

On unsoundness of mind, in its medical and legal considerations / by J. W. Hume Williams, M.D.

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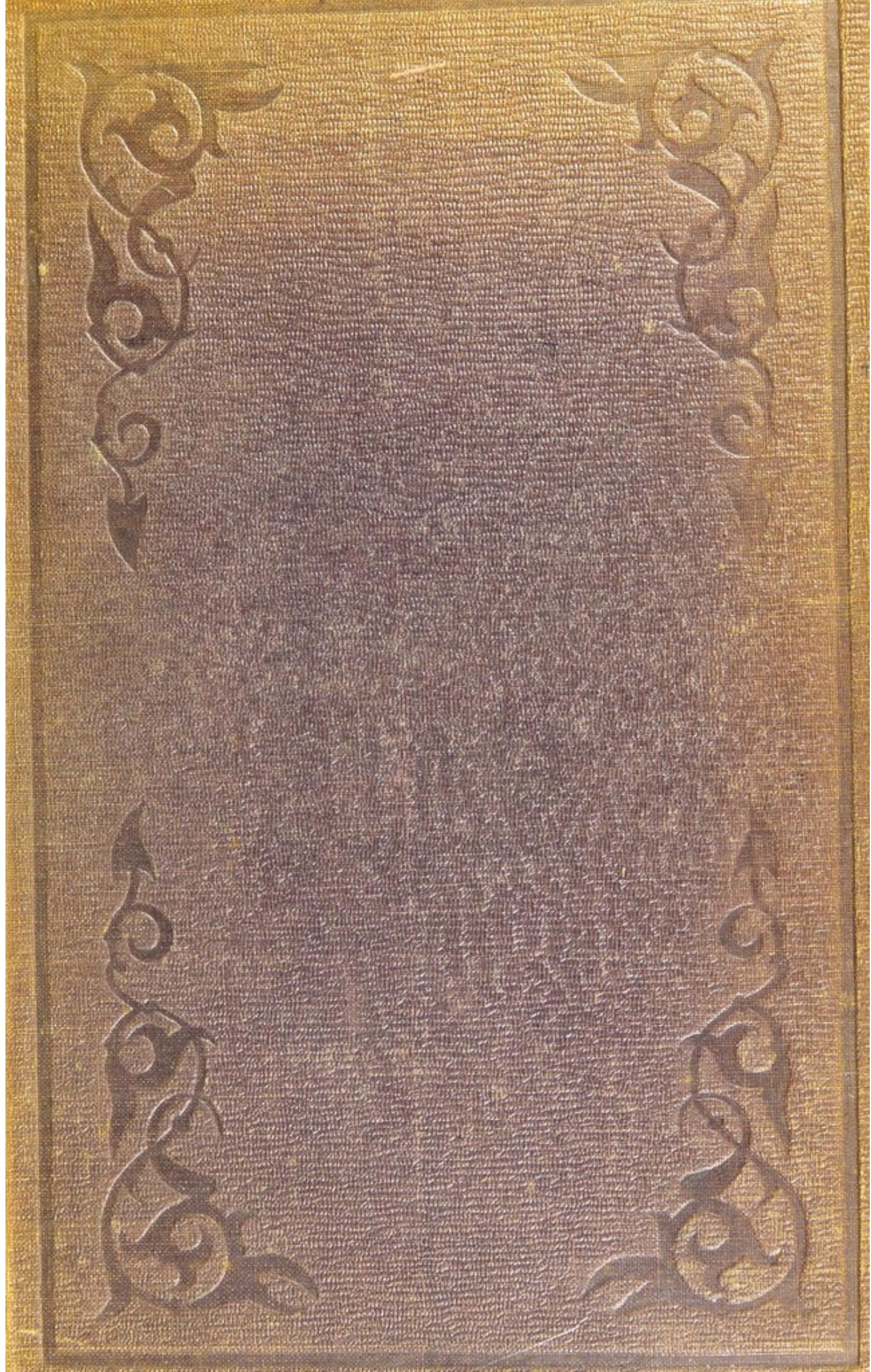
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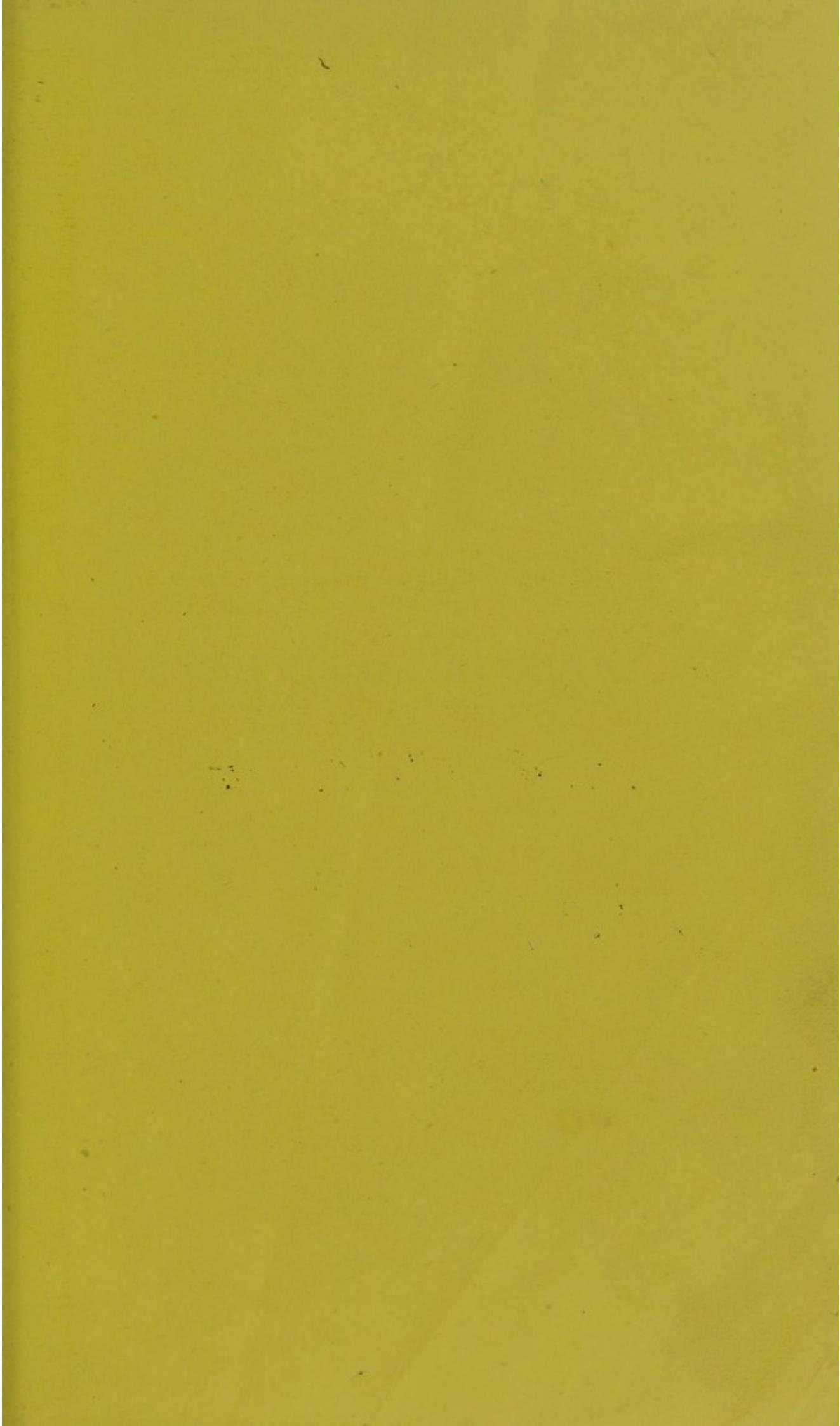
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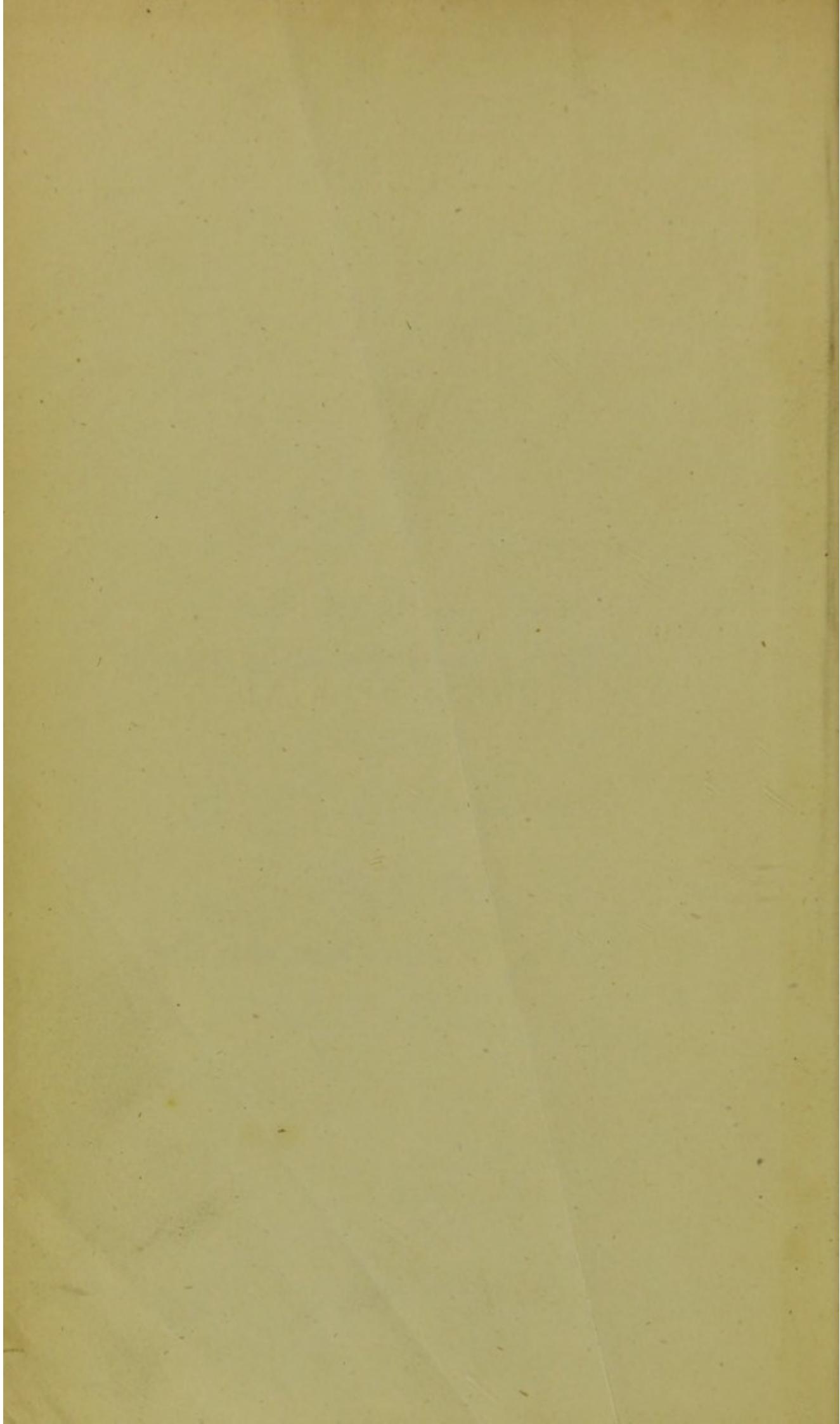
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With Kind regards
J. H. Author.

PC.

UNsoundness of mind.

“Now, to believe that Medicine has been brought to its greatest possible perfection would seem opposed to all analogy and probability. It is a science of observation and induction, but dealing with phenomena, of which some are constant, others varying, presenting new characters, and infinitely various combinations.”

“Hence the necessity for an eclectic system, or that which seizes on the *true*, of whatever time, or from whatever source it comes, arranges all the facts within its reach, and modestly admits its incapability of explaining many things, of the existence of which it entertains no doubt.”—*An Address delivered in the Theatre of the Meath Hospital, at the Opening of the Session of 1844-5.* By WILLIAM STOKES, M. D.

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ON
UNSONDNESS OF MIND,

IN ITS

MEDICAL AND LEGAL CONSIDERATIONS.

BY

J. W. HUME WILLIAMS, M. D.

LONDON:

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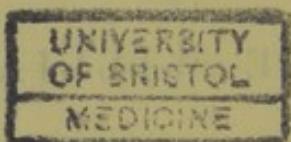
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1856.

THE FOUNDATIONS OF MEDICAL
EDUCATION

BY
JOHN STANLEY JONES

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TO

FORBES WINSLOW, M. D., D. C. L.,

LATE PRESIDENT OF THE MEDICAL SOCIETY OF LONDON,

ETC.,

WHOSE CLOSE INVESTIGATION OF THE JURISPRUDENCE OF INSANITY,

AND OF MENTAL DISEASES GENERALLY,

HAS PRE-EMINENTLY CONTRIBUTED TO THE PRESENT

HIGH POSITION OF

BRITISH PSYCHOLOGICAL MEDICINE,

This Volume

I S I N S C R I B E D.

P R E F A C E.

THE following Essays, which have at intervals appeared in the "Dublin Quarterly Journal of Medical Science," are now submitted in a collected form. In their supervision much care has been bestowed on the correction of previous errors, and the more full discussion of many important topics. No questions could possibly afford a wider field for reflection than those of which they treat. No inquiries have of late years more deservedly occupied the attention both of the Medical Profession and of the Legislature. Public sanity and public morality are now happily regarded as constituting not only great problems in Political Economy, but also important elements in national safety;—correct views respecting the psychology of crime being admitted to be equally essential for the general guidance of criminal jurisprudence as regards the masses, as for the special exposition of any particular case in which the plea of insanity may be advanced.

Notwithstanding the numerous and able volumes which have treated of this momentous subject, and the many invaluable Essays with which the "Psychological Journal" abounds, the author—while acknowledging his obligation to these sources, especially the latter—indulges the hope that his labours may not prove altogether unprofitable, believing in the truth of the assertion, "that to arrange under new combinations what is already known to us, is often in itself a source of fresh knowledge, or a valuable means of correcting previous error." In the analysis of opposed theories has he sought for TRUTH, in the analogies of disease essayed to dissipate those obscurities which envelop its detection, and in a comprehensive view of our social relations hoped to develop those principles which should guide its individual application. The Author is far from asserting that so great an undertaking has been fully accomplished ; he is conscious of many omissions and defects, the former referring to topics which have been fully elucidated by the ablest hands, while for the latter he trusts to receive considerate judgment from the Profession.

CONTENTS.

ESSAY I.

	PAGES.
OBSCURITY and difficulty of question proposed.—Essential difference between Medicine and Law in their estimate of insanity and crime.—Diversity of legal opinions respecting what constitutes irresponsibility.—Knowledge of right and wrong considered as a test of responsibility: Rejection of recorded legal opinions.—Ignorance of nature and consequences of act admitted as a plea for its extenuation.—Inquiries involved in question of criminal responsibility: Antagonism of medical as of legal opinions.—Analogy between progress of psychical and physical disease: Value of comparison as an aid to diagnosis.—Incompetency of ordinary judgments for the estimate of psychological facts.—Necessity for laws: Principles which should guide their vindication.—Duty of physician in medico-legal inquiries as contrasted with privilege of jury.—Abstruse nature of many questions of abstract criminality: Observations of Dugald Stewart regarding dependency of laws on private opinion.—Conflicting views on pathology of mental diseases: Importance of true estimate of opposed theories.—Object of physician in determining a given case: Questions which arise in the course of psychological investigations.—Value of pathological changes: Sir William Ellis's views examined.—Observations of Winslow on pathological relations.—Latency of physical signs: Views of Willis, Winslow, and Cheyne.—Errors of Bar respecting medical opinions.—Importance and value of symptoms: Study of previous history requisite.—The question of medical juries.—Injustice of judicial strictures on medical evidence.—Classification of crimes.—Classification of morbid mental conditions.—Importance of such investigations,	1-42

ESSAY II.

MONOMANIA, essential character of the disease: Opinions of Reil.—Complexity of its study: Observation of Kant.—Mental as contrasted with physical health: Necessity of frequent visits previous to forming diagnosis.—Sources of psychological opinions.—Society, Coleridge's	
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MONOMANIA—*continued.* PAGES.
opinion on: Conformity to its regulations: Its preservative influence. Opinions of Sir W. Ellis.—Habit: Custom: Observation of Stewart, Views of Goethe.—**ECCENTRICITY**, differential diagnosis of: Gooch on value of symptoms: Sources of difficulty in their estimate.—Compound nature of mental organism.—Crime, Lord Hale on: Observations of Duncan.—Criteria by which mental condition should be determined: Opinions of Winslow, Views of Locke.—**DELUSION**, Sir J. Nicholl in reference to, Lord Erskine's views: Sir J. Nicholl's definition of, Lord Brougham's amendment.—Delusion distinguished from peculiarity of opinion.—Latency of delusion.—Nature of delusion inexplicable from character of crime.—Capability of concealing delusion.—Hadfield, case of: Argument of Lord Erskine.—Touchett, William Ross, case of.—**GENIUS**, its connexion with insanity investigated: Cases in exemplification.—Mixed form of insanity: Case related by Rush, Case of Baron Swedenborg, Case of a barrister.—Opinion of Lord Brougham on will of Sarah Gibson.—Martin, case of: Ovenston, case of, Dr. Conolly in reference to.—Burton, Charles, case of, Mr. Baron Rolfe in reference to: Pate, Robert, case of, Mr. Baron Alderson in reference to: Error of their opinions.—Monomania, opinions nugatory of its existence.—Sources of knowledge, opinions of Mills.—Diagnosis, difficulty of: Necessity for system of psychical analysis.—Crime and monomania, analogy between.—Juries, hesitation of, in forming opinion: Observation of Dr. Conolly.—Diversity of disposition congenital.—Non-development of criminal desires no proof of non-existence.—Classification of causes of criminal acts in relation to conditions of mind.—Time of psychical investigation important.—Monomania, association of hallucination with: Opinions of Esquirol.—Delusion, process by which it is established.—**RELIGION**, its influence in causing insanity: Opinions of Cheyne, observation of Schiller.—Fanaticism as distinguished from religion: Association of fanaticism and insanity.—Physical disease in connexion with crime, opinions of Winslow: Arnold, case of, Mr. Justice Tracey in reference to.—Buranello, Luigi, case of, evidence of Dr. Baller: Dissent from verdict.—**HYPPOCHONDRIASIS**, its nature investigated: Morbid sensations, opinions of Esquirol and Winslow.—Hypochondriasis in association with insanity.—Conclusions, 43-106

ESSAY III.

MORAL INSANITY :—Considerations which its investigation entails.—Necessity for study of mental health.—Inquiry into essential nature of crime in relation to sanity.—Analysis of mental constitution.—Nature of moral faculty: Its relation to the intelligence and organism.—Moral coexistent with intellectual faculty.—Reason as contradistinguished from instinct.—Independency of being, dependency in action, of separate mental faculties.—Inquiry into causes of difference in ethical judgments of men.—Questions which arise respecting essen-

MORAL INSANITY— <i>continued.</i>	PAGES.
tial nature of moral faculty.—CONSCIENCE as distinguished from reason.—Conscience a relative term: Observations of Winslow.—Moral rule of action fixed, opinion of Stewart.—Agents which conduce to diversity of moral action.—Arguments against existence of pure moral insanity, observations of Duncan and Wigan.—Means by which moral faculties are developed.—Education, its influence not sufficient for prevention of crime.—Necessity for moral culture, observations of Winslow.—Association, its influence on moral disposition. Mutual dependency of several faculties as contradistinguished from integral unity, observations of Winslow.—Mind affected as <i>a whole</i> when under influence of disease.—Free co-operation of separate faculties characteristic of health.—Classification of cases of moral insanity.—ORIGINAL DEFICIENCY OF MORAL SENSE: Vice as contrasted with disease, views of Heinroth.—Necessity for moral and physical discipline in certain cases.—INCIDENTAL PERVERSION OF MORAL FACULTIES.—Relation between moral and physical constitution.—Changes in operation of moral faculties premonitory of insanity, observations of Heinroth and Hoffbauer.—Considerations such cases involve.—UNIVERSAL DISORDER OF MORAL FACULTIES: Influence of physical ill health.—Rejection of doctrine of pure moral insanity, opinions of Hoffbauer, Ray, and Duncan.—Frederick William of Prussia, case of.—Characters of an act no proofs of insanity, necessity for their analysis.—MORAL FACULTY PARTIALLY DISEASED: Observations of Rush.—CLEPTOMANIA, its diagnosis from crime.—PYROMANIA, a psycho-pathical indication.—EROTIC MANIA, its dependency on morbid conditions of sexual apparatus: Rationale of the operation of such disease.—Opinions of Holland on pathological associations.—General reflections.—Conclusions,	107—148

ESSAY IV.

IMPULSIVE INSANITY:—Obscurity besetting its investigation: Value of pathological changes: Experience the guide in inexplicable cases.—Impulsive insanity a special form of disease: Cases in illustration.—THE WILL, its nature investigated.—The will as an exponent of moral and intellectual reactions.—Relations between the will and individual habit: Natural, as contrasted with morbid, impotence of volition.—Connexion between emotional feelings and motor powers.—Two forms of impulsive insanity: Opinions of Winslow on their pathological relations.—General and special predisposing causes.—Cerebral congestion: Case of Damien, Mrs. Brough, Buranelli.—Classification and investigation of circumstances which should influence our opinions.—Analogy between psychical and physical sympathies.—Political emotion as productive of insanity: Observations of M. Belhome on influence of psychical sympathy in producing revolutions.—Influence of local nervous lesions in production of psychical phenomena; Observation of Esquirol; Case detailed by Larrey.—IMPULSE AND MOTOR POWERS

IMPULSIVE INSANITY—*continued.*

PAGES.

IN INITIO UNDER CONTROL: Cases in illustration.—Proximate causes of such impulses.—Period of life and length of duration, as have been observed in such cases; Observation of Esquirol; Case of John Glenadel.—*ACCORDANCE OF MOTOR POWER SIMULTANEOUS WITH IMPULSE*: Cases in illustration: Opinions of Esquirol.—Association of insane impulse and derangement of moral principle: Opinions of Pinel and Prichard: Cases detailed: Complexity of such cases: Necessity for study of morbid combinations.—Psychical sympathy an excitant of insane impulse: Observations of Winslow and Gall.—Mental emotions proximate cause of impulse, Case related by Pinel.—*MOTIVES* as a test of sanity, sources of error in their estimate.—Motives, their influence on insane mind, cases in illustration.—Obscure nature of many morbid impulses: Influence of uterine functions in female.—*PRINCIPLE OF ACTION*: Necessity for self-restraint: Inquiries respecting its origin and operation.—Inability to estimate responsibility in partial insanity: Observations of Ideler.—*SUICIDE*: Association between suicidal and homicidal act.—Suicide not alone proof of insanity.—Differential diagnosis between criminal and insane impulse.—Conclusions, . . . 149—197

ESSAY V.

OBSERVATION in medicine analogous to experiment in physics.—*HEALTH* the standard of comparison.—Term, *Functional disorder*, a misnomer.—Mental freedom in its relation to normal organism.—The mind regarded as an independent essence, as an aggregation of distinct functions, as indivisible in existence and action: Estimate of such theories.—*PARTIAL RESPONSIBILITY EXAMINED*: Errors to which its advocacy has given rise.—Criminal act regarded as an inquiry distinct from the mental condition: Objections to and danger of such a proposition.—Opinions of Sir E. Coke on the execution of the insane: Investigation of the question.—Association as distinguished from dependency of crime and insanity.—Views of Bucknill on separate institution for "Lunatics of criminal dispositions:" Principles which the establishment of such institutions involve.—Insanity a recurrent disease.—Lucid intervals: Subsidence of symptoms no proof of restoration of sanity.—Tendency to relapse: Observations of Combe.—Want of relation between symptoms and dangerous nature of disease.—Inquiries respecting accountability of insane convalescents.—*LUCID INTERVALS*: Observations of Esquirol.—Circumstances which should guide our opinions.—Moral more frequent than physical causes for the production of insanity: Opinions of Casper, Esquirol, Pinel.—Greater frequency of the "plea of insanity."—Reasons explanatory, observations of Prichard.—Feigned insanity: Observations of Georget, Haslam.—Case of Specht: Opinions of MM. Windler and Zinc.—Principles which should guide diagnosis.—Advantage of jury as a tribunal for decision.—Conclusion, 198—232

UNSOUNDNESS OF MIND.

ESSAY I.

WHEN Becarria observed, "The happiest of all nations is that in which the laws have not become a science," we are almost disposed to suspect that he had been studying the question of unsoundness of mind in its relation to responsibility for criminal acts: certainly to no subject is the remark more applicable; for, between the diversity of medical doctrines, antagonism of legal opinions, uncertainty and difficulty which have been manifested in determining the greater majority of those cases which the records of criminal jurisprudence supply; we are led to the conclusion that on this particular subject the lessons of experience have been strangely lost sight of, and many doctrines perpetuated with inexplicable pertinacity, in direct opposition to those ordinary rules which in the every-day affairs of life regulate the conduct of men.

Was the question of unsoundness of mind a purely legal problem, we could well understand the advantage to be derived from the retention of the opinions

of those whose erudition and intelligence had dignified and shed a lustre on the Bench. Was mental disease of necessity associated with appreciable structural change, it would be but natural to expect, that, as our capability of ultimate analysis progressed, accuracy in the formation of opinions would have been proportionately attained. Could we regard the mind as a series of simple, untangible creations, which, though immaterial and beyond our reach, were still recognisable by the uniformity of certain operations: in abstract reasoning on their manifestations, the question of mental soundness and responsibility would rest. But, as every day's experience has established that it is not so, it behoves us in all humbleness to forget much of what has been written; for, however we may reverence the ability, or honour the learning of certain great minds, we must not, in deference to them, permit ourselves to be led from real to logical relations, from particular into abstract considerations, to form general from special rules, or be induced to afford to those arbitrary combinations of their intelligence that impress of reality and unity which the contemplation of an individual case denies.

We firmly believe that a want of harmony must ever exist between the legal and medical doctrines of insanity in its connexion with responsibility. The two cannot be identical, and for this reason:—Law demands a general rule—Medicine admits but a general principle. What would be thought of the physician who undertook in the definition of any,

even the simplest, disease, to say, "Certain symptoms must be present"? His theory would lead to a series of disappointments, his practice be a continuation of blunders! Yet, Law steps forward with her definition of unsoundness of mind; and, according to this definition, on which both the life and reputation of society may depend, one half mankind are mad, and half the mad are wise. Divest the mind of the body, establish a common standard of mind for man, and then propound a legal definition: make every question of right or wrong a simple proposition in metaphysical science; with Locke investigate the principles of our knowledge, or with Reid scrutinize the principles of our minds, and, irrespective of all other considerations, let every departure from the acknowledged standard be a crime, and every crime bring its responsibility,—then, and not until then, can Law assume the province of the physician; but, while we acknowledge the humanity of man, and admit that his physical organization influences, not only the development, but also the healthy exercise of his mind; while we recognise the capability of experience to establish certain relations which every power of conception founded on that experience approves; without much violence to language or reason we may regard those relations as necessary, and find in their study just grounds for inductions.

In medicine, as in the other sciences, all propositions become not only untrue, but inconceivable, if necessary axioms be disregarded in their enuncia-

tion: the chief characteristics of a sound induction being, *first*, its ready identification with our observation of facts; and *second*, the capability it affords us of predication. The law, then, in laying down a general rule by which we are to recognise unsoundness of mind, as also responsibility for crime, is daily opposed by observation, and seeks to establish a dictum that would, were it acted on, lead us into perpetual error; therefore, it may be presumed, its hypothesis cannot be true, since the experience which its deductions afford are at variance with the reality of nature.

We are satisfied that much of the diversity and uncertainty of opinion which pervades medical writings and characterizes legal doctrines is owing to the identification of physic with law. Insanity is, or is not, a disease! If it is not a disease, the law is strangely defective; since, as Dr. Forbes Winslow in his admirable writings on this particular subject has so clearly and ably shown, no two chancellors have agreed respecting its constitution; and, not only this, but they have in their separate opinions, with considerable acrimony, criticized each other's judgments. Thus, in the trial of the case, "*Bainbrigge v. Bainbrigge*," Lord Campbell, in 1850, distinctly states, "There may be mania without delusion;" while Lord Denman, in his charge to the jury in the case, "*Regina v. Smith*," had observed in 1849, "To say a man was irresponsible, without positive proof of any act to show that he was labouring under some delusion, seemed to him to be a

presumption of knowledge which none but the great Creator Himself could possess." Again, Lord Campbell, in a debate in the House of Lords*, after alluding to his "very long and very large attention to the subject," said, "He had looked into all the cases that had occurred since Arnold's trial, 1723, and to the directions of the judges in the case of Lord Ferrers, Bellingham, Oxford, Francis, and M'Naughten, and he must be allowed to say that there was a wide difference, both in meaning and in words, in their descriptions of the law." We may add to this, the aggregate opinion of the fifteen judges, who decided in 1843, "That before a plea of insanity should be allowed, undoubted evidence ought to be adduced that the accused was of diseased mind, and, at the time he committed the act, he was not conscious of right and wrong." Hence, though a man be of a diseased mind, if he is conscious of right and wrong, it follows that he must be considered as a responsible party. All medical experience makes one part of this proposition oppose the other ; and, as a consequence, establishes its utter inefficiency ; for, in the knowledge of right and wrong is merged the question of diseased mind, whose propounders pre-argue an antagonism, which, though not unfrequent, is by no means necessary ; for, while perfectly sound minds may ignore the criminality of a particular act, the distinct knowledge of its criminal nature can coexist with a mind thoroughly deranged.

* Hansard's Parliamentary Debates, vol. Ixvii. p. 92.

We shall subsequently adduce abundant proofs of the danger which might result from receiving without question the authoritative conclusion, "that nothing could justify a wrong act, except it was clearly proved that the party did not know right from wrong." "Father, forgive them, they know not what they do," was the interceding cry of our pitying Lord when sealing the redemption of man by the outpouring of his blood : "But I obtained mercy," adds St. Paul, when detailing his misdeeds as a blasphemer, a persecutor, and an injurer, "because I did it ignorantly in unbelief." In accordance with these precepts of divine law, ignorance of the nature and consequence of a particular act has ever been received as a plea in extenuation for its commission, and we seek not to question the validity of such a judgment ; but, to say that a knowledge of right and wrong entails, on the one hand, the capability of acting according to that knowledge ; or, on the other, indicates a sane state of mind in reference to those acts respecting whose nature that knowledge is evinced, and therefore involves responsibility for crime, is to contradict the dictates of our medical reason, and to oppose the admitted evidence of our daily experience.

It would, in fact, require but little industry to enumerate a host of discrepant legal opinions on the subject of unsound mind, and demand less observation to establish their utter inefficiency ; for such opinions we should find on investigation to be so far partially true, that they notice frequent pheno-

mena which arise in mental diseases ; yet to be entirely in error, when they presume the presence or absence of any one of those phenomena, as essential for the diagnosis of such diseases.

Admitting it as for the present conceded, that the law has failed to satisfactorily meet the question under consideration, we are led to seek wherein rests the cause of its inability to do so. A little reflection satisfies us, that it is in the complex nature of the inquiry at issue. Accordingly, that we may be the better prepared to entertain the various propositions such investigations offer, we shall institute a brief analysis of :—

1st. Those ethico-legal considerations which determine the fact of criminality.

2nd. Those psycho-ethical relations which are involved in the question of psychological freedom.

In their estimation of the first, the physician and lawyer may join hands, each having the same fixed rules for their guidance ; since, as Lord Mansfield has observed :—“ Every person was supposed to know what the law is.” In their opinions respecting the latter, physicians are called on to declare how far that association, which observation points out as existing between the mental and physical constitution, is adequate for the explanation of certain phenomena. Though, however, we believe it to be essential that the physician have his mind thoroughly impressed with the true association between ethics and law, in order that he be the better enabled to estimate the question of mental

soundness in its relation to crime ; it is above all things important, that in his professional opinions he abstain from outstepping the bounds of medicine, which fully consigns to juries the appreciation of the first, while equally denying their capability of adjudicating on the second.

We may, *in initio*, observe, it is a fact no less humiliating than true, that it will not unfrequently occur, when the most important cases come to be decided, there is a direct antagonism in the views of "the highest authorities" on legal as on medical points ; unhappily proving, that the soundness of an individual's opinion is not always proportionate to the greatness of his genius ; yet, if we scrutinize the cause of this diversity, we shall be satisfied, that in many instances it has proceeded as much from the imperfect means generally applied for their elucidation, as from the obscurity of the subject ; and further, that the partial and one-sided view of nature which some have advanced, with more show of eloquence than force of reasoning, at once fails before the test of experience, and the application of those principles, which, in psychical as in physical medicine, render comparison the only safe guide for the establishment of eclectic observation, or the formation of a just diagnosis.

This capability of comparison is by far the most valuable of all the aids which the physician possesses, since by it he is enabled, not only to estimate the relation an altered structure may bear to an admitted standard, as counsel determine the relation of a par-

ticular act to the known law; but also, when observing the varying phenomena incidental to the structure itself, he can speak with confidence on the presence or absence of certain conditions which experience suggests as their usual, if not necessary, accompaniments. The first demands, on the part of the investigator, a perfect acquaintance with the several criteria of health as well as of disease which are applicable to all. The second implies successive observation of the individual; or the acquisition of an isolated experience, for the just appreciation of special physical and vital phenomena in their individual association, the capability of perfecting which is in a ratio to the discriminating powers of the physician. Now, in our investigation of organic disease, with all the aids which modern diagnosis affords, the most accurate observation may prove inadequate to the solution of certain problems in which ordinary rules appear not only to be disregarded, but anomalies to exist, requiring for their explanation the inferential rather than the direct application of established principles. The causes which lead to this embarrassment it is not our province now to enter on; but recognising the fact, that in identical organizations similar changes are manifested by the most diversified and conflicting symptoms, we will be the less surprised, that the mental constitution, which may be regarded as a series of progressive developments, should, for its due appreciation, be beset with much greater difficulties, and in its irregular operations manifest such

diversity, as, while altogether confounding the ignorant, too frequently present an enigma to those whose lives and energies have been devoted to the scientific study of psychological disease.

It will hereafter be sufficiently evident, that a greater error does not exist than the supposition entertained by some, who consider the investigation of soundness or unsoundness of mind comes as equally within the range of the ordinary judgment, as the determination of the abstract criminality of a particular act when such act is contrasted with the known law. They who think so lose sight of the great practical truth, that while the latter is within the reach of all intelligent men, the former, more particularly when considered in its criminal bearings, requires not only a deliberate exercise of the educated intelligence, but also a competency to justly estimate the value of facts, not in their usual, but extraordinary relations. Wanting this capability of establishing the psychical associations of crime, the frequent absence of which the records of criminal jurisprudence have rendered us painfully conscious of, we are constrained to believe that life and reputation have been at times sacrificed to the erring vengeance of the law, rather than confided to the guarding care of the physician.

Considering laws as the matured offspring of political science, the result of observation and experience, the perfection of reasoning on existing data, and the consummation of the conclusions which those data have afforded,—we are prepared to recog-

nise the fact, that with the progress of civilization in separate countries, and the variety of relations in which men are placed with respect to each other, the data being different, the laws which they generate also vary. The same observation is alike applicable to each country, which, as its prosperity and intellectual progress—identified as one is with the other—advance, has the effect of introducing a new set of intellectual pursuits, as the study of new sciences demonstrates the wants or inefficiencies of the old. Our intellectual and social condition being thus progressive and dependent, as it were, on the suggestions of each individual, it becomes of the first importance, that for the well-being and safety of society there be certain fixed principles to guide and govern the movements of the whole; the infringement of which should entail such responsibility as the well-being of the community might necessitate.

