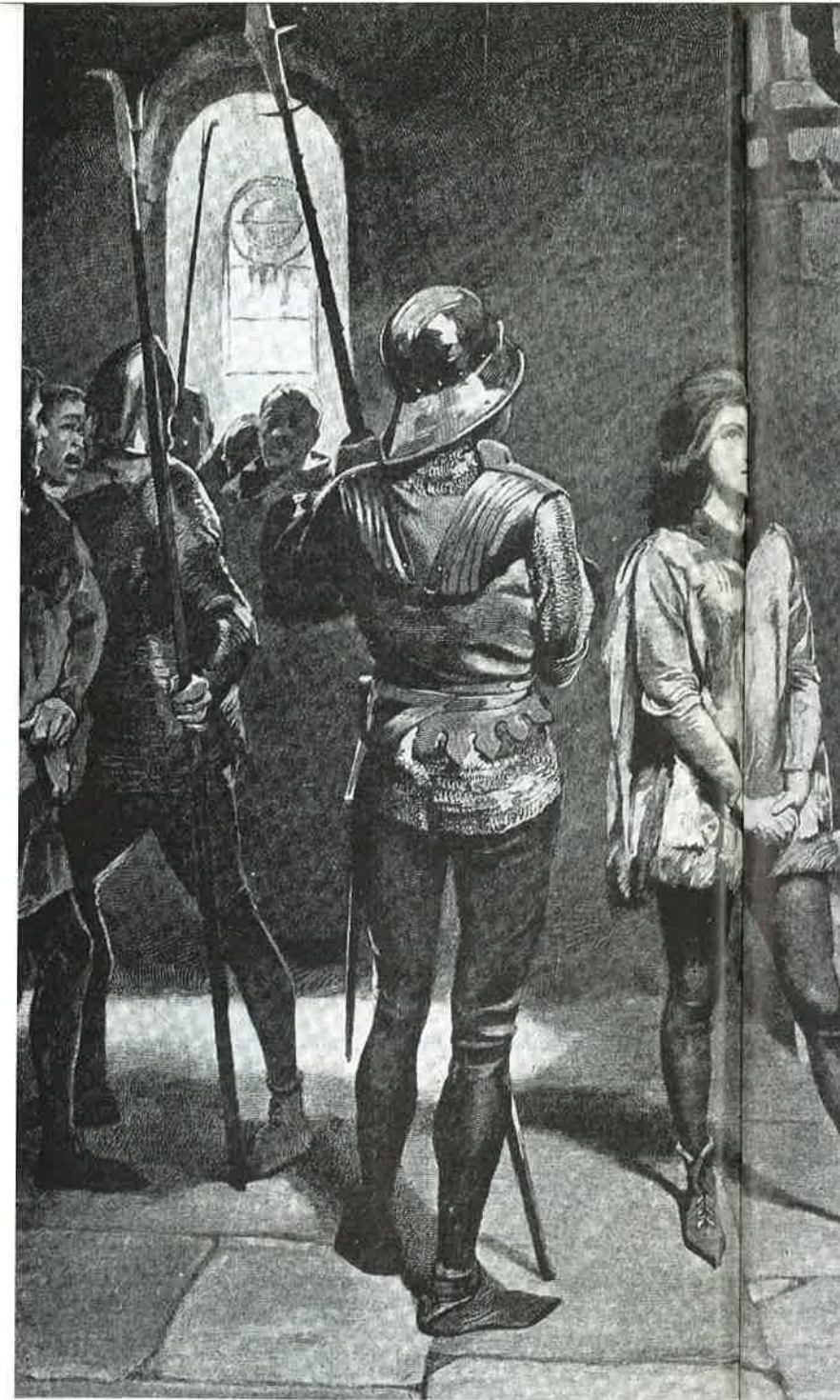


# Was Joan of Arc criminally responsible for her alleged acts of heresy?

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The trial of Joan of Arc, painting by Frederick Rae. © Bettmann/CORBIS

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## Premise

**Mr. Larry Pitrof:** Since her death, historians, medical experts, and clergy have debated the psychological health of Joan of Arc, a patron saint convicted of heresy in 1431 and burned at the stake. Nearly six centuries after her death, the University of Maryland Schools of Medicine and Law convened a second phase of Joan's trial to determine if she could be deemed criminally responsible for her actions under Maryland law. The mock trial brought together a leading scholar on Joan of Arc and medieval heresy, two prominent forensic psychiatrists, and two distinguished trial lawyers experienced in such cases. It examined Joan's mental capacity to appreciate the criminality of her heretical conduct and to obey church law, as well as the broader issue of the legal definition of insanity and how it is applied today in American courts of law.

