**
This is a useful research task, and will enable you to get a really good idea of how the defence of insanity works in practice. You may want to work on your own, in a pair, or in a small group. You could then discuss exactly what Jack the Ripper would have needed to prove in order to rely on the defence. This is an interesting subject, so you may want to discuss with your teacher how you can pass on your findings to others.

**Helpful hints**
The following prompts might be useful:

- What must the defendant be suffering from at the time of the offence to rely on insanity, and what must this be caused by?
- What is meant by the term ‘nature and quality of the act’?
- What case involved a defendant who ‘did not know what he was doing was wrong’? How was the word ‘wrong’ defined by the court?

**Going further**
- If a defendant successfully raises the defence of insanity, what sentencing options are available to the court?
- In your view, is the legal definition of insanity appropriate in the 21st century? If not, why?