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