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**Historical overview**

**Dr. Karen Sullivan:** Joan of Arc appeared on the public stage in March 1429, claiming to have been sent by God to champion the French dauphin's cause against the English and their Burgundian allies. She seemed to validate her claim by relieving the siege of Orléans and by leading the dauphin to Reims to be crowned. She was eventually captured, tried, and convicted of heresy by Burgundian clerics in 1431.<sup>1</sup> Although Joan's judges were biased against her, they nevertheless recorded her responses under interrogation faithfully and accurately, ultimately producing the most detailed and extensive transcript of any trial of the Middle Ages.<sup>2</sup> Twenty-five years after her death, the dauphin, who was by then recognized as King Charles VII of France, ordered new proceedings that annulled her conviction. During the second (rehabilitation) trial, officials interviewed Joan's fellow villagers, her companions-at-arms, and many who participated in the trial at Rouen. The various documents derived from these interviews are remarkable for their extensive coverage of Joan's activities during the two brief years of her public life, and for the depth of insight they offer into her mental state at that time.<sup>3</sup>

From both the condemnation and the rehabilitation proceedings, we know that Joan participated in folk rituals of dubious orthodoxy. These rituals took place not far from her village of Domrémy and involved a large beech tree known as

the "Fairy Tree," where she and her companions gathered from time to time to weave garlands, sing, and dance. The clerics at the condemnation trial maintained that the "fairy ladies" thought to inhabit that tree, however innocuous they might have seemed to Joan, were either angels who directed people to God, or demons who turned them away from Him. Their failure to recognize God, the clerics maintained, placed the fairy ladies in the latter category. Joan was aware that the tree was called the "Fairy Tree" because "fairies (*faees*)" or "fairy ladies (*dames faees*)" were believed to frequent its premises, and told the clerics that one of her godmothers claimed to have seen fairy ladies. When asked if she believed that her godmother had actually seen them by the tree or if she believed that fairy ladies were evil spirits, Joan claimed in both cases to know "nothing about it."<sup>4p65,66,169</sup>

Joan also related in the condemnation transcripts that from the time she was 13, she heard a voice (or voices) two to three times a week telling her that she must leave her village and go to France to promote the cause of her dauphin. Although an ordinary, virtuous, village girl, she insisted she left her parents' house to become a captain-at-arms only because the voice told her she must do so. Otherwise, she maintained, she would have preferred to remain spinning at her mother's side. The clerics at the condemnation trial were skeptical of her professed motives, particularly so because, in answers to their interrogations, her

letters to the English, and in utterances rehabilitation witnesses attributed to her, she spoke enthusiastically of the pleasure she took in a good sword and her companions-at-arms.

An incident after her capture by the Burgundians gives further cause to question Joan's claim that she was God's agent. In May 1430, after receiving a report that Compiègne was besieged by the Burgundians, Joan rushed with her troops to the city's defense. It was there that she was seized by Burgundians during a skirmish. Subsequently, she learned that the city had been taken and that all of its inhabitants above the age of seven were to be put to death. She also learned that she would soon be sold to the English. In response, she leapt from the 60-foot tower in which she was being held; although knocked unconscious, she was otherwise unharmed and was soon returned to her cell. During her interrogation at Rouen, Joan claimed she leapt from the tower so that she might rescue the people of Compiègne and escape her own bleak fate at the hands of the English. "I did this, not out of despair," she claimed, "but in the hope of saving my body and going to help many good people who were in need."<sup>4p153</sup> She added that she meant, "by means of this leap, to escape being delivered over to the English."<sup>4p145</sup> The



clerics suspected her motive was suicidal, which she seemed to confirm by stating that she rejected her voice's counsel not to leap because "she would have preferred to die than to be in the hands of the English, her adversaries."<sup>4p145</sup>