The Decalogue has enumerated certain offences as entailing the wrath of God. The Scriptures have offered an unerring rule to direct the conduct of man. Were religion universally felt, and the spirit of Christianity equally experienced by all, other guides would be needless. As, however, it is not so, society has promulgated her own codes, taking as her basis that revealed principle which marks the difference between right and wrong, so identifying the moral and intellectual faculties in their co-operation. How far these exist independently, and thus correct or antagonize,—how far they are identi-

fied, and so uphold and advance each other,—is an inquiry which in subsequent investigations we shall enter on.

Human legislation has thus its moral and civil obligations : the former having as their basis divine command, and being in consequence unchangeable ; while the latter depend for their integrity on variable foundations. It follows as a natural law, that, according to our estimation of the principle which guidesthe greater obligation, responsibility for the observance of the several requirements of the lesser should be determined. This we find to be practically the case : for though, in the construction of all laws, the actions rather than the motives must constitute the test of crime—since it would be impossible to frame rules generally applicable to the human heart, its secrets being open to divine scrutiny alone—yet, in the individual application of the law, the act committed is of secondary importance to the motives which induced it, because the latter not only establish an accordance of phenomena as regards the act, but also indicate the intellectual condition from which the act, as the result of the conjoined mental powers, may have originated.

It is for the appreciation of this intellectual condition the evidence of the physician is required—the psychological as contradistinguished from the legal or logical estimation of motives. He is not called on to declare whether an action be judicious, politic, or useful ; whether the motives which prompted it be legally justifiable or otherwise ; but

to say, *have those motives emanated from a mind sufficiently free from disease as to argue a capability of fully exercising healthy volition*, even though, in yielding to the frailty of human nature, that volition eventuates in vice, or, in following the dictates of ambition, leads to the commission of acts subversive of established rules.

Were medical men to regard freedom from crime as being established by virtue of the purity of motives, excellence of reasoning, or amount of good to be accomplished by acts not consonant with the existing legislature, the standard of justice would be soon reduced to the narrow limits of individual opinion, and all principles of rule be at an end; for, in their estimate of such matters, physicians do not possess greater advantages than appertain to equally well-educated and intelligent men. *Their duty rests in investigating, not so much the relation of the act to the law, as that of the motives which originated it to the mind of the individual.* The ethico-legal considerations belong to the jury; the psycho-ethical to the physician. The former are capable of being determined by all admittedly rational men, and imply:—

1st. The relation of two given data—the act committed, to the known law.

2nd. The estimation of the advantages or disadvantages which might result from the recognition of that act.

The latter associate these relations with a third or variable power, whose proper estimation demands an

intimate knowledge of principles, which, so far from presenting any analogy, are, we might affirm, almost diametrically opposed to abstract legal study.

The question of criminality, simple as it may appear, is one by no means so easy of solution as first impressions would imply. If, on the one hand, we admit the identification of ethics and law, immorality and illegality become synonymous terms, and we thus presuppose a perfection in human contrivances, which it is no very heavy reproach to say, they can never hope to attain. If, on the other hand, we permit the observance of the law to depend on the estimation of each individual, we are forcibly reminded of the observation of Cicero, "That in philosophy there was no opinion so unreasonable as not to have found some defenders;" from which we might infer, that in popular movements no proposition could be so outrageous but many would freely accord to its adoption. It is, however, essential for the well-being of us all, that the equilibrium of social life be preserved, and that, regarding illegal acts as crimes, *quoad* the civil power, no amount of sophistry, or apparent wisdom, absolve the offender from the responsibility his conduct may entail, unless it be proved that the *psycho-ethical*, as contra-distinguished from the *ethico-legal*, relations of the act, were such as to warrant the belief that the offender was, at the time of its commission, labouring under unsoundness of mind.

Ethico-legal considerations invite to a wide and almost endless field for discussion, and embrace some

of the most interesting problems in our social and intellectual progress. It cannot be denied that, friendly as ethics and law are to each other, they do not always admit of being brought into close opposition. History affords many instances in which the scaffold has become the altar where justice wept for blood shed, and offences against the law were sacrifices to virtue. Those examples, though happily being exceptions to the general rule, establishing the possibility rather than the probability of similar events, have, by some, been advanced in extenuation of acts subversive of just government, and abhorrent to right-thinking men ; therefore it is, all are interested in having the ethical relations of the law so fully understood, that society may be guarded against the excitable and ephemeral ambition of such a class of offenders as Dr. Winslow, M. Georget, and Dr. Belhume have so well described ; with whom, as the latter observed, there is often “ but one step from exaltation of mind to alienation.” All must subscribe to the truth, “ that, in policy as in architecture, the ruin is greatest when it begins at the foundation,” and the foundation of society being its laws, public safety demands that they be maintained. The remarks of Dugald Stewart on this point are, we conceive, of the deepest importance to those engaged in the psychological study of crime. He thus writes :—

“ For is it at all consonant with the other arrangements so wisely adapted to human happiness to suppose, that the conduct of such a fallible and short-

sighted creature as man would be left to be regulated by no other principle than the private opinion of each individual concerning the expediency of his own actions?—or, in other words, by the conjectures which he might form, on the good or evil resulting on the whole from an endless train of future contingencies? Were this the case, the opinions of mankind respecting the rules of society would be as various as their judgments about the most probable issue of the most doubtful and difficult determinations in politics. Numberless cases might be fancied, in which a person would not only claim a merit, but actually possess it, in consequence of actions which are generally regarded with indignation and abhorrence; for unless we admit such duties as justice, veracity, and gratitude, to be immediately and imperatively sanctioned by the authority of reason and of conscience, it follows, as a necessary inference, that we are bound to violate them, whenever by doing so we have a prospect of advancing any of the essential interests of society; or (which amounts to the same thing) that a good end is sufficient to sanctify whatever means may appear to us to be necessary for its accomplishment. Even men of the soundest and most penetrating understandings might frequently be led to the perpetration of enormities, if they had no other light to guide them but what they derived from their own anticipations of futurity. And when we consider how small the number of such men is, in comparison with those whose judgments are perverted by the prejudices of education

and their own selfish passions, it is easy to see what a scene of anarchy the world would become."

From the uncertain and imperfect views entertained by many respecting the pathology of mental diseases, much of this difficulty which exists in determining the psychical relations of crime has arisen. Those who are unacquainted with the true progress or nature of insanity seek to ignore its presence unless it be accompanied by positive evidences of material disarrangement: regarding disease as but the active agent whose exposition necessitates physical changes, they demand further proof of its existence than such as are derivable from actions, admitting, as they assert, of conflicting explanations. This class of observers thus confer an unlimited power upon organic construction, and place out of their account of causation everything beyond the material fabric. The mind of man is, according to their theory, "a principle of combination, resulting from the juxtaposition of attracting particles." This philosophy, while being subversive of all distinctions between virtue and vice, teaches its votaries to regard crime and disease as differing only by name, and leads us to equally commiserate moral ill and mental alienation, since criminality is thereby resolved into an act of organic necessity; when, as Dr. Barclay so eloquently observes, "thoughts and actions, however criminal, are, like Spartan thefts, to be held disgraceful only if detected." They who hold such a doctrine shut their eyes to the fact that, intellectual freedom, which, according to their views, should be but a subtler auto-

matismus dependent on purely mechanical arrangements, soars above those laws which regulate simple organism, and is alike manifest in conditions almost diametrically opposed. Equally in extremes there are others, who affirm the perfect independence of mind and body, and will not admit the close relationship between the immaterial principle and material organization. Such theorists in disease see only vice, and for its cure must therefore advocate exhortation alone, since vice is a product which cannot be removed by the annihilation of one of its factors. These, with the illustrious Stahl, contend for the existence of an invisible cause, which, irrespective of organism, is manifest in intellectual operations, and which entails the necessity of seeking metaphysical explanations for numerous phenomena. The advocates of either of these extreme opinions are each enabled to adduce many cases apparently corroborative of their special doctrines: their zeal supplying all that may be deficient for their argument. It will, as we proceed, be seen how far recent investigation has cleared up this difficulty. "Whether," as Dr. Duncan writes, "spiritual existences are really capable of undergoing any alteration in their condition at all analogous to the diseases which affect the corporeal organization, is an inquiry we are altogether incompetent to decide in our present state of existence." Wanting this capability, and admitting mental operations to be untangible, it is only by a process of analogy unusual mental manifestations can be called disease; in the treatment of which,

were they immaterial, and thus beyond our medical reach, the office of the physician must be of secondary, if of any, importance. Our present inquiry does not call for an investigation of this disputed point, further than it is involved in the question of psychological freedom. When, on the one hand, admitting in a measure the views of the first school, we must allow the fact to be a particular truth which experience has established, that every neurosis is not of necessity a psychosis,—this is witnessed in the wide class of the neuralgia, and many affections specially denoting a morbid condition of the nervous centres : on the other hand, however we be disposed to concede that the mind in its operations seems to exercise an action independent of the organization ; we must also acknowledge a further fact, which observation seems to stamp as a universal truth, that without the intervention of nervous matter no indication of psychical action has, or could, become manifest. This distinction between universal truths and particular truths must be ever carefully maintained in psychological investigations, as teaching, that which is true of all must be true of many ; that which is true of many may not be true of one ; or, again, that which is true of many may not be true of all : the discrimination of each case depending on experience.

We can imagine the mind as a distinct existence, and the body as a separate creation. We know that there are many maladies of the spirit *in abstracto*, which it is the duty of the minister of religion to

treat, as also that many corporeal diseases exist, in which the mind is wholly and altogether free ; but we further know, for experience tells us so, that the mind and body exercise a reciprocal reaction, when there are many phenomena which we must be content to study through their operations. In philosophy we cannot always march straight forward to our objects. It is more frequently by examining the opinions of others, and observing the grounds and causes of the mistakes which they may have committed, that we are led eventually to the truth. In psychological medicine this is abundantly exemplified, for, even admitting the existence of originally independent units of mind and body, have we not that complete co-adaption of the two in the personality, which constitutes the natural or the normal condition of a particular individual when contrasted with other individuals. Now, when this co-adaption becomes subsequently interrupted, antecedent to, or consequent on, the interruption of the unity must be either the imperfection of the units, or the intervention of a third cause, originating an abnormal condition when contrasted with that which had previously existed. If we admit this third cause to be disease, we have it manifesting itself in various phenomena, either those immediately tangible and referrible to the physical organ of thought, or those evidenced through the secondary reactions of deficient or morbidly perverted functions. The object of the physician under either case is therefore to determine :—

I. In a physical point of view, how far certain psychical manifestations are dependent on that abnormal condition we term disease.

II. In a psychical point of view, how far, in the absence of all physical manifestations, purely psychical phenomena are capable of receiving explanations.

Two questions here arise :—

1. Can we always detect the existence of disease ?
2. If we could with accuracy define a certain pathological condition, have we, therefore, sufficient grounds to speak authoritatively of the influence it exercises ?

In answer to the first, our ordinary observation assures us, that the intensity of the disturbance of functions is by no means proportionate to the changes of structure in organs. As physiologists, it is difficult to believe that purely functional disorders can exist ; and each day we are convinced that our inability to discover during life physical evidences of material changes is no proof that such changes are not present. The very existence of disease implies manifestations indicating organic derangement, while the evidence of our senses frequently fails to establish the presence of those changes, whose reality we must at the same time infer from the vital manifestations. Again, the sudden development of certain phenomena which have eventuated in death has led to the discovery of such conditions as argued those phenomena to have been but the consummation of a silently progressive morbid process. The fact is, in mental diseases, we cannot altogether reject either

theory, but must learn, as Goethe tells us, "to keep within the limits of the knowable;" and, like the architects of Laputa, who began to build their houses at the wrong end, be content to study many psychological phenomena as the known effects of variable, and, in many instances, unknown causes.

Supposing, as Feuchtersleben writes, "that we are acquainted with all the chemico-organical and microscopical, as well as the physical polar process of the cortical substance of the brain during the formation or reproduction of a thought, have we thereby explained thinking?" To this we reply, no more than our minute chemico-microscopical examination of the hepatic structure has unveiled the ultimate mystery of the biliary secretion; or our accurate appreciation of the curative powers of a drug enables us to speak with confidence respecting each change which follows on its administration. We may infer from this the response to the second query, and conclude that, though pathology and physiology fail to establish certain and fixed data, they do not fail to establish the most valuable relations, the study of which is the duty of the psychologist; while, in reference to the curative means we so successfully employ, we are cheered in our labours by the assurance thus conveyed, that the actions of man, as his most holy duty and exalted task, may be performed without requiring certainty in all the problems of human knowledge.

When Sir William Ellis observes, and others echo the same sentiments,—"I cannot think that

any act, however vicious or eccentric, ought to be considered as the result of insanity, unless it be involuntary and arising from disease of the brain or nervous system,"—are we not warranted in the inference that they make a bold statement, and one which would pre-argue a capability of diagnosis independent of the evidence of disordered function?—since we are not, in the present state of knowledge, at all in a position to speak with invariable confidence respecting the connexion of appreciable cerebral disease with unsoundness of mind, further than the fact of their frequent coincidence. Nor can we say such a lesion must of necessity be accompanied by particular phenomena, since varied lesions are accompanied by similar symptoms, and diverse symptoms seem to result from organic lesions in every appearance identical. Neither are we always warranted in declaring an abnormal condition to be the cause of unusual vital manifestations, inasmuch as the researches of Andral, Dubois, and others, tend to impress the belief, that many of those pathological appearances may be as much an effect as a cause, having primarily a psychical origin; and, by the subsequent contingent extension of their physical alterations, in turn giving rise to a new series of psychical manifestations.

The scientific treatment of mental disease leads us to study the relations of the mind to the cerebral structure as the means through which its operations are manifested; to regard the brain as the organ of, not the seat of thought; by reasoning on various

pathological facts which experience has collected, to consider similar facts as so far important for the establishment of particular relations; and, at the same time, not to pre-argue an absence of those pathological conditions, because peculiar phenomena may not be sufficiently or prominently present. For, was vitality uniform in its operations, disease should of necessity be a demonstrative science, and statistics propound a certainty in its recognition and treatment.

While, then, we have two sources from which we derive data for our opinions, it appears that neither of them are sufficiently uniform to insure freedom from error. Nay more, that this want of uniformity in their relations must be regarded as being, to a certain extent, a positive argument in depreciation of their separate value. And so it is right that it should be. In allowing that physical signs cannot be always estimated by their symptoms, nor the importance of symptoms inferred from their physical signs, we but admit in psychopathy what we have daily demonstrated in general pathology. How, then, is the physician to decide? We reply, *by the close study of the personality, and that individual application of the principles of psychological science which medical experience can alone suggest.*

We know that for the explanation of many psycho-pathical phenomena the presence of anatomico-physiological conditions can be adduced: we may example the morbid perversion of the senses and natural feelings, which during the period of utero-

gestation is present with some. It is not to be presumed from this that such conditions are with all an excuse for criminal actions, though the fact be admitted, that criminal acts have resulted from individual emotions identified with such conditions. Again, we witness the strange phenomena which long-continued local irritation may occasion, giving rise to the varied hallucinations of the hypochondriac, and placing the individual altogether at the mercy of merely local sensations. We are not, however, from this at liberty to presume that in all cases where anomalous pathological conditions are known to exist, the person so affected can with impunity transgress established rules. That purely physical lesions are adequate to explain many psychical phenomena all enlightened physicians believe. "There are," writes Dr. Winslow, "psychological mysteries which it lies within the power of pathology to elucidate, and which would, without its aid, remain obscure. There have frequently been witnessed deviations from the perfectly correct in conduct, and amiable in manners, exhibitions of petulance of temper, and trespasses against the minor moralities; to account for which, upon a post-mortem examination, there have been discovered traces of painful, and, perhaps, previously unsuspected organic disease." What inference are we to draw from this? *That in every criminal case in which the plea of insanity is set forward, the existence of physical disease is of the greatest importance to be considered.*

It is needless to repeat the many experiments

which have been instituted, or the many cases recorded, in which, coincident with certain material changes or irritations, particular phenomena were so closely identified, as to stand in the light of effects of known causes; neither would it be difficult to quote examples in which disease proceeded to a fatal termination without manifesting prominent symptoms, until such time as parts essential for the immediate purposes of the vitality became implicated. Drawing an analogy between the development of symptoms in physical, as contradistinguished from mental diseases, may we not fairly infer, that which is true of one equally appertains to the other; and that psychical phenomena, as symptomatic of changes progressing in the nervous centres, may also remain in abeyance, until special circumstances develop their silent consummation, which may be first prominently manifested in the perpetration of some criminal act. Every practical work abounds with illustrations of this double fact, all tending to place beyond question the necessity of remembering, that though the "mens sana" may really or apparently co-exist with an admittedly disordered, as well as a presumed healthy state of body, presumption must not be always received as positive proof. We are not warranted in asserting, that because a mind may be apparently healthy, it is really so; or, because its operations be identical with those of disease, they are, therefore, the result of a morbid process,—since many psychical phenomena, which in one individual must be regarded as undoubted evidence of a mor-

bidly affected mind, irresponsible for its actions, may, in another, co-exist with, and indicate a perfectly healthy state, arguing a full and undoubted possession of volition and reason: a fact which will be fully demonstrated when we speak of that form of mental derangement, chiefly evidenced through unsoundness of the moral principle.

It is this apparent anomaly which confounds lawyers, who themselves too frequently seem to forget, and as often lead juries to do the same, that it is not in the abstract consideration, but the particular application and appreciation of principles, the value of a special opinion rests. Counsel acquire their ideas of soundness or unsoundness of mind, as some do their notions of special affections, from nosological books which lay down their fixed descriptions of disease. Physicians may, on examination, admit the general truth of the one, and allow the accuracy of the other. Who is there, however, who has stood by the bedside of the sick, and seen the student of the closet, but has felt that the most important part of his knowledge was wanting, or the capability of applying the information he had acquired? The lawyer is this student of the closet! It would be quite as rational to expect, that the jury, if guided by his opinion on the soundness or unsoundness of mind in a particular case, would place equal reliance on his advice respecting their individual states of health, from detailing to him certain symptoms, whose value as indications of various diseases nosological works have with equal confidence laid down.

This is a proposition, we are satisfied, to which few would assent ; for, in their own cases, they would ignore the competency of counsel to estimate the practical application of a science which they feel satisfied must be studied in the great volume of nature, written in works not words.

Willis writes :—“ To constitute derangement of the mind, his aberrations must be attended with bodily indisposition.” If by “ bodily indisposition” we are to presume, such a derangement of the general or special functions as may be evidenced to our examination, we confidently affirm the assertion to be at variance with experience ; though, at the same time, we freely accord to the truthful observation of Dr. Winslow :—“ We are too apt to form our estimate of character, without taking into consideration all those circumstances which are known to materially influence human thought and actions. The state of the organization and the health ought to be maturely weighed before we pronounce authoritatively as to the motives of individuals, or denounce them for not acting or thinking according to what our preconceived opinions have taught us to consider as orthodox.” Cheyne, in one of his highly practical essays, declares, he has no doubt “ that various immoral and vicious practices ought to be ascribed to insanity.” So that the physician has a twofold problem to decide,—the relation of crime to insanity,—of insanity to disease.

What does the question of psychological responsibility imply? The self-mastery of the spirit in its

connexion with the personality, in the same way as metaphysical freedom implies, the self-mastery of the spirit when viewed apart from the personality. Now it is only that psychological freedom which is identical with health, that, strictly speaking, comes within the province of the physician:—The identification of motives with a mental condition, or the psycho-ethical relations of a particular act. Those causes which impede self-government and act morally, those faults and vices which society both promotes and punishes, constituting the ethico-legal considerations of the same act, come not, strictly speaking, within the physician's decision unless associated with this mental condition. If we admit his competency to decide on these latter; we permit, as we have stated, as wide a range of opinion respecting each case as there may be difference in the sentiments of medical men. *It is only when the diagnostic investigator discovers or presumes the existence of that which we term a mental disease, for whose explanations the principles of medical science are required, that the physician can determine the incapability of being a responsible agent.*

The question of unsoundness of mind in its relation to criminal acts is thus a twofold or medico-legal one; the latter may determine the ethico-legal relations as regard the act; the former can alone fix the psycho-ethical responsibility as regards the individual,—an assertion which, we doubt not, we shall be enabled to fully establish.

From this assertion a very important consideration arises. If, as physicians, we confess our inabi-

lity from any one sign or combination of signs to speak confidently of the presence of disease, on what grounds do we argue to ourselves superior fitness for psychological investigations? The evidence of "unsoundness of mind" is allowed to rest in deviations from that common standard of sanity which the general good sense has approved. Now, allowing the medical man to be alone competent to estimate the influence physical changes can exercise on psychical operations, is it in virtue of the presence of those physical changes his opinion is to be regarded as of value? The following cases arise. An act is committed corresponding in its immediate particulars to those ordinarily appertaining to crime: the plea of insanity is raised,—on the closest examination the physician can detect no traces of physical disease, other evidences of disordered nervous functions than such as are denoted by the consummation of the act, being wanting. Again, an individual to all appearances in the enjoyment of perfect bodily health, or, it may be, suffering only from affections commonly met with, is declared to be of unsound mind. In both cases the evidence in support of the assumed mental condition seems to rest on data appreciable by all.

Does it not appear as if in these cases the question resolved itself into a simple proposition—the relation of two admitted powers, that of a peculiar as contrasted with an ordinary mind? We admit as much, and reply, the elements in the formation of our medical opinions are not thereby affected, since in the

supposition that changes physically appreciable of necessity accompany insanity, we have but an exemplification of a popular error, which confounds phenomena arising in, with the cause of a disease, and, therefore, presumes their presence as essential in proof of its existence. In the manifestation of those symptoms which originate doubt respecting sanity, we may, as we have stated, have the first sensible indication of functional disturbance; and the fact of their previous latency can only be received as proof that they were not prominently developed, rather than that their morbid source did not exist.

Society is fully warranted in being jealous of her rights, and equally justified in seeking to prevent any body of professional men from assuming an authority in reference to matters affecting her interests, those matters being within her own control. Both the Bar and the public are, however, deceived, when they presume the general, not the particular, application of medical opinions. The question to be determined in psychological investigations is not whether certain phenomena indicate the soundness of the mind or morals of all men, but, how far they may enable us to estimate their relative condition in a particular individual. Were it otherwise, we should presuppose a uniformity in the mental constitution, which ordinary observation negatives. A physician is called on to declare his diagnosis; the value or nature of a certain indication is to be decided; does not his experience dictate a scrutiny,

first, of the special symptoms which may be identified with this indication ; *second*, of the general condition associated with these symptoms ? Were he guided by the first alone, it is quite possible that in a single instance he might be right, but more than probable, he would be usually wrong ; did he depend wholly on the latter, the presumption is, he should be rarely, if ever, correct.

Where, then, does the value of special or general symptoms rest ? *In their order of progression and combination, their association with each other, and their relation to the particular indication.* Now in mental disease the special symptoms are the manifestations associated with the act indicated, the general symptoms finding their analogues in the ordinary mental operations. The previous history becomes, therefore, as essential for the appreciation of the psychical as of the physical condition. But it may be said, those mental operations, constituting the history of the case, are open to the consideration of all, and if this be the basis of your professional opinion, we deny your right to claim any advantage ! The history of the case is one thing, the capability of medically reasoning on it another ; and though we do not question the logical acumen of many wholly ignorant of medical matters, yet we assert that, in consequence of this ignorance, their capability of reasoning is open to the objection that they must presume variable data as confirmed ; whereas it is the establishment of the nature of those data which constitutes the essence of the inquiry.

Medicine is admitted to be a science of observation and analogy, in which experience declares that certain inferences may be drawn from the operation of different agents on organisms which nature has happily ordained should have a close similarity in each. Psychology, while being equally a science of observation, is even more so one of analogy; since the mental organism, being dependent almost wholly on external circumstances for its development, is as a consequence infinite in its variety. The standard of physical health of one is generally but a type of the same condition in many. The criteria of mental health may, it is possible, be peculiar to the individual. Our physical constitution we admit to be influenced by a variety of circumstances over which we have no control, but whose power we can fully appreciate as more or less tending to modify the action of disease. Our mental constitution, it will be seen, while being identified with our physical, and as a consequence under the same influences, having, moreover, an independent organism, is alike capable of being acted on by circumstances altogether different in their nature. In our analysis of vital actions, as physically manifest, we recognise but the one undivided vital principle. In our analysis of mental vitality, as evidenced through psychical actions, we are presented with a duplicate operation of an integral power, evidenced in the intellectual as contradistinguished from the moral faculties; while, to increase the difficulty, those faculties, in many instances, seem to acquire an inde-

pendent existence, since there are abundant proofs that not only may one be exercised irrespective of the other, or harmonize with the other, but it is even quite possible that in their separate operations they may, to all appearance, seem directly antagonistic.

If, then, in the diagnosis of physical disease the history of the case is regarded as essential for showing the order of development, combination, and progression of indications whose aggregation we are required to determine; how much more important is it, that in mental disorders all previous circumstances be not only fully investigated, but fairly estimated, for determining the influence they may have exercised on the several faculties.

We know that in the physical organization, unless certain functions be duly performed, deviations from the admitted standard of health become sufficiently manifest to constitute disease. Mental operations present, however, innumerable deviations from the approved standard of sanity, and they cannot be received *per se* as evidence of disease, for this reason, that the mental constitution having no fixed standard, the operations of two minds admittedly healthy may be diametrically opposed, and, owing to the capability of independent action which *appears* to be exercised by the moral and intellectual faculties, the operations of a sane and insane mind may be perfectly identical, contradistinguishing moral crime from disease. Unless then, in such investigations, the mind be habituated to question with accuracy

and to reason with caution, it is open on all sides to an infinity of sources from which error may arise.

In physical diseases we have generally visible or tangible evidences by which to recognise the peculiarity of the organism. In psychical affections we can have no means of estimating the character of any mind except through its operations. It is, therefore, essential, for all undertaking such investigations, that they be possessed not only of distinct criteria by which to define mental health, but that they be also fully competent to estimate those various agencies, which, apart from physical influences, act or react on the mental constitution.

We have said "apart from physical influences," for we wish it not to be forgotten, that the physician is alone competent to speak authoritatively in cases where the immediate instrument of thought is involved. We have now, however, to contend that physical causes, altogether remote from the nervous centre, are, notwithstanding their apparent isolation, still capable of powerfully influencing its operations, and in a measure modifying their character. Action and reaction are not only to be observed in mind as well as matter, but between mind and matter. It is a mystery involved in the very fact of our existence that such should be the case, since the closest investigation has resulted in no further discovery than that it is so. We are not competent to decide respecting the government or direction of these interchanges of action, since the same apparent physical causes may co-exist with perfect mental health

in one, and in another be identified with, if not the cause of, a directly opposite condition. This fact it is which occasions their presence to be ignored by many who are incapable of duly estimating them.

Surely, it will be said, crime is not clothed in such deceptive robes, or sanity so enveloped in mystery, that fine-drawn subtleties are required for their exposition. Who would not know a villain, who could not recognise an insane? The supposed villain is, however, too often the insane, who finds in the guarding care of medicine his only sympathy or protection!

If, then, it be contended that medical men are so pre-eminently adapted for such intricate investigations, and it be conceded that cases may arise in which the psychical estimate of crime involves many abstruse and difficult considerations, it may be asked, “Why are other than medical juries empanelled to adjudicate on such matters?” To this we reply:—There are many grave and fitting reasons that the existing state of the law should be maintained. Were medical men required to primarily decide on the soundness or unsoundness of mind of an individual accused of crime; unless their opinions embraced the act originating the accusation, their adjudication would be altogether unjust; for that act might be the hinge on which their estimate of his sanity should turn. If, on the other hand, they include this act, the onus of proof respecting the guilt or innocence of the party accused is thereby placed in their hands, and we have no grounds for inferring that, under such

circumstances, greater unanimity would prevail than is seen in ordinary tribunals. Were they to assume the act as committed, they should thereby identify the question of the accused's sanity with that of his criminality. These, and many other reasons we might adduce, have fully satisfied us that determining guilt or innocence by the voice of the jury, the soundness or unsoundness of mind by the judgment, according to the evidence, of the physician, is the course best calculated to maintain public confidence and insure public safety.

We have not in the foregoing observations sought to deny the capability of the jury in many cases deciding the presence of unsoundness of mind. In psychical as in physical diseases cases arise in which broad and distinct differences exist, denoting the unhealthy or altered condition. Common sense may as frequently pronounce the wit diseased, as the man without surgical knowledge diagnose the fractured limb. It is not to such examples our remarks apply. The public generally are unsuited, if not inadequate, to entertain many considerations psychological investigations entail. Even allowing they could divest their minds of natural prejudices, and with all honesty and earnestness seek by the most patient scrutiny grounds for their unanimous verdict, what does it amount to? The coincident opinion of intelligent men, who, it may be, decide an important question on the observation of an individual case, and thereby confidently declare their capability of fully appre-

ciating the various phases of a most intricate disease, from their knowledge of the operations of health. Every mind has its own standard of mental and moral health, by which it is too apt to adjudicate on that of another. When men repudiate the conduct of another, they identify the feelings of that other with their own. They are conscious that certain deeds should with them indicate particular mental states, they therefore presume they can appreciate the same causes in another through their effects. In many particulars a diseased mind accords with their own,—they, in consequence, refer the same capability to that mind. First starting with a proposition which they assume as correct, they then demand that you question not its truth ; for, judging as they themselves feel, they decide as they judge. To those we would speak in the words of him who, though one of the greatest reasoners of any age, was not in virtue thereof devoid of error :—“ He that would not deceive himself ought to build his hypothesis on matter of fact, and make it out by sensible experience, and not presume on matter of fact because of his hypothesis”^a.

On most trials matters of fact and matters of opinion are submitted to a jury : the value of matters of fact may be open to the judgment of all,—the value of matters of opinion must be proportionate to the capability possessed of forming that opinion. The

^a Locke.

question of unsoundness of mind in its relation to responsibility for a criminal act may rest on admitted matters of fact, by which it is possible the jury may be enabled to decide the issue; but, when those matters of fact come to be estimated in their presumed relations, they are thereby converted into matters of opinion, when, as Hoffbauer has remarked, "the Court should not hesitate to be guided by the same." When, therefore, we read such observations as have been attributed to the Lord Chancellor Truro and others, the former of whom is reported to have declared,—" His experience taught him there were very few cases of insanity in which any good came from the examination of medical men. Their evidence sometimes adorned a case, and gave rise to very agreeable and interesting scientific discussions, but, after all, it had little or no weight with a jury;" we cannot, under such circumstances, regard the rejection of truth derived from experience, as being other than tantamount to the adoption of error, and cease to wonder that even amongst the most able minds charlatanry should be occasionally rampant.

Justice demands that the grounds on which insanity be received as a plea for exculpation from punishment, or as a pretext for exclusion from social rights, should be as uniform as possible. We admit the difficulty of defining insanity; and yet, to recognise an insane person is a matter that we are satisfied the majority of mankind believe themselves fully competent to. We shall not attempt the former, but

rather essay to offer a few suggestions which may at least tend to more fully demonstrate, and thereby, it is not impossible, diminish the obscurity of the latter.

It unhappily requires but little observation to perceive that crime and insanity have many features in common. The records of the one may be regarded as furnishing the most marked examples of the other. Although the illegal acts of the insane are ever far removed from that criminality with which they may appear as identical, it is, in many instances, no light undertaking to draw the line of demarcation, or to say what distinguishes iniquity from folly. We have already repudiated the supposition that in psychical operations, similar manifestations must of necessity indicate uniformity of causation, and have therefore affirmed that eclecticism is the only safeguard in psychological medicine. This will be fully exemplified in the study of the cases to be subsequently detailed.

We may for the convenience of description state, that most, if not all, insane criminal acts are capable of being ranged under one of the following divisions:

I. Crimes against the state ; II. Crimes against the person ; III. Crimes against property.

The mental conditions which originate such acts are also reducible to a similar number of divisions:—

I. Insane states manifested chiefly by delusion, or what has been termed “ monomaniacal insanity,” in

which the intellectual or reasoning powers seem to be those more particularly involved.

II. Insane states in which the exaggeration or perversion of the moral intelligence or affective faculty is that most evident, constituting the "moral mania" of writers, when the intellectual powers are apparently unaffected.

III. Insane states in which neither the moral nor intellectual faculty is of necessity inadequate to appreciate the relations of a particular act, whose commission is alone explicable on the admission of an irresistible impulse—a form of disease described as "impulsive insanity."

In proposing such a division we seek not to establish any connexion between a special form of crime and a particular development of insanity, inasmuch as it will be evident that criminal acts capable of being ranged under one of these three divisions, or embracing the whole three, may find their plea of extenuation in any one of these insane conditions.

In proceeding to the practical investigation of Unsoundness of Mind in its medical and legal considerations, we enter on a subject of general as well as special interest. Every psychological inquiry entails a deep and solemn responsibility: while we wish not to exaggerate, it would be equally unjust to speak lightly of its difficulties. Character, friends, and fortune, on such occasions, may be at stake. All are, therefore, particularly interested in establishing and upholding the most complete justice for the insane.

Who is exempt from the visitation of disease? Confined to no class, identified with no position, peculiar to no country ; old and young, rich and poor, learned and ignorant, our neighbour and the stranger, are alike within its reach. Protean in its shapes, insidious in its approach, direful in its effects, blighting its victim, and spreading desolation around, Insanity, while isolating man from his fellows, appeals to their warmest sympathy, and at the same time honours medicine, by intrusting each wavering mind to her especial care.

ESSAY II.

MONOMANIA.

MONOMANIA may be defined as a morbid mental condition induced and characterized by an habitual recurrence of similar thoughts. In this disease the mind, as Reil well expresses it, "suffers a paralysis of its powers of conception," and is thereby rendered inadequate to appreciate the general or special relations of some particular point round which its thoughts, as it were, revolve. The causes conducing to this form of disease, though endless in their variety, present a certain uniformity in their results. It matters not whether the thoughts those causes engender be of a religious, political, or scientific nature; whether they have reference to the past, the present, or the future—the essential characteristic of the affection by them established is still preserved. *The mind becomes morbidly impressed with certain suppositions, and is as a consequence rendered incapable of the healthy estimate of those relations to which such suppositions refer.*

The study of monomania offers for our consideration many of the most anomalous problems in psy-

chology, since individuals whose minds are on some one point thoroughly deranged, may, as regards other matters, not only manifest extraordinary energy and acuteness, but also, while admitting the peculiarity of, defend their abnormal suppositions, with arguments requiring for their exercise considerable logical acumen. Fully competent to detect, they will even ridicule absurdities and peculiarities in others, which are trivial in comparison with those habitual to themselves, and thus, by the display of much intelligence and discrimination, frequently succeed in concealing the real condition of their own minds. Psychical and physical diseases in their estimate present a perpetual contrast. The greater difficulty experienced in the diagnosis of the former may be ascribed to this contrast. In the physical constitution of men a certain uniformity of structure is visible, any departure from which is immediately appreciable: corporeal actions being regulated by recognised vital laws, the criterion of physical health may be stated to rest in the harmonious adaptation of the one to the other; when this becomes interrupted, proportionate to the importance in the economy of the function impaired, is the disturbance which ensues:—In the mental constitution the same facility of recognising abnormal conditions by no means exists, since the standard of mental health cannot be equally well defined. Abstractedly considered, the evidences of mental disease in one person may be identical with the healthy and ordinary exercises of another, as a consequence of which,

for their differential diagnosis much difficulty and doubt may in such instances be experienced. It is, therefore, a matter of serious importance, when cases arise in which the existence of insanity is based on arguments explicable by the dictates of reason, that society be preserved from the danger which might result from the too easy reception of such a plea ; while, at the same time, humanity be exculpated from responsibility for those sad operations of disease which, it is possible, may eventuate in the natural disposition to crime being more prominently, because morbidly, developed. In obscure physical disease, the keystone of our diagnosis is the history of the case ; yet, with all the evidences and aids which modern medicine can bring to bear for its elucidation, how often must caution regulate our opinions, while prudence temporizes our treatment. In mental disease, and in this particular form above all others, unusual difficulties demand increased care for their exposition. In many judicio-psychological questions the physician must, as Kant observes, call the philosopher to his aid, since not only does it behove him to estimate the psycho-ethical relations of certain mental manifestations, but also to determine the relation of those manifestations to the personality. What does this require ? Not a hasty visit, not the mere listening to a simple recital of apparently anomalous facts, not such a melancholy display as has been witnessed on some trials, where medical men without experience in insanity, and with but imperfect opportunities for observa-

tion of the case under adjudication, have volunteered their evidence : but,—that deliberate investigation indicating anxious experience, which scrutinizes the individual character, the progress, order, and combination of symptoms, their relation to the psychical and physical constitution, and gives as the result of their conjoined evidence a definite and matured judgment. Certainty in knowledge is not permitted to man ; the most we can, therefore, hope to accomplish is, to limit our fallibility within narrow bounds. In psychical as in physical disease this is sufficiently evident ; since, while freely admitting that every concession to crime must be regarded as an injustice to virtue, yet cases will occasionally arise in which the conflicting evidence adduced renders it a merit to doubt, though the humane spirit of our legislature affords to the individual accused of the most flagrant crime the benefit of that doubt. We have observed that the standard of mental cannot be equally well defined as the standard of physical health. There are many facts which strengthen us in this opinion : they rest on our ordinary observation of life. Coleridge truly wrote : “ Society would be broken up, and man would loathe his brother man, if the secrets of each heart were laid open to public gaze.” This affirmation must be conceded ; for, as we write not to depict the follies of the day, and are not of those who consider a knowledge of human nature to signify an acquaintance with the mere vices of mankind—though it is true that such information is essential for a just estimate of huma-

nity—we shall not pause to give extracts from a book each one may read for themselves ; yet, we may observe that on the analysis of the heterogeneous mass of which society is composed, we cease to be surprised that many are found content to acquiesce in the sentiments of others, be they monomaniacal or otherwise, rather than to reason for themselves ; to manifest a sensibility in their detection of trivial faults, and an equal incapacity for their recognition of great merits ; to show in their estimate of one class of offences temerity and fastidiousness, which contrast strangely with their appreciation of another ; to exaggerate the importance of knowledge scarcely available ; and to undervalue, if not deny, the existence of those peculiarities which proclaim their own inconsistency.

