

Psychological **MEDICINE**

MONOGRAPH SUPPLEMENT 17

Automatism, medicine and the law
by Peter Fenwick

Cambridge University Press

Automatism, medicine and the law

To be found guilty in English law a defendant must have a guilty mind. This is the doctrine of *mens rea*. The deed does not make a man guilty unless his mind is guilty. There are three defences against a guilty mind: that the mind is innocent; that it is insane; or that mind is absent. The absence of mind is the defence of automatism. Automatism has for many years been a grey area of the law, although more recently a number of cases have helped clarify this area. Medically, most doctors understand the meaning and mechanism of an automatic act. Confusional states due to cerebral tumour, epilepsy, arteriosclerosis, hypoglycaemia, alcohol intoxication, are all included.

The lawyers have a quite different set of definitions, although they use the same word automatism. Legally, there are two types of automatism, those due to disease of the mind – insane automatism; and sane automatisms (automatism simpliciter). Insane automatisms arise from an internal factor, such as epilepsy or cerebral tumour. Sane automatisms arise from an external factor such as an injection of insulin or a blow to the head. With an insane automatism, the defendant is sent to hospital by the Court. With a sane automatism the defendant walks free.

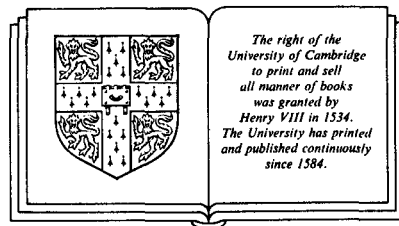
This monograph examines the current state of automatism, medicine and the law. It traces the history of the development of the law on automatism, and examines those medical conditions which could give rise to a defence of automatism. As it stands, the law on automatism is unsatisfactory, these are some suggestions of possible changes in the current law.

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