On May 24, 1431, Joan was taken to the cemetery of the church of Saint-Ouen and publicly denounced in the shadow of the stake on which she was to be burned. Exhausted after months of unrelenting pressure to renounce her voices and to submit to the judgment of the clerics who denounced her, she finally relented and signed a statement of abjuration. On the insistence of the clerics, who had long objected to her masculine attire, she adopted feminine dress, expecting to be transferred to an ecclesiastical prison staffed by female guards. Four days later, she resumed her male attire, explaining, "It was more permitted or suitable to have men's clothes when she was among men than to have women's clothes. . . . If it were permitted," she said, "that she go to Mass and be put out of iron shackles and be given a gracious prison, with a woman, she will be good and will do what the Church wants."<sup>4p396-97</sup> Thus, she appears to have disobeyed the clerics' orders regarding her attire, because she felt more secure in men's clothing among the male guards with whom she was forced to remain. She also expressed a wish "to do her penance at once, that is, in dying, [rather] than to support her suffering in prison any longer."<sup>4p399</sup> Thus, just as the leap from the tower seemed both self-protective and self-destructive, Joan's return to men's clothing seems to have been intended both to protect her from sexual assault by her guards (to which she had likely already been exposed) and to ensure her eventual immolation.

The historical record supports conflicting interpretations of Joan's mental state during her brief public life. As the clerics saw it, she was fully responsible for her actions. However, as her contemporary, Christine de Pizan, and other sympathetic observers saw it, she was not responsible; instead, she acted as an instrument of God in performing the deeds for which she has come to be honored. The debate over the nature of her calling, although medieval in its metaphysical basis, has relevance even today to the question of whether an individual suffering from a mental disorder should be held criminally responsible for unlawful conduct.



**Experimental design**

**Dr. Jonas Rappoport:** The mock trial is to the law school, legal profession, and forensic psychiatry what the clinicopathological conference (CPC) is to the medical school and the medical profession. Our mock trial was organized as the second phase of a bifurcated trial of Joan of Arc, and involved two legal teams, each composed of a leading forensic psychiatrist and an experienced trial lawyer, and presided over by a judge of the Maryland Court of Appeals. A leading Joan of Arc scholar acted as historical consultant. She also assumed the persona of the defendant in proxy examinations by the two forensic psychiatrists and in proxy

psychological testing (Appendix 1). The testimony given in the psychiatric examination and the psychological test results were admitted into the trial as evidence. The audience, composed of some 191 mostly professional men and women, acted as jurors. The presiding judge instructed them about their responsibilities before their deliberations, pointing out that Maryland law places the burden of proof on the Defendant to establish that she or he lacks criminal responsibility by a preponderance of the evidence (that is, greater than a 50 percent likelihood that the Defendant's plea is valid).

**Appendix I: Proxy psychological assessment Referral information**

Joan of Arc is a 19-year-old female charged with a series of offenses against the Catholic Church. She was represented by Dr. Karen Sullivan in this proxy psychological assessment.

**Procedures**

Beck Depression Inventory (BDI), Personality Assessment Inventory (PAI), Minnesota Multiphasic Personality Inventory-2 (MMPI-2), Millon Multiaxial Clinical Inventory-II (MCMI-II)

In view of the circumstances of this case, it was not possible to follow an examination of the test results with a clinical interview. Hence, it was not possible to elaborate on or clarify test findings by talking with the defendant. Also history pertinent to this report is limited to that found in the available record.

**Assessment**

The results of this assessment are tentative in view of incomplete background information and the inability to follow testing with a clinical interview and medical evaluation. However, based on current information, there does not appear to be evidence of a formal thought disorder. Findings from formal personality measures were not those typically obtained from schizophrenic individuals. While the defendant reported experiencing voices and visions since age 13, there is no evidence from available history suggestive of loose associations, tangentially, or thought derailment. In addition, military campaigns typically require the ability to lead, communicate, plan, and organize at a level beyond what would be expected for an individual suffering from schizophrenia.