The complex nature of the question we are investigating renders it essential that we fully appreciate the various sources from which the elements of a just psychological opinion are derivable. These we conceive may be enumerated as follows :—

I. Our study of the general and special relations of the individual affected.

II. Our analysis of his mental and moral constitution in their mutual reactions.

III. The relation of the monomaniacal conception to the foregoing.

Society has imposed certain observances and rules to regulate and direct the association of its members. The necessity for such will be at once apparent when we consider that want of uniformity in the intellec-

tual and moral constitution of man which is on all sides visible. The basis of these regulations may be regarded as resting equally on the ethical as well as the psychical perceptions of men,—their object being the social assimilation of one to the other ; their end, the establishment of order and preservation of good will. Public opinion, that is, the aggregate expression of individual sentiment, has therefore at all times been a legitimate object of honourable ambition. Its disregard indicates a desire to establish an independent standard of excellence, which seldom fails to bring its moral penalty in the forfeiture of that confidence essential for the enjoyment of the proper mind. We do not by this mean to imply that men are to pander to the follies, acquiesce in the weakness, or comply with the absurdities, fashion may require,—far from it ! These are too often but the gaudy toys with which conventionality seeks to divert the judgment of sober reason. But we have little hesitation in declaring that those obligations of society which good sense has dictated, and experience approved, as promoting individual comfort by maintaining among its members mutual respect, through a reciprocal accordance to certain observances, cannot be altogether despised ; without leading us to question the stability of the intellect, as well as the purity of the morals, of those who have the hardihood to act in such a manner.

Society demands conformity to her established rules, and is, as we have mentioned, jealous of each innovation in her code. Not but alterations are

being continually introduced, fashions changing with the season, manners with the age. All this, however, is in accordance with the wise rule of Providence, and part of the great plan of the Creator, who has declared in each operation of nature, that "to everything there is a season." The universal judgment of men recognises, in the compliance with those usages they may have approved, a definite and known state of mind respecting which they are adequate to form an opinion, and accordingly presume on their capability of appreciating the relation the same state of mind should have to circumstances which they are not so competent to estimate. From the coincidence of action in one position we identify the *animus* of another with our own, and are, consequently, apt to refer their several actions to the test of our individual consciousness ; and, being satisfied that, under similar circumstances, the performance of a particular act would be entirely contrary to our feelings or disposition, we cannot, therefore, account for their occurrence on any reasonable principle, and seek to explain the difficulty by assuming derangement of either the moral or intellectual faculty.

Sir William Ellis observes : " In a state of sanity the various feelings and propensities are kept under control, partly by their mutual influence upon each other, partly from moral causes, and partly from the restraints imposed by society. When careful education and religious feeling have rendered their due regulation habitual, strong propensities may exist unknown and unsuspected except by the individual."

This preservative influence of society is exercised in many ways, not the least important of which being the habit of self-control it engenders. "Habit," it has been well observed, "is second nature." Dugald Stewart, in reference to custom, writes: "It is one of those natural instincts which no reasoning or process of thought is able to either produce or to prevent." Habitual self-control affords, next to religion, the surest guarantee for mental and moral health, since temptations successfully resisted in the end become powerless, while vice with each succeeding indulgence acquires additional force, until at length the "still small voice" of conscience ceases altogether to be heard.

Goethe, in speaking of society, observes: "Nothing brings us nearer to insanity than distinguishing ourselves above others ; and nothing preserves the even tenor of the understanding so well as a general intercourse with many people." Thus it is that society contains within itself resources for its own protection : were it not so, ambition would be wholly without regulation, and the mind, in subjection to its innumerable impulses or passions, proportionately suffer. In society is chiefly to be found the reaction of one mind on another, the beneficial effects felt to be derived from congeniality of sentiment, which insensibly influences if it does not wholly determine our associations ; together with that mutual encouragement and assistance, which enable the intellect to bear up against the most gigantic exertions. Whether in the extended field of politics, or

the narrower sphere of professional life, it is this mutual co-operation and reaction which accomplish great events either for governments or science, and preserve at the same time the standard of excellence with the equilibrium of sense. It may be observed, that when men undergo a similar amount of mental toil, being isolated from their fellows and wanting this insensible regulation, their minds are, under such circumstances, prone to suffer accordingly ; when either some one idea acquires a mastery which, uninterrupted, becomes so deeply rooted as to influence their whole subsequent career, actual monomania resulting ; or, the thoughts in their continual reaction revert on themselves, when but trivial circumstances are required to develop some special indication of a more general insanity.

Our physiological observation of men has established a fact of importance to be remembered. Certain psycho-physical differences appertain to some individuals, which enable them to apprehend the exterior world in a manner peculiar to themselves alone, and to react on it. It would be easy to enumerate examples of special physical constitutional peculiarities or idiosyncracies in many, which not only coexist with the enjoyment of sound health, but whose very interruption indicates the presence of disease. Observation proves an analogous condition to as frequently exist in the psychical constitution, when it becomes a matter of the very greatest importance to distinguish these peculiarities and idiosyncracies of feeling and thought which specially

appertain to particular individuals, from similar conditions of feeling and thought which may in others be most valuable as denoting the presence of disease. In the majority of instances it needs but little ability to recognise that which, for want of a better name, we term **ECCENTRICITY**. A single interview is often sufficient to establish the opinion that much individual peculiarity exists ; it would, however, be shallow philosophy and dangerous practice to regard such as indicative of unsoundness of mind. We do not believe that any experienced physician would do so, since it is the continued observation of successive phenomena in the same individual which enables us to arrive at their true appreciation. *A particular act, or succession of acts, to acquire value as a symptom of insanity, must do so through the fact of its denoting a departure from the natural and healthy character, temper, or habits.* It is not, therefore, sufficient that the medical man who would determine the question of soundness or unsoundness of mind be informed of special acts which he contrasts with what he may regard as an approved standard of mental health, but it is requisite that his standard be the admitted mental health of the individual, that the acts specified may have their value determined accordingly ; since, to quote the words of Dr. Gooch, “it is the prolonged departure, without adequate external cause, from the state of feeling and modes of thinking usual to the individual in health, that is the true feature of disorder in mind.” Ordinary observation is sufficient to con-

firm that it is the relative appreciation of an act which determines its value. What is our test of sanity? Are we of the school of Chrysippus, "which deems every man mad whom vicious folly or the ignorance of any truth drives blindly forward"?—Is the departure from a fixed rule, or the acquiescence in established usages, one way or another to determine our opinion? Both of these questions invite to discussion. Folly and ignorance must ever be distinguished from crime and iniquity, to which, however they may predispose, they are not of necessity allied: originality of thought must not be confounded with that which, in its ordinary signification, we term "singularity," since its manifestation may be the most convincing evidence of superior intelligence. It cannot be denied that in all countries where intellectual activity has been awakened, one of the most powerful agents in the wise direction of human events is the tendency of original thought to differ from general opinion; when, living, as it were, in advance of their age, master minds have disregarded those narrow bounds within which Routinism would restrain the most splendid genius. Universally it will be found that the greatest triumphs of the human mind have been accomplished in direct opposition to the current of general opinion, and that public thought in one age is not unfrequently but the echo of solitary meditation in that which had preceded it. If proof be required of this, we have but to look to the social as well as scientific revolutions which have within the

last few years been perfected; or, to regard those many mighty undertakings which, throughout the civilized world, are at this moment being carried out. The doubt as to what may be accomplished, and the detail of what has been effected, place the same question in a very different light. At no period should scepticism be more thoroughly in abeyance than at the present, when the very elements are subservient to the will, and the wish but the prelude to the act. No proposition must therefore be rejected because it is new. How many men have foreshadowed truth while propagating errors which enveloped the most profound discoveries of their succeeding age?

On most criminal trials many simple logical or ethical propositions are put forward, and the jury thus become, as it were, personally identified with the replies of the medical witness, whose value they estimate according as they may correspond with, or differ from, their several sentiments; whereas the matter to be determined is not:—Does the presence or absence of particular manifestations indicate the soundness or unsoundness of the mind or morals of all or of most men? but,—How far the presence of these special manifestations indicate the mental or moral condition of the particular man? If we admit the general application of such a question, we should premise a certain and fixed standard of sanity, and an inquiry would arise respecting the mental soundness of any two men entertaining opinions diametrically opposed. The more limited application of the proposition leads to the special

examination of each case, when, as in our diagnosis of physical disease, the application of general principles by no means implies the adoption of a general rule. Had we but a moral intelligence, no doubt respecting our opinion could arise, for our moral standard is fixed, and does not, therefore, admit of being disputed. Every vicious man should then be considered insane, as acting against the first law of nature in consummating his eternal destruction. The difference between right and wrong admitting under such circumstances of no dispute, insanity and vice should be identical ; that is, supposing that, in the absence of a reasoning process, either was possible, which we by no means admit, inasmuch as our movements, wanting the elective power of the intelligence, would be purely instinctive. The compound nature of our mental organism, however, disarranges this simplicity. The moral is at fault —the intellectual extenuates : the intellectual errs —the moral puts forward some excuse ; so that men at length, in self-defence, are required to adjudicate on the excesses or deficiencies of either intelligence, as vice or insanity. The safety of society demands that a difference be maintained between crime and insanity, and the safety of the individual requires, that the relation between any particular crime and his state of mind be, if possible, established. Insanity may be stated to be a diseased condition in which the mental harmony is disturbed, and the intelligence as a whole is willing, but unable, to appreciate that which is right. Crime, on the other

hand, may be regarded as the evidence of, so far, an analogous condition, for the mental co-operation is perverted, though maintained. On what does the will of man depend? Is it not the ultimate decision which the moral and intellectual faculties conjointly determine? Lord Hale was not wholly wrong when he declared "all crime to be the result of a partial insanity;" for, if the will be the product of mental operations, and those mental operations be opposed to the rule of right which the intelligence has acknowledged, that mind cannot be regarded as a sound mind, which, thus imperfectly or improperly, arrives at a decision. We are brought to the question:—Where does the ability to determine on a particular act cease or commence? For, accordingly, must be the responsibility or irresponsibility of the offender. Experience and observation prove that this mental guidance is, to a certain extent, under a man's own control; it therefore follows, that those illegal acts resulting from such a deficient or defective regulation of the mind as is within the individual direction of the will, are justly regarded as crimes, while similar acts, originating from mental conditions beyond the control of the will, cannot be esteemed as other than so many evidences of insanity. "No one," writes Dr. Duncan, "I presume, will dispute that every man who commits a crime, or indulges in vicious habits, acts *as if* he were mad, that is, he does not duly and correctly compare and weigh the consequences of his present actions, for if he did, he would undoubt-

edly abandon them. But then the difference between the two cases is this, that while the man in full possession of his faculties shuts his eyes to results that he does not choose to see, the poor lunatic, being blinded by his infirmity, is incapable of looking in that particular direction, and is, consequently, not acting against the impulses of his natural judgment." Consequent on the want of uniformity in the psychical and ethical perceptions of men, it follows that in many instances so much of crime as belongs to insanity is unnoticed, and so much of insanity as accompanies crime is undetected, until from some overt act an inquiry is instituted into their connexion. The identification of crime with such a condition of mind as this we have alluded to, is one thing; the identification of crime with insanity, in its general acceptation, is altogether another: by confounding the two, much injury to man and injustice to society must result, for the lunatic might be thus punished as the criminal, and the criminal escape free.

The question comes to be discussed,—What are those criteria by which may be determined the distinction between that condition of mind where man ceases to be a free agent, and that in which responsibility is maintained? Knowing the difference of original mental constitution, circumstances, habits, education, and other modifying causes which conspire to produce a diversity of character and disposition in each; we believe we are warranted in asserting that much of the doubt and difficulty

in forming or receiving opinions has arisen from futile attempts to generalize on this particular point, in which it has been assumed, that what is true of one must be true of each, or that which is true of many must be true of one. The more we reflect on this subject, the more fully we become strengthened in our belief, that it is *impossible to propound a general rule*. We fully agree with Dr. Winslow, "that no single fact, nor any accumulation of facts, for each of which a possible, though inadequate, reason may be assigned, is *per se* conclusive of irrationality." Our further observations shall more fully establish the truth of this, and also place beyond doubt the danger of being guided by the opinion of those who, judging from the mere concurrence of events, because there may be a coincidence of those phenomena which denote health, therefore presume that disease cannot be present. As we proceed in our psychical analysis, and become conscious of the moral and intellectual differences observable in men similarly circumstanced, exposed to the same temptations, and having equal means for the gratification of their wishes; the conclusion will force itself on the mind—despite of all that Locke and others have written to the contrary—that, in the words of the author last quoted, "there are certain intuitive principles appertaining to each individual, which, independent of education, give a natural bias, and sometimes a premature development to certain faculties." Therefore it is that we conceive *our estimate of an individual character is the balance by*

which the value of symptoms presumed as indicative of unsoundness of mind must be determined.

The most limited experience cannot fail to supply many examples, to which the ordinary criteria of sanity can scarcely be said to apply. Habits of deep thought and of abstruse research, in many minds, more fully develop individual peculiarities, which demark certain men from their fellows ; such individuals may, it is possible, transgress, or rather neglect, many of those conventionalities society requires, and revel in the luxury of their peculiarities. Their moral exculpation is, notwithstanding, generally conceded, while their eccentricity is excused for the sake of that genius it envelops. When the moral intelligence becomes similarly involved, the offender is, however, placed in a far different position. Abstraction of mind must be distinguished from abandonment of principle ; thoughts preoccupied be regarded as distinct from morals depraved ; lest actions which are odd, but innocent, be confounded with conduct outrageous and evil. In pursuing our psychological study of the general and special relations of the individual presumed as being mentally affected, it becomes, therefore, of vital importance that we draw the diagnosis between an inability and an indifference for perception,—an originally defective mental constitution, and that which succeeds to vicious indulgence,—a deficient conception of moral responsibility, and a wilful abandonment of moral rule. The experienced physician, if opportunity be afforded—and without this, we doubt not, he will be silent—may generally

succeed in truly estimating those peculiarities which distinguish eccentricity from insanity. The one must be regarded as the result of a sound judgment, unduly, indifferently, or perhaps erroneously exercised,—the other arises from an inability of the judgment to act properly: the one offending against regulations established by custom,—the other acting in opposition to those rules dictated by reason: the one, though in some instances not admitting of explanations wholly satisfactory, yet offering nothing in extenuation which is opposed to sense,—the other capable of adducing no motive that does not involve an absurdity: the one acting according to a judgment based on principles resulting from his own rational, though, it may be, erroneous or perverted conceptions,—the other acting according to fancies based on premises which admit of no recognition.

The elucidation of the question we are immediately discussing does not demand the same close analysis of the mental or moral intelligence in their mutual relation, as our investigation into the subject of moral insanity will hereafter entail; we shall, therefore, for the present, rest satisfied with declaring that in the human mind two principles are recognisable—an intellectual and moral—which, though capable of their distinct exercises, are for the ordinary purposes of life intimate in their association, and harmonious in their co-operation. For the fulfilment of positive duties it is evident that the direction of a discriminating judgment becomes essential: the moral estimate of those duties being

involved in the just appreciation of their relations. Regarding such a dependency as conceded, we shall proceed to the more practical exposition of Monomania in its relations to crime.

Sir John Nicholl's opinion, in the case of *Dew v. Clarke*, makes insanity consist in the existence of delusion. Lord Erskine's views may be also quoted as propounding the same doctrine. Sir J. Nicholl has defined delusion "as a belief of facts which no rational person would have believed." Lord Brougham has amended the same, and stated delusion to be "a belief of things as realities which exist only in the imagination of the patient." We have admitted that the fact of an opinion being altogether different from those ordinarily held, does not, therefore, constitute it a delusion. That which is quite clear to one mind may be wholly inexplicable to another. An opinion which is the result of deep reflection and sound inference may, to those incapable of estimating the premises or inductions, appear as the offspring of a deluded imagination, or an overwrought fancy. The mere circumstance of an opinion being contrary to sound sense is no argument of unsoundness of mind in the person entertaining it, for an uneducated man may draw many inferences which are opposed to the simplest dictates of experience.

We do not wonder that an ignorant man should propound doctrines at variance with the admitted results of science; though we are ready to declare that similar doctrines, if advanced by another, might with truth be regarded as indicating his irrationality.

We cannot regard the most decided change in the longest cherished opinions as in itself indicating unsoundness of mind ; since this change may result from that greater capability for forming a judgment, which increased experience, or more matured reflection, affords. "Though it may be an unsatisfactory reflection, it is yet a wise one, to consider our existing convictions as liable to error, like those which have preceded them." We are not at liberty to argue the irrationality of men who accord to sentiments which our better regulated reason may abhor, or our scriptural faith condemn, inasmuch as they may, for the entertaining of those sentiments, find such matter to form the basis of their faith as harmonizes with the unenlightened condition of their minds, though our intelligence altogether rejects the same as being opposed to every principle of right. In our estimate of the several delusions presented by the insane, we must therefore be ever careful to establish and maintain the distinction between *erroneous conclusions from facts submitted to the intelligence*, and *just conclusions from suppositions which originate in the intelligence*. A man in the first position may entertain notions altogether at variance with those commonly received, and be at the same time, in the psychical and legal signification of the term, sane ; —while those in the second position may be influenced by the most dangerous sentiments, which, it is possible, escape detection until such time as some circumstance arises adequate to interrupt the ordinary latency of their course, and, as a conse-

quence, to occasion their more prominent development. The mere diagnosis of Monomania, irrespective of its association with crime, is thus proved to be surrounded by no ordinary difficulties.

How often has it occurred that death-bearing disease has silently progressed to such an extent as rendered its detection but the prelude to its close. The physical constitution possesses such a power of vital accommodation, as enables it to tolerate any abnormal condition which does not, of necessity, interrupt its functional exercises. Post-mortem examinations have revealed important alterations of structure which, it may be, were never once suspected, or whose nature had at least never been determined. In psychical affections an analogy is fully sustained. That a man may be competent to conduct the ordinary affairs of life with credit to himself and advantage to others, that he may be adequate to fill high and important offices, and in the natural course of events, leave this world without a question respecting his sanity, or a blemish on his name, while during the greater part of his life he was under the most absurd delusion, which was not detected simply because special circumstances did not lead to its prominent or unusual manifestation,—is a fact which Dr. Duncan in his recent work has established^a. In this instance, the evidence of the deranged intelligence rested on conceptions requiring for their exposition circumstances altogether different from those met with in

^a Duncan, "Popular Errors on Insanity," p. 55.

the ordinary affairs of life, and were therefore held, as it were, in abeyance, because those circumstances calculated to develop the *animus* influencing the conduct did not prominently present themselves. In the year 1843 an inquisition was held before Mr. Commissioner Winslow upon a young gentleman of fortune, and of mild manners, whose insane propensity was connected with windmills. When being removed by his friends to a place where there were no mills, in the hope that the strange propensity would wear away, the youth formed the resolution to commit murder, in order that his residence might be thereby changed, which act he accomplished on the body of a child whom he induced to accompany him into a wood. Lord Erskine^a, in the course of his defence of Hadfield, observed, that he remembered a man who indicted another for imprisoning him, and no act of the counsel (Erskine himself) could draw from him an indication of disordered mind; but when Dr. Sims appeared in court, the man addressed him as the Lord and Saviour of mankind: on account of this extravagance the person indicted by him was acquitted; but the man persevered, brought another indictment, and, well remembering what had caused the former to fail, could not on this second occasion be brought to say a syllable indicative of his mental delusion. The existence of a delusion does not, therefore, imply our capability of detecting it, while its most prominent manifesta-

* London Medical Gazette, 1849, vol. ix. p. 1063.

tion may in no wise accord to the character of the crime it originates. Crime is naturally supposed to be the offspring of motives of one kind or another. When insanity is advanced as a plea in its extenuation, it must be by justification of the act through reason of the motives, and the exculpation of the motives on the grounds of the delusive conceptions. Accordingly, we find that many very eminent authorities have argued the necessity of establishing the relation between the delusion and the act. We admit that in many cases a capability of doing so exists, and that, if such were possible in all, much anxiety would be spared those involved in their adjudication. The instances, however, we have detailed, and others we shall enumerate, prove *that it is not in the nature of insanity as a disease that such uniformity should exist.*

In defending Hadfield for shooting at the King, Lord Erskine argued, "that to exempt from responsibility there must be a close connexion between the delusion and the act." Were this acted on, how few lunatics tried for murder would escape, how many should fall victims to our incompetency to form just judgments! Hadfield apparently shot at the King with the view of being capitally punished for it. In the hope of insuring his condemnation at a time that he was perfectly conscious of right and wrong as regards the act, William Ross Touchett, brother to Lord Audley, fired at Thomas Smith with intent to kill, but was acquitted on the evidence of Dr. Monro. In both these cases there existed an insane desire for

death, accompanied by the fear of committing suicide. Many similar examples might be adduced. Under such circumstances, to regard the acts of the insane as those of a healthy mind would be to enable the lunatic to accomplish his wildest determinations.

“ *Nullum magnum ingenium sine dementiâ,*” is an aphorism which is far more true than is generally supposed. The peculiarities and more than eccentricities of many famous men prove them to have been under delusions of one kind or another ; and the fact that they did not become criminal may be as much owing to the want of such an exciting cause as might interrupt the current of their thoughts, as to any capability they possessed of successfully resisting inducements to crime. We do not by this assertion mean to insinuate that any necessary connexion exists between that which we term Genius and Insanity. True genius is, we conceive, ever based on sound sense; but, while contending that such is the case, the fact remains incontrovertible, that many, distinguished for the highest intellectual efforts, have in their persons exemplified the slight barriers which separate exaltation of mind from alienation. If we inquire into the cause of this, special and general reasons present themselves; the first having reference to that undue receptivity and extraordinary excitability such minds too frequently exhibit,—the second being assignable to the nature of the mental as well as physical occupations which usually appertain to such individuals. It is one thing when the intelligence can so

command the imagination that ideal worlds rest within the control of the will. It is another and far different position when the imagination triumphs over the intelligence and acquires thereby the mastery of the will. In the one, the mind acts on the external world, and can withdraw from the contemplation of its ideal conceptions, or at least subdue them to the practical exercises of life. In the other, each motive to action results from impressions having no real foundation, and is, therefore, liable to vary with, or according to, the character of such impressions. "Imagination," writes Sir Walter Scott, "renders many liable to be victims of occasional low spirits, when, but for the dictates of religion, or the natural recoil of the mind from the idea of dissolution, they are willing to throw away life as a child does a broken toy." "People," observes Lord Byron, "analyze the supposed causes of maladies of the mind; and if the sufferer be rich, well born, well-looking, and clever in any way, they conclude he or she can have no cause for unhappiness; nay, assign the cleverness which is often the source of unhappiness as among the adventitious gifts that increase, or ought to increase, felicity, and pity not the unhappiness they cannot understand." "The irritability of genius," continues the same author, "is nothing more or less than a delicacy of organization, which gives a susceptibility to impressions to which coarser minds are never subject, and cultivation and refinement but increase it, until the unhappy victim becomes a prey to mental hypochondriasis." "The master

mind of Johnson in early life was overwhelmed with a horrible hypochondria, with perpetual irritation, fretfulness, and impatience, and with a dejection, gloom, and despair, which made existence misery." The gift of a beautiful mind was, as Tuckerman remarks, in the case of Cowper, marred by an unhappy temperament—"the chords of a tender heart proved too delicate for the winds of life, and the unfortunate youth became an intellectual hypochondriac." We might extend this list; and, particularizing the rashness of Chatterton, the failings of Collins, the aspirations and early death of White, the disappointments of Hayden, and the unhappiness of many others,—inquire, "Is this the fault of themselves, or of nature in tempering them of too fine a clay, or of the world, 'the spurner of living, and patron of dead, merit.' " The purport of our investigation does not call for such a scrutiny.

The instances we have quoted are sufficient to show that individuals of such a class open to us a new page in the psychical history of man; in which the pleasures and pains, joys and sorrows of life, are strangely commingled, and for the appreciation of which our ordinary criteria prove inadequate.

In the psychological estimate of such characters unusual difficulties must, therefore, always be expected. A certain license is both claimed and granted, for, notwithstanding the apparent anomalies in their dispositions, much matter of fact ability and practical intelligence may also be manifest. Dr. Rush writes of a judge, and of a divine, both confessedly insane,

but whose discriminating judgment on the bench, and whose refined eloquence in the pulpit, were admirable. Baron Swedenborg, who was adequate to perform the duties of his office as minister to the King of Sweden, was so mad as to pull off his hat and make obeisance to Moses or Elijah in a crowded street, and fancied that the twelve Apostles sat by him on twelve chairs in his apartment. It has come within our own knowledge that a barrister of high standing—who, under circumstances of unusual excitement, manifested unequivocal evidence of insanity, for which he was obliged to retire from the bar, and to reside within a private lunatic asylum—proceeded on two different occasions from the asylum to attend county assizes, where, in virtue of an office he held, he was intrusted by the Crown with the conduct of the most important prosecutions affecting life and liberty: which duty he efficiently discharged, although his state of mind rendered it requisite that immediately after the termination of the assizes he should return to the asylum. We might particularize many other examples proving that delusions of the most extravagant character may occupy the mind, and yet the individual be fully competent for the dispassionate consideration of the most intricate questions, not involving the subject matter of the delusion. Could we insure the non-extension of such a particular state of thought, we might, with perfect safety, allow those thus affected to be at large, to manage their properties, and take part in the ordinary affairs of life. But does experience

tell us we can do so? Because many who labour under certain delusions do not commit crime, can we therefore declare that others who are influenced by similar delusions are responsible for their conduct? Can we take upon ourselves to determine the secret workings of the intelligence, and affirm that a particular act is the result of the deliberate judgment, uninfluenced by considerations which we know to exist, and which we admit are adequate to materially affect, if not to wholly subvert, that judgment?

Lord Brougham's observations in his adjudication on the will of Sarah Gibson are both explicit and trustworthy in reference to this point:—

“ If the being or essence which we term the mind is unsound on one subject, provided that unsoundness is at all times existing on that subject, it is only sound in appearance; for if the subject of the delusion be presented to it, the unsoundness of mind, as manifested by believing in the suggestions of fancy as if they were realities, would break out; consequently it is absurd to speak of this as a really sound mind—a mind sound when the subject of the delusion is not presented—as it would be to say, that a person had not the gout because his attention being diverted from the pain by some other powerful sensation, he for the moment was unconscious of his visitation. It follows from hence that no confidence can be placed in the acts, or in any act, of a diseased mind, however apparently rational that act may appear to be, or may in reality be.”

We have already intimated our dissent from op-

nions which, irrespective of the existence of a delusion, identify responsibility with the knowledge of right and wrong as regards the act committed. In the case of Martin, tried for burning York Cathedral, we find that he was fully conscious of the criminality of the act as regards its relation to the human law, but he said, "he had the command of God to do it." In those cases previously detailed, the acts were known to be contrary to the law of both God and man, since it was such knowledge led to their commission, through the anticipation of the punishment which should ensue.

The physician who has had opportunities of studying monomaniacal disease must have remarked that many of the strange delusions entertained, are sometimes slight perversions of a natural process of reasoning, and that in numerous instances "trifles light as air" lead to the commission of crime. Events which, under ordinary circumstances, would be regarded as of little consequence, to the monomaniac become the source of morbid excitement, since his mind is so thoroughly predisposed to their reception. Opposed to this, we may observe, that real calamities which suddenly occur, more especially if they be not consonant with the pre-existing delusion, by withdrawing the mind from the ideal contemplation, have not unfrequently been productive of the greatest benefit to the disease. The effect is far different when such are but superadded to previously existing and similar anxiety or care, for, under such circumstances, the powers of the mind may be broken

down by the various overwhelming influences, and one of the predisposing causes of the insanity become the proximate cause of the crime. This was manifested on the trial of John Oyenston, at the Criminal Court, October 27, 1847, who was indicted for feloniously shooting George Crawley, with intent to kill. In this case it appeared that Mr. George Crawley, who survived the wound, had been instrumental in having the prisoner's goods sold under a judge's order, and that the prisoner in the afternoon of the same day attempted his assassination. On the evidence of Dr. Conolly it was proved that the mind of the prisoner had been gradually losing its power from the difficulties by which he felt himself surrounded, and that the crisis had arrived when he committed the act; and he (Dr. Conolly) "did not consider that his being at the time of trial, or soon after the transaction, in a state of perfect sanity, in any way affected the opinion he had formed, or was at all inconsistent with that view of the question." Here we have the predisposing cause of the insane state—pecuniary difficulties—identified with the person of an individual (Crawley), and this individual becoming the proximate cause of the crime. This is as highly instructive a case as is on record, for there was no prominent delusion, Crawley being the true occasion of the immediate distress. There was the existence of explicable motives on the part of the accused,—revenge on the admitted cause of his distress. There was proof of premeditation in going armed to the office where the occurrence took place.

There was the evidence of self-control and discrimination which enabled the prisoner to withhold his violence until a fitting opportunity offered to effect it. There was the testimony of the medical attendant of the gaol, Mr. M'Murdo, who "never observed anything to lead him to believe that he was of unsound mind;" while, added to this, the statements of other intelligent witnesses were adduced, who affirmed that on those matters respecting which they were competent to form a judgment, the prisoner seemed equally sane as themselves. Yet, with this accordance of facts, and such corroborative testimony, one of the most experienced as well as distinguished psychological physicians of any age, Dr. Conolly, declared, "that he did not go the length of saying that the prisoner was unconscious of what he did, but he believed that he was acting under such an impulse as he could not control, and that he could not distinguish the wickedness of the act, although he was conscious that he was committing it." This impulse must have been the result of a monomaniacal conception identified with the person of Crawley, for otherwise, to use the words of Mr. Baron Rolfe in the case of Charles Burton, indicted for the wilful murder of his wife and child, "the excuse of an irresistible impulse, coexisting with the full possession of reason, would justify any crime whatever"^a. To this latter case, tried at Norfolk circuit before Mr. Baron Parke, July 20, 1848, that of Ovenston was closely analogous, for in both the

^a London Medical Gazette, 1848, vol. vii. p. 255.

attempt at crime and its commission were suggested by a fact, not a delusion ; both in their previous symptoms showed equal grounds for presuming the presence of disease ; both after the commission of the crime attempted suicide ; while, as regards the crime itself, there was this important difference, that on Ovenston's trial it was shown there were reasonable grounds for attributing the act to rational though vicious motives ; while in Burton's case there was a perfect want of evidence to prove that any motives could have existed, since there was no known cause of disagreement between the man and his wife. The medical evidence in both was in favour of insanity, yet one was acquitted, and the other found guilty and sentenced to death, though subsequently admitted to be insane.

Mr. Baron Alderson's opinion, when addressing the jury on the trial of Robert Pate, may be here quoted :—“ In the first place they must clearly understand, that it was not because a man was insane that he was unpunishable ; and he must say that upon this point there was generally a very grievous delusion in the minds of medical men. The only insanity which excused a man for his acts was that species of delusion which conduced to, and drove him to commit, the act alleged against him. They ought to have proof of a formed disease of the mind, —a disease existing before the act was committed, and which made the accused incapable of knowing at the time he did the act that it was a wrong act for him to do.” O upright judge, but most ignorant

physician! Define how far insane men are responsible; associate in all cases delusion with insane criminal acts; diagnose in each instance the mind disordered previous to the consummation of the disease; identify the knowledge of right and wrong with the capability of voluntary action; or, in other words, attempt to lay down a rule which may fix to a standard the variable nature of man, and reduce to a special scale the mysterious working of Providence.

The Advocate-General, in the case of Henriette Cornier and M. Dupin, on the trial of Darzac, has declared that monomania "is a chimera, a mere phantom, summoned as much for the purpose of snatching the guilty from the just severity of the law, as of depriving a citizen arbitrarily of his liberty"^a. M. Collard de Martigny also asserts, that "monomania is nothing but a passion which might be stifled in its birth." Let us inquire into the truth of these opinions.

Mills has observed, there are two sources whence knowledge may be derived: the direct and the inferential. The first involves the immediate exercise of our senses; the second implies a capability of comparison, and, therefore, presupposes a criterion for judgment. In our diagnosis of psychical as of physical disease, it is essential that the information derivable from each of these sources be fully sought out, in order that, through their rela-

^a Psychological Journal, vol. i. p. 333.

tions, their separate value may be estimated. The mere presence of a certain physical sign may, it is true, present the most unmistakeable evidence of a special condition which is so plain and tangible that all recognise its nature. In psychical disease analogous phenomena can be with equal facility appreciated. How often, however, does it occur that the presence of a physical condition rests for its determination, not so much on its individual physical indications, as on their relations to other general indications which are at the same time present. In psychical disease the analogy is fully maintained; owing, however, to its immaterial manifestation, a much closer investigation and a more intimate analysis are required; for not only must the essential nature of the indications be separately defined in their special and general relations to each other, but their accordance to the individual character be also determined, before an opinion be offered on their importance as characteristics of vice or disease; which, as Koller well affirms, should be ever most carefully distinguished. The psychical as the physical constitution must be regarded as the ultimate expression of many operations which, in their normal perfection, preserve a certain unity indicating health. When in physical disease this unity is interrupted, the patient is himself not only fully conscious of such a fact, but generally presents definite indications of the same. Defective or diseased functional exercises proclaim their operations in language which cannot be misunderstood. Men

are conscious of this in their own persons, and consequently, while those indications characteristic of health are preserved in another, do not readily credit the existence of disease, however energetically its presence be affirmed. In psychical disease there are numerous additional reasons why this unwillingness to believe, and inability to discriminate, should invest the consideration of many cases with extreme difficulty. Effects, not causes, are the chief elements in our opinion. We infer the latter through the former, and estimate the former from their relation to a variable standard. The evidence of disease in one may be identical with the exercises of health in another. When, therefore, the plea of monomania is adduced as extenuation for crime, there is often nothing more difficult than to believe that acts, which accord in their progress to the ordinary routine of natural events, are the result of a morbid condition of thought, and we do not, consequently, wonder that many are to be found disposed to doubt the possibility of such being the case.

