



## Judging Insanity, Punishing Difference A History of Mental Illness in the Criminal Court

SERIES: THE CULTURAL LIVES OF LAW

CHLOÉ DEAMBROGIO

In *Judging Insanity, Punishing Difference*, Chloé Deambrogio explores how developments in the field of forensic psychiatry shaped American courts' assessments of defendants' mental health and criminal responsibility over the course of the twentieth century. During this period, new psychiatric notions of the mind and its readability, legal doctrines of insanity and diminished culpability, and cultural stereotypes about race and gender shaped the ways in which legal professionals, mental health experts, and lay witnesses approached mental disability evidence, especially in cases carrying the death penalty.

Using Texas as a case study, Deambrogio examines how these medical, legal, and cultural trends shaped psycho-legal debates in state criminal courts, while shedding light on the ways in which experts and lay actors' interpretations of "pathological" mental states influenced trial verdicts in capital cases. She shows that despite mounting pressures from advocates of the "rehabilitative penology," Texas courts maintained a punitive approach towards defendants allegedly affected by severe mental disabilities, while allowing for moralized views about personalities, habits, and lifestyle to influence psycho-legal assessments, in potentially prejudicial ways.

*"Judging Insanity, Punishing Difference powerfully explores how legal, economic, and cultural forces in Texas have undermined criminal defense attorneys' efforts to save their mentally ill clients from execution. Surveying over one hundred years of cases, Chloé Deambrogio offers a vital and harrowing account of why jurists, lay people, and even psychiatrists themselves have made mercy for the mentally ill the exception rather than the rule."*

—Daniel LaChance, Emory University

*"Chloe Deambrogio's engaging and insightful account sheds new light on the ways in which changing paradigms in psychiatry and law influenced outcomes in Texas trial courts in capital cases over the course of the twentieth century. Among its many strengths is its careful exposure of underlying assumptions about race, gender and sexuality in diagnostic and trial processes."*

—Nicola Lacey, The London School of Economics and Political Science

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Chloé Deambrogio is a Junior Research Fellow in Law at Merton College, Oxford. Her research sits at the intersection of critical legal theory, death penalty scholarship, mental disability law, and race and gender studies.

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