What appears most pertinent to the defendant's current legal situation is that, whatever the cause of her religious apparitions, she appeared convinced of their reality. Hence, whether her experiences of religious visitations were real or secondary to some form of emotional disturbance or organic pathology, she seemed convinced of their authenticity. These religious apparitions were of adolescent onset. With some variation in content, they have been consistent over time, and her behavior has been consistent with the content of her beliefs.

Given the available history and current test findings, the most likely differential diagnoses include:

- 1. Religious visitations (real)
- 2. Delusional disorder
- 3. Neurobehavioral disorder likely secondary to temporal lobe dysfunction.

Robert L. Kane, Ph.D. ABPP-Cn  
Director, Neuropsychology



Our mock trial did not contest Joan's controversial conviction in the first phase of her (condemnation) trial, which found her guilty of heresy in 1431. It considered only the second phase of an imaginary, bifurcated trial, which sought to determine if she would be found criminally responsible for her actions according to current Maryland law, which stipulates:

A defendant is not criminally responsible for criminal conduct if, at the time of the conduct, the defendant, because of a mental disorder or mental retardation, lacks substantial capacity to: Appreciate the criminality of that conduct; or conform that conduct to the requirements of the law. For purposes of this section, "mental disorder" does not include an abnormality that is manifested only by repeated criminal or otherwise antisocial conduct.<sup>5</sup>



### Arguments

The following closing arguments summarize the positions of the opposing legal teams during two 30-minute sessions of expert testimony and cross examination.

### Argument for the defense

**Mr. Roger M. Adelman** (counsel for the defense): I submit to you that the testimony permits only one just verdict, that is, that the Defendant (Joan of Arc) was not responsible for her criminal conduct. She was not responsible for her criminal conduct because of the mental disorder Dr. Carpenter concluded she had. Dr. Carpenter said she had a delusional disorder (Appendix 2). Because of her illness, she was committed to the beliefs, false as they were, from the time she was 13 to the time she died—that God and the angels had instructed her to do what she has been convicted of. She must, therefore, I submit, be found not to be able to appreciate the criminality of her conduct. "Appreciate," in legal terms, refers to the ability to realize or understand conduct as being criminally wrong.

The criminal conduct of which the Defendant was convicted in the first phase of this bifurcated trial, she believed was God's will as conveyed to her by angels. In some other case, one might conclude that the Defendant was fabricating voices. Not so in Joan's case, because she heard her voices for six years before her capture, and would not deny them during four months of intensive interrogation by a host of religious experts, clerics, and scholars. It simply is not logical to conclude that she fabricated her voices and went to her death refusing to deny them. For years, she conformed to the directions given to her by her voices. She did so well before her incarceration in 1430. She went to see the king; she supplicated before the king; she had an audience with him; she led the people into battle—all of these things, long before her incarceration.

### An unshakeable belief that God talked to her

#### Appendix 2: Expert opinion given by the psychiatrist for the defense

Dr. William T. Carpenter: Within a reasonable degree of medical certainty, I determined by forensic psychiatric examination of the Defendant that she suffered from delusional disorder, a severe mental illness. Delusional disorder is a psychotic disorder, one in which a person experiences hallucinations, sees visions, or hears voices that cannot be validated by other people, and forms false beliefs as a result of these delusions. It is a longstanding disorder. The delusions, the false beliefs themselves, are not typically bizarre. Rather, they are credible and compelling and shape the patient's life and behavior.

I believe the record is clear that for a period of some years, including the entire period during which the criminal activity took place, Joan heard voices; she heard them repeatedly; they began and became more intense over time; the identity of the voices became clear to her; and they became increasingly compelling and consistent in their themes. Based on this and what she took to be the direction of God as transmitted through these voices, Joan developed the false beliefs that her mission was to save France; that she should go to the king; that she should lead an army; that she should raise a siege; and these behaviors continued through the period of incarceration.

Joan lacked a substantial capacity to conform her behavior to the requirements of the law. She felt that she must follow the will of God; that she could not do otherwise; that this was a requirement and represented a high moral standard. It was what she was trained to do by family and church. In much the sense of a mother rushing to the hospital with a scalded infant knowing that it was illegal to run a stop sign or exceed the speed limit, she would be unable to conform to the requirements of the speeding law under this particular circumstance.