To deny the presence of such a disease as monomania entails the proof of its existence, which is invested with this difficulty—its evidences may rest on symptoms which, though perfectly explicable to the mind of the investigator, are altogether different in their relations to that mind of whose nature they are the chief indications. The error most usual to those who have not studied criminality in its psychical associations is this,—Its evidences are estimated, not in their relations to the mind of the individual

accused, but to an admitted or presumed standard of mind. Ordinary observers draw their inferences according to the power or influence of their own motives as compared with their own position, rather than by their estimate of the motives which might actuate others in a far different position to commit the same act. We seek not by this to argue that the distinctions between vice and virtue require for their establishment fine-drawn subtleties or abstruse calculations; but we affirm that, because the practice of either may co-exist with the perfect exercise of reason, such affords no just ground for inferring their identification with any particular mental state. Experience confirms this, since the monomaniac may be distinguished for moral excellence, and the criminal be altogether free from the slightest taint of disease. How then is the fact of unsoundness of mind to be determined, if we admit that similar symptoms are met with in mental conditions so different? It by no means follows that because the same elements exist in separate bodies, those bodies are identical, or that in our estimate of vital actions a similarity of symptoms is confirmatory of a uniformity of disease. *The value of symptoms rests on the order of their appearance, progress, and combination.* In psychical affections this is abundantly manifest, and in none more so than in that of monomania, whose existence has been thus questioned.

We have defined monomania as a disease in which the mind appears to suffer from a paralysis of its powers of conception, and is inadequate to appre-

ciate the general or special relations which the subject matter of the monomaniacal conception involves. In the most healthy mind there is nothing more difficult than to unlearn, that is, to divest the mind of preconceived notions, in its abstract consideration of any matter involving the simple logical relations of these notions: and why? To do so requires an original and vigorous effort of thought, and the independent operation of a preoccupied intelligence; which, on the particular matter to be investigated, is in the most eminent danger of being abnormally or deficiently exercised. The mind in which a monomaniacal predisposition has been established has each of its natural tendencies exaggerated, and therefore it is that, with a process of reasoning insanity, a patient so affected is at times not only singularly pertinacious in the defence of his absurdities, but is also enabled, as in the case quoted by Lord Erskine, to baffle such inquiries as might be instituted into their mental condition.

There is, to diminish the difficulty in our diagnosis, a remarkable and close analogy between the progress of crime and that of monomania. This assertion may appear paradoxical, since the analogy might be presumed to have a contrary effect: why it is so will be apparent.

Most criminal acts may be regarded as the ultimate operation of vicious habits, in which the infringement of the civil law is superadded to the habitual disregard of each ethical relation: under these circumstances the nature of the act to be con-

sidered manifests such conformity to the previous character, that no one questions the operations of justice, or hesitates to believe in the full criminality of the offender. The mental process by which a delusion becomes established, and the stages of vice preceding the perpetration of crime, are equally progressive. The first crime, like the first monomaniacal supposition, the moral as well as mental intelligence may repudiate; fresh inducements to crime occur; the moral sense may yield to the temptation, yet be conscious of the fault, in the same manner as the mind of the monomaniac recurs to the supposition, it *in initio* admits to be unsustainable. Temptation successfully resisted loses its power—temptation when yielded to increases in strength. Thus, step by step, and stage by stage, a certain condition becomes established, be it monomania or crime. In the commencement of the first, it is quite possible that whatever the nature of the monomaniacal tendency be, its relations are estimated according to the dictates of sound reason, and the delusive conception dismissed as soon as formed. A period of mental freedom elapses; thoughts of the same character recur; circumstances may conspire to confirm them; with every confirmation the opinion they tend to is strengthened, and with the strengthening of the opinion the intelligence is rendered, so far, less disposed to question its accuracy. In the progress of crime a similar progressive movement is observable, "*nemo repente fuit turpissimus*" being most true. It is by acqui-

escence in vicious practices an aptitude for crime becomes established, when the moral intelligence, failing to enforce its dictates, ceases to respond to the perception of right.

A certain similarity in the nature of the progress of disease and vice is thus maintained. As crime entails a breach of some regulation appreciable by the general perception of man, and usually affecting their immediate interests, its discovery is seldom a matter of difficulty; but, inasmuch as the evidences of monomania not unfrequently accord to the natural exercises of man, its diagnosis, it is possible, may be most obscure. Juries are therefore fully justified, while the law allows to them the privilege of pronouncing judgment respecting such matters, to hesitate in delivering an opinion; since in examining their own hearts they may find much to correspond with motives or conduct of whose nature they are, under the most solemn obligation, called upon to determine. "How few," as Dr. Conolly so truly remarks, "can sincerely say that in themselves no foibles or imperfections, no passions or heedless impulse, no sins, presumptuous or conceded, exist; which, in certain circumstances, might not have led to sorrow, or never-ending regret or despair, to crime or to shame".

Were mankind originally endowed with similar mental or moral constitutions, it would, notwithstanding such a conformation, be but reasonable to

^a Croonian Lectures, Lancet, vol. ii. 1849, p. 521.

expect that the variety of agents acting on that constitution would produce an equal difference in their results; and that, therefore, as individuals progressed to maturity, the multiplicity of pursuits which occupy, and the diversity of interests which influence each, would so develop different mental or moral faculties, that this original identity should thereby be lost. It appears, however, from our observation of life, that this mental difference observable amongst us is not the mere work of accident, but pre-ordained for the greater perfection of the great whole, of which we each constitute but so many items. Did men all think and act alike—did the same tastes uniformly prevail, it would be easy to imagine what our social condition would be, with requirements little more than instinctive, and pursuits as a consequence scarcely in advance of the animal. Deeply implanted in each breast is the onward impetus. To it all that is great in science or useful in art is due. Men's interests are reciprocal, and their dependency is mutual; because, however their dispositions or habits vary, their ultimate object—individual enjoyment while here, is the same; their ultimate end—future happiness hereafter, identical.

As each one has his pleasures, which, however they be reciprocated, none can so truly realize as himself, so each one has his sorrows, that are known but to himself. The trials of life are like countries—every one has his own, and to attempt to reduce them to one common type would be to set aside the pecu-

liar sensibility proper to each"^a. Admitting this diversity, it must still be remembered that there are certain ties, feelings, and affections common to all, the maintenance of whose harmony involves the social happiness of each. Divine law ordains that our natural emotions be held in regulation; human justice demands that their injurious exercise be punished, unless it be proved that the individual was, at the time, irresponsible. This is, we contend, the great question for the physician, the more so when we reflect how much of misery, and how much of crime, do men voluntarily create for themselves. Many are to be met with who willingly abandon themselves to particular habits, and live in disregard of ordinary rules. Society, as we have observed, may be indifferent to the sentiments of the one, and tolerate the peculiarities of the other. Each one claims his right of private judgment and independent action, and it is conceded to each; but for mutual regulation a certain conformity of the will to the law is required, since a spirit of duty and power is thereby secured; for, were men permitted to conform the laws to their will, with the difference of the will there would be a difference of the law, and there should be an end to anything like uniformity on earth. Peculiarity of opinion is one thing; peculiarity of conduct is another. The law seeks not to recognise any peculiarity of opinion, as being identified with irresponsibility, until this peculiarity, of whatsoever nature it be,

^a Chateaubriand.

becomes associated with such conduct as proves the individual to be so completely under the influence of that opinion, that his actions are incapable of being regulated by other motives than those which that opinion may supply.

We have particularly impressed the necessity of fully analyzing the individual character, and inquiring into the previous history, before attempting a diagnosis in mental disease. Circumstances will occur in which the fullest knowledge of both affords little guidance in the formation of our opinions, beyond the negative proofs they may offer of a special disposition. Many men are found to be labouring under a delusion, whose previous conduct has not demonstrated the process by which that delusion has been established. Many individuals are, undoubtedly, guilty of the most flagrant crimes, whose previous life was strangely at variance with the execution of the particular act. Knowing the passions, the desires, the motives, which influence the minds of men; the deceptions practised by those who assume virtues which they do not possess,—we are led to the conclusion that, though every moral observance is an important reality, yet the absence of crime is no guarantee for the presence of virtue; nay, more, that the exercise or practice of mere moral observances cannot be received as conclusive evidence of the existence of a high moral sense. Men may cherish feelings of malignity against some one of their fellows, which, in accordance to the opinions of others, they endeavour to subdue. Criminal desires may influ-

ence the conduct, which is manifest in the exercise of practical benevolence with those—

“ Who thus do clothe their naked villany
With old odd ends, stolen forth of holy writ,
And seem as saints when most they play the devil.”

In men of this class hypocrisy envelops rascality until such a time as fitting circumstances develop their true character. These circumstances may not arise until the opportunity occurs for the perpetration of a particular act, and then, when society demands the investigation of that act, a confident appeal is made to the previous career to prove, *not the non-existence, but the non-development, of criminal desires.* It is true that, in such an instance, the commission of crime may argue that the passions so far overcame the judgment as to render it incapable of estimating the relations, or calculating the consequences, which might result from the perpetration of the act, of whatsoever nature it be, and the excitement of the moment may, in rare cases, to a certain degree, extenuate its commission. This is the most that justice can concede, for, did such excitement excuse the crime, the majority of capital offenders would be acquitted. The actions rather than motives must constitute the test of criminality. The individual application of this test rests on the opinion of the jury on the one hand, and the diagnosis of the physician on the other, who in such an instance are called on to discriminate between the hasty execution of a premeditated act, where the fact of the

premeditation may be concealed, and the commission of a similar act under a combination of circumstances which the offender had not the power to control.

In seeking to establish the relations between monomania and crime, it would be a grievous error to suppose that all monomaniacs must be criminal. The indulgence of particular whims may be indicative of folly of the most extreme degree, which does not become crime until such time as, for the ultimate gratification of a peculiar fancy, of whatsoever nature it be, the axioms of morality are wilfully violated. Instances are on record in which, for the possession of matters not within their reach, thefts have been perpetrated by individuals in whom an insatiable desire for the collection of curiosities of one kind or another existed. The illegality as well as abstract immorality of the peculation may be fully admitted, but the capability of resisting temptation be wanting, even though in all other respects the strictest observance of propriety, and the nicest sense of honour, be maintained. Monomania may in such individuals lead to actions which their intellectual and moral animus condemns, and a difficult question arise as to how far such individuals are responsible. For, though the intelligence may be weak, it does not follow that it must be wicked. It is in the fact of moral deficiency coincident with intellectual sanity, that criminality rests. This mental inability to direct the moral intelligence originates a proposition as to how far both, in such an instance, or in similar instances, may be associated.

The subject of Monomania is one so extensive and important that to enter minutely into a detail of the peculiarity of its manifestations, the complexity of its symptoms, and the variety of its terminations, should necessitate so comprehensive an analysis of mental operations, so close an investigation of the correlation of the psychical and physical constitution, as evidenced in an almost endless variety of cases, that it would be vain to hope to do more here, than state those principles which should guide us in instituting so serious an inquiry.

A criminal act is attributable to a monomaniacal condition. The causes which may have eventuated in this condition come to be investigated, and are found capable of being ranged under the following heads:—

I. Causes apparently appreciable by ordinary observers: the insane act corresponding to the usual operations of crime.

II. Causes explicable solely by the psychopathic condition of the individual: the inducement to the insane act originating in the deranged intelligence.

III. Causes identified with the personality: the insane act being associated with morbid physical conditions.

Of cases illustrative of the *first* class of causes we might adduce many examples similar to that of John Ovenston, which we have detailed. Differing from moral insanity in many very important particulars, though coinciding with it as regards the moral abandonment manifested in the act: distinguished from

impulsive insanity in the predetermined direction of the act. The diagnosis in cases of this nature must rest on the individual application of psychological principles:—*The relation of motives to the mental condition at the period of the perpetration of the act, rather than the accordance of motives to the character of the act.* It is quite possible that motives actuating the insane may correspond to the ordinary operations resulting from a healthy though vicious mind. In such a case the predisposing and exciting causes are closely analogous to those adequate for the production of crime, and require for their just appreciation the nicest application of medical principles, which determine the value of a special symptom, not as an isolated phenomenon, but as the appreciable result of progressive, though possibly latent operations ; to be estimated in its relation to the morbid condition it indicates, as well as to the sum of those general symptoms of which, perhaps, it constitutes the most important item.

In cases of this nature, as well as in the generality of instances, the period at which a physician is called on to give an opinion from personal investigation, is a matter of importance to be considered. It may be that, immediately subsequent to the perpetration of a criminal act, the mental condition from which it had proceeded undergoes such a complete change, that the responsibility of the offender becomes a question respecting which ordinary observers, forming their judgments from individual inspection, could entertain little doubt. On this point we

have already quoted the opinion of Dr. Connolly, as expressed on Ovenston's trial. In this respect, the analogy existing between affections of the nervous structures and those which we term mental diseases, is strikingly illustrated. In many instances, where the nervous system is involved, it is observable that the constitutional disturbance, local symptoms, and special phenomena, which precede and indicate some great climax, such as a convulsion or epileptic fit, after these have passed, completely and altogether subside until reaction be fully established, and the causes adequate for their reproduction again come into operation. In like manner, where unsoundness of mind existed, the commission of a startling crime has been followed by a complete, though it be but temporary, cessation of all mental disturbance, and such a state of quietude has ensued, that it becomes a matter of difficulty for the inexperienced to credit the assertion, that insanity had preceded and produced the events which constitute its chief evidence. Many examples of this important psychological fact will be afforded, when the subject of insane impulse comes under consideration.

To the *second* classes of causes by far the greater majority of cases of monomania may be referred. Esquirol has calculated the combination of hallucination with monomania at about 80 per cent. The process by which such a mental condition is accomplished, it has been observed, finds in the progress of vice its analogy. At first a caprice, then a doubt,

followed by a period of repose: a return of doubts, which from favouring circumstances become transformed to convictions, the more decided as they are the less probable. Intervals of rationality alternate with periods of delusion. As the disease advances, those intervals become shorter in duration and less frequent in occurrence, until at length the thoughts are so thoroughly occupied as to be rendered incapable of divesting themselves of the conception by which they are morbidly subjugated, and to which they are, therefore, irresistibly attracted. It is possible this essentially deranged mental process in one may so closely accord to the operations of health in another, that until some circumstance leads to its consummation, its true nature is not appreciated ; or, it may silently progress, and eventuate in criminal acts, so inexplicable as to demand a close psychological investigation of those motives which might possibly have induced their commission. The nature of the delusion may be as varied as there are different objects and different subjects to act, or be acted upon, being equally dependent on the individual character and position, as well as on those general circumstances from which it may originate. The monomaniac may, under the influence of his delusive conceptions, fancy that his relation to all around is changed, and, actuated by such a delusion, perpetrate extreme acts. Or, while preserving his own identity, he may imagine that others are changed in their relations towards him ; and, considering himself the object of special persecution, resolve on

some act which he conceives is calculated to insure his personal safety. Though in the former instance there may be a facility of detecting the special condition, it not unfrequently occurs, consequent on the abnormal reasoning process which becomes established in a mind so affected, that its recognition is involved in much obscurity. In the latter it is quite possible that the criminal act is the first indication of the monomaniacal condition. In such a case the differential diagnosis as to the character of the insanity rests between the hasty execution of a premeditated act, in which the fact of the premeditation has been concealed, and an unaccountable and impulsive movement to commit an act, unthought of previous to its perpetration. In contrasting the insane with its analogous criminal act, though we may have the former according to the deliberate determination of a depraved and wicked mind, it will, notwithstanding, be found to result from mistaken though apparently rational conceptions, adequate to subvert the healthy exercise of the judgment. Under such circumstances an inquiry may arise as to how far the apparent conjunction, rather than identification of crime and insanity, might warrant a modification of treatment, in which the rigid discipline of reproof and the curative resources of medicine should be conjointly exercised.

It is to this class of causes that the influence exercised by RELIGION may be referred. The writings of Dr. Cheyne and others have fully shown the

error of those opinions which would attribute to religion a capability of originating derangement of the mind. It has been satisfactorily proved that religion, *per se*, is not only wholly inadequate to such an end, but is the surest preservative of that mental peace, and proper regulation, essential for happiness and identified with wisdom. "True Religion, though by no means a complete preservative against mental derangement, affords the surest guarantee for sanity," since by it, those trials of life from which none are exempt are deprived of much of their bitterness, and the excitements of ambition, by which many are misled, are effectually subdued. Schiller could, therefore, say with truth that "Virtue was that form of mind most conducive to health, because it excites the most durable of all joys." It brings no sorrow in its train, and manifests no melancholy in its action. Opposed to this are those fanatic doctrines which sectarians promulgate, that excite, and, at the same time, agitate the mind ; that preach ascetic truths and terrify the awakened sense. "We firmly believe," writes Dr. Cheyne, "that the Gospel received simply never since it was first preached produced a single case of insanity." In this, all who have felt or received scriptural doctrine will acquiesce. When, therefore, we read the histories of many, who suffered in a similar manner to those melancholy anchorites whom Prosper Alpinus described as having witnessed in Egypt, "who looked black and filthy, and were dried and withered like mummies ;" and hear of others, who in profound

grief for past sins, real or imaginary, sorrowed as those without hope, or, on the other hand, in joyous ecstacy imagined they were subjects of special sanctification and divine grace; though we are prepared to admit that both fanaticism and superstition may have caused similar instances of insanity, or, it may be, thus determined the form of the disease,—we are not therefore warranted in considering such phenomena as the result of Religion, but in the same manner as derangement of the mental faculties may succeed to misapprehension of, and ill-founded terror arise consequent on a false conception respecting human law, so the erroneous estimate of divine truth may lend a particular feature to the operations of a mind previously wavering in its ideas.

It is thus that there are many of what are termed “religious monomaniacs” to be met with; who, like those unhappy fanatics, Arthington, Coppinger, and Hacket, executed in the days of Queen Elizabeth, may fancy themselves specially directed by Heaven to accomplish particular acts; or who, like Martin, of later years, may think that in violating all human enactments, they are thereby doing God service. When we recollect the solemnity and magnitude of the interests involved in religious considerations, and the important position such must occupy in all sane minds, we cease to be surprised that the mind, from any cause becoming deranged, while the thoughts are unsettled, and the imagination wandering without a fixed object, finding so fruitful a

source for its extravagant exercises, and one so thoroughly adequate to supply food for reflection, should adopt some delusion identified with, or arising from, the magnitude of those interests therein revealed. *Phenomena are thus superadded to a disease which exists: they are its consequences, not its cause. Religion, under such circumstances, does not overcome reason, but is perverted by it.* The monomaniac fancies that he receives such a message as either communicates the will of God to him, or discovers certain truths which to others are unknown. His disturbed reason establishes a necessary connexion between the matter of presumed revelation and a necessity for some particular act, the fulfilment of which proclaims his condition.

The *third* class of causes necessitates many psycho-physical investigations which physicians are alone adequate to institute. Dr. Winslow has fully established this fact. Those who have witnessed the progress of hypochondriacal insanity will at once affirmatively respond to this distinguished author's inquiry, who, when speaking of the psychological estimate of the actions of men, "the records of whose lives form the dark scenes of history, and present to the world a continuous career of morbid selfishness, crime, cupidity, caprice, tyranny, brutality, and vice," asks: "May not all these monstrous departures from ordinary and healthy modes of thought, impulse, and action, constitute evidence not only of depravity and vice in their ordinary signification, but of *undetected, unperceived, unrecognised mental*

disease, in all probability arising from cerebral irritation, or physical ill health?"^a In the case of Arnold, who was indicted at Kingston-upon-Thames, before Mr. Justice Tracey, in the year 1724, for felony in wilfully shooting at and wounding Lord Onslow, "it was shown that he had not only been long subjected to aural and visual illusions, but he was habitually under a variety of delusions; imagining, among other extravagances, that Lord Onslow was in his bosom, constantly persecuting him, and preventing him from eating, drinking, sleeping, or being at rest"^b. It is true that under circumstances of this nature little doubt might arise respecting the nature of the act resulting from an intelligence so decidedly deranged; other instances, however, will be met with, wherein the close association of the morbid condition and the insane act are by no means so apparent, although the dependence of the one on the other as certainly exists.

In the more recent case of Luigi Buranelli, executed for the murder of Joseph Latham, the importance of duly estimating the relation which physical lesions bear to psychical operations was forcibly illustrated. On his trial, amongst other evidence adduced in proof of his unsoundness of mind, it was shown that he had manifested unmistakeable delusions, not only respecting his physical state, but that these delusions, passing beyond his personality, assumed such a character, and were associated with

^a Lettsomian Lectures, by Forbes Winslow, M. D.

^b Psychological Journal, No. 26, p. 186.

such other psychical manifestations, as, under ordinary circumstances, could leave no doubt respecting the mental condition of which they were the indications.

The details of this, one of the most important medico-legal trials of modern times, are elsewhere fully given, and the medical evidence philosophically discussed^a. Its perusal cannot fail to impress psychologists with the necessity of appreciating combinations of disease, an analysis of which constitutes the highest exercise of the medical mind.

Amongst other evidences of Buranelli's physical ill health and mental derangement, it was shown that he had suffered from a small fistula, which a trivial operation removed, yet that, notwithstanding its obliteration, he continued to assert that the opening still remained, that water in large quantities passed through it, and that, as a consequence, his bed was constantly swimming. No amount of reasoning or actual demonstration proved adequate to dispel these delusions, which were further manifest in extreme hatred and suspicion towards his medical attendant, Dr. Buller, who had throughout his illness exhibited for him both consideration and kindness. These symptoms, which formed but a section of the whole, the physicians examined on the part of the prosecution conceived to correspond to phenomena observable in hypochondriasis; and were, therefore, notwithstanding their other physical and psychical

^a Psychological Journal, No. 31.

relations, attributed by them to that affection ; and, consequently, in their view, constituted but so many evidences of a mental state, differing in its legal relations essentially from, though in its operations assimilating itself closely to, actual insanity. Matters of fact were thus converted into matters of opinion, and thereby affirmed to be so many arguments against the existence of mental irresponsibility, of which, according to the judgment of other physicians of the greatest eminence, they afforded the strongest and most convincing proofs. It would be digressing from our purpose to discuss the medical doctrines advanced, or the medico-legal principles carried out on this occasion ; more particularly, as the ablest hands have, in the Journal from which we quote, already done so. Our chief object, however, throughout these pages, being to impress the danger of exclusive views on a subject of such intricacy as mental unsoundness, we pause to inquire into the truth of the opinion advanced on this trial, that in such a case as Buranelli's, where slight grounds for delusions respecting the physical condition either exist, or have existed, "it is quite natural, quite conformable with the laws of hypochondriasis, that a patient should go on exaggerating [the physical condition] to any extent ;" thereby implying that the existence of hypochondriasis negatives the value of such delusions as indications of insanity.

Two questions here arise :—

1. In what does hypochondriasis as a disease consist ?

2. How is it to be distinguished from insanity?

The answer to the first involves the second of these propositions.

The mere fact of a disease receiving a special name implies its exhibition of some feature sufficiently constant to lead to its recognition. This feature must rest either in some determined pathological condition, or essential vital phenomenon. The first argues a certain identity in physical causation; the second, an equal uniformity in constitutional reaction. That in the generality of diseases such are found to prevail within cognizable limits, is a fact which enables observation to constitute experience. When we find medical men, who have had great opportunities of obtaining knowledge, differing, as in the case we have quoted, so widely in their views, we are naturally led to inquire wherein the source of error consists. The inferences at once suggest themselves, that either the data for the formation of their opinions were undetermined, or, that the principle which should guide their appreciation admitted of error in its application. Observation assures us that it is to the latter this difference is chiefly, if not wholly, due.

For the determination of the true nature of hypochondriasis, we must assume many facts as admitted, whose proof, though by no means difficult, would still lead to extraneous dissertation. As a psychopathic problem, hypochondriasis, for its solution, requires a full recognition of the several actions and reactions which occur between the different nervous

foci and the organs to which they minister, as well as of the reciprocal influence mind and matter mutually exercise. The first affords the nearest explanation of the various anomalous neural sympathies and visceral derangements possible by and through a known lesion. The second explains how, in the absence of any special attracting cause, long continued mental depression eventuates in general physical derangement, manifest through the impaired action of viscera proportionately to their nervous supply; or, how it is that disease affecting the viscera, reacts on the general nervous system, and so disturbs that harmony essential for health. Causes primarily affecting the system and acting through it on the mind,—causes originating in the mind and reflected from it on the system,—prove adequate to alike interrupt those psycho-physical relations essential for health. These causes are as numerous and as various as the individuals affected. We believe we are warranted in asserting that an impartial scrutiny of the material, as well as vital pathology of hypochondriasis, fails to identify it with any fixed physical accompaniment, or any necessary symptom in relation to such accompaniment. In this we are to a certain extent confirmed by the various theories which different observers have advanced respecting its pathological nature; the chief error of whose doctrines consists in their having mistaken *frequent* for essential phenomena, and so confounded incidental symptoms, and the sources to which they were due, with the disease from which they had primarily proceeded.

Pending our inability to offer any definite explanation of the steps by which the condition we term hypochondriasis is accomplished, further than may be derived from the observation of its perfected phenomena : seeking how far the fact of variable causes producing uniformity in their result is explicable, we are led beyond the material structures to investigate the psychical nature of those feelings or emotions which become interrupted, and to seek there for some principle or feature, which, being common to all, may therefore constitute a point for subsequent research that will be available in each. This we possess in the simple recognition of those innate sentiments ordained by nature amongst her first laws,—those desires for self-preservation which attach all equally to life. "Men," observes Bacon, "fear death, as children fear going into the dark." This feeling must be regarded as proceeding not so much from their love of life, nor apprehension of the future, as from that something in the abstract consideration of death which the best regulated mind must acknowledge as being powerful through its very mystery, and capable of exercising on the greater majority of individuals an influence that they themselves may be scarcely conscious of. Until this principle be morbidly aroused, and the psychical sympathies associated with it called into action, the individual cannot be considered as hypochondriacal. However we may admit that a disarrangement of nervous functions, associated with, if not dependent on, a variety of organic lesions, forms the basis of

hypochondriasis, it is not the organic change constitutes the disease, since its first, most important characteristic, and only constant symptoms, are those psychically evidenced through a morbid exaggeration of this natural principle; which, attracting the thoughts to the personality, constitutes it the centre around which the individual's hopes, fears, and wishes revolve; the special character of those thoughts being evidenced according to the particular nature of the organic lesion to which they may be attracted. Hypochondriasis may be regarded as presenting two principal stages: that in which it exhibits the characters of a neurosis; that in which it has merged into a psychosis. The steps by which their union or transition is accomplished are so gradual that they are often difficult to determine. Considered as a neurosis, the inquiry arises as to how far its general and complex symptoms are dependent on the interminable union between the several nervous centres. Investigated as a psychosis, we seek if the suppositions entertained respecting the corporeal condition are explicable by possible, however improbable, deviations from an admitted standard of physical health. It is in its latter character alone that hypochondriasis constitutes a psychological question.

In its earlier stages, the morbidly excited attention being attracted to the personality, physical lesions become invested with special significance, when "disturbances of the animal sensibility, impressions which arise from without, and external sensations, give rise to numberless illusions." Reason and reflection

prove adequate to guide the judgment for their correction. Local changes originate abnormal sensations: alterations in the nervous apparatus render it not only an unfaithful, but a pernicious messenger; yet so long as the judgment continues unimpaired, the sensations, however they may be misinterpreted, are not, as Esquirol has remarked, attributed to causes "repugnant to reason." As the disease advances, and the psycho-physical reactions become more thoroughly established, the capacity of appreciating the deceptive character of the sensations experienced, or the groundlessness of the suspicions entertained, become gradually lost, when from the clearest consciousness of their illusions, hypochondriacs pass through intervals of doubt to conviction, and a mental condition results which, in the fullest acceptation of the term, must be regarded as insanity. The mere fact of a disease being present affords no stronger argument for the mental responsibility of the individual, who, in consequence of its existence, entertains absurd, irrational, and morbidly exaggerated conceptions respecting his physical condition, than does the existence of apparent grounds, or explicable motives for crime—as in Ovenson's case—argue the mental soundness or unsoundness of the individual perpetrating it. Dr. Winslow has well drawn the distinction between "mere errors or deceptions of sense," and such impressions as the morbidly affected mind receives through the locally impaired nervation. The confounding of the one with the other cannot fail, as in Buranelli's case, to

open a wide path for discussion. In the former a consciousness of the erroneous impressions exists. In the latter the impression, of whatever nature it may be, serves as a pretext for the most extravagant mental exercises.

Admitting that a real cause for abnormal sensations exists, its presence cannot be regarded as any argument for the mental capacity of the hypochondriac so long as these sensations, being opposed to reason are accredited in direct opposition to the evidence of the other senses; neither can the patient be considered as simply hypochondriacal, when, passing beyond the personality, those erroneous impressions influence his general conduct. There may be, for the purposes of prognosis and treatment, a wide difference in the affirmation, that because a man is hypochondriacal he is insane, and that he is hypochondriacal because he is insane. Justice, however, requires that, for the determination of mental responsibility, neither the known preceding, nor the probable succeeding, mental phenomena should guide our opinion, but *our examination of the mental condition at the period of the commission of the act under consideration.* The transition of hypochondriasis into insanity is from many causes involved in obscurity; when, however, such is proved to have occurred, in the greater is merged the responsibility of the lesser disease. Allowing, for the sake of illustration, that the unmistakeable change in Buranelli's character which became evident subsequent to a severe mental shock; that his acute mental depression and

marked disposition to suicide ; that his delusions respecting his physical condition and the state of his bed ; that his delusions respecting the physician who attended him, and his association, to a certain extent, of his subsequent victim with these delusions ; that the character of his correspondence and general conduct before the perpetration of the act for which he was tried ; that the nature of the crime and his attempt at self destruction,—instead of, as has been ably shown, indicating suicidal melancholia and positive insanity which circumstances urged to their climax,—were, as the physician examined on the part of the prosecution affirmed, explicable on the assumption of hypochondriasis, should we, notwithstanding, be warranted in the assertion that an individual so affected was also, in the fullest acceptance of the term, insane ? In Buranelli's case we believe that such hypochondriacal symptoms—if hypochondriacal—as were present must be regarded as the consequences, not the source, of the mental condition of which they were in a measure indications, his case being but a further confirmation of the psychological truth, *that the existence of a positive delusion, by whatever means it be produced, should be regarded as evidence of unsoundness of mind, and the individual responsibility be determined accordingly.*

The consideration of monomania as a plea in extenuation for criminal acts must, from the complex nature of the questions it involves, be invested with varied and great difficulties. The necessity of carefully and fully investigating each particular case, of

making each inquiry a separate problem, to be decided on its own merits, will with each case be the more obvious. By doing so we can alone hope to arrive at truth, since we believe it will be found that experience and observation attest:—

- I. That the law has failed to lay down such a definition as might indicate each example of monomaniacal insanity.
- II. That the existence of monomania does not depend on the presence or absence of any particular symptom or group of symptoms.
- III. That, though the essential nature of the disease implies the existence of a delusion, the symptoms are not in all cases adequate to establish the nature of the delusion.
- IV. That, though a recognised delusion may lead to the perpetration of a criminal act, the nature of the criminal act does not of necessity accord with the character of the delusion.
- V. That the monomaniacal condition involving the delusion may have its origin in circumstances which, to the healthy mind, apparently admit of the most rational explanations.
- VI. That the perpetration of a criminal act may be the first prominent evidence of such a monomaniacal condition.
- VII. That the knowledge of the illegality of a particular act cannot be considered as evidence of a criminal disposition in the commission of that act.
- VIII. That, though the civil relations of a particular act be fully appreciated, its ethical relations

in the mind of the monomaniac may invest its commission with the highest moral excellence.

IX. That, though the civil and ethical relations of a particular act be fully appreciated, its commission cannot therefore be considered as evidence of soundness of mind.

X. That the coexistence of this knowledge respecting the nature of the act may to the monomaniac be the chief motive for its commission.

XI. That, though the question of the legality, wisdom, or criminality, of a particular act be open to the discussion of all, its psychical relations to the personality are essentially the province of the physician.

XII. That the question of criminal responsibility is one involving the existence of psychological freedom, which demands an intimate knowledge of the psychical and physical constitution in their relations in the individual.

XIII. That this knowledge implies an investigation of the previous history and circumstances, and a due estimate of those various modifying causes, which, directly or remotely, may affect the inquiry at issue.

ESSAY III.

MORAL INSANITY.

IN proceeding to the consideration of those insane states in which the exaggeration or perversion of the moral intelligence, or affective faculty, is that most evident, the intellectual powers being apparently unaffected, so constituting the "moral mania" of writers, we enter on as important an investigation as the intricate study of Psychopathy affords. In the ordinary physical operations which are daily witnessed, similar combinations, when apart from vital influences, are found to eventuate in like results; experience, therefore, imparts a capability not only for their accurate appreciation, but also for their predication, which capability is proportionate to the degree of certainty attainable in each demonstrative science. Medicine, while offering to the reflective mind the highest range of study such investigations embrace, at the same time opens a much wider field for induction; since, while duly estimating the importance of material relations, the reciprocity of action evinced by the several organs, and the varied physical changes explicable by or-

ganic laws, the mysterious influences associated with vitality must also be recognised; when the apparently diverse operations of a single law, or the uniform operation of different laws, according to the circumstances which modify its development, or regulate their combination, come to be appreciated in their general as well as particular relations. The investigator of disease who carefully studies its progress soon learns to divest his mind of fixed rules, since instances not unfrequently occur in which the most searching analysis fails to explain the rationale of vital operations, though observation at the same time satisfies us that there exists a certain uniformity in their conjunction. The truths of medical experience are not the less valuable, because in many instances they are inexplicable. As our intimacy with morbid action extends, scepticism diminishes: continued observation leads to the organization of knowledge; vital phenomena, as particular facts, are thereby referred to others more general, whose scrutiny, it is not impossible, may eventuate in the recognition of some principle in nature of which no explanation can be given, yet from whose estimation rules of great practical utility are derivable.

It is especially important that those who desire to justly estimate the varied characteristics of the disease we are about to consider, be duly impressed with the true nature of the connexion which exists between the moral and intellectual faculties. Such knowledge, while entailing an analysis of the mental constitution as appertaining to all, at the same time

involves the careful study of those various circumstances capable of influencing its development in each.

The study of mental health, as identified with mental soundness, should form the basis of every inquiry in which the question of sanity is to be determined: without such knowledge treatment must be empirical, and opinions undirected by general principles prove valueless. This study, it has been by many supposed, demands a capability for abstruse speculations and metaphysical research, and is, therefore, invested with extraordinary difficulty. It will, on reflection, be apparent that the useful exercise of medical science is altogether remote from doctrinal subtlety, resting on evidences which, however in their ultimate analysis impenetrable to philosophic scrutiny, are, nevertheless, for the practical purposes of life, sufficiently appreciable.

On what does CRIME depend? Is it a simple psychical phenomenon, having as its essence logical errors? If so, the nearest approach to perfection should be found in the best informed mind, and those who are wholly uneducated be of necessity the most criminal. Does the moral power, as it has been termed, exist so independently of the intellectual, that it possesses a capability of carrying into practice innate aspirations, be they good or evil? If so, what mortal dare pronounce on the existence of guilt? Every day's experience disproves the first,—the most limited observation refutes the second of these propositions. If, then, in

the commission of crime neither the moral nor intellectual principle appears to act independently of the other, let us inquire how far they are identified, and to what extent their unity is involved, when resulting in the exercise of acts open to the charge of criminality.

The human mind has been regarded as a series of progressive developments, consisting of intellectual powers, moral feelings, and instinctive propensities. The former two distinguish man from all other created beings: the latter are identified with and common to animal natures. We are led to regard the moral or affective faculty as occupying a medium sphere, which is, therefore, to a certain extent identified with the intelligence in its psychological direction, and associated with the organism in its physical realization. From this medium sphere emotions spring, which, receiving the further co-operation of the intelligence, become desires; these, however dependent for their existence, must be admitted to exercise a reactive power, and to constitute in their turn so many incentives to intellectual action. Such a reciprocity amounts to a mutual dependency, and experience demonstrates that this, as contradistinguished from a unity, exists between the intellectual and moral faculty. Unless the balance of their power be maintained, the following results ensue:—If the intelligence be rightly directed, it will prove adequate to preserve the emotional feelings in their legitimate course, and, by impressing motives of the highest order, enable the will

to successfully combat natural desires. If the emotional feelings be suffered to proceed uncontrolled, they thereby acquire such an habitude as affords them undue power in resisting the psychical suggestions associated with them, and further enables them to reject those innate counsels of the moral faculty or moral sense to which, under ordinary circumstances, they are wont to respond. At length, through such a process, the emotive feelings, acquiring the mastery, are enabled to not only involve the volition, but also to render the intellectual powers the active, though depraved, instruments for their gratification.

Many causes are thus adequate to produce a similar result. If the purely intellectual powers be interrupted in their action, they fail to direct the moral or emotional faculty. If the normal relations of the organism become impaired, the emotive feelings, as being closely related to the personality, evince the change. If the emotive faculties, through the insensible co-operation of both spheres, acquire undue power, a want of harmony speedily pervades the whole system, evidenced on the one hand by ill-regulated passions, and on the other by disordered functions. In fact, the relationship of these three powers is from observation proved to be so intimate and complete, that he who would determine the question of mental soundness in connexion with responsibility, without duly weighing the separate influence of each, should but imperfectly estimate the importance of such a duty.

Feelings of pleasure and pain, being developed coincident with the maturation of the living structure, may, therefore, be regarded as to a certain extent forming the natural basis or guide to each voluntary movement; and thus furnishing the groundwork for all subsequent intellectual actions which such movements entail, since pleasure and pain, in their physical associations, by a process of assimilation, become identified with right and wrong in their psychical relations, as something to be desired or avoided. *Reasoning from analogy the foundation of an ethical code, this moral sense to which we have alluded, or intuitive moral perception, may be considered as being identified with each mental constitution, in the same manner as the discrimination of material operations rests in every physical organization.* Those principles in the lower animals, wanting the direction of reason, are wholly impulsive, constituting their instincts; which, resulting from the dictates of an unknown principle, appear not only uniform in individuals of the same class, but are also performed without a knowledge or consciousness of their ultimate results. This instinct or animal passion, however capable of mechanical direction, yet requiring no experience for its guidance, fulfils to all intents the purposes of an intelligence; and, since in brute life there is no accountability beyond the individual, the most perfect gratification of animal desires may be presumed as the *summum bonum* of their existence. Man's reason admits of no comparison with such instinct. Those desires he pos-

ses in common with other animals rest not only within the control of his will, but are also capable of being influenced by the separate mental agencies which eventuate in its formation. Were it not so, life would present a perfect chaos of ungoverned passions, since, in addition to its natural impulses, artificial appetites become, as it were, self-engendered, the insensible results of habitual exercises.

That in man this moral faculty or moral sense, endowed with a certain authority, exists, is sufficiently evident from our individual consciousness. We admit that the positive obligations of life, as regards their prudential relations, demand the guidance of the judgment, which pre-argues the possession of experience. *Our moral exercises are, however, the promptings of natural principles, coexistent with, though for their essential being independent of, psychical perceptions.* The former are regulated by a special regard for individual interests. The latter result from a particular sense of general duties. Right is a positive term which admits of no perversion. A sense of right exists, therefore, independently of those intellectual powers which *guide its operation.* The whole world lives under a moral government:—"Yea, and why even *of yourselves* judge ye not what is right?" asks our Lord. Again it is written:—"The Gentiles, which have not the law, do *by nature* the things written in the law." Whence, then, proceeds crime, man having as a guide his natural conscience? Observation of life affords this reply:—He is at the same time the creature of his natural appetites. Our

study, therefore, of the manifold operations of the latter, as manifest in the world around us, and our careful analysis of the varied circumstances associated with each criminal act, promise to afford the best explanation of the question we are discussing.

Admitting in each the presence of an innate moral principle, it may be asked :—Whence arises the wide range of differences observable in the ethical judgments of men ; and how does it occur that those judgments are capable of being modified by their intellectual operations ? To this we may reply :—The sense of moral perception does not in its practical application appear to be as uniformly guided as it is universally bestowed. The moral appreciation of the qualities of *different* actions, in reference to the *same* object, implies an elective power involving the exercise of the intelligence for their discrimination, and its co-operation for their adoption and exposition. Though, then, the moral standard be fixed for all, ethical judgments are found to vary with many, not so much from any original diversity of their moral sense, but according to the acquired perceptions of existing relations as submitted to that sense. We have used the term “original diversity of their moral sense;” for we believe psychical analysis will sufficiently establish it as a fact, that in the moral, as in the intellectual constitution, individual dispositions will be found to exist, which, though amenable to general rules, are not the less on that account particular examples. This will be evidenced as we proceed.

Were this moral sense, as being an essential part of the human constitution, by itself capable of active exercise, that is, of not only determining on that which was right, but also of insuring its adoption, men should, in accordance with an admitted law of their natures, be not alone universally and intuitively, but *necessarily*, attracted to that which is good, its practice being essential for their immediate enjoyment and ultimate preservation. The intelligence should then be invariably occupied in performing moral exercises. We see that it is not so. Were we to regard morality as merely the issue of prudential considerations directed by rational self-love, the question would still remain to be determined :—Whence is derivable that regulating principle which, under circumstances of the greatest complexity, is capable of its uniform direction ? These questions have worthily occupied the greatest minds. Their practical elucidation may be assisted by a reference to our individual consciousness, as well as to our general observation, when we shall be satisfied that many of our daily exercises must be referred to a principle of action occupying a middle sphere, where the mental and moral intelligence, as it were, meet, co-operate, or react, one on the other. This psycho-physical plane, or “CONSCIENCE,” has been presumed to be capable of furnishing to every one an invariable rule of right or wrong. Metaphysicians and theologians have defined moral and religious duty as an accordance to such rule ; while lawyers—with what propriety we have already stated

—have made the test of responsibility, as identified with soundness or unsoundness of mind, in criminal cases, to depend on the presumed ability or inability of the offender to determine on the recognition, rather than the adoption, of that which was right or wrong at the time of the commission of any particular act.

Before propounding the doctrine that the same standard of conscience appertains to all, we should establish the existence of their equal capability for the appreciation of right and wrong, not in its abstract, but relative, sense. We use the term *abstract*, for we believe that a positive consciousness of evil appertains to every one in the commission of certain acts, and that this consciousness, however perverted, is never *wholly* lost, inasmuch as, should the intelligence prove inadequate to their recognition, the mere instincts of animal nature would rebel against them. That conscience is to be distinguished from reason may be inferred from the history of crime. That it is closely associated with the intelligence is demonstrated in the code of morality which savage nations possess, as well as in the fact that where the moral sense is non-existent, the powers of the understanding are either undeveloped or destroyed. “The wretch,” writes Dr. Winslow, “devoid of conscience is of course morally defunct ; but we must never forget that conscience is a relative, not an absolute, term, and that, like other faculties of the mind, it requires education, direction, and discipline.” Allowing that moral commands are to be

distinguished from positive duties, we must in our estimate of the latter admit that the just appreciation of their moral relations is essential for their proper guidance. "Every moral judgment is relative, and involves at least the comparison of two terms,—when we praise what has been done, it is with the coexistent conception of something else that might have been done; and when we resolve on a course that is right, it is to the exclusion of some other course that is wrong"^a. If, then, in the preference of one class of motives to another, the moral rule of action consists, a question arises:—How is the value of various conflicting motives to be estimated? The answer rests:—By the universal standard of right, which the intuitive perceptions of the individual, the general judgment of men, and the positive ordination of heaven, furnish to each. Is each one equally competent for their estimate? This is an inquiry which, opening a wide field for ethical discussion, we shall forbear to enter on, further than observation of life warrants, a limited range of which suffices to establish the truth of Stewart's remark, that: "Fortunately for mankind the peace of society is not intrusted to accident, the great rules of a virtuous conduct being confessedly of such a nature as to be obvious to every sincere, well-disposed mind. It is in a particular degree striking, that while the theory of ethics involves

^a British and Foreign Quarterly Review, vol. xii. p. 227, from a Review of Whewell's Elements of Morality.

some of the most abstruse questions which have ever employed the human faculties, the moral judgments and moral feelings of the most distant ages and nations with respect to all the most essential duties of life are one and the same"^a. Being led to seek for an explanation of the causes of the diversity of our moral action in a scrutiny of the agencies conduced to the development of the moral sense, we are impressed with the observation of an eloquent writer :—" That the early repression of all the higher feelings, and the influences constantly at work to develop the lower, fail not to fix the standard of right and wrong at a very different point from that which a better education would have determined in the same individual." It is of importance to rightly estimate what this fact indicates ; for from it we may infer that in individuals of such a class, while the functions of the understanding continue perfectly unimpaired, the passions may prove capable of inducing them to the commission of certain acts, whose criminality finds an accordance in those habitual exercises of which they may be presumed to constitute but the exaggeration. In the study of moral insanity, its evidences will be found to rest in certain operations, to which this accordance of the intellectual faculty appears wanting. On this apparent want of unison is based the difference between crime and this particular form of disease. Omitting

^a Elements of the Philosophy of the Human Mind, by Dugald Stewart, vol. ii. p. 480.

those positive duties of life which are performed with the insensible approval of our moral faculty, we come to the question :—How far is the voluntary exercise of our emotive faculties regulated by our conceptions in reference to the objects to which they are attracted ? We are satisfied that the intelligence, if not chiefly instrumental, is at least essentially involved in all deliberate exercises. It is not, therefore, easy to believe the emotive faculties can be altogether perverted so long as the conceptions which had previously, under similar circumstances, influenced their direction, continue unchanged ; while, at the same time, it is by no means difficult to admit that the change in our conceptions may be alone manifest through the affections with which they are associated, when, as Dr. Duncan observes :—“ Cases occur in which an estrangement of the moral sentiments takes place without any obvious lesion of the reasoning powers.” If we go to the full extent of some writers, and allow the moral intelligence to be, *per se*, diseased, or “ Manie instinctive sans délire,” to be present, while the reasoning powers are *wholly* unaffected, what else can we suppose but that every case of confirmed viciousness is an example of such a form of disease ? As in the mental, so in the moral constitution, the most marked differences are perceptible. It requires but slight research to satisfy the inquirer that many instances of crime are on record, and that many examples could be adduced to prove that such an original deficiency or natural perversion of the moral

faculty appertained to some individuals, as argued a brutality rather than depravity of their dispositions. The chronicles of crime and pages of history too sadly demonstrate that instances are not wanting, in which the most wanton and flagrant violation of the ordinary principles of humanity has been exemplified by the acts of many, whose conduct otherwise could not admit of a doubt respecting the existence of intellectual power adequate to appreciate the varied relations of their acts. Are such cases to be regarded as examples of "moral insanity"? If so, in what respect do they differ from others, which may be adduced as evidences of wicked, depraved minds? Observation satisfies us that the same vice for its accomplishment adopts means which vary according to the natural character, education, position in society, and various modifying circumstances affecting the individual. How true is the remark of Dr. Wigan:—"Place the individual subjected to morbid impulses in a position of impunity, so low or so high in the social scale, that he is either above shame or below it, and we see how much of the morality of society depends on positive law, how little on virtuous self-restraint." Society, in seeking to disguise from herself this truth, calls the act of the one, "wildness," of the other, "crime," attributing the first to the weakness of the head, the second to the badness of the heart.

However open to disputation the origin of our moral nature may be, its use, and the means best calculated for its guidance, happily come within

the observation of all. In the study of the latter we dissipate much of the obscurity of the former, and are practically convinced of the importance of recognising in the mental constitution that same harmonious coadaptation, which, witnessed in our physical organization, illustrates a mutual dependency of the various structures constituting the whole ; and further displayed by the various operations in the world around us, proclaims a unity of design as indicative of the wisdom of the Creator.

Amongst the principal of those means by which our moral nature is affected, we may enumerate education and association. In regarding them as fitting subjects for psychological inquiry, we recognise the primary elements of national greatness and individual happiness. As man advances to physical maturity his mental powers simultaneously progress ; moral and intellectual faculties become developed ; desires, as contradistinguished from instincts, awakened. These, though identified with his moral nature, imply a power of reasoning ; for, coincident with their development, a capability for the estimation of cause and effect is also manifested. As, however, no correct judgment could be arrived at without the due appreciation of data, entailing experience, one of two things must occur—either the instinct should guide the reason until such time as experience became established ; or, as is the case, the value of data, *in initio*, be acquired from the experience of others, who by education lay the first step of that independent intellectual life, which, through

a similar process, had in their own persons become established. On this point we quote from Dr. Wigan:—"The slow progress to physical maturity of the human species, compared with that of other animals, seems a provision for their longer pupilage and more extensive instruction. If this duty be neglected, or if the discipline be defective or erroneous, the animal grows up, the most detestable combination of intelligence and physical force that infests the earth."

It is not our province to descant on a subject respecting which polemical arguments run high; yet considerations arise, from the nature of our present inquiry, which induce us to ask—Has crime decreased in proportion to the spread of education? "Has eating of the tree of knowledge diminished the power of the Tempter?" Are the best instructed the least vicious? So far from such being the case, it has been found otherwise. If we investigate the cause of this, we are led to the recognition of the moral, even more than the intellectual constitution of man, and are impressed with the truth, that as there is an education of the intellectual faculties essential to man's temporal interests, so there is also the cultivation of his moral virtues no less essential for his present and eternal welfare. Proportionate to the maturation of the intelligence is the extension of its sphere of enjoyments; new desires are thereby awakened, new wants called into existence; how are these to be efficiently gratified or supplied, except by identifying man's moral with his intellec-

tual progress, and so, while imparting to the masses knowledge, inculcating principles, which may make them understand that moral restraint is a duty, and that their duty and interests are the same. Truly does Dr. Winslow write: "The chief means of controlling the passions, and of keeping them within just bounds, is to form a proper estimate of the things of this life, and of the relation of our present to a future state of existence, and of the influence which our actions in this world will have on our happiness hereafter." The best informed mind requires to be regulated and subdued; regulated by the careful direction of the affective faculties to objects of legitimate attainment,—subdued by the habitual adoption of such practices as denote that to the corrective influence, which the various emotions exercise one on the other, have been superadded motives of a higher and more exalted character, which the intelligence is enabled to place in successful opposition to the natural desires. It is to be lamented that, notwithstanding the most careful mental and moral cultivation, abject depravity is not unfrequently manifested in the conduct of many having every incentive to a virtuous life. We are not warranted on this account in declaring that training of this nature is powerless in preventing the operations of vice. It is, however, true, that with such the desires may be inflamed without the understanding being strengthened, the imagination excited without the habits being improved, the cravings increased while the heart continues unpu-

rified. Those cases are problems in human nature, whose explanation would involve an exposition of the laws by which the Creator determines his moral government of the world. As our estimate of a benefit is proportionate to our conception respecting it, so our moral culpability must be presumed as being in a ratio to our capability for ethical decisions. In our psychological estimate of crime we cannot, therefore, reject the influence which education exercises, or should exercise, in fitting or enabling the mind to appreciate, not only the im-policy, but also the immorality, of any particular act.

The influence of association on man's moral disposition has been recognised by every one who has investigated the progress of crime. Profligates congregate together, their socialism has for its root real practical evil. The depraved in mind, and abandoned in morals, find mutual attraction; they reciprocally justify each other from their inward accusers, while establishing for themselves a system of morality up to which they act. In tracing the progress of crime we recognise the self-abandonment of the natural mind, in which the disinclination soon gives place to an inability to perceive moral distinctions; for, as guilt with its skilful sophistry stifles each remonstrance of "the still small voice within," the conscience, through vicious practices, becomes in its sensibility gradually impaired, and ultimately ceases to respond. Moral responsibility is not in consequence removed. Were we to admit

it as being so, we would thereby confer a premium upon vice ; for, as a man became thoroughly lost to a sense of right, would his immunity from that punishment be established, which it is not impossible might prove adequate at least to deter others from similar courses, should it even fail in reforming himself. The statement that similarity of disposition regulates intimacy has become a proverb: its truth, as an element in the formation of our opinions, cannot for a moment be lost sight of.

This intimate blending, intricate co-operation, and mutual dependency, which the various faculties of a healthy mind preserve one towards the other, must be carefully distinguished from their integral unity. We have already observed, "that in our analysis of mental activity, as evidenced through psychical actions, we are presented with a duplicate operation of an integral power, contradistinguishing the moral from the intellectual faculty." This it has been our object to maintain, being entirely impressed with the wisdom, practical utility, and truth of Dr. Winslow's observation, "that these faculties, although co-operating and blending together, are so many distinct powers, differing in their modes of operation, and subject each in its turn to characteristic aberration ; but, as the mind can be only occupied with one idea at a time, it is as a *whole* affected when under the influence of any specific lesion"^a.

The "Mens sana in corpore sano" implies the free

^a Psychological Journal, vol. v. p. 466. Art. "Law of Lunacy."

action of the mind, rather than its free existence, since the relationship of the healthiest mind to the cerebral organization is too well established. In like manner would we associate the moral and intellectual faculties, and consider *the normal mental condition to rest, not so much in the mutual independency, but in the capability for the free co-operation of those separate powers.* Now, the free actions of one individual, and the morbid actions of another, may be identical,—moral excellence characterizing both. Again, the insane acts of one may be the habitual and premeditated acts of another, vice being the leading characteristic of each. In what does their difference consist? We are not at all times able to detect the positive existence of disease, though we may justly infer its presence, or, having established its presence, can we always determine its nature. In such cases we form our diagnosis by negation, that is, by establishing *what the abnormal condition is not*, and so indirectly arriving at that *which it is*. It is thus that in our estimate of “moral insanity” the acts must be judged of by the motives, the motives by their relation to the mental condition, whose operations they may be fairly presumed as indicating.

We have already alluded to the value of comparison as an important element in diagnosis, the facility of arriving at truth being generally in the ratio of our capability of applying this test. In our investigation of the disease we proceed to consider, this will be abundantly manifested.

All examples of moral insanity which the records of criminal jurisprudence supply may, we conceive, be ranged under one of the following heads:—

- I. Cases in which the development of the moral feelings or affections appears as originally deficient.
- II. Cases in which the perversion of the moral feelings or affective faculties appears to occur incidentally.
- III. Cases in which the moral feelings appear to become universally disordered.
- IV. Cases in which the moral feelings appear as partially diseased.

The *first class of cases* is often involved in much obscurity. Education presupposes the existence of certain principles common to all, its exercise demonstrates that these principles are variously extended to each. There are many whom no amount of intellectual culture would render competent to the discharge of duties performed without difficulty by others. Except on the supposition that an original peculiarity of mental constitution exists in such individuals, this fact is inexplicable. An analogous condition is manifest in the operations of the moral faculty, inasmuch as individuals in all respects similarly circumstanced display the greatest possible diversity of character. Many without any unusual incentive to crime, and with every possible inducement to virtue, are observed to wilfully abandon themselves to evil practices, and from the commencement to manifest a disposition presenting a strange compound of intellectual power and moral culpability.

Their disease is VICE. With them Professor Heinroth's views are so far established, that moral depravity is not only the first step to, but the real cause of, their mental derangement. Pinel has directed attention to numerous examples of this nature. The identity of their operations with those of vice is complete, from which they are alone distinguished by the exaggerated malevolence they display; since, "without other inducement or advantage than the gratification of morbid appetites, acts of the most heartless and repulsive nature are by them being continually perpetrated." That to individuals of this class the emotional theory of insanity applies, we do not doubt. The primary cause of their mental derangement can be assignable to no other source than that abnormal excitement, which, resulting from the uncontrolled gratification of the passions, too truly proves that they may be rendered so many "fevers of the mind." The question of responsibility under circumstances of this nature is one closely identified with the preservation of public safety and morality. Indifference to, and negligence of, those moral commands on whose observance the welfare and peace of society depend cannot be permitted. The interests of the community demand that they be preserved from the evil consequences which might ensue from the free gratification of vicious desires. The welfare of men requires what their universal voice declares—that when the animal nature is thus by the individual allowed to gain an ascendancy, its powers should be

chastened and subdued, in order that, being brought into subjection, the lessons of experience, if not the dictates of conscience, may thereby prove adequate to their better regulation. Fortunately, to this form of moral derangement the same rule applies which in physical disease is found to prevail, for, as in the latter, when so perfect an analogy exists between organic affections as to render them closely similar, their treatment is usually equally so. In like manner we believe that in this affection, the same moral as well as physical discipline the Legislature ordains for the reformation of the vicious, is as equally applicable to their condition, except when it eventuates in the perpetration of a capital offence, and then it will generally occur that more marked grounds for opinions are not wanting.

The *second class of cases*, in which the perversion of the moral feelings incidentally occurs, is much less difficult in their recognition, than in determining their responsibility. When we consider the various powers, which, irrespective of religious sense, regulate the conduct of men ; that influence which society, the laws, public opinion, and our mutual dependency exercise for the promotion of self-control, and the maintenance of the general welfare ; and then reflect on the capability of self-regulation, which, consequent on such, is manifested to a certain extent in the conduct of many admittedly insane : we are struck with the preservative influence we each contribute to, and cease to be as much surprised as we otherwise would be, that when those corrective

powers are removed, individuals, in whom a defective capability of self-regulation is manifest, should by their conduct betray the same, and, wanting that restraint which had hitherto existed, abandon themselves to the freer indulgence of those passions that mark the natural disposition of man as being essentially sinful and depraved. This condition, we conceive, may result from either of the following causes :—

- i. The abnormal excitement of the passions, consequent on some morbid physical condition.
- ii. The defective or imperfect development of the mind.

The first may result from either a morbid condition of the general system, or a special condition capable of generally affecting the system. We believe that many cases of hysterical mania are examples of the first class, and that many local diseases afford illustrations of the second. That causes capable of morbidly exciting the passions are adequate at the same time to also affect the mental powers, in their regulation of those passions, the majority of examples proves. The fact is : in many instances the general conditions of the system, and the influence such conditions exercise on the intellectual powers, are not sufficiently appreciated ; and yet, we require no proof beyond the experience of our own persons to show that circumstances, wholly unconnected with certain actions or particular states of mind, may lead to one, or eventuate in the other ; when, pending the continuance of those circum-

stances, the individual becomes incapable of opposing the morbid influence they exercise. Familiar examples of this form of disease are also manifest in the unusual phenomena which occur with some females during the period of utero-gestation, as well as the difference of disposition and perverted states of mind that with them may be fairly presumed to be dependent on causes generally affecting the system, but having no special tendency to those particular manifestations to which they, from accidental circumstances, may be determined.

Morbid conditions affecting the intellectual system in a manner similar to that which Esquirol and Georget describe as indicating the initiatory stage of mania, may, from whatever causes these morbid conditions proceed, in their primary development be manifested exclusively through the emotional faculty. It is quite possible that, pending the progress of cerebral disease, appearances of perfect physical health be presented to the most careful scrutiny. Why disease of the brain should, not unfrequently, manifest its presence through emotional operations, Pathology fails to explain. Its doing so is too often demonstrated by the fact, that changes in the affections, sad, lamentable, and at the time of their occurrence inexplicable, have been found to precede unmistakeable and fatal outbursts of insanity. It may be that purely psychical changes as frequently occur, but, inasmuch as they are assignable to so many causes, and, without the presence of disease, so constantly take place, that they therefore escape de-

tection ; while the affective faculties, having a fixed relation, are in their alterations more immediately recognised. Heinroth and Hoffbauer have observed a form of mental derangement, of which the latter thus writes :—" It is clear that mania may exist uncomplicated with mental delusion ; it is in fact only a kind of exaltation, a state in which the reason has lost its empire over the passions, and the actions by which they are manifested, to such a degree that the individual can neither repress the former, nor abstain from the latter. It does not follow that he may not be in possession of his senses and even his usual intelligence, since, in order to resist the impulses of the passions, it is not sufficient that the reason should impart its counsels,—we must have the necessary power to obey them"^a.

Before arriving at any conclusion in reference to cases of this nature, it is of importance to consider fully :—

I. Those previous circumstances which have influenced or tended to form the moral character.

II. Those special circumstances which have eventuated in the particular development of its affective operation.

On the *first* query—The psycho-physical relation or temperament, the influence of education, association, and habit, as establishing the individual mental constitution, must, in their mutual reactions and collective operations, be duly estimated.

* Ray, Medical Jurisprudence, p. 158.

On the *second* query—All physical causes adequate to react on the material organ for intellectual expression require the closest investigation. The influence an ascertained morbid condition is capable of exercising, not on an ordinary intelligence, *but on the mind of the individual accused*, demands the most careful scrutiny, previous to determining the relation of the ascertained mental constitution to any particular development of its moral faculty. The question of responsibility in cases of this nature is therefore one involving the nicest exercise of psychological judgment.

The *third class of cases*, in which the moral feelings appear to become universally disordered, is closely associated with those last noticed. Their diagnosis rests on the recognition of an independency in existence, but unity in action, of the separate mental faculties as being characteristic of mental and physical health. Were proofs required to establish the reactive influence mind and body mutually interchange, we might quote a case of unusual interest recent in the recollections of our professional brethren in Dublin^a, in which this proposition was painfully illustrated in the person of an educated gentleman, who, pending the constitutional inability for moral control, consequent on the presence of dyspepsia induced by an over-wrought mind, suffered from such a perversion of the moral principle as led to the indulgence in irregularities which no one doubted his

^b Case, Mathew *v.* Harty.

ordinary life was wholly opposed to, and his unclouded intelligence would have altogether repudiated. Dr. Winslow has directed attention to similar anomalous phenomena which are to be met with in certain stages of hypochondriasis. He observes: "The phenomena may also manifest themselves not merely in the common forms of weak fancies as to bodily health, or in unaccountable gloom, but also in a less understood form, in which the judgment is weakened, and the individual gets committed to some intellectual folly in science or literature, religion or politics. The man is not actually insane; there is method in his madness; but his feelings are easily acted upon, his credulity is unbounded, and his actions consequently unworthy his reputation or his intellect."

When we reflect on the difference between men which education, association, and habit, are capable of producing, we are led to the conclusion, that motives or inducements to crime capable of influencing one individual are perfectly harmless in their operations on another; and that acts indicating a wilful viciousness in one, too plainly demonstrate a morbid want of self-control in another. The comparison of those acts regarded as denoting the moral derangement of an individual, by determining the relations they may bear to the previous conduct and general history, lays the groundwork on which the diagnosis of this general condition rests. This is a question which, while for its rational decision coming within the reach of an ordinary intelligence, at the same

time, for its medical solution, demands a close examination of the personality for the detection of disease; since observation assures us, that many general and special sympathies may be evoked through its existence, adequate to so disturb the mental equilibrium that the moral power ceases to be regulated or controlled. It is true, that in life many are to be met with to whom the ordinary observances of society become matters of indifference: who, from having preserved all appearances of moral rectitude, seem to wilfully abandon themselves to vicious practices. If the intelligence approves or co-operates with such immoral acts, of whatever nature they be, they thereby constitute so many illustrations of premeditated vice. If the intelligence does not approve, and the immoral acts be opposed to its dictates, does not the commission of such acts argue as much the inability of the intelligence *quoad* the morals, as any independent morbid condition of the distinct moral faculty.

So far we believe our views to coincide with those of Hoffbauer and others, who have justly observed, that at the moment of the *insane* immoral act, the perception is also disturbed. There is nothing in the analogy of disease to lead to the inference, that in cases in which the moral faculties are chiefly involved the intelligence should be presumed as sound, because no other evidence of disease is present except that manifest through the defective morals. On this particular point we adopt the words of Ray:—"Notwithstanding the correctness of his conversation, and

his plausible reasons for his singular conduct, a strict scrutiny of the actions of a patient labouring under moral insanity, if not of his words, will convince us that his notions of right and wrong are obscured and perverted, and that his own social position is viewed through a medium which gives a false colouring to its whole aspect." In proof of this we may observe, that the majority of well-marked examples of moral mania have eventuated in other more marked derangements of the intelligence. Thus the oft-quoted case of Frederick William of Prussia is adduced as an example of this form of disease ; but surely any one who studies its different peculiarities will admit that there was abundant evidence of his general mental unsoundness, equally manifested by his monomaniacal desire for tall recruits as by his brutal conduct to his son. Dr. Duncan, in his essay on "Moral Insanity unaccompanied by any obvious symptoms of Intellectual Aberration," gives the details of an interesting case, in which the moral relations of the sufferer appeared by him to have been *wholly misconceived*, while the moral perversion, consequent on this misconception, was the principal evidence of the disease. In his observations referring to this case, Dr. Duncan asks :—" Are we justified from these things in concluding that there was no morbid condition of the understanding all the time?"^a and adds, as his opinion, that which the majority of examples proves :—" The morbid condi-

^a Psychological Journal, No. 22, p. 279.

tion of the understanding, though obscure, was, nevertheless, real."

The fact that the knowledge of right and wrong is not prominently present to the mind, *per se*, affords no proof that the moral principle is diseased. Our previous observations have shown, that the habitual indulgence of evil habits may stifle the voice of conscience, and overcome those feelings which the commission of the same acts would occasion to less hardened individuals. Human life may be held at a pin's fee ; and, as we have sad evidence to infer, a graduated scale for its destruction be adopted. "The abject atrocity of an act, its voluntary nature, its perfectly gratuitous character, argues nothing in favour of a diseased moral principle further than vice, wickedness, and crime are competent to such an end ;" nor does the circumstance of a man's apparently correct life of itself offer other than a presumption that the abandonment of those principles by which he had been regulated is the result of disease, even though it be confirmed by the seeming want of motives for transgression. Inducements to crime may not, to the same extent, have been previously presented, and our incapability of discovering motives is no proof of their non-existence, as was established on the trial of Courvoisier, who was convicted for the murder of Lord William Russell. The non-existence of motives elicited the sympathy of many, it being contended by counsel, " that the most trifling action of human life had its spring from some motive or other :" yet eventually proofs

of his guilt and an abundance of motives were not wanting. How are cases of this nature to be distinguished from the operations of vice ? We reply, by a careful system of analysis :—

I. *Of those Agents capable of affecting the Personality.*—When the fact of an hereditary predisposition, the presence or absence of constitutional or organic irritation, the pre-existence of any particular disease, or the previous receipt of any injury, especially if the pre-existence of that disease, or the receipt of that injury, was capable of affecting the nervous system.

II. *Of the Relation between the Intellectual and Moral Power.*—When the education, association, habits, and general moral exercises, as constituting the previous history, must, in their contrast with the special character of the particular acts to be investigated, determine the ability of the intelligence *not only to perceive their culpability, but to prevent their commission.*

The *fourth class of cases*, in which the moral feelings or affections appear as partially diseased, demands the closest application of those principles just quoted, as for their detection the employment of comparison is primarily important.

If we look at the broad face of creation, do we not on all sides recognise evidences of exquisite wisdom in the universal adaptation of the many units forming the whole ? Do we not perceive a beautiful harmony to pervade the operations of nature, proving that in the world external to man there is a cer-

tain conformity to a fixed standard ; and leading us to the further inference, that in the world internal to man equal grounds for a similar opinion exist ? The laws of nature are truths, however they may be misunderstood: our moral laws are equally as immutable, however corrupt the conscience may be. It is essential that similar harmony be regarded as indicative of the healthy, well-governed mind ; for otherwise, many acts originating from a diseased condition might be attributed to a vicious disposition, and many vicious practices escape without their due reward.

We have seen in our investigations respecting monomania that the evidence of unsoundness of mind in one may rest in opinions which in another would be perfectly inadequate to argue such a mental condition. In a similar manner a perversion or defective operation of the moral faculties may manifest itself by actions apparently consonant with soundness of mind, and closely identical with the ordinary operations of vice. Dr. Rush observes : — “ There are persons who are moral to the highest degree as to certain duties, but who, nevertheless, live under the influence of some one vice. In one instance, a woman was exemplary in her obedience to every command of the moral law except one. She could not refrain from stealing. What made this vice more remarkable was, that she was in easy circumstances, and not addicted to extravagance in anything. Such was the propensity to this vice, that, when she could lay her hands on nothing more

valuable, she would often at the table of a friend fill her pockets secretly with bread. She both confessed and lamented her crime^a. This particular manifestation of defective moral power, or CLEPTOMANIA, as systematic writers have termed it, is universally admitted, and is at times advanced as a plea in extenuation of certain apparently criminal acts. It is not requisite to adduce examples. Their diagnosis rests on the recognition of this harmony we have premised. We enumerate the chief points of difference.

I. The criminal theft is the consummation of pre-meditate criminal desires. The insane act, the result of a passing opportunity to gratify a morbid propensity.

II. The criminal acts accord to those of a generally vicious habit. The insane act opposes the ordinary individual exercises.

III. The criminal act is accomplished for the ultimate advantage to be derived from the illegal possession. The insane act is unthought of beyond the pleasure experienced in its perfection.

IV. The criminal steals that which may be useful, and subsequently conceals his deed. The insane act has no reference to ulterior advantages, and seeks not to guard against eventual discovery.

V. The criminal in his select robberies has his associates. The insane in their indiscriminate appropriations admit of no accomplices.

^a Ray, Medical Jurisprudence, p. 171.

vi. The criminal will persist in the denial of his guilty practices. The lunatic, though anxious to conceal his present intentions, seeks not to disguise his previous success.

Another much more serious, and fortunately a rarer form of this partial perversion of the moral sense, is manifest in that disease which has been termed PYROMANIA, whose chief feature consists in an irrational propensity to incendiary practices, consequent on an insane love for conflagrations. Many writers have alluded to this particular affection, and offered various suggestions respecting its pathology, some attributing its existence to an insatiable desire for light, caused by venous repletion, and others associating it with certain post-mortem appearances which indicate the base of the brain as that part of the cerebral structure which is more immediately implicated. This is an affection which must be studied on the same principle as that we have just described. As an isolated form of disease it is happily of rare occurrence, which is proved by the fact that lunatic asylums so seldom suffer from fire ; as an accompaniment to, or result of, other more general mental disorders, it is occasionally met with. In the case of Martin, the burning of the cathedral was the consummation of his delusive suggestions, a secondary, not primary, morbid manifestation.

To distinguish such a morbid action from the ordinary operation of the incendiary demands a knowledge of the individual habits, position, and relation, to any motives conduced to the act ; the investiga-

tion of all circumstances previous and subsequent to its commission. The latter are of especial importance ; for when the insane act is being accomplished, the pyromaniac manifests such monomaniacal enjoyment of the scene as leads him to witness the success of his efforts ; while the criminal speedily betakes himself to flight, and endeavours to conceal his appreciation of the transaction. In what respect responsibility attaches itself to acts of this nature, and to what extent the corrective discipline of asylums for lunatics with a criminal disposition might tend to their prevention, must be determined by the individual merits of each case. There is every reason to infer that the mind adequate to premeditate and perfect the accomplishment of such acts might be rendered the more capable of resisting those impulses which lead to their commission.

Other forms of partial moral mania are to be met with, involved in greater difficulty for their detection than those just described, inasmuch as their manifestations coincide with the ordinary operations of vice. **EROTIC MANIA** may be ranged under this class. In this form of disease, not only may the nature and relations of the insane criminal act be fully understood, but the general intelligence conduce to its accomplishment. An idea which many writers, with little philosophy and less observation, formerly promulgated, is now exploded,—continence is no longer considered as a state of violence to nature. That a cultivated understanding and a vigorous mind will seldom suffer much from such a cause,

observation of life establishes in the persons of many whose vocation places them above suspicion. Such an affirmation, put forward as a general principle, must not be regarded as being intended to propound a positive rule. It is a physiological fact that the most powerful of all physical influences is that which the sexual function is capable of exercising on the intelligence. This is illustrated by the changes in disposition and thought attendant on the development of puberty; as well as by the mental declension which is usually observed to follow on the abuse or undue excitement of the generative system. Mind and body thus mutually influence and react on each other. Education, reflection, habitual self-control, can so school the passions and subdue the emotions, that, pending physical health, a perfect mastery is acquired over each somatic suggestion. A man may thus pass through life experiencing emotions which he successfully subdues, when supported by principles adequate to do so. These emotions, from their continued negation, are eventually placed in such complete abeyance that they may be said to have scarce an existence. When, however, from any cause the healthy relation between the material and immaterial constitution becomes interrupted, as it frequently does in advanced life, the following phenomena may be observed in some instances to ensue. Resulting from the presence of local or general irritation acting specially on the sexual apparatus, the nervous sympathies connected therewith become to a corresponding degree aroused,

and in the ratio that they are so, capable of attracting the attention to their excited condition. As the attention becomes engaged, the local irritation increases. Unless suitable remedies be applied, on the increase of the local irritation follows a morbid excitement of functions, adequate to resist the effort of the will for their control. The animal nature increases in power, while the intelligence is at the same time rendered less capable of resisting its morbid emotions, which have so far attained a double force, from the actual strength imparted by the local disease, and the relative strength consequent on the diminished powers of the will. It is not difficult to admit that as such a state advances, the consciousness of guilty desire may coexist with an incapability for its resistance ; and that thus, men whose previous lives were opposed to vicious practices, may become morbidly attracted to the commission of crimes, that compromise an unblemished character, and disgracefully terminate an honourable career. It may be asked, should not a sense of religious duty and moral rectitude enable the person so afflicted to bear his suffering with resignation, and give him strength to oppose the progress of vicious desires ? Surely our daily attendance on the bed of sickness satisfies us that such is the case. All, however, are not equally impressed with that religious sense which sheds its halo around creature woe. All are not so mentally constituted that they can bear up against the combined influence of physical excitement and mental debility. There is no more pain-

ful, no more melancholy disease to witness than this. Medical writings abound with instances in which the existence of local irritation, the presence of, it may be, previously undetected organic change, has satisfied impartial medical men that a blasted reputation, perhaps an untimely death, might have been prevented by the application of those remedies which medicine places within the reach of the least experienced of her votaries.

In the medico-legal investigations which may arise on such cases, the physician has a most trying and responsible duty to fulfil. Unhappily, as already remarked, age is not always characterized by virtue, nor are years a guarantee for that which is right. When on criminal trials a plea of this affection is set up, it is frequently the presence or absence of organic disease, be it general or local, which decides the case. In every instance of doubt, the previous history, general character, and existing symptoms, will enable the physician to at least test his opinions, and so confirm his judgment. None but medical men are competent for investigations of this nature. Most fully do we respond to Dr. Holland's observation:—"Scarcely can we name a morbid affection of the body in which some feeling or function of the mind is not concurrently engaged. No physician can rightly fulfil his duties without an adequate knowledge of and constant regard to those important relations."

The subject of moral insanity is one of almost infinite complexity. In the relative and mutual

restraint the moral feelings exercise one on the other, and the capability the intelligence possesses of directing the whole, the character of an individual rests. To analyze the power of each passion or emotion, and to estimate the influence they possess, would require the scrutiny of a single character for a long life. To subdue and regulate the passions is the end of religion: to enable the intelligence to do so should be the object of education. In our study of this disease we cannot reject somatic influences, however obscure their operation be. In them we view but the offspring of transgression, which, though it imparted to man the knowledge of good and evil, by no means assured him his Creator intended he should have a full and satisfactory knowledge of his moral government of the world.

In the practical application of this inquiry, we must be prepared for the meeting with many cases full of doubt, which our best and most anxious investigations may fail to elucidate: under such circumstances to complain of any difficulty or seeming contradiction is only to complain that human intelligence cannot pass those bounds which the wisdom of the Creator has ordained; and though it may thus happen that at times the innocent suffer, we will indulge just grounds for hope that such examples must be rare indeed; and on the other hand, should mercy incline the scale of justice, and crime revel in the success of ill-deeds, we have both divine assurance and human observation to attest, "that

seldom hath punishment, though lame of foot, failed to overtake a villain."

These remarks may be terminated by the following conclusions, deducible from the previous observations :—

I. By the term moral insanity we express mental unsoundness, chiefly evidenced through the moral or affective faculty.

II. Though the moral and intellectual faculties appear to be, in their abstract exercises, capable of independent action, yet in their effective operations they mutually blend together and co-operate.

III. Analogous differences are observable in the development of the moral as of the intellectual faculties.

IV. Those differences are such as seem to impart a special character or disposition to each.

V. The intelligence is, in the healthy, properly regulated mind, capable of controlling and directing the moral exercises.

VI. The moral or affective faculty, being closely associated with the sensational, is, therefore, in nearer relation to the personality.

VII. Diseases affecting the personality may occasion morbid changes in the moral disposition without immediately involving the intelligence.

VIII. From the intimate blending, intricate co-operation, and mutual dependency, of the separate mental faculties, causes producing abnormal action in the one usually eventuate in causing derangement of the other.

IX. Though in derangements of the mind the moral faculty appears primarily and solely involved, in many instances, the non-development of intellectual unsoundness through other manifestations cannot be received as proof of its non-existence.

X. The sense of moral perception is found to vary according to the nature and extent of the guidance it may have received.

XI. The moral faculty, though incapable of determining positive duties, is adequate to oppose intellectual suggestions in such exercises as more immediately involve the moral perceptions.

XII. A want of accordance between the moral and intellectual faculties may proceed from either undue excitement of the moral, or inefficient exercise of the mental powers.

XIII. Those causes, adequate to affect either faculty, must be carefully sought for previous to offering an opinion.

XIV. That as those causes involve questions of a physiological, pathological, and strictly medical nature, irrespective of their ethical, logical, or legal relations, their proper estimation requires such a combination of knowledge as none other than a psychological physician could be reasonably expected to possess.

ESSAY IV.

IMPULSIVE INSANITY.

IN the study of those insane states in which neither the moral nor intellectual faculty is, of necessity, inadequate to appreciate the relations of a particular act, whose commission is alone to be accounted for through the admission of an irresistible impulse, we are led to inquiries of even greater complexity than those which have previously occupied us. The investigation is one that demands on the part of the psychologist a mind free and unbiassed, prepared to receive the mysterious realities of Nature as truths, and to reason on those realities. In no form of disease is it more essential that the physician be endued with that which, for want of a better term, we shall designate as medical faith, or just confidence, the insensible growth of experience, resulting from observation, though inexplicable by theory, which serves to regulate the judgment under circumstances when the ordinary principles of our science seem to be shaken to their very foundation.

Like many other diseases, this particular affection may manifest itself through phenomena at once pro-

clamatory of its true nature, or become so engrafted on pre-existing affections that its entity is lost in the lesion with which it is associated. To hope that, under such circumstances, truth will not be beset with many difficulties, is to assume a pre-established uniformity for the various actions to be adjudicated on ; which assumption, however essential for, and verified in, the exact sciences, is, nevertheless, but little warranted when our considerations embrace the varying phenomena of life. We venture, therefore, on the apparently paradoxical assertion, that the greatest danger of modern medicine seems to rest in its miscalled Rationality, that is to say, in the growing tendency to require *demonstrative proof* of the *modus operandi* of physical changes, as well as of psychical actions ; forgetful, that the first are not unfrequently indicative of agencies beyond the reach of the knife ; while the second, however intimately, or, as the highest authorities would lead us to believe, however invariably, they may be connected with special organic conditions, still present in their abnormal operations such strange diversity as must ever render their diagnosis and treatment the peculiar province of the experienced physician. We believe that, by thus confessing the obscurity and difficulty of many psychical investigations, we in nowise detract from the value of that knowledge we do possess, but rather advance the scientific status of medicine in admitting its practice to be essentially dependent on the study of analogies ; and further, by proclaiming that arguments cannot be

forcible when the principles they would maintain are untrue, we place such theory as is derivable from the collateral sciences in its proper position, *as an aid for the explanation of facts rather than the foundation on which they rest.*

Differing altogether from either of those forms of disease we have hitherto been considering, and yet involving many of the prominent features of each, the diagnosis of impulsive insanity may be stated to rest in the application of those principles which we have already set forth as regulating our opinions for their separate recognition. Thus, it will occur that, in a particular case, the proof of this affection, as indicated in *the act* to be investigated, accords to the operations of criminal desire; while the mental habitude of the accused favours the opinion that from such it had originated. Again, it may happen that a mind, whose previous exercises afford no clue to the mystery, becomes amenable to this form of disease. In either of these instances the history of the case acquires separate value: in the one, involving the question in positive obscurity; in the other, investing its solution with a negative certainty. The fact, therefore, is, that in this particular manifestation of insanity, pending our inability to offer such explanations as may admit of proof, we take refuge in that asylum where vague doctrines, crude notions, and ingenious speculations find their resting-place, and with confidence appeal to the lessons of EXPERIENCE. Accordingly, in considering this as a peculiar affection, it is important that we define how it may be dis-

tinguished from those impulsive movements which result from monomaniacal conceptions, or those criminal acts which proceed from a morbid perversion, or seemingly indicate a profligate acquiescence of the moral principle. With this object we proceed to reiterate some few of our previous remarks.

In our investigations respecting monomania we have seen that criminal acts may be the result of delusive conceptions, and that, though the intelligence be adequate to recognise the civil and ethical relations of the act, yet, under the influence of the delusion, it may still find not only grounds for its justification, but be also fully competent to organize the means for its accomplishment: the diagnosis of such cases resting in the appreciation of the monomaniacal condition.

In our consideration of moral insanity we perceived that, consequent on the existence of that form of disease manifested chiefly through derangement or perversion of the affective faculties, a capital offence might be perpetrated, whose commission, according with previous manifestations, should tend to identify insanity with vice: the diagnosis of such cases being full of difficulty, as demanding a close and careful analysis of those material and immaterial agencies directly or indirectly conduced to such an event.

The disease which we would now describe is one in which the act is impulsive, not uniformly complicated with mental delusion or moral perversion, except so far as may be manifest in its commission:

one that the previous history affords no direct guide to, and the subsequent conduct is also inadequate to explain; the morbid impulse neither of necessity originating nor terminating with the insane act. Dr. Winslow has afforded many examples of this form of disease, of which the following may be regarded as types:—"In 1805 a man was tried at Norwich for wounding his wife and cutting his child's throat. He had been known to tie himself with ropes for a week to prevent his doing mischief to others and to himself." "A man arrived upon the Pont Neuf, he rushed violently to the parapet, and precipitated himself into the Seine. He was seen by some of the bystanders, who drew him out of the water and saved his life. After some days of complete restoration, his friends asked him the reason of his strange conduct. He replied:—'I cannot give any account; I am in the happiest situation in the world. I have only to play with fortune and with men. I have never been ill. I do not know what troubles may come upon me. I can only recollect my arrival at the Pont Neuf, and my recall to life'". Wherein rests the explanation of these cases? Ordinary principles fail to elucidate their essential nature. Are they not, therefore, the more instructive and valuable? Such illustrations of the secret workings of disease constitute so many landmarks in medicine; for, admitting the truth that natural phenomena are alone explicable by natural

* Anatomy of Suicide, p. 73.

processes, we are led to inquire how far our observation of many sensible operations enables us, in the absence of other data, to infer the nature of that process by which results of this character have been perfected.

It may be asked:—Do we not thus not only recognise, but also confirm, that absolutism in medicine to which our previous sentiments are opposed? We reply:—By no means: since, as physicians, in regarding every psychological question as one presenting both psychical and physical relations, we thereby recognise a diversity of agents as conducing to a similar result. It becomes, therefore, an object of the greatest practical importance to determine, if not the actual, at least the relative value of those several agencies, the climax of whose operations is rendered manifest in insane impulsive acts.

In a state of health, the direction of the motor powers is intimately associated with the regulation of the emotional agencies. Our actions being, under such circumstances, free and uncontrolled, we possess not only the capability of *selecting*, but also of *adopting*, any particular line of conduct; the moving power and the power moved being equally amenable to the direction of the will. We have already described the will as “the ultimate decision which the moral and intellectual faculties conjointly determine.” That the will does not wholly rest in the moral faculty is proved by the circumstance that we frequently act in opposition to our strongest inclinations. That it is not a simple intellectual result is

demonstrated by the emotions experienced in our actions. The very fact of a **WILL** denotes, on the one hand, a capability of perception as requisite to establish a choice ; and, on the other, the existence of criteria for the guidance of our estimation, which presupposes our recognition of a moral scale. The will may be, therefore, regarded as the expression of the psychical and ethical reactions ; identified with neither sphere, yet resting in their relations, and eventuating according as those relations may determine.

In the ordinary affairs of life, the will may be stated to rest in abeyance ; for the moral and intellectual powers preserve such an equilibrium that our actions result without the necessity of its being aroused ; the conduct being regulated by such a scale as the imperceptible reaction of the moral and intellectual faculty has afforded. When, however, circumstances arise which specially implicate either the moral or intellectual faculties, the will, as being identified with the individual habit, may, by insensibly directing the attention to one class of circumstances, so far diminish the force or power of another ; or, by practice, prove adequate to strengthen a peculiar associating principle to such a degree that it acquires a command over a particular class of ideas ; but beyond this we cannot recognise its influence. To speak of the *will* as being instrumental in guiding the conduct, when the mental operations are defective, is to ascribe a capability to an effect which we would thereby deny to a cause—a process of rea-

soning altogether fallacious; for, except as the exponent of the animus, we believe that the will has no real existence. They, then, who would speak of an *insane* individual having his acts within the control of his will,—using the term will in its true signification,—and being therefore responsible, must regard the will as some extraneous production—a kind of *tertium quid*, factor as well as product—the responsible offspring, as well as agent, of the irresponsible mind. There are those who, entertaining such views, would argue a partial responsibility for the insane. This doctrine we shall have occasion to energetically condemn, as being, according to our belief, both false in theory and dangerous in practice; calculated to prevent any approximation to soundness in medical opinion, as affording psychological problems for solution, in which both the elements of discussion—the criminal act and the unsoundness of mind—are thereby constituted indeterminate items, from which it is in vain to seek a determinate result.

There is little doubt but men are often led by vicious habits, or the force of passion, to act in such a manner as, it may be said, renders them the “creatures of impulse,”—which we may interpret, slaves of an irregularized mind; when, for the time being, they are, as it were, in a somewhat similar position to those driven to action by an insane stimulus. We must, however, guard against confounding analogies with facts; nor for one moment identify that unsoundness of mind—or, to speak in terms less likely

to be mistaken, that depravity of mind which results from *vice*—with that unsoundness of mind which we recognise as constituting *insanity*: for though but slender barriers may separate the two, yet, as in the former, the want of mental control has been voluntarily induced, and is capable of being aroused to a sense of what is right, being in truth but a submission to the evil promptings which beset humanity, whose discipline and guidance it is the object of religion to accomplish, and of the laws to enforce; while in the latter, it is disease and not vice which triumphs; it becomes a self-evident proposition, that for the practical purposes of life all ethical or logical similitude between the two is lost the moment we pass beyond the particular act.

There is no doubt that for the regulation of our conduct through life the mind carries on many intellectual processes, which, though leaving no direct traces in the memory, are not without exerting a material influence on the disposition, with which the will seems to be identified as the instinctive expression of such unconscious operations. These mental processes continue until some event occurs which interrupts the routine of their passive action, when it may then become a question as to whether the admitted obligations of acknowledged truth, or the natural dictates of depraved humanity, gain the ascendancy.

In the same mind, the consciousness of that which is right is not always adequate to insure its adoption, unless the mind be strengthened by motives which

it places in successful opposition to the natural desires. In this inability is exemplified the natural condition of man: a fact involving a psychological problem which sacred and profane writers alike attest. "The good that I would, I do not; the evil that I would not, that I do," St. Paul exclaims when lamenting the weakness of his humanity. Cicero arrived at the conclusion of a perpetual internal conflict between right and wrong, from philosophy alone. Ovid observes:—

"Sed trahit invitam nova vis; aliudque cupido
Mens aliud suadet—video meliora, proboque,
Deteriora sequor."

Araspas declares: "I plainly perceive that I have two souls; for if I had but one, it could not be at the same time both good and bad; it could not at once act both virtuously and viciously, or will at the same time to pursue and avoid the same conduct. But, having two souls, when the good one prevails I act virtuously, and when the bad one prevails I disgrace myself with vice." Were we in the healthy individual to recognise such mental conditions as sufficient exculpation for illegal acts on the grounds of their being involuntary, we should thereby afford full range to licentiousness, and remove the necessity for that mental and moral cultivation which is the only effectual security against grossness or crime. To say that vice is involuntary because the dictates of conscience oppose its commission, while the depraved appetite triumphs in its accomplishment, or,

to presume that responsibility is lessened because men are conscious of the wrong they commit, and lament their inability for resistance, is simply to afford full scope to the worst passions of our nature. That free agency is permitted to man, and the capability of acting with a perfect sense of responsibility identified with the healthy condition of his mind and body, all must believe who would expect happiness here, or hope for a future hereafter. When, then, we speak of crimes being the result of an insane impulse, we declare the individual perpetrating them to be an automatic instrument in which *the will has been replaced by a morbid stimulus, the guidance of the mind being wanting for other appreciation of the act than such as is necessary for its perfection.* To this question we shall again recur.

If these opinions be correct, we seek to explain the cause of the impotence of volition characteristic of the disease we are considering, by an analysis of the several agencies which observation points out as adequate for the production of phenomena similar to those observable in insane impulsive acts. In following out such an investigation, we become the more truly convinced of the close and intimate reactions existing between the physical instrument and the psychical principle, as well as of the necessity of regarding the mind as a unit, which, though capable of manifesting partial disease, is nevertheless, as a *whole*, under such circumstances, unsound.

That this very marked association which we have stated exists between the emotional feelings and the

motor powers, maintaining them in perpetual reaction, is abundantly proved by the fact, that in extreme states of mental excitement, when the emotional feelings are those principally implicated, analogous physical manifestations, as convulsions, &c., not unfrequently ensue ; while in other constitutions, in which the psycho-physical sympathies are less acute, the emotional feelings, though not proceeding to the same extent, still find in violent physical exertions their greatest relief. In illustration of this, we might adduce many familiar examples. When the mind is adequate to regulate these emotional feelings, it may determine their external manifestations, and in order that it do so, it is requisite that the agency of the will be exercised for their physical exposition. When, however, the mind is not adequate to such an end, a simultaneous accordance and development of psychical and physical phenomena ensue. The emotive faculties direct the motor power according as they are themselves attracted, and so impulsive actions result, in which the will has no part. The direction of the motor powers being dependent, in a great measure, on the regulation of the emotional agencies, demands that their harmonious co-adaption be preserved—that is to say, that the existence of pathological and metaphysical freedom be determined in those cases where the question of responsibility for impulsive acts comes to be investigated ; when, should it appear that the healthy operation of either sphere is interrupted, the physician may, from his scrutiny, be enabled to estimate the influ-

ence such interruption is adequate to exercise on the conduct of the individual under examination.

The examples of this disease which we have quoted present two distinct forms.

1st. Those cases in which the impulse exists, and the motor powers are *in initio* under control.

2nd. Those in which, simultaneous with the impulse, is the accordance of the motor power.

While confessing our inability to offer any determinate pathological explanations for the elucidation of cases of this nature, we believe we are not without sufficient grounds to infer, that those sudden and apparently unaccountable outbreaks of insanity must be regarded as either the effects of mental reaction, in which an effort is made to relieve the mind of an accumulative morbid tendency, the consequence of chronic, deep-seated, nervous disease; or that their occurrence is but the first indication of such cerebral changes as are the prelude to incurable and not unfrequently fatal results. Dr. Winslow, many years ago, observed in reference to this point, when speaking of impulsive homicides, "If such cases were attentively examined, I believe that in every instance the murderous impulse would be found to have been preceded by a derangement of the bodily and mental health, which has escaped observation." The truth of this statement is each day established, since special insane impulsive acts will be generally found to derive their proximate origin from any cause capable of interrupting the seemingly healthy operation of what is subsequently admitted to be a dis-

eased mind, or adequate to particularly attract the depraved attention ; which causes may rest either in a severe mental shock or some incidental occurrence, apparently unconnected with the morbid phenomena they so materially contribute, not to *originate*, but to *develop*, a feature in this particular form of disease that must be considered as characteristic.

Impulsive insanity, which might perhaps with some truth be regarded as being analogous to a psychical convulsion, has been found to present a close similitude to other affections of the nervous system, in which the physical structures are those more immediately implicated. Its uncertain and variable nature, its recurrent character, its tendency to arise from that which we may term psychical sympathy or imitative propensity, so fruitful a source of neurotic affections amongst those so predisposed, afford strong presumption of its nervous dependency. Its general physical predisposing causes are identical with those known to operate injuriously for the production of all mental disease. The special physical predisposing causes include, hereditary transmission, the receipt of injuries, particularly of those affecting the cerebral structure, irritations at the great nervous centres, conditions of the system conduced more immediately to congestion of the vessels of the brain, as the chief and most important. Of the importance to be attached to the first of these physical causes, all writings satisfy us. Our appreciation of the second must be guided by the nature

and extent of the injuries, rather than by the period which has elapsed since their receipt. The third entails an analysis of the psycho-physical sympathies. The practical value of the last, or cerebral congestion, as an element in the formation of our diagnosis, though unquestionably of the first importance, is not unfrequently lost, since we are, from observation generally, deprived of the means of forming an accurate opinion of the state of the circulation *previous* to the commission of the particular offence; and though we see the patient immediately after, we cannot exclude the influence of that excitement attendant on, or consequent to, its perpetration. The knowledge that many who have manifested a tendency to impulsive acts suffer at the period of the fit from cerebral congestion, while offering a valuable suggestion for the treatment of those known to be so affected, at the same time affords a pathological association, which, when considered in combination with other elements for the guidance of our opinion, becomes one of the first significance. Damien, who attempted to assassinate Louis XV., persisted to the last in saying, that had he been bled that morning, as he had wished, he would never have made the attempt.

Mrs. Brough, tried for the murder of her six children, in her statement of the facts adduced on her trial, affirmed, that immediately previous to the desperate act, while being mentally and physically depressed, "there was something like a cloud over her eyes;" that, intending to cut her own throat, she possessed herself of a razor for that purpose, when

she experienced the impulse to also cut the throats of her children, to whom she had previously manifested a mother's kindness. Having detailed the manner by which their death was accomplished, she adds: "I then lay down and did myself. I can't tell you what occurred for some time after that, till I seemed weak, and found myself on the floor. *That nasty great black cloud was gone then*"^a. Buranelli, to whose trial we have already directed attention, for some days previous to the commission of the crime for which he was executed, suffered from pains in his head, and on the morning of the day in which the murder was committed complained of "an irresistible force pressing on him." In many points these two last cases present an analogy. In both of them the nature of the act itself afforded the strongest evidence of insanity. It would have been well for the humanity and justice of the present day had that analogy been further sustained, and the medical protest signed in behalf of the latter received that consideration which the solemnity of the interests it involved, and the high integrity as well as ability of those physicians whose opinions it represented, ought to have insured. No doubt *now* exists that Mrs. Brough^b suffers from cerebral disease, though when Dr. Winslow declared

^a Psychological Journal, No. 28, p. 617.

^b Dr. Hood, the able Physician to Bethlehem Hospital, in which Mrs. Brough now resides, many months since, while courteously accompanying us round the wards of that institution, so fortunate in his supervision, expressed to us then that such was his opinion. We have since found that the same has been recorded in the newspapers of the day.

it to be his opinion that at the moment of her trial the wretched woman "was suffering from disease of the brain," men were not wanting, who, setting aside this physician's experience, rejecting evidence they could not appreciate, and denying or perverting truths they did not understand, would fain, as in Buranelli's case, have added another to those many victims whose executions are justly regarded as so many blots on the dark pages of medicine.

These examples of the influence of cerebral congestion find their further corroboration in the fact, that many most determined suicides have, as soon as the depletion from their self-inflicted wounds reduced their circulation, not only manifested the greatest avidity for life, but on their recovery have been perfectly cured of that morbid tendency which had rendered their tenure of existence alike miserable and uncertain.

Failing, however, in this, as in other forms of mental disease, to establish any fixed pathological relations, yet acknowledging the importance of all physical associations, we are led to the closer investigation of those other circumstances which, in the estimate of any particular impulsive act, should influence our opinion. These considerations may be conveniently ranged under two heads :—

1. Those having relation to the individual accused.
2. Those relating to the special character of the criminal act.

Under the first head, all that refers to the person-

ality must receive the closest psychological scrutiny, when, in addition to those special points mentioned as demanding investigation, every physical derangement becomes an important element in diagnosis, whose value is proportionate to the influence experience affirms it may be capable of exercising. But some one exclaims, 'So many individual differences exist, both in the physical and mental constitution, that the result of their reactions varies in each particular case.' We have already premised this, and declared that it is only by bearing in mind what those laws are which operate in the production of phenomena, and by weighing the possible modifications they are adequate to mutually exercise, anything like accuracy in opinion can be approximated.

It becomes, then, our duty to investigate the different circumstances which influence the relation of these laws. By reflecting on the nature of those agencies which have proved adequate to the production of known phenomena, we are, from either the presence or absence of these agencies, furnished in any particular case with a certain amount of positive or negative information. It will be at once admitted, that causes capable of producing extreme results in one constitution are apparently harmless in their operations on another. Gastro-intestinal irritation will, for instance, in one individual give rise to the severest form of convulsion, and a terrible train of anomalous symptoms ensue; while, in another, its presence is only marked by the local inconvenience thereby

occasioned. Now, though the *conjunction* of events must be considered as apart from their *connexion*, yet when, as in this case, they stand apparently in the light of cause and effect, we become impressed with the necessity of inquiring into the reason of such a difference between individuals exposed to the same influences, and are led to an estimate of those physical sympathies which are in some adequate to place the whole system at the mercy of a single point of irritation. We find that in such the local excitement prevails, because the constitution is adapted for the same ; and that the constitution appears to be adapted, because the local excitement has prevailed. Those causes, thus acting and being acted upon, move as it were in a circle, the centre round which they revolve being the source from which the irritation present had primarily originated ; the secret predisposition resting in some physical specialty, either congenital or superinduced. This individual aptitude for, and uncertainty in, the eventuation of disease, is also illustrated in mental affections. We are in the latter equally without a rule by which we could connect psychical and physical operations, or associate general psychical conditions as the necessary accompaniment of any abstract psychical phenomenon. If we look further for analogies, which would lead us to infer so close a similitude as to almost argue a connexion between this form of insanity and other lesions in which the nervous system is principally engaged, we have them amply supplied in the fact that psychical sympathy or imitative propensity is

one of the most fruitful sources to which insane impulsive acts are to be attributed.

In his paper, read before the Académie de Médecine, 2nd May, 1848, M. Belhome offers many valuable remarks, in reference to the particular effect of political emotions as productive of partial mental derangements. As we review the events which revolutionized the Continent, and extended their influence to our very hearths, we are led to believe that many of those changes resulted from the widely extended operation of psychical sympathy,—that as, in physical expositions of nervous derangements, imitative propensity originates similar affections in many in whom the predisposition exists, so, in an analogous manner, the psychical operations follow a similar course, when a morbid sympathy permeates the masses, amongst whom many are to be found keenly susceptible of its particular influence. We believe the year 1848 to have been, for the psychologist, an era of surpassing interest. Of the events which then occurred we may observe, as Hecker did when speaking of the epidemics of the middle ages:—“They are a portion of history, and will never return in the form in which they are there recorded; but they expose a vulnerable part of man,—the instinct of imitation.” Trace what we may term the political epidemic of that year^a. The spirit of reform awakens at Rome; Naples re-eches its notes with a Sicilian revolution; Paris responds to the cry, as Socialism

^a *Vide Article, “Year of Revolutions” (Blackwood’s Magazine, 1850).*

and Red Republicanism join hand together ; Prussia, following in the train, succumbs to an armed mob ; Austria sees its Emperor seek refuge in the Tyrol ; Germany, in a series of *emeutes*, sacrifices its means of independence ; England, with her time-honoured institutions, is with Chartist agitators painfully conscious of a shock ; while Ireland, with a constitution enfeebled by suffering, and nervous energies exhausted by long disease, owing to the prophylactic measures which her physicians, anticipating the epidemic, employed, happily passed through the ordeal without sustaining injury to a serious degree. Surely those revolutions, then consummated, resulted rather from an epidemic aptitude for change, than the triumph of the rude powers by which they were accomplished !

It would not, to narrow our sphere of inquiry, be difficult to enumerate many examples where the ordinary phenomena of existing disease have been strangely modified in obedience to this involuntary operation of sympathy ; as also where, without other assignable cause, certain affections have been developed in individuals, who, though possessing a constitutional aptitude, had not, until this latent sympathy was aroused, displayed any particular morbid manifestations ; and who, were it not for the kindling of the latent spark, might have gone through life without being conscious themselves, or manifesting to the world the existence, much less danger, of that mine of insanity thereby sprung. Physical sympathy we know to be proportionate to nervous

communication, or nervous supply, and to be, moreover, to a great degree, dependent on the general tone of the physical constitution: with this, psychical sympathy or imitative propensity preserves an analogy, since observation establishes that it is most liable to be aroused in those whose physical structure bespeaks high-wrought sensitiveness, and whose psychical receptivity appears equally open to impressions from without. Man, in a state of health, has been aptly described as an imitative animal. In diseases of the nervous structures, more particularly, this natural disposition becomes morbidly increased, and many deeds which his unclouded judgment would reject *become acts of necessity*, against which all his struggles are in vain. This insane adoption of particular habits must be distinguished from that which in the healthy mind results from continued association: the one proceeding from a morbid and determinate assimilation of conduct,—the other denoting an insensible accordance of sentiment: the one implying the assumption of a particular habit irrespective of principles,—the other, the adoption of such habits from the accustomed acquiescence with their principles. We have, then, in the recognition of this physical and psychical operation, a further element in the formation of our diagnosis, which, it will appear, is equally valuable both in its application to the individual, as well as to the act under investigation: to the individual, as entailing the analysis of his nervous constitution,—to the special character of the act, as leading the physician to estimate the relation it may

bear to any circumstances, however remote, which experience assures us are adequate, through those sympathetic laws, for its development, if not its generation.

That extraordinary states of mental excitement may be, to a remarkable degree, dependent on some single nervous derangement adequate to present illusions to the predisposed mind, is particularly illustrated in hypochondriacal disease. In proof that the influence of local causes seems to be, in many cases, mainly instrumental in the production of psychical phenomena, we quote Esquirol's observation:—"Reil relates that an insane lady having fits of excitement, and even of frenzy, her maid wishing one day to quiet her, put her hands over her eyes, when the patient immediately recovered herself, was perfectly calm, and declared that she no longer saw anything. The medical attendant, informed of this phenomenon, tried the experiment himself, and was convinced that her agitation was produced by the disorder of her eyes, which represented terrific objects to her"^a. Baron Larrey mentions the particulars of a patient recovering from amaurosis, to whom all objects appeared of unnatural magnitude. Many other similar instances are on record.

In our estimate of causes of such a nature, while admitting the fact of the local organic change rendering the nervous apparatus a defective or erroneous messenger, we are still led to investigate the

^a Esquirol, *Observations on the Illusions of the Insane*, p. 22.

condition of the mind, which is inadequate to correct erroneous impressions thereby received, and which permits apparently trifling lesions to prove sufficient for the destruction of the balance of power, which is thereby shown to be in many minds suspended by the feeblest threads. Yet as the least experienced of our readers will, we doubt not, call to recollection ample facts to satisfy them that such local deviations from normal action are but secondary links in the chain of morbid phenomena, to be appreciated accordingly; we, therefore, pass to those more particular, but not less practical considerations, which relate to the special character of the criminal acts.

The FIRST FORM of this disease includes those cases in which the impulse exists, and the motor powers are *in initio* under control.

Medical writings abound with illustrations of this form of disease, of which M. Marc has in particular afforded many well-marked examples. The cases he has adduced have already been quoted by so many authorities, more particularly that which occurred in the family of M. le Baron Humboldt, that it is scarcely requisite we do more than now refer to them. A female servant, while daily undressing a little child, was at such times, from the whiteness of its skin, seized with the desire to tear it to pieces. Restraining her impulses, she threw herself at the feet of her mistress, against whom she had no complaint, and entreated that she might be sent out of the house. We adduce another instance from the same author. A young lady in an asylum, rational on every sub-

ject, experienced a violent inclination to commit homicide, for which she could not assign any motive. Whenever she felt the approach of the fit, she entreated to have the strait waistcoat put on^a. Dr. Zimmerman relates the case of a peasant, born at Krumback, who was often seized with an irresistible impulse to commit murder. He felt the attack coming on for hours; sometimes for a whole day. As soon as this presentiment of its approach was experienced, he begged to be secured and chained, that he might not commit some dreadful crime. "When the fit comes on," he says, "I feel under the necessity to kill, even were it a child." He declared that his parent, whom he loved tenderly, would be the first victim to this murderous propensity. "My mother," he cried out with a frightful voice, "save yourself, or I must kill you." Before the fit, he complains of being exceedingly sleepy, without being able to sleep. He feels depressed, and experiences slight twitchings in the limbs; he preserved his consciousness during the fit, and was conscious that in committing murder he would be guilty of a most atrocious crime. When he is disabled from doing injury, he makes the most frightful contortions and grimaces, singing or talking in rhyme. The fits last from one to two days; when they are over, he cries out, "Now unbind me. Alas! I have suffered cruelly, but I rejoice that I have killed nobody"^b.

^a Prichard's Treatise on Insanity, p. 385.

^b For further particulars see Plea of Insanity in Criminal Cases, Dr. Winslow, p. 45.

Another example may be briefly quoted. A gentleman called by himself at a lunatic asylum, and begged for admission, at the same time presenting a note from his solicitor, whom he had just left. This note confirmed his own account that he required restraint, for, as he stated, "he had an irresistible desire to murder his wife or one of his children." He continued: "That the preceding day he was walking in his garden, when he saw his wife and little girl approaching towards him. His eye at the same moment caught the sight of a hatchet lying on the gravel walk, and he described that he had the greatest struggle within himself to escape out of the garden before he seized it, to strike, perhaps fatally, one or other of them." He loved his wife and child, he affirmed, dearly, but the homicidal idea haunted him continually; and he felt that he could not trust himself alone in their presence. It should be added, that the last night he slept at home he did attempt, in the middle of the night, to strangle his wife, and would have succeeded, had not her cries in the struggle brought in timely assistance. In the midst of all this, during the explanation he gave of his case, he expressed himself well and rationally. His intellect appeared to be unclouded, and it turned out that he was at the same time in communication with his solicitor respecting some proceedings in the Court of Chancery, upon which he gave perfectly sane instructions^a.

^a More full details will be found in the Psychological Journal, vol. v. p. 421.

We might, without difficulty, extend our list of cases. We believe, however, that sufficient has been adduced to establish the nature of this particular form of the impulsive disease, the proximate cause of which appears to depend on any circumstance adequate to specially attract the predisposed mind, more particularly if such cause is of a nature capable of associating with the depraved intelligence the motive powers. Thus in one case we have the proximate cause resting in the object of homicidal intent; while in the other, the predisposition had no fixed attraction. Again, we have the predisposition directed towards the objects by which the general thoughts are chiefly occupied, its active exercise being dependent on incidental occurrences. In the last-mentioned case the morbid predisposition was at once roused into action by the sight of a weapon capable of forming a link between the insane impulse and motor powers.

The period of life at which this impulse to destroy has been observed to occur, and the length of time during which it has been known to continue, afford additional evidence of its being a special form of disease. Esquirol relates the case of a young girl eight years of age, who manifested a determination to kill her stepmother. In the case of John Glenadel the desire for murder existed for the space of twenty-six years. In all these cases a consciousness of wrong in the act, and an incapacity for its avoidance, were fully experienced.

The SECOND FORM of the disease—that in which,

simultaneous with the impulse, is the accordance of the motor power.

William Brown was executed at Maidstone, England, in 1812, for strangling a child whom he accidentally met one morning, while walking in the country. On the trial, he said he had never seen the child before, had no malice against it, and could assign no motive for the dreadful act. He took up the body and laid it down on some steps, and then went and told what he had done, requesting to be taken into custody. He bore an exemplary character, and had never been suspected of being insane^a. A young man in perfect health awoke suddenly one night in a fit of raving madness, ill-treated his wife, attempted to leap out of the window, and struck at whatever came in his way. An emetic put an end to this scene in an hour, since which he has been in a perfect state of health, never having had a recurrence of the attack^b. It is related of Mathews, the comedian, that having for some days led a vapid and inactive life, he joined a party of pleasure. "He had not ridden out of the city for some weeks, and was in a state of childish delight and excitement. At this moment his eyes turned upon one of the party, a very little man, who was perched on a very tall horse, and who seemed unusually grave and important. Mr. Mathews looked at him for a moment, and the next, knocked him off with a smart blow, felling him to the ground. The whole party were struck with horror, but no one felt

^a Ray, *Medical Jurist*, p. 184.

^b Feuchtersleben, *Medical Psychology*, p. 299.

more shocked than he who had committed the outrage. He dismounted, picked up the little victim of his unaccountable freak, declared himself unable to give any motive for the action, but that it was an impulse he could not resist ; and afterwards, in relating the extraordinary incident, he declared that it was done in a moment of frenzy, induced by the too sudden reaction from previous stagnation of all freedom and amusement^a. Many examples of this nature might be adduced confirmatory of Esquirol's opinion, "that there exists a species of homicidal madness in which no disorder of the intellect can be discovered." In the cases last mentioned, the previous history is only of negative value ; the character of the acts alone affording grounds for our opinion. Were this disease to remain thus simple and uncomplicated, we will grant that its diagnosis would present sufficient negative grounds to invest it with an almost positive certainty,—the known character of the accused, the abstract atrocity of the act, the circumstances preceding its commission and following on its consummation, rendering its investigation a matter in which a careful estimate of natural laws is that chiefly required. Inasmuch, however, as actions closely identical with these impulsive movements may arise as the result of vicious conditions of mind, which accord in their character to morbid operations, their diagnosis is not unfrequently involved in considerable difficulty.

In our considerations respecting moral insanity,

^a Anatomy of Suicide, by Forbes Winslow, p. 74.

we found that, in the form of disease manifested by a general derangement of the moral principle, there was a remarkable and close analogy between its operations and those of vice. The details of many cases prove that homicidal acts have resulted from mental conditions, in which the singular accordance of morbid phenomena was well calculated to confound those who would attempt to form a judgment without instituting a most careful analysis. In an example related by Pinel, the habitual indulgence of evil passions was accompanied by a disregard of animal life, and such an uncontrollable career of vice as led to the commission of murder. Dr. Prichard has enumerated many cases in which homicidal and moral insanity were intimately associated. Thus: Antione Leger, whose previous history established insanity, "seeing one day a little girl near the margin of the wood, he seized her, murdered her, sucked her blood, and afterwards buried her body. He was, we regret for the sake of medical science to say, sentenced to death. M. Esquirol and Gall examined his head. The former discovered morbid adhesions of the pia mater to the brain. M. Gorget, after examining the facts, justly concluded an asylum, rather than a gibbet, should have been the sick man's award"^a. To this we may add the case of Feldtmann, "who, after attempting to gratify an incestuous passion for his own daughter, who had invoked the aid of the police to resist his attacks, stabbed her to the heart, wounded his wife

^a Prichard, p. 394.

and another daughter, and then gave himself up to a crowd who surrounded him, exclaiming, in reply to their reproaches, ‘*C'est bien fait.*’” This unhappy being was also executed. The existence of insanity was not fully established by facts ; but it seemed evident that the miserable wretch, who suffered for his offence, had scarcely intellect enough to comprehend its nature, and to perceive the turpitude of his conduct, though he foresaw the destiny which awaited him. M. Breschet considered his brain to be in a condition different from that of health ; and M. Gorget’s opinion was, “that Feldtmann was a man whose weak intellect was overwhelmed by a passion constituting in itself a real disease, which ought to have been cured by separating the unfortunate wretch from society, without resorting to the barbarous expedient of extinguishing it together with his life”^a. In the case of Anthony Emmanuel Joberd we find, superadded to perversion of the moral feelings, the homicidal mania, accompanied in one instance by the capability of control consequent on the contending force of passion, and the impulse yielded to in the second, where a perfect stranger, altogether indifferent to the accused, was the victim^b.

We have deemed it the more advisable course to refer to well-known instances of this disease, rather than to adduce examples whose details, though less familiar, would still present no better illustration of the phenomena we seek to elucidate.

^a Prichard, p. 394.

^b For full details see *Psychological Journal*, No. 29.

Cases of this nature constitute not unfrequently occasion when the physician is called upon to affirm the godlike function of the healing art, which, tempering justice with mercy, declares that the operations of disease, whether they render the body a disfigured mass of loathsome matter, or pervert the mind till it becomes a depraved instrument for revolting conceptions, are still fitting objects for commiseration and care, rather than abhorrence or vengeance.

We have already affirmed that simple and uncomplicated examples of disease offer to the experienced physician but little difficulty in their recognition ; the truth, however, is, that uncomplicated lesions are the exceptional cases. It is, as we have observed, in the estimate of morbid combinations that the medical mind becomes manifest. Thus, homicidal insanity, or impulsive mania, associated with the desire to destroy life, may arise pending another and distinct form of disease, of which it is not impossible it therefore forms the most prominent feature. The one affection becomes engrafted on the other, and the same mistake occurs as is common in physical disease,—the symptoms which appertain to one are considered as characteristic of the other, and their differential diagnosis is thus lost sight of. It is not difficult, with the foreknowledge that an individual has suffered from unsoundness of mind, to estimate at its true value the homicidal act. It may be also an easy matter to recognise the process by which an admitted monomaniac has become a homicide ; but

cases will occur in which, for such a purpose, every conceivable obstacle exists ; in which the homicidal act has seemingly no connexion with the delusion, as in the case of the youth and the windmills ; or again, where the monomaniacal condition is so concealed that the homicidal act, long contemplated and deliberately executed, is in itself the first prominent indication of the mental unsoundness. Thus, a man of the name of Frost was tried for killing four children at Norwich ; his idea was, that he thereby obtained for them an early translation into heaven, and sent them all there^a. Instances of this nature differ materially from the true form of the disease we are describing ; for in such, strong motives for the deed, however insane, exist in the mind of the patient, against which they may have long struggled secretly, until at length, from the delusive nature of the morbid conception, they are led to regard the commission of the act, which they had previously abhorred, as the highest evidence of their moral excellency. In such examples impulse, it is true, exists ; it is, however, a phenomenon engendered by, not originating with, a mental condition. We have alluded to the influence which psychical sympathy is capable of exercising on the masses, and have inferred that this form of insanity seems therein, in particular, to present a remarkable analogy to other diseases involving the nervous system. On this point Dr. Winslow thus writes :—“ The commission of a great and extraordinary crime produces not unfrequently the

^a Psychological Journal, vol. i. p. 485.

mania of imitation in the district in which it has happened. A criminal was executed at Paris not many years ago for murder. A few weeks after, another murder was perpetrated ; and when the young man was asked to assign a reason for taking away the life of a fellow-creature, he replied that he was not instigated by any feeling of malice, but after having witnessed the execution, he felt a desire, over which he had no control, to commit a similar crime, and he had no rest until he had satisfied his feelings." Gall has recorded the instance of a man who, on reading in the newspapers the particulars of a case of murder perpetrated under circumstances of peculiar atrocity, was instantly seized with a desire to murder his servant, and would have done so had he not given his intended victim timely warning to escape.

In those individuals in whom a latent predisposition to this disease exists, extraordinary mental emotions are known to be capable of acting as the proximate cause of its development. Pinel relates a case of impulsive insanity consequent on the excitement of seeing armed men. Similar examples might be quoted, as also other instances, in which, when so excited, the mere sight of a fitting weapon has been sufficient to determine the execution of the extreme act. It would be a matter of mere industry to extend the number of such cases ; we forbear to do so, believing that if those we have advanced prove insufficient, others would not render us more certain.

In the investigation of cases of this nature, the physician requires to stand fast by the principles of philosophic medicine, that he be enabled, as far as human means avail, to aid justice by, on the one hand, protecting the victim of popular hatred, or, on the other, exposing the pretender who should seek to screen his infamy under the mask of infirmity. Who, on reading of the execution of many of those wretched insane, but feels thankful that we now live in an age when science, dissipating the gloom of ignorance and superstition, has divested psychology of other difficulties than those which are inseparable from all sickness, as being involved in the great mystery of our being ?

Here it is that the psychologist requires to concentrate the several elements which contribute towards his diagnosis. All that relates to the personality of the accused ; the estimate of his mental constitution, both in its moral and intellectual operation ; the character of the act in its twofold relations to his intelligence,—constitute the three sources in which the grounds of his opinion rest. We impress the necessity of carefully estimating the psychical as well as ethical relations of the act. We have stated that while the law recognises the act, it is still determined by the motives which may have induced its commission. Such being the case, the presence or absence of presumed motives to the crime becomes of the greatest importance—the existence of these motives being determined by the evidence, their psychical value resting with the physician. We

impress this latter point, for, were the truths of medical science to be regarded as being dependent on the imperfect machinery of the law, we should have the appreciation of each act varying not only according to the number of motives wanting or adduced, but also proportionately to the significance of those motives in the mind of the separate members of the jury. It is well that the sources of error, as regards motives, be fully understood. In one instance the presumed absence of motives may proceed from our inability to detect them; while in another, the only motives adduced are of a character altogether disproportionate to the magnitude of the crime. Thus, in the year 1826, a young girl was condemned for life to the public works for having in cold blood cut off the head of a child belonging to one of her neighbours. In the absence, says the "Gazette des Tribunaux," of all known interest in the commission of the crime, the medical men declared that the mental condition of the accused presented unequivocal symptoms of mental alienation. The real facts were, revenge for the father of the child having deceived her in love^a. In July, 1837, a man of the name of Greensmith was tried for the murder of four of his young children. He was proved to have been a man of industrious habits; he got into distress, and destroyed his children to prevent them being turned into the street; there were no other motives. He was found guilty, and was subsequently declared to

^a Psychological Journal, vol. i. p. 332.

be insane^a. Here, in one instance, we have motives concealed ; in the other, motives insufficient.

How many men may, with the greatest deliberation, commit crime, but, owing to circumstances, their victim be mistaken, and a homicide be perpetrated where no motives having reference to the individual suffering can be detected. Again, the existence of motives, however reasonable those motives may appear, is no proof of the sanity of the accused, since they may have as their origin data, which, however apparently reasonable, are still the offspring of a perverted intelligence. Thus, in the case of Feldtmann, to which we have alluded, the homicidal act proceeded from an inability to gratify a criminal passion, which passion, it was evident, was the result of disease. Again, how many motives, according to the evil dictates of our nature, such as jealousy, hatred, or revenge, known to be cherished against a certain individual, may, in the event of his death, be adduced in proof of pre-arrangement as well as of premeditation, and those feelings have their origin *in true data operating on a monomaniacal mind*, as we had illustrated in the case of Ovenston. They, then, who would affirm that an individual is responsible for his acts, unless they have been the result of " motiveless impulse," must confine the number of insane within a very narrow limit, and ignore the truth of those verdicts which in many of the most important cases have been recorded.

^a British and Foreign Quarterly Review, vol. x. p. 144.

It follows from these considerations that, though the apparently wanton atrocity of an act cannot be rejected in our estimate of its source, yet it is in itself no proof that its perpetrator was insane. The suddenness of an act is no argument against its matured premeditation. The presence or absence of motives cannot be regarded as of other value than such as they derive from their association with the mind of the accused, rather than the circumstances under which the criminal act was accomplished.

We believe that there are conditions of the system in which morbid impulses exist, inexplicable by any of the ordinarily recognised psycho-physical conditions. We have known individuals to all appearances enjoying physical and mental health, of whose many amiable and excellent qualities no doubt could be entertained, who have, notwithstanding their apparently healthy state, acted in such a manner as not only outraged those laws necessary for the welfare and preservation of society, but also with the full consciousness of the impropriety of their conduct, have committed some act so diametrically opposed to the previous current of their lives, so perfectly at variance with every probable motive or conceivable advantage, so trivial in its inducements, and yet so lamentable in its results, that common sense rejects the idea of rationality in its consummation. That under such circumstances criminal acts are perpetrated, when the free agency of the individual is for the purpose of their commission suspended, we most truly believe. We admit the

accused, as far as the possession of intellectual powers go, to evidence the ordinary exercises of a cultivated mind, and, as far as the moral faculties are concerned, to be perfectly alive to the best and tenderest duties which strengthen the ties of social life; and yet, occasion offering, a sudden yielding of the justly balanced mind occurs, whereby the object of our kindest sympathies becomes placed in a position strangely analogous to, yet widely—very widely—differing from the operations of vice. The solution of this psychological problem may be presumed to rest in an investigation of the laws of psycho-physical sympathy: more particularly as the examples illustrative of the phenomena to which we refer are to be met with in females, usually of susceptible nervous systems and sensitively constituted minds. That there are times in which the female sympathies are keenly alive to external impressions, and the mind in a condition of morbid receptivity, those intimate with feminine diseases must be fully conscious of,—a condition presenting a strange compound of physical and mental hysteria, this condition manifesting itself at that period of life when nature, undetermined respecting the perfection of her processes, disarranges the harmony essential for self-control, without at the same time manifesting any special indication referable in a sufficiently marked manner to either the physical or mental constitution. We know that, at such periods, strange physical sensations are experienced, and that morbid desires flit across the mind, without sensibly interfering with its just and proper exer-

cises. Pending this recurrent psycho-pathical condition, the psychical and physical sympathies become so completely interwoven, that they immediately respond to the suggestions one from the other, when, unless restrained by a principle of action capable of resisting their reciprocal and combined influence, the individual becomes committed to some act of egregious folly, it may be, bearing all the similitude of crime. In the individual enjoying perfect health, there are instances in which analogous feelings are experienced, when circumstances engender the predisposition, and a proximate cause for its development almost coincidently occurs. How many have from being placed in an elevated and unguarded position, when the physical influence of the atmosphere, and the psychical influence of the ideas, react on each other, experienced such a revulsion of the feeling of self-preservation as urged them to commit a suicidal act, to which their unclouded consciousness, *morale*, and natural inclinations, were opposed ! We believe that in the condition of the female system to which we have alluded, acts are perpetrated as little according to the healthy, free, and deliberate exercises of the individual, and for which they should be considered as equally irresponsible ; in which previous to their commission, to all appearance, perfect physical and mental health existed ; and subsequent to which a full consciousness, and all the bitterness appertaining to the commission of the act, are experienced. Yet, in cases of this nature, at such a moment, the individual was, for the time, altogether

irresponsible ; being irresistibly urged to the commission of the act to which the mind was morbidly attracted, and for which the motor powers simultaneously yielded. The case of Charles Mathews in a measure illustrates this phenomenon, as witnessed in the male, while in the female we consider that many of those otherwise inexplicable examples of mal-appropriation, which occur in the persons of honest, unexceptionable characters, are to be similarly classed. This form of disease, however connected with physical indisposition, it is not impossible, may be the first evidence of special derangement of the moral faculty, from which, however, it, in its primary development, differs ; since the integrity of the moral principle seems to be intact, except as far as may be inferred from the impulsive act. It also is to be distinguished from monomania, inasmuch as the intelligence, when aroused to its consideration, comprehends the full and true relation its commission involves. We are led to form this opinion chiefly from the known character of many who have, from such impulse, been committed to apparently criminal acts. While recognising the principle which should guide in our diagnosis of such cases, we are, at the same time, fully conscious of the almost interminable difficulties besieging its application. We believe, however, that as the reciprocal sympathies of mind and body are more closely studied, a clearer conception of this condition will be established, and phenomena

we have but imperfectly alluded to be more fully appreciated.

We have mentioned the necessity of a principle of action as necessary for self-restraint. From this two questions arise :—

1st. To what is this principle of action to be referred ?

2nd. What are the conditions essential for its operation ?

The answer to the first inquiry happily rests with every individual. The well regulated mind may be said, in the ordinary affairs of life, to act aright instinctively, not from any premeditation that a particular line of conduct is right, but because any other line of conduct would at once become the occasion of mental pain. Self-examination assuring us that this principle of action is fixed and unchangeable, we are led to the conclusion that it cannot therefore depend on the exercise of the intelligence, nor yet result from the operation of the emotive faculty, for, though the harmonious co-adaption of each of these separate faculties is essential for its due recognition, yet, while adequate to guide the one, it is, we may affirm, the ultimatum of the other. This principle of action is, if we may so express ourselves, a pervading power which rests in and yet is not of the mind. Proceeding from without, it supplies the light within. It is evident in the world around us. The operations of nature show its physical manifestations ; the devotional exercises of the untutored

savage attest its universal presence. Education and religion can but develop and direct; they cannot create it: its existence being neither dependent on the operations of the one, nor capable of being replaced by the offices of the other, since without it, the mind would be but an instrument for superior animal pleasure, and religion a motiveless exercise of what should therefore be regarded as senseless observances. Its light may be obscured ; it cannot be quenched. Its course may be perverted ; it cannot be stayed, so long as intellectuality appertains to man. We know not wherein this principle rests. Piety, truth, love, and justice, are its growth : rational self-love being as nothing in its estimate, individual enjoyment but the least of its results. It is in truth that *divinæ particula auræ*, which, reflecting on the creature brightness from another sphere, raises him above the conflicting interests, miserable jealousies, and many petty inducements to crime, besetting on all sides his journey through a changeable community and a changing world.

The condition essential for the operation of this principle is psychological freedom of mind. We use the term psychological as contradistinguished from metaphysical freedom on the one hand, or that condition in which vice, with the skilful sophistry of guilt, exercises its pernicious influence on the other. In the character of cases to which we have so imperfectly alluded, this psychological freedom becomes for the time being suspended ; the regulating principle is placed in abeyance ; the act being but the

mechanical expression of a passing morbid condition.

It may be urged that the object of the law is to so correct the mind of the offender by punishment, and to so confirm the principles of the community by example, that while the depraved may be reformed, the weak may be strengthened, and thereby this principle of action be maintained in its fullest integrity. We admit all this. We will even allow that the recognition of an irresistible impulse, previous and subsequent to which full rationality is affirmed to exist, offers an easy explanation for any crime, and yet we cannot shut our eyes to the fact, *that cases of this nature have occurred, and may occur again.* Law in their adjudication becomes divested of its severity, since justice restrains its exercise to their preservation as regards the community, and to the personal safety of the individual, in whom such a manifestation must be regarded as being at least indicative of a psycho-physical aptitude requiring anxious and close attention.

The question of punishment is, we conceive, merged in that of volition and health. If *disease*, as contradistinguished from *vice*, be present; if insanity, the result of abnormal psycho-physical action, as distinguished from that unsoundness of mind and depravity of morals which are characteristic of the operation of sin and crime, be allowed to exist, we confess our inability to propound any rules by which the creature could be thus constituted the avenger of his Creator; or, allowing the doc-

trine involved in such a practice to be correct, we know not any means that should determine with certainty the extent of such morbid operations, and thereby assign a limit to our endless conjectures. Sooner, to use the words of Ideler, "could we see upon the disturbed waters the clear image of what surrounds us, more easily calculate the status of every wave, than find in the ebb and flow of such thoughts the mirror of our relation to nature, or the law of our changing emotions."

The close association which seems to exist between suicidal and homicidal mania has attracted the attention of most writers, who attribute them both to a morbid perversion of the natural instincts ; the same causes which originate one being adequate to the production of the other. The monument in London, the Place Vendôme in Paris, have furnished many examples in proof of this assertion. Though the act of self-destruction be opposed to the first principles of our nature, yet we incline to the opinion, that in every instance the commission of suicide cannot be regarded as a proof of insanity ; since it may but argue the acme or last desperate effort of vice in one who, knowing that the just rewards of his evil deeds await him, in recklessness of his life, by a final resolve attempts to anticipate the operation of the law. Such an act we do not believe is a whit more indicative of insanity than that dogged indifference to final judgment and public execration, witnessed in the conduct of many of the worst criminals, whose last ambition seems to be, that their equally reckless

companions among the motley crowd may witness their "dying game." We cannot, therefore, in all cases, infer the animus which led to the homicide, from the mere fact of the subsequent suicidal attempt, be it successful or otherwise.

The diagnosis of this particular operation of disease, in its simple and uncomplicated form, rests chiefly on negative rather than positive grounds; and may be derived from events preceding, pending, or subsequent to the commission of the deed. In contrasting homicide the result of disease with homicide the result of vice—though they may have many features in common; though the nature of the acts be identical, and the means adopted for their perpetration the same—we still have abundant proof to satisfy us that—

"Murder, though it hath no tongue,
Will speak with most miraculous organ;"

since each day declares that the mysterious working of Providence guides the retributive justice of man, and enables him, by a chain of circumstances, to arrive at truth; though craft, and subtilty, and the deep resolves of human intelligence, have been strained to the uttermost for its concealment.

Following in the steps of other writers, we may thus particularize some of the principal differences between the criminal and insane impulse:—

a. The criminal premeditates his plan, and, of necessity, selects his victim. The impulse has no premeditation; and has not, of necessity, a selection.

b. The criminal act is the consummation of pre-

vious criminal desire. The impulsive inclination either originates with the act, or is unassociated with the object of it.

c. The criminal act is generally complicated. The simple impulsive movement never is so.

d. The criminal conceals the deed he purposes to commit, and after its perpetration endeavours to escape its consequences. The impulsive action is acknowledged and deplored; while, subsequent to its commission, its detection is not avoided.

e. The criminal, if he has not accomplices, has at least vicious associates and explicable motives. The impulsively deranged never has accomplices, is without rational motives, and may, in his social relations, be unexceptionable.

f. The criminal usually selects victims against whom hostile feelings exist. The impulsive acts without discrimination, and not unfrequently violates all natural affections.

g. The criminal carries his evil practices no further than the gratification of his evil passions in the commission of the act may demand. The accomplishment of the impulsive act by no means removes the impulse, or satisfies the morbid propensity.

In our considerations respecting the varied forms which monomania may assume, as also in our analysis of unsoundness of mind, chiefly evidenced through derangement of the moral faculties, we have perceived that the supervention of an homicidal impulse may, in many cases, constitute but the climax of pre-existing symptoms. The most we can, there-

fore, attempt is, to state what those general rules are which may guide us in our opinions, and enable us to recognise the various forms in which impulsive insanity is known to occur,—when, by the careful and minute investigations of all pre-existing, coincident, and subsequent facts, we may at least find the nearest approximation to truth.

We venture on the following conclusions as being of importance for such an end:—

I. Impulsive insanity exists as a special form of disease in its manifestations uncomplicated by other phenomena.

II. The patient may be fully cognizant of the civil and ethical relations of the particular act, whose perpetration he is unable to desist from.

III. In one class of cases the impulse may be successfully controlled, and a considerable period intervene between the origin of the impulse and the commission of the offence.

IV. In a second class of cases the commission of the offence is coincident with the origin of the impulse.

V. In both these cases the previous history may fail to account for the morbid phenomena.

VI. The diagnosis of this affection may be stated to rest in the positive nature of the crime, and the negative character of the symptoms.

VII. Though pathology fails to establish fixed psychopathic relations for this form of mental unsoundness, yet the existence of every lesion of the nervous structure becomes an important element in diagnosis.

VIII. Observation affirms, that psychical sympathy, or imitative propensity, is one of the most frequent of its exciting causes.

IX. Where the predisposition has been established, the immediate or proximate cause of its development may rest in any object capable of exciting emotions, more especially if such excitement accords to the predisposition.

X. This predisposition may exist without manifesting such signs as would lead to its detection, previous to the commission of the homicidal act.

XI. The proximate cause of the homicidal impulse has, of necessity, no further relation to the homicidal act.

XII. When the homicidal impulse arises, pending other forms of mental disease, its existence is to be regarded as a symptom of such disease, and to be explained accordingly.

XIII. That, under such circumstances, the special characteristics of this homicidal impulsive affection are lost in those which appertain to that form of insanity with which it may be conjoined.

ESSAY V.

WE have endeavoured to show the nature of many difficulties investing the question under our consideration, and for the appreciation of mental diseases have impressed the necessity of closely scrutinizing, through a careful system of analysis, the psychical and physical relations. It does not, however, follow, because experience has declared this to be the best, and, we may venture to add, the only reliable plan by which to arrive at truth, that it will, therefore, always prove adequate for our guidance to such an attainment, since cases not unfrequently occur, so strangely anomalous in their character, that medical men of great experience differ widely in their opinions respecting them. Shallow reasoners have thence presumed to argue the incapacity of our science rather than to acknowledge its difficulty or obscurity. We are free to allow the latter, and, in consequence, to admit the necessity for our recognition of certain great principles, which may confine, as far is possible, the solution of scientific problems within the range of scientific certainty,

and so, in a great measure, render them independent of individual opinion, the value of which we have already stated to be proportionate to the capability and opportunity for its formation.

Our observations in the abstract sciences lead us to refer corresponding results to identical causes; experimental philosophy enabling us so to analyze and arrange the elements under consideration, that their hidden properties and relations may be rendered matters of demonstration. Every established fact is thereby constituted an additional and direct source of an available and known power, which inductive reasoning may, with confidence, employ in the solution of future phenomena. It is different when we come to apply the same great principle for the establishment or appreciation of phenomena beyond our reach; for, being unable to control the order and succession of their arrangements, or to define the extent of their combinations, we are soon convinced that each new appearance must be regarded as but an indirect source of a variable power, from whose application, however justly we might otherwise reason, we should, consequent on the absence of positive data, be unable to predicate a necessarily accurate conclusion. In the prognosis of disease this is especially verified, the nearest approximation to truth in our opinions being, not that which is easily explicable by theory, but which is most in accordance with experience. This possible uncertainty in the prognosis of disease must be distinguished from an incapacity for the due appreciation of its nature.

The former involves a question of experience in the progress of vital actions: the latter, the capability of appreciating physical media for the exposition of these actions. The one anticipates the future—what may be: the other refers to the past—what has been or is. The difficulty of the former rests, not so much in determining what are the constant, but in calculating what may be the accidental, concomitants of any particular phenomena: the obscurity of the latter seems to be dependent, not on the estimate of material changes, but their pervading immaterial agency beyond our reach. Notwithstanding such obscurity, there can be no greater error than the supposition, that because the study of medicine involves the estimate of inaccessible momenta from their accessible results, its practice should be regarded as speculative; since the close observation and careful study of those laws by which physical actions and psycho-physical relations appear to be governed have so supplied the process of experiment, that, though the vital agencies are intangible, we are enabled to estimate with a mathematical, if not a mechanical certainty, the value of their manifestations; while, in our appreciation of cases for which no analogy exists, we must bear in mind that while experiment is capable of showing every *possible* change, observation may not previously have recognised that which, it is not improbable, constitutes, therefore, a new fact.

That we may not involve familiar truths in any unnecessary intricacy of argument, we shall regard

certain facts as self-evident propositions, and allow the psychical and physical constitution to vary in each individual. As our knowledge of mind and matter is merely relative, it becomes essential that, for the appreciation of undetermined phenomena, we recognise a standard for comparison, which, notwithstanding the endless diversity of their several relations, may be equally available for all, and appreciable in each. This standard we possess in that condition known as **HEALTH**, which physically implies the normal exercise of the several organs in their mutual relations for the maintenance of the body, and psychically, premises a capability of these organs perfecting such functions as are involved in the expression of the mind. We know not wherein the principle of vitality, as manifest through the physical structures, rests: we perceive the integral constitution and relation of the several elements of these structures to be transmuted and impaired in every conceivable manner, and yet life, though pursuing an erratic course, to still pervade and influence the whole. The constitution becomes, as it were, "broken up," indefinable disease being present. For the diagnosis of such conditions, physical changes may prove inadequate, as being not unfrequently latent. We infer, however, that they are invariably present, because we do not believe that such a phenomenon as a purely functional disease exists; its assumption would open the path to endless absurdities in medicine, as leading to the recognition of immaterialism on the one hand, or inutility of

organism on the other: both of which propositions are opposed to observation, and at variance with our estimate of Divine wisdom. It is right, therefore, we be satisfied that the true medical interpretation of the term "functional disorder" is *disease whose physical manifestations are masked, but whose operations are evidenced.* Allowing morbid changes of such a nature to be present, we ask—Are we enabled to speak with confidence respecting their limit, or to define how far they render an organism dependent on the adjuvant powers of other viscera? Though observation and experience lead to the inference that life may not be materially shortened through the presence of certain visceral irregularities, what physician would therefore regard them as of little consequence,—mere matters of inconvenience? We have affirmed it to be too frequently witnessed that this, which has been termed "functional disease," is the only appreciable manifestation of some destructive process, whose fatality is thereby proclaimed. The records of the pathological societies satisfy us on this point. While admitting such a possibility, we are glad, for the honour of medicine, to declare its rarity. Bearing these facts in recollection, we seek how far they are applicable to the diagnosis of disease which can only be appreciated through its psychical operations.

The foundation of just psychology rests on the admission that without freedom of mind there can be no freedom of conduct. Mental freedom, as psychologically interpreted, implies a normal condition

of that organism through which mental influences are expressed. Were we to admit the possibility of the mind, as an independent essence, being diseased, folly, sickness, and sin, should be identified: happily for ourselves, observation, reason, and revelation reject such a supposition. Were we to regard the mind as but the aggregation of functions, each possessing an independent existence, we might thereby admit, in the abstract, the possibility of a partial disease; but before we could, in practice, estimate the extent of its influence, we should determine the mutual reactions which the several functions are adequate to exercise, and define the degree in which the integrity of one power was capable of supplying or counteracting the influence of another; as also the relation any special deficiency bore to the whole. We possess no means of doing so except through the study of the individual character whose sanity may be under consideration. Viewing the cerebral structure simply as the organ for mental expression, we reason from effects to causes, and infer the imperfection of the instrument from its defective operations; again, arguing from causes to effects, we declare the mind to be unsound because of the material incapacity for the healthy expression of those several elements, functional or otherwise, whose perfection is essential for its normal action. This may appear to be affirmation without proof, as inferring that because a man is deranged, his nervous apparatus is diseased; or because his nervous apparatus is diseased, a man is deranged.

We are met with the argument that cases are on record apparently subversive of both propositions. Physicians, however, do not contend for their capability of solving every problem in disease, but they are confident that their knowledge and experience render them the most competent for such a purpose. If then, being physicians, we regard insanity as the expression of material changes, can we define its extent, fix the range of its influence, or with certainty affirm the ratio which those mental agencies we admit to be at fault bear to the general expression of the whole? especially keeping in mind, that though an error in the diagnosis of physical derangements can, through many agencies, be rectified, an error in this particular instance may blight fortune, ruin character, or consign to death.

Taking a different view, and allowing an independent, indivisible existence and action of mind, we are brought to investigate the extent of mental unsoundness which may in any case be present :—What criteria for judgment do we possess ? The definite expression of the indefinite power proves nothing of the mental condition beyond its particular manifestation, while it is the value of that manifestation we are required to determine from its relation to the unknown power. Which-ever view we adopt, the admission of unsoundness of mind, as distinguished from natural incapacity, or ignorant incompetency, that is INSANITY, must, in its individual relation to Law for the purposes of justice, be regarded as entailing, *ex necessitat rei*,

irresponsibility, while in its relation to the community, for the maintenance of the public safety, it becomes requisite that society be protected from the danger which might result, were those so affected permitted to continue unrestrained. The spirit of equity and every logical argument are, we conceive, opposed to any other principle, whose adoption has already been urged by the ablest pens. We cannot, in addition to what we have stated, refrain from expressing our firm belief that much greater danger has resulted to mankind from the recognition of the doctrine of partial insanity and partial responsibility, leading to the confounding of wickedness and crime with disease, than those who propound such doctrines would be disposed to admit. Thence has arisen so many ridiculous and untenable opinions, unsound and illogical propositions, unsafe and dangerous precedents. *A* regards motive as sufficient test; *B* requires knowledge of morality or immorality of act; *C* demands a comprehension of its relations to the law; *D* argues from the presence or absence of self-restraint; *E* considers the existence of delusion essential; *F* associates delusion with act; *G* rejects the mental unless corroborated by the physical condition; *H* commingles insanity with crime; and ALL contribute somewhat to involve the question in almost inextricable perplexity. We might extend this list: to do so would be merely to repeat what we have already propounded.

There is but one doctrine we have reserved for

special comment,—that which would regard the culprit's accountability as “a perfectly distinct subject of inquiry from his mental condition”^a: thereby rejecting the only elements for the formation of an opinion, since the accountability must rest in the mental condition. The author of this proposition thus writes:—“But here comes the practical difficulty in the way of the settlement of this question. If we admit that lunatics, affected with partial insanity, may be, under certain circumstances, responsible for their actions, and under certain other circumstances not responsible, how are we to decide when they are to be exempted from punishment, and when not? And further, supposing that they are, under any circumstances, fit objects of punishment, how is that punishment to be regulated to their offence, and when is it to be administered”^b? The answer to the first of these questions is propounded in the proposition laid down by Lord Erskine in his defence of Hadfield,—the relation of delusion and crime. This, however, replaces one difficulty by another of equal, if not greater, magnitude. We speak of obscure cases. We further read:—“As to the second question, namely, the propriety of making lunatics, under any circumstances (even when proved to be sufficiently rational to be capable of self-restraint), amenable to punishment, I think that every one will agree with me in

^a Popular Errors on the Subject of Insanity, p. 116. By J. F. Duncan, M. D.

^b *Op. cit.*, p. 118.

concluding, that so long as such a malady as this exists, no individual ought to be regarded as a fit subject for punishment, and, least of all, ought he to be sent to an ordinary prison to undergo the penalty of his misdeeds. The plain and obvious duty in all such cases is to forward him to a proper asylum, to have his malady skilfully treated ; and, until this is done, nothing else ought to be thought of. But if, owing to the use of measures proper for his recovery, he is, after a time, restored to health, it may then be a question whether he is not properly punishable for crimes wantonly committed *in* his insane condition, though unconnected with it. In no other way, I conceive, can punishment be brought to bear on the insane^a. This startling proposition is referred to that tribunal which “has been in use in these countries from time immemo-
rial, and which has justly been regarded as the great bulwark of our lives and liberties.” We read :—
“The two questions they, the jury, would have to decide in every trial of this nature would be, first, is the individual really insane, and if so, what is the nature and extent of that insanity ? and secondly, had that insanity any direct influence in leading him to the perpetration of the crime with which he is charged.” In other words, *the complete problem remains to be solved.* We have expressed ourselves so fully on this point that we shall rest satisfied with inquiring, may not self-restraint be the strongest

* *Op. cit.*, p. 120.

argument in favour of irrationality, as *showing the predominance of some fixed, insane, latent purpose, which places all other feelings in a state of subserviency?*

While the malady exists, and the patient is regarded as being inadequate to appreciate the corrective effects of punishment, why should he, when his reason is restored, be held accountable for those acts which its perversion resulted in, and from which he was, at the time, in virtue of such perversion, absolved? Is he not thus declared to be responsible as regards the causes, while he is considered irresponsible as regards the effects? It is true that justice is not to overtake him until "after a time" to be spent in "skilful treatment." To what length may this time extend? whether for a day, a week, a month, or year? Truly, when reading such propositions, we may well exclaim with the venerable Vogel, "that great powers of reason are requisite to understand men destitute of reason."