There was a time when Joan did not conform her behavior to the directions of her voices. But what is important in a psychiatric evaluation is to understand the dominant pattern, the longstanding pattern. In her circumstance, perceived as under God's direction, she had a mission. This higher calling made it impossible for her to comply with the requirements of the Church. Disobeying her voices and jumping from the tower at Beaufort, I believe, is the exception that proves the rule.

A delusional disorder is a long-lasting trait, but it can wax and wane in intensity. The dominant theme for Joan over many years was the importance of fighting to save France with the guidance of voices inspired by God. When the voices were less compelling, and she jumped from the tower, she experienced a moral conflict. She felt she must try to save the women and children of Compiègne, even though St. Catherine had told her not to leap. The main pattern, however, was to conform her behavior to the direction of the voices. This remained true in constantly challenging circumstances, including a long period of incarceration and interrogation.

#### Appendix 3: Expert opinion given by the psychiatrist for the prosecution

Dr. Robert T.M. Phillips: I believe that the behavior that created for Joan of Arc her life's dilemma was due primarily to her personality organization and not to an underlying delusional disorder.

Personality defines who we are. It is the totality of emotional and behavioral traits that characterizes a person in the day-to-day experiences of life. Under normal circumstances, personality is relatively stable and predictable. Personality traits are consistent patterns or characteristics that an individual uses in perceiving and relating to or reacting to the environment. Generally, such traits are adaptive. We are all a bit obsessive, somewhat compulsive, somewhat narcissistic. Such traits become personality disorders only when they are so pronounced they cause impairment in social and occupational functioning.

Narcissistic persons typically have a heightened sense of self-importance, and grandiose feelings that cause them to believe they are unique. They consider themselves special and expect to be treated as such. They handle criticism poorly. They want their own way. They are characteristically ambitious. They have a strong sense of entitlement and a disdain for rules limiting access to perceived entitlements. They have a "personality problem," not an Axis I psychiatric illness, such as "delusional disorder."

Joan of Arc exhibited an interpersonal style that was at times self-serving, and a behavioral pattern that frequently placed her own needs and objectives above those of others, not to mention the law. She was totally immersed in her political belief system, and greatly minimized the effect that it had upon her life and upon her circumstances at the time of her trial. Her repeated assertion that she was doing God's will simply made it easier for her to distance herself emotionally from her self-serving decisions. Commanding an army and a nation was her dominant ambition.

Her assertions were not likely a function of delusion. In my clinical opinion, they were more likely a manifestation of her own

self-aggrandizing, extraordinary desire to succeed as the self-proclaimed savior of the king of France. Joan was an extraordinarily accomplished woman; she had incredible skills; and she was totally committed to a single political cause. Her choice not to comply with the requirements of the Church arose in the service to her own wants, needs, and desires. Zealotry, not mental illness, was her motivating force.

I do not believe to a reasonable degree of medical certainty that she suffered from a delusional disorder. There is no history of mental illness in her record prior to her confinement; there is no history of treatment for such an illness nor any history of treatment during her confinement.

Most practitioners believe that patients with delusional disorders are socially isolated, under-achievers. That was certainly not the case with the Maid. Her achievements were extraordinary. She was not delusional; she was narcissistic, profoundly narcissistic, as reflected by the psychological test results provided by Dr. Kane, her case history, and my own forensic examination. Dr. Kane identified strong religious and political belief systems expressed in a direct manner. In fact, in her actions and in her interview, she was guarded, compulsive, abrasive, and easily angered. Her test results suggest a person with a stable self-concept. They portray the Defendant as confident, optimistic, and goal-directed. However, her personality emerges as domineering and controlling. She exhibited little tolerance for those disagreeing with her plans or objectives. She regarded herself as flawless.

With regard to the actions for which she was tried and convicted of heresy, it is my opinion that her constant refrain that she simply rendered unto the Church what was the Church's and unto God what belonged to God was nothing more than evasive and manipulative. In the clinical context, I believe Joan of Arc made decisions that were free and knowing and voluntary and unencumbered by any mental illness, disease, or defect. Her claim of service to God, in my clinical opinion, was nothing more than a veil within which she cloaked her own desires so that they might be more readily fulfilled.

The government maintains that a defense based on a diagnosis of delusional disorder is an act of desperation. It is not. The evidence presented by Dr. Carpenter shows convincingly that Joan's voices were persistent. When asked whether the actions taken by the Defendant in response to her voices were wrong, she explained that they could not be so, because they were what God wished. That was her unshakeable view. Because of her voices, she could not conform her behavior to the requirements of the law and, according to the Court, "conformity means the ability to act as the law requires a person to act." Dr. Carpenter has informed us that the Defendant was unable to do so. She simply believed with all her heart and soul that God was guiding her actions.

As the government has pointed out, in insanity pleas the

burden of proof is on the defense. However, that burden is simply to provide a preponderance of the evidence in favor of the plea—a little bit more evidence than the government offers to refute the plea. It is not an enormous burden and, indeed, one more than met by Dr. Carpenter's testimony. If a jury believes that a defendant could not appreciate wrongfulness or that she could not conform her behavior to the requirements of the law, it must return a verdict of "not criminally responsible." The evidence here, I submit, shows a true, committed believer, one who suffered for many years. The evidence shows that her beliefs, such as they were, were clear and unwavering, and that the Defendant heard voices repeatedly for years. This is the essence of a delusional disorder. Even the testimony of the government expert (Appendix 3) supports the conclusion



that Joan had a mental disorder.

Justice can only be served in this case if the testimony is interpreted fairly and correctly. The only reasonable interpretation of the testimony presented at this mock trial is that Joan of Arc suffered from a major mental illness, a delusional disorder, and therefore could not appreciate the wrongness of her conduct or conform her behavior to the requirements of the law and the Church.

### Argument for the prosecution

**Mr. Herbert Better** (counsel for the prosecution): May it please the court, members of the jury. Joan of Arc made the judgment that fulfilling her lifelong goal to restore the King of France to his throne justified disobeying Church law, and for this, she was convicted of heresy. Because that judgment was made by her and not by voices, she can only be judged criminally responsible for her conduct. In this trial, two esteemed psychiatrists have reached opposite conclusions (Appendix 2 and 3), and you, the jury, must decide which is the correct one in reaching a verdict that is both fair and just.

Because the Defendant seeks, by her plea of insanity, to escape responsibility for her criminal conduct, the law appropriately places the burden of proof on her. What she must prove, then, is that she suffered from a mental disorder that was so severe that she was unable to appreciate the criminality of her conduct or to conform her conduct to the requirements of law. The test has two parts. One is the mental disorder. We can debate whether it was a personality disorder or a delusional disorder, but that is academic. What is important in a criminal case such as this is whether or not the Defendant's mental problems were so severe that they prevented her from understanding that what she was doing was wrong or prevented her from obeying the law. The facts in this case, I submit, demonstrate the contrary. The Defendant did not suffer from a delusional disorder. And more importantly, even if she did, it was not so severe as to prevent her from appreciating the wrongfulness of her conduct or from obeying the law. It was Joan of Arc who decided to disobey Church law in her zeal to help the King of France, not the voices or anyone or anything else.

Joan, not God, made  
all her decisions

From her own testimony, we know the following: Joan, not the voices, decided that at the age of 16 she would leave home

without telling her parents. She appreciated that it was wrong and later asked their forgiveness. She decided, not the voices, to remain a virgin. Her overriding consideration was her lifelong goal to restore the King of France to his throne. She decided, not the voices, to disobey her parents and refuse to be married. She decided, not the voices, to wear men's clothing. It was more important to her that she pursue her military exploits than to conform to the Church rule prohibiting a woman from wearing men's clothing.

Of course, there was the jump from the tower. The voices, as she has testified, repeatedly forbade her from jumping. But she said it was the right of every prisoner to escape and she wanted to be at Compiègne to fight. By her own account, she knew the act was wrong and committed it in direct defiance of her voices and her God, explaining that she would rather be dead than a prisoner of the English.