"The execution of an offender," writes Sir Edward Coke, "is for example; the execution of a madman would be a miserable spectacle, and one of extreme inhumanity and cruelty." There are, notwithstanding this and similar declarations on the part of others equally eminent, many who contend that the most effectual prohibition of crime rests in the public punishment of all offenders; affirming as their reason that the mind adequate to perfect the commission of any vicious act should be held responsible for its consequences. They who argue in such a manner have but a limited concep-

tion of the operation of disease, and take but a narrow and one-sided view of the questions of public safety, as well as of criminal reform, while, as regards the commission of the act, they confound the persistency of madness with the consistency of sense, and shut their eyes to the fact that it is not the mere act, but its psychical association, which constitutes the crime. The object of punishment is admittedly twofold—reform and example. Punishment inflicted on an individual for acts accomplished during his insanity must be wanting in its chief design—the reformation of that mental condition, from which such act had resulted, inasmuch as reformation implies a full recognition of the varied relations of the act, which recognition, the presence of the insanity inducing to its commission is altogether opposed to. Considered in its relation to the law, for the purposes of example, the object of punishment being that others may be deterred from the commission of similar offences, in the execution of the insane, we, at best, but vindicate a civil enactment, in direct opposition to those natural principles, which not only constitute for each one a code of innate jurisprudence of which our several sympathies are, perhaps, the best conservators, and on the integrity of which so much of the peace and welfare of society depends, but which principles are also the chief support of those laws whose vindication is sought for in their violation. It is true that some crimes are so heinous in their nature, and so serious in their results, that the means

best calculated to prevent their repetition become questions of the first national importance. The execution of the insane offender is urged, as a matter of public utility, by those who thus contend that for the regulation of society utility alone should be the criterion of right and wrong, and ought, therefore, to be the object of the Legislature. This is an argument as false in its principle as it is dangerous in its application. The moment general utility trenches on individual justice, public integrity becomes thereby impaired, and the way opened to endless encroachments ; since what, under such circumstances, is the general welfare, but the aggregate representation of personal interests ? We contend, therefore, on the principles of truth and equity, not through feelings of pity or fear, that he who raises his voice to-day, and demands that the insane offender be sacrificed to popular clamour—we will not insult the common sense of our readers by calling it justice—to-morrow may himself be stricken, and required to expiate not his crime, but his sickness, at that shrine his erroneous philanthropy has laboured to erect. Let medical men rather devote their energies to the study of insanity as a disease, contradistinguishing it from that unsound or deficient mental regulation which vice engenders and evil passions direct ; let them regard *disease* as a matter for cure, *crime* as an object for correction, and we are satisfied that there will be far less of that vagueness which baffles justice by misleading juries, and humiliates our science in reducing it to

a study of probabilities, without a rule to guide, or a boundary to limit.

It is true that with insanity the worst criminal disposition may be conjoined ; that "intriguing, unruly, vicious madmen" are to be met with, who, instead of reasoning within their insanity, knowing that they are accounted insane, presume on their immunity from punishment, and, therefore, freely pursue their wicked propensities. A criminal disposition appears to be associated with, rather than to result from, a particular mental condition. In the question of their restraint is involved that of their correction, which should be regarded as implying the recognition of their amenability to treatment, rather than their responsibility for conduct, and is, perhaps, one of the strongest arguments which, whether justly or unjustly it is not our present object to discuss, has been advanced for the establishment of special institutions, to which the insane with such exaggerated criminal dispositions might be committed. Dr. Bucknill, in a work replete with practical suggestions^a, has well distinguished "those who have become insane from the long indulgence of criminal propensities, from those who have become criminal for want of timely protection during their insanity ; those in whom some degree of imbecility render a vicious character still more intractable, from those who have done wrong conscientiously believing it to be

^a On the Classification and Management of Criminal Lunatics. By Dr. Bucknill. London : Churchill. 1851.

right; those accused of some slight offence for which they have never been tried, from those convicted of heinous offences, and after conviction becoming insane." A close analysis of the several degrees in which insanity and crime are related, as well as of the association observable between vice and disease, are adduced by Dr. Bucknill as arguments for a separate asylum for "lunatics of criminal dispositions," or the establishment of "a place of treatment distinct from the asylum and the prison, and partaking of the characteristics of both; with more variety, leniency, and indulgence than are to be found in the latter; with a stricter discipline and a compulsory industry unsuited to the former." The basis of such an institution would be the recognition of INSANITY rather than crime, as distinguished from ordinary prisons in which CRIME rather than insanity is to be treated. This amenability, which has reference to insanity, is essentially different from that responsibility which applies to the sound in mind. In the one we recognise *disease*, and its accidental or incidental accompaniment, requiring painful and severe remedies, whose object is the correction of certain influences, through the application of means which experience proves are adequate to such an end,—their use to cease when the design for which they had been instituted is accomplished. In the other, we punish the deliberate indulgence in *evil* with such pains and penalties as society may deem commensurate for the purposes of example as well as reform. The one is a matter of psychological treatment—the other,

a question of judicial policy. The one should never pass the bounds of daily observation and inductive reasoning—the other may at once fulfil the requirements of society by the forfeiture of liberty, the continuance and perpetuation of physical correction, or, it may be, the deprivation of life.

The practical recognition of this principle opens a wide field for inquiry, wherein the questions of restraint on the one hand, and correction on the other, are brought into association. Its application can only have reference to the treatment of those who have been admitted into institutions as being *insane* rather than *criminal*, since it is the estimation of the individual's conduct in reference to his insanity, not in reference to the law, which should guide the employment of any means determined on. The inquiry thus merges into one of restraint and discipline, in a possible, but rare case ; for where a sense of responsibility sufficient to *ordinarily* appreciate the moral influence of correction is present, it is but reasonable to believe that such a condition of mind argues a capability for self-regulation, demanding that the prerogative of constitutional justice should be exercised for the benefit of the community, and the diminution of crime ; while, where the sense of moral obligation and capability for intellectual guidance are so equally impaired that the employment of such means should prove merely productive of mental or physical suffering, it would be cruel and unjust to hold disease as criminal. Rewards and indulgences are known to exercise the most benefi-

cial influences on the guidance of the insane mind; there are, so far, grounds for the inference, that prohibitions and restrictions would prove equally beneficial in the reformation of their vicious disposition, for there is no greater error than the supposition that the insane are insensible to those agencies which in the ordinary affairs of life influence the conduct of men. It is far from our wish to constitute the physician the judge, but we have no doubt that in the criminal jurisdiction of the country many important changes will yet be perfected which the psychological estimate of crime, in its intellectual and moral relations, shall dictate. Even now the good work is in progress. The object of our prisons being as much for reform as reproof, they have, in a great measure, ceased to be those great centres where, under the old system, the young found encouragement for their future career, and the old were strengthened in their crime. In the medical direction of those compound cases it becomes evident, "that it is a point of great difficulty, in fact almost an impossibility, to detect the line of demarcation between responsibility and irresponsibility, or where one commences or the other terminates"^a. We cannot, therefore, do more than, while admitting the principles which should guide, acknowledge the obscurity enveloping their individual application, that, as far as is possible, we forbear from confounding disease with crime, or shielding iniquity from those obligations

* Winslow's Plea of Insanity, p. 18.

which the general interests of the community demand should be maintained inviolate.

In regarding insanity as a disease demonstrative of an abnormal condition of the cerebral structure for psychical action, we are led to institute a further analogy between its manifestations and those which indicate other lesions of the nervous system. We know that a special peculiarity of such affections is, their subserviency to the laws of periodicity. The two common affections of epilepsy and hysteria may be quoted as illustrative of the latent persistency and accumulative tendency, as well as profound obscurity, by which neurotic diseases are characterized. It is a matter of experience that, among individuals in whom the predisposition for those diseases has been established, causes which, under ordinary circumstances, would avail nothing, prove adequate to arouse the predisposition, and are capable of developing that morbid impetus resting beneath the surface of what, to common observation, would appear to be ordinary physical health. Examination of a patient between the periods of attack may afford little evidence of the mischief at work: a cause capable of acting on the predisposition occurs, the impetus is aroused, and the acme of the disease results; a period of repose follows, in which it would be folly to presume, because no active operations were manifest, that their source was not the less truly present. Curative measures may triumph over such conditions, and health follow on the exertions of the physician. The progress of analogous disease, manifest

through mental affections, is even more subtle. Insanity becomes developed, its symptoms subside, apparent rationality is present; a recurrence of the disturbance follows, again to be succeeded by a calm; curative measures accomplish their end, and the calm becomes perpetuated. A question thence arises—Are we, pending the abeyance of morbid manifestations, warranted in affirming the presence of disease? To this we must, in many cases, afford a positive reply, since this very abeyance may be the chief characteristics of the disease whose presence we infer. How, then, in the absence of unusual manifestations, are we to find grounds for such an inference? We respond—*From the previous history of the particular case, and our knowledge of the peculiar characteristics of the affection under consideration.* Let us contrast those periods of physical and psychical repose. May not the exercises appertaining to either sphere be so far accomplished, that, for the ordinary purposes of life, they prove sufficient? Pending this seemingly healthy state, some cause apparently trivial, or, it may be, considerable, occurs; a convulsion is unexpectedly produced, or a paroxysm of insanity follows. In both cases the predisposition requires but a slight occasion for its development, and in both cases, had the immediate exciting cause been prevented, the same semblance of health might have been maintained. This practical fact must ever be remembered, as showing the great difficulty enveloping our estimate of many cases in which, where insanity had been known to exist, but where its evi-

dences have subsided, acts of a criminal nature ensue. It is true, that in many instances the mental disturbance is of such a decidedly recurrent character, that those glimpses of reason which intervene between each paroxysm are justly regarded as but so many calms, whose occurrence is an occasion for thankfulness, even though their duration be matters of uncertainty. That during such intervals, acts, in every way indicative of perfect sanity, are accomplished, is not denied. It is contended, however, that we are not invariably at liberty, under circumstances of this nature, to infer that the mind is *really* sound because it is *seemingly* so ; or to, in all cases, hold the individual responsible for actions of a criminal nature which may, in such intervals, be perfected, since the act to be considered may, in itself, have been the occasion of developing the latent morbid condition. It is this latter fact that must guide us in our estimation of such cases, while, for their more particular appreciation, those general principles we have already discussed come into operation. We transcribe the observations of Dr. Combe on this point, as expressive of the condition of individuals who, having recovered from an attack of insanity, are again brought under examination. " However calm and rational the patient may appear to be during the lucid intervals, as they are called, and while enjoying the quietude of domestic society, or the limited range of a well regulated asylum, it must not be supposed that he is in as perfect possession of his senses as if he had never been ill. In ordinary circum-

stances, and under ordinary excitement, his perceptions may be accurate, and his judgment perfectly sound, but a degree of irritability of brain remains behind, which renders him unable to withstand any unusual emotion, any sudden provocation, or any unexpected and pressing emergency. Were this not the case, it is manifest that he would not be more liable to a fresh paroxysm than if he had never been attacked. And the opposite is notoriously the fact, for relapses are always to be dreaded, not only after a lucid interval, but even after perfect recovery. And it is but just as well as proper, to keep this in mind, as it has too often happened that the lunatic has been visited with the heaviest responsibility for acts committed during such intervals, which, previous to the first attack of the disease, he would have shrunk from with horror^a. We have quoted Lord Brougham's views respecting partial insanity; they are important, as showing how closely the reasoning of the philosopher corresponds to the experience of the physician.

To those familiar with unsoundness of mind it is a matter of experience, that by far the most dangerous class to be treated are patients who show the least evidence of their condition. We might adduce many recorded instances where the most fearful crimes have resulted from very trifling causes, those causes being of a nature appreciable by the sane mind, and explicable by the ordinary occur-

^a Dr. Combe's Observations on Mental Derangement, p. 241.

rences of life. It is an error to suppose, that rational motives acting on a disordered mind will not present equally lamentable results as the most extravagant suppositions. It matters not to the *insane* whether the motives be real or imaginary; they in their operations become transmuted, ordinary motives acquiring extraordinary significance. "*It is, therefore, the relation of motives to the mental condition at the period of the perpetration of the act, rather than the accordance of these motives to the character of the act,*" that should guide our opinion. Were proofs required, we might quote many sad examples of suicidal and homicidal intent, accomplished during periods when the seeming quietude of the sufferer led to the relaxation of that close scrutiny previously preserved. We believe the nature of such cases is so patent, that the proposition of irresponsibility, under similar circumstances, will be acceded to, and that in individuals so afflicted, the operation of disease cannot fail to be duly appreciated.

It here becomes a matter for consideration,—How is society to be protected from the ill consequences of individuals so affected being at large? Such an inquiry, though full of interest, it would be foreign from our purpose to enter on. It seems, however, next to an impossibility that, in many cases, *previous* to the active development of their disease, any decisive measures could be adopted, since, from the reasons we have already assigned, each separate case becomes a proposition in which the liberty of the

subject, the unity of justice, and the well-being of the community, are equally involved.

Passing from the consideration of mental conditions which we may regard as but so many lucid intervals, we are led to the estimate of cases in which, where insanity has been present, what may be looked upon as a permanent convalescence ensues, pending the continuance of which, crime is perpetrated. A question arises respecting the offender's accountability. We will presume it is established, from sufficient proof, that a complete recovery has taken place. The mere fact of insanity having existed, though being of itself a strong argument in favour of the accused, cannot be regarded as *per se* exculpating general vicious practices ; at the same time, when the nature of insanity as indicative of disease is duly estimated, its tendency to relapse during convalescence, and to recur when cured, borne in mind, it will be acknowledged that, in the estimate of criminal acts on the part of those who have been so afflicted, many important points for consideration arise. We know that where a disease of a recurrent character has been once established, but a slight occasion proves adequate for its subsequent development ; causes, which to the ordinary constitution are innoxious, finding a morbid receptivity existing, acquire therein undue power, and eventuate in an unhealthy and exaggerated manner. The individual who has been once insane must, therefore, in any unusual act, be always the object of suspicion. In

many instances there is nothing to distinguish their mental state from that of ordinary persons, and in no way can the character of the act be associated with the nature of the previously existing disease. An inquiry arises respecting the relation of such acts to the mental condition of the accused, and of the accountability of the accused to the law. In the estimate of cases of this nature it must be borne in mind that there is no necessary connexion between insanity and crime ; that, as regards the individual, crime and insanity can coexist ; that, as regards the law, an insane may be a criminal act ; but, strictly speaking, there is no such occurrence as an *insane criminal act*. The insane act is not criminal, but a special manifestation of an existing disease, which circumstances direct into a particular channel. If we believe that no disease exists, we divest the act of this important signification, and, reducing it to an ordinary fact, seek to inquire :—If, in a mind which may be presumed as being constitutionally weakened, the same capability of resisting inducement to crime exists ? Experience affords a negative reply. It is not denied that by individuals who have recovered from attacks of insanity criminal acts entailing deep responsibility may be perpetrated ; at the same time, it is a matter requiring but little argument, that crime, which at all times indicates deficient or defective mental regulation, and excessive influence of evil passions, finds a diminished capability for resistance, and a greater facility for adoption, in the minds of men who have suffered from such

disease. The ordinary laws of our country, in their practical operation, recognise different degrees of culpability in reference to the same offence. We have, so far, a practical acknowledgment of a modified exercise of judicial authority, which, in all instances, where insanity has been known to have been once present, should be extended, and at least tend to the prohibition of capital punishment in such instances.

In many cases, though reason is restored, the disposition seems to have undergone a complete change, which leads to the belief that the morbid action is rather kept in abeyance than wholly removed. When some unusual act occurs, conduct which had previously been regarded as of but trifling significance becomes invested with special interest. Many are ready to prove that grounds existed for inferring a return of disease, against whose results no precautions had been taken. Esquirol bears out the observations of Dr. Combe when he observes of those who have been insane,—“they remain in such a state of susceptibility that the slightest causes give rise to relapses, and they only preserve their sanity by continuing to live at home, where no mental agitation or inquietude, no unfortunate contingency, is liable to occur, and throw them back to their former state.” Other writers have corroborated this opinion. Now, admitting that many of the operations of insanity are very closely identified with those of vice, how, in such a case, is the responsibility to be determined? If the acts be

regarded as indicative of returning mental unsoundness, in how much do they appertain to crime, how much to insanity? In all such cases the inquiry first arises as to whether the circumstances attending the particular act under consideration were likely to reproduce the psychopathical condition on which the individual's insanity had previously depended; an important element in such an estimate being the time which had elapsed since convalescence was declared. It next becomes requisite to investigate how far the character of the act responds to the presumed mental condition. On the first query, it must be distinctly understood that as the possession of great abilities is no guarantee for the exercise of sound discretion, so the folly and vice displayed in any act or succession of acts cannot of themselves be received as indications of insanity. On the second query, the many difficulties which we have already stated as investing the association of the particular act and mental state perplex our inquiries. For the appreciation of such cases, the records of medical experience, and the careful scrutiny of the physician, should outweigh all other considerations. We shall not attempt to suggest any rules for the guidance of those who may be called to their scrutiny, further than our previous observations afford, resting satisfied with recording the following opinion, to which, we believe, experience can add nothing:—"In every criminal case, where the question of responsibility arises in the course of judicial inquiry, if it be possible to establish any degree of

positive insanity, it should always be viewed as a valid plea for a considerable mitigation of punishment, and as a *prima facie* evidence in favour of the prisoner; and in no case where insanity clearly exists (without regard to its nature and amount) ought the extreme penalty of the law to be inflicted”*.

We have drawn a distinction between acts resulting from such a deficient regulation of the mind as rests within the individual direction of the will, and similar acts originating from mental conditions beyond the control of the will. We may have in these opposed cases identical results as regards special crimes, proceeding from widely different causes. In one the individual acts, in the other he is acted upon. In both is a closely similar mental condition produced, since in neither is the power of self-regulation wholly lost, though in each it is perverted from its proper and healthy course. In the former, evil passions prevail over acknowledged obligations: the sense of enjoyment in immediate gratification placing in abeyance, or surpassing the consciousness of its impropriety, crime results because the suggestions to its committal are presented to a mind whose energies are weakened, powers of resistance impaired, and tone vitiated by evil. In such a case, by withdrawing the temptation from without, and, through the adoption of physical and mental discipline, arousing the sense within, the mind may be restored to that vigour of action characteristic of health. With

* Dr. F. Winslow, Psychological Journal, vol. iii. p. 456.

some individuals, exhortation and remonstrance, by awakening new desires, place thereby motives of a higher order in successful opposition to natural or depraved appetites ; the moral sense regains that supremacy which it had surrendered. In others, in whom the animal nature prevails, the infliction of personal suffering is requisite in order that their vitiated mental sensibility, acted on through their organism, may, in a sense of physical restraint or pain, find an adequate, though less worthy, motive for reform. In cases of this nature the capability of self-regulation exists, a distinct sense and consciousness of crime is present, but evil passions prevail. The moral faculties, ceasing to respond to the dictates of conscience, lose that direction which had hitherto guided them : the inducements to crime, acquiring increased power, prove adequate to subdue the intelligence for their fullest gratification, and, as a consequence, deliberate criminality results. The habit of evil, once established, its progress is rapid ; cunning directs the consciousness of responsibility, though recklessness denotes the abandonment of moral guidance : profligates glory in their shame, and preserve a consistency in their infamy. Such a mental condition is not one of health, not one of soundness, in the true signification of the term, but indicative of a degenerate, depraved, abandoned disposition, where *vice* holds the position of *disease*, consequent on which the passions subdue the judgment, and not unfrequently wholly disarrange the several faculties essential for its formation. The prevention and cor-

rection of such mental conditions are the objects of legislation. The well-being of society and the safety of the community demand that the fullest responsibility be attached to this self-induced state, this voluntary abandonment to evil, so long as the capability of directing and controlling his actions appertains to the transgressor. The principles of human justice are, for such an end, but the faint shadowings of divine precept.

The fact which Casper, Esquirol, and Pinel have established,—that moral prevails over physical causes for the production of insanity,—affords a deeply interesting subject for inquiry, as leading to the inference, which experience too sadly verifies, that it is through the moral or affective faculties the early indications of insanity are most frequently evidenced. Therefore it happens, that so many cases of confirmed disease come under the notice of the physician, in which, for treatment much valuable time has been lost, and in the association of which no small risk has been encountered. Let a man be wicked, vicious, criminal; violate decency, live in profligacy, outrage society, as many are too often shown on their trials to have done; relations will still forgive those errors, for which their affection devises excuses, and their self-interest plans concealment. They will attribute such conduct to wildness, weakness, or folly; admit the depravity of disposition which they deplore, the abandonment of principle from which they suffer, and, in sorrow, endure the infringement of every social rule, which renders the domestic hearth a scene

of perpetual misery and wretchedness. This they will not receive as evidence of insanity. Infamy rather than infirmity. There is something horrible in saying that one is mad. It runs in families. It will injure the prospects of the other members. Insanity is not a disease, but some vague, mysterious, untangible embodiment, whose existence every one seeks to deny, in the expectation that oblivion will receive the evidence it has afforded when time removes those traces it has left.

It may appear, nay, it has been asserted, that there is a growing disposition to shield criminality beneath the plea of insanity. Several circumstances have conspired to favour this opinion. These circumstances rest in the marked increase in the number of the insane which late years have witnessed, and the juster estimate of the psychological relations of crime which their closer study of mental diseases enables physicians to form. The former is confirmed by the records of the various asylums throughout the United Kingdom. The latter especially bears out the observation of Dr. Pritchard, who, some years ago, thus wrote :—" We doubt not that the time will come when the very names of many offences against decorum, now considered punishable crimes, will be erased from the statute-book ; and when persons now liable to be sentenced to the pillory or the gallows will be treated as lunatics." Real, practical benevolence finds in the application of medical truths additional incentives to commiseration, if not sympathy. In their appreciation of the illegal acts of the

insane, standing between the violated law and an outraged community, the psychological physician has on the most important trials been compelled to listen to strictures on his evidence, tantamount in many instances to imputations against his integrity, from individuals whose position demanded that, if they did not promote, they at least should uphold, those principles of justice, which the testimony of the physician has, in the exposition of insanity, so frequently preserved inviolate. We do not contend for the infallibility of medical men. Were we to do so, we should reject the evidence which many of the most important trials of modern times afford ; for, as we have already stated, when matters of fact become converted into matters of opinion, the value of the latter varies according to the capability of the individual forming it. Medical science, while rejecting fixed rules, is dependent on just principles, whose cultivation and application rest in the anxious and earnest study of each healthy as well as morbid vital process.

It is this study which enables the physician not only to distinguish the nature of any disease which may be present, but also to determine if deviations from the normal processes are to be regarded as indicative of morbid action. In psychical, as in physical diseases, attempts at imposition will be observed. Notwithstanding the assertions of Georget, Haslam, and others, that "to sustain the character of a paroxysm of active insanity would require a continuity of exertion beyond the power of a sane person," or

“ that no person who had not made the insane a subject of study can simulate madness so as to deceive a physician well acquainted with the disease,”—instances are on record, in which, for the escaping of just punishment, such a deception has been successfully carried out. We may especially direct attention to the following example. “ A case is recorded of a young shepherd, named Specht, of previous good health, lively manners, and great intelligence, residing at Hegelensheim, on the Upper Danube, who, having violated and shot a young girl, avowed his crime, and declared that the devil had incited him to do it. Next day, when brought before the magistrate, he seemed to have lost every physical and mental faculty ; he could not stand without a great effort, and only answered in incoherent and isolated words. He pretended to be deaf, and to have lost his memory, could recognise no one, and afforded no satisfactory answer to any interrogatory. MM. Windler and Zinc, the experts employed to examine into the state of his mind, were both of opinion that the condition was simulated, inasmuch as the degree of imbecility he pretended to exhibit could only be congenital, and there was no example of a person of such excellent parts as he possessed, prior to the occurrence, becoming suddenly imbecile : for imbecility that is not congenital only comes on and increases gradually. The prisoner was watched for fourteen months, and various plans tried. He still continued the same. The medical men maintained their opinion. He was then sentenced to three years’ impri-

sonment, and, on returning to his cell, he threw off the imposition, and leaped for joy. He had been advised to feign insanity by a fellow-prisoner^a. This remarkable instance confirms the opinion of Ray, who differs from the authorities last quoted, in the assertion that "nothing requires a severer exercise of a physician's knowledge and tact, than a case of simulated insanity." For the detection of such cases, the same principle of successive observation, which seems to have so truly guided the opinions of MM. Windler and Zinc, promises the surest safeguard against error

We might proceed at greater length to draw distinctions between that unsoundness of mind or mental condition in which vice prevails, and that unsoundness of mind which results from disease, and adduce many examples in which the practical similarity between the two enveloped in the greatest obscurity their essential difference. Enough on this point has been already written. We cannot rationally expect that the passions of man will ever be so completely subjected to his reason, as to enable him to avoid all the moral and physical evils which depend upon his own conduct. Crimes have, therefore, been measured by the injury done to society, and thus it occurs that a vast amount of moral guilt is suffered to pass unheeded ; simply, as it appears, because its operations are limited in their perni-

^a More full details will be found in the "British and Foreign Medico-Chirurgical Review," July, 1851, page 282, copied from "Annales Med. Psych." N. S. vol. ii. page 661.

cious consequences to the individuals immediately involved in its participation. When, however, aggression ensues, morality, awakened to a sense of personal safety, becomes invested with power and transmuted into law, consequent on which the penalties of such practices are enforced.

For this object, the system of British legislation which intrusts to the deliberate judgment of an impartial jury the honour, interests, and life of the community, is admittedly unequalled. When circumstances arise demonstrative of the defects in the practical operation of that system, it becomes not only the privilege, but also the duty, of each one to discuss without prejudice, that they may determine without passion on the nature of the error present, and the means most suitable for its removal. Public opinion needs but to be directed into the true channel, the public mind being possessed of a code of innate jurisprudence, of which our natural sympathies will ever continue to be the best conservators. To the inculcation of just medico-legal principles must we therefore look for the surest preservative against a repetition of those errors in judgment which have led to the condemnation of insane offenders,—events that, when the excitement attendant on their execution has past, bear neither the test of calm reflection nor philosophic scrutiny.

In concluding our inquiries on the important subject of “unsoundness of mind in relation to responsibility for crime,” we may observe that, in its investigation, our great object has been to point out

difficulties rather than to offer rules. We have wished to identify Physic and Law for the purposes of JUSTICE,—to preserve them separate for the furtherance of TRUTH. Justice demands on the part of law that the *criminal* be punished. Truth requires from justice that the *insane* be held, as regards the law, irresponsible. The object of both the physician and lawyer must be regarded as being, for the purposes of justice and truth, identical, even though the principles directing the practical application of their several sciences be different. At no period was it of more importance that the awakened intelligence of mankind, which on all sides is active in the pursuit of knowledge, should know and feel that medical science, despite the difficulty, if not obscurity, investing its practical elucidation,—and notwithstanding those differences of opinion which in many of the most important inquiries are observed to arise,—is still, in mental, as in bodily derangement, the instrument which should guide our proceedings, either for the restoration of individual health, or the preservation of public safety.

I N D E X.

	<small>PAGE.</small>
ADVOCATE-GENERAL, opinion of, on trial of Henriette Cornier,	75
Alderson, Mr. Baron, opinion of, on trial of Robert Pate,	74
Andral, pathological researches of,	23
Arnold, trial of,	5, 95
Araspas, observation of,	158
Arthington, case of,	93
Association, influence of,	124
Association of insanity and crime,	211
Bacon, Lord, observations on death,	100
Bainbridge <i>v.</i> Bainbridge, trial of, opinion of Lord Campbell,	4
Baller, Dr., attendance on Buranelli,	96
Bar, erroneous estimate of, respecting medical opinions,	31
Barclay, Dr., observation of,	17
Barrister, case of, mixed form of insanity,	69
Becarria, observation of, in reference to law,	1
Belhome, Dr., observation of, in reference to insanity,	15, 168
Bellingham, case of,	5
Breschet, M., opinion of, in case of Feldtmann,	179
Brown, William, case of,	176
Brougham, Lord, observations of,	61, 79
Brough, Mrs., case of,	163
Bucknill, Dr., observations of, on special asylums for insane with criminal dispositions,	211
Buranelli, Luigi, case of,	95
Burton, Charles, case of,	73
Byron, Lord, observation of, on mental hypochondriasis,	67
Campbell, Lord, observations of,	4, 5
Casper, M., observations of,	226
Chatterton, case of,	68
Chateaubriand, observation of,	83

	PAGE.
Cheyne, Dr., observations of,	28, 91, 92
Chrysippus, school of,	53
Cicero, observations of,	14, 158
Classification of cases of moral insanity,	127
——— of cases of impulsive insanity,	161
——— of causes of criminal acts, in relation to condition of mind,	87
——— of crimes,	40
——— of morbid mental conditions,	40
Cleptomania, its differential diagnosis,	140
Coke, Sir Edward, observations on the execution of the insane,	208
Coleridge, opinion of, on society,	46
Collard de Martigny, M., observations of, in reference to monomania,	75
Collins, case of,	68
Combe, Dr., observation of,	217
Comparison, value of, in diagnosis,	8
Compound nature of mental organism,	55
Conolly, Dr., observations of,	2, 81, 89
Conscience, nature of, investigated,	115
Ceppinger, case of,	93
Cornier, Henriette, case of,	75
Cowper, case of, Tuckerman's remarks on,	68
Crime, classification of,	40
——— nature of,	109
——— Lord Hale's opinions on,	56
Criminal responsibility, inquiries involved in investigation of,	7
Criteria by which mental conditions are to be inferred,	57
Courvoisier, case of,	137
Damien, case of,	163
Darzac, M. Dupin on trial of,	75
Delusion, definitions of,	61
——— latency of,	63
——— capability of concealment of,	64
——— nature of, inexplicable from character of crime,	64
Denman, Lord, opinion in reference to delusion,	4
Dew <i>v.</i> Clarke, Sir J. Nicholl's opinion in case of,	61
Diagnosis, difficulties of,	75
Difference of legal opinions respecting insanity,	5
Dubois, researches of,	23
Duncan, Dr.,	18, 56, 63, 119, 136
Dupin, M., opinion on trial of Darzac,	75
Eccentricity, differential diagnosis of,	52

	PAGE.
Education, its influence in the prevention of crime,	122
Elements of psychological opinions, two sources of,	47
Ellis, Sir William, observations,	22, 49
Emotional feelings and motor powers, connexion between,	160
Epidemic, political,	168
Erotic mania,	142
Erskine, Lord, observations of,	61, 64, 65, 79
Esquirol, M.,	89, 102, 131, 171, 175, 177, 178, 222, 226
Experience, value of,	151
Feigned insanity, case of,	229
Feldtmann, case of,	179
Ferrers, Earl, case of,	5
Feuchtersleben, observation of,	22
Francis, case of,	5
Frederick William of Prussia, case of,	136
Frost, case of,	181
Gall, M., observations of,	178, 182
Gibson, Sarah, Lord Brougham's observations on will of,	70
Genius and insanity,	66
Gentleman, case of, impulse to destroy wife,	174
Georget, M.,	15, 131, 178, 179, 228
Girl, case of, murder of child,	184
Girl, aged eight, impulse to destroy,	175
Glenadel, John, case of,	175
Goethe, observations of,	22, 50
Gooch, Dr., observations of,	52
Greensmith, case of,	184
Hacket, case of,	93
Hadfield, case of, Lord Erskine in defence of,	64
Hale, Lord, observations on crime,	56
Haslam, Dr., observation,	228
Hayden, case of,	68
Health, mental, necessity for its study,	109
Health, definition of,	201
Hecker on epidemics of middle ages,	168
Heinorth, observations of,	128, 132
History of case important for diagnosis,	34
Hoffbauer,	39, 132, 135
Holland, Dr., observation of,	145
Hood, Dr., opinion on case of Mrs. Brough,	164

	PAGE.
Humboldt, M. le Baron, case of servant of,	173
Hypochondriasis, its nature investigated,	97
Insanity, moral,	107
— and genius,	66
— impulsive,	149
— recurrence of,	220
— plea of, greater frequency of,	227
Insane states, classification of,	40
Ideler, observation of,	193
Joberd, Anthony Emmanuel, case of,	179
Johnston, observation in reference to,	68
Judges, fifteen, opinions of,	5
Jury, medical, question of,	39
Kant, observation of,	45
Koller, observation of,	76
Knowledge of right and wrong insufficient as a test for responsibility,	5
Latency of physical signs,	24
Laws, necessity for, principles which guide their action,	12
Law and medicine, difference in their doctrines,	2
Law, object of, in punishment,	192
Larrey, Baron, case mentioned by,	171
Leger, Antione, case of,	178
Lucid intervals,	216
Locke, observations of,	3, 38, 58
Mansfield, Lord, in reference to knowledge of law,	7
Mathews, circumstances related respecting,	176
Matthew <i>v.</i> Harty, trial of,	133
Marc, M., cases detailed by,	172
Martin, case of,	71
M'Murdo, Mr., opinions on trial of Ovenson,	73
M'Naughten, case of,	5
Mills, sources of knowledge,	75
Monomania,	43
Monro, Dr., opinion in case of Touchett,	65
Moral faculty, nature of,	113
Moral insanity,	107
— classification of cases of,	127
Motives, their value, and sources of error in their estimate,	184

PAGE.

Nicholl, Sir John, opinion in case of <i>Dew v. Clarke</i> ,	61
Norwich, man tried at, case of,	153
Novelty of opinion no proof of abnormal condition of mind,	62
Owenston, John, case of,	72
Ovid, observation from, confirmatory of duplicate nature of mind,	158
Oxford, case of,	5
Partial responsibility, arguments against,	204
Parke, Mr. Baron, observations in case of Charles Burton,	73
Pate, Robert, case of,	74
Pathology, value of,	24
Periodicity in insanity,	215
Physician, duty of, in medico-legal investigations,	13
Physical ill health, its influence on mental state,	94
Pinel, observations of,	178, 182, 226
Political excitement, cause of insanity,	8
Pont Neuf, case of a man on,	153
Prichard, Dr., cases detailed by,	178, 227
Principle of action,	190
Prosper, Alpinus, cases detailed by,	92
Punishment, its object,	209
Questions which arise in the estimate of disease,	21
Rational system of medicine deceptive,	150
Ray, Dr., opinions of,	132, 135
Reason as distinguished from instinct,	112
Regina <i>v.</i> Smith, opinion of Lord Campbell,	4
Reid, investigations of,	3
Reil, observations of,	43, 171
Religion as a cause of insanity,	91
Responsibility, partial ; arguments against,	208
Rolfe, Mr. Baron, observations of,	73
Rush, Dr., observations of,	68, 139
Schiller, observations respecting virtue,	92
Scott, Sir Walter, on lowness of spirits,	67
Smith, Thomas, case of,	65
Sims, Dr., influence of his appearance in detailed case,	64
Society, rights of,	31
—— Coleridge on,	46
—— protection of, against insane,	219

	PAGE.
Specht, case of,	229
Stahl, observations of,	18
Stewart, Dugald,	15, 50, 117
Suicide, its association with insanity,	193
Swedenborg, Baron, case of,	69
Symptoms, value of,	32
Sympathy, its influence in producing disease,	167
Touchett, Hon. W. Ross, case of,	65
Tuckerman, remarks on Cowper,	68
Tracey, Mr. Justice, opinion of, in case of Arnold,	95
Truro, Lord Chancellor, remarks on medical evidence,	39
Vice contrasted with disease,	128
Vogel, observation of,	208
Wigan, Dr., observations,	120, 122
Will, nature of, investigated,	155
Willis, Dr., on what constitutes mental derangement,	28
Windler, M., opinion in case of Specht,	229
Winslow, Dr. Forbes, observations of, 4, 15, 25, 28, 58, 94, 102, 106, 123, 125	134, 153, 161, 181
Winslow, Mr. Commissioner, case brought before,	64
Zimmerman, Dr., case detailed by,	173
Zinc, M., opinion on case of Specht,	229

THE END.