Now, what was going on in her life when she supposedly suffered from this severe mental disorder? She was entrusted with and permitted to direct thousands of men in multiple battles. These men included princes, barons, and other nobles who put their lives on the line in allowing her to direct them in war. The other important point to remember is that until she was captured, while she claims to have heard voices since the age of 13, she never told anyone else that she heard those voices. Under what circumstances did she finally and first report the existence of her voices? Only after her capture, when she was in trouble.

What about her recantation, or should I say, her recantation and her recantation of her recantation? One had to be a lie. Such equivocation leaves no doubt that when it suited her purposes, when it was to her benefit, she had the ability to lie.

No matter how laudatory our motives, we are required to obey the law. No matter how determined, ambitious, or zealous, we must obey the law. No matter how just Joan of Arc thought her efforts to restore the king of France to his throne, she had no legal justification for disobeying Church law. She was not above the law, she was responsible for her own conduct and must be held accountable.

### Verdict

**Dr. Philip A. Mackowiak:** By a vote of 116 to 75, the jury found the Defendant (Joan of Arc) not responsible under the charges in the indictment of 1431. Of all the juror characteristics examined (sex, age, religion, profession, and prior knowledge of the Defendant's case), only religion exhibited a statistically significant correlation with the "not criminally responsible" vote. Eighty of 119 (67 percent) Christian jurors cast "not criminally responsible" votes as compared to only 35 of 71 (49 percent) of non-Christian jurors ( $p = .033$  by Fisher's exact test). Thirty-seven jurors did not provide information on their religion.

### Comment

**Dr. Philip A. Mackowiak:** The results of this mock trial do not resolve the controversy surrounding Joan of Arc's mental health. Although our jury believed that she lacked substantial capacity to appreciate the criminality of the acts of heresy of which she was convicted in 1431, their verdict does not prove that she suffered from a delusional disorder, as suggested by Dr. Carpenter, nor does it invalidate Dr. Phillips' diagnosis of narcissistic personality disorder. It simply demonstrates a reasonable likelihood that if she were tried today in a Maryland court of law, she would be found not criminally responsible by reason of insanity for the criminal acts of which she was convicted in 1431.

The insanity plea is not a modern invention. Its origin can be traced to ancient cultures, which recognized the inability of infants, imbeciles, and lunatics to distinguish right from wrong and thus, a need for special consideration with regard to culpability for misdeeds.<sup>6</sup> Medieval jurists were, likewise, sensitive to the need for special provisions within the law for individuals with substantial mental limitations not shared by the general population. In the thirteenth century, Henry Bracton, the great English legal scholar, argued that one should not be responsible for criminal acts if he "were an insane person not far removed from the brutes."<sup>6p202</sup> Joan was far from brutish in either her actions or her responses to her interrogators. Was she insane by medieval standards?

Melancholie, phrenitis, mania—  
each caused by bile

During the medieval period, mental disorders were generally attributed to one of three conditions: *melancholie*, *phrenitis* and *mania*.<sup>7</sup> Melancholie, which was marked by the absence of fever, was thought to be due to an excess of black bile, in accordance with Galen's interpretation of the humoral theory of the Hippocratic School. Its most common symptoms were sadness, fear, and anxiety. Occasionally, the disorder was accompanied by delusions, and, when persistent, these merited a diagnosis of *insania*. If the person claimed to be possessed by divine influence and the gift of prophecy, he or she was given the distinctly uncommon diagnosis of *possession*. Phrenitis was differentiated from melancholie by the presence of fever and by its cause, an excess of yellow bile. *Mania*, which was characterized by restlessness, wildness, and excitement in the absence of fever, was also thought to be due to an imbalance of yellow bile. Thus, of the three major mental disorders recognized by medieval physicians, melancholie (with features of *insania* and *possession*) is the one most consistent with Joan

of Arc's mental condition as reflected in the transcript of her condemnation trial of 1431.

Joan was not examined by a physician during her interrogation. At that time, her spiritual health rather than her mental health was in question. At issue was the validity of the divine voices she claimed motivated her actions. Neither the two trials of the fifteenth century nor the mock trial of the twenty-first century have resolved the fundamental question of whether these religious visitations were real or imagined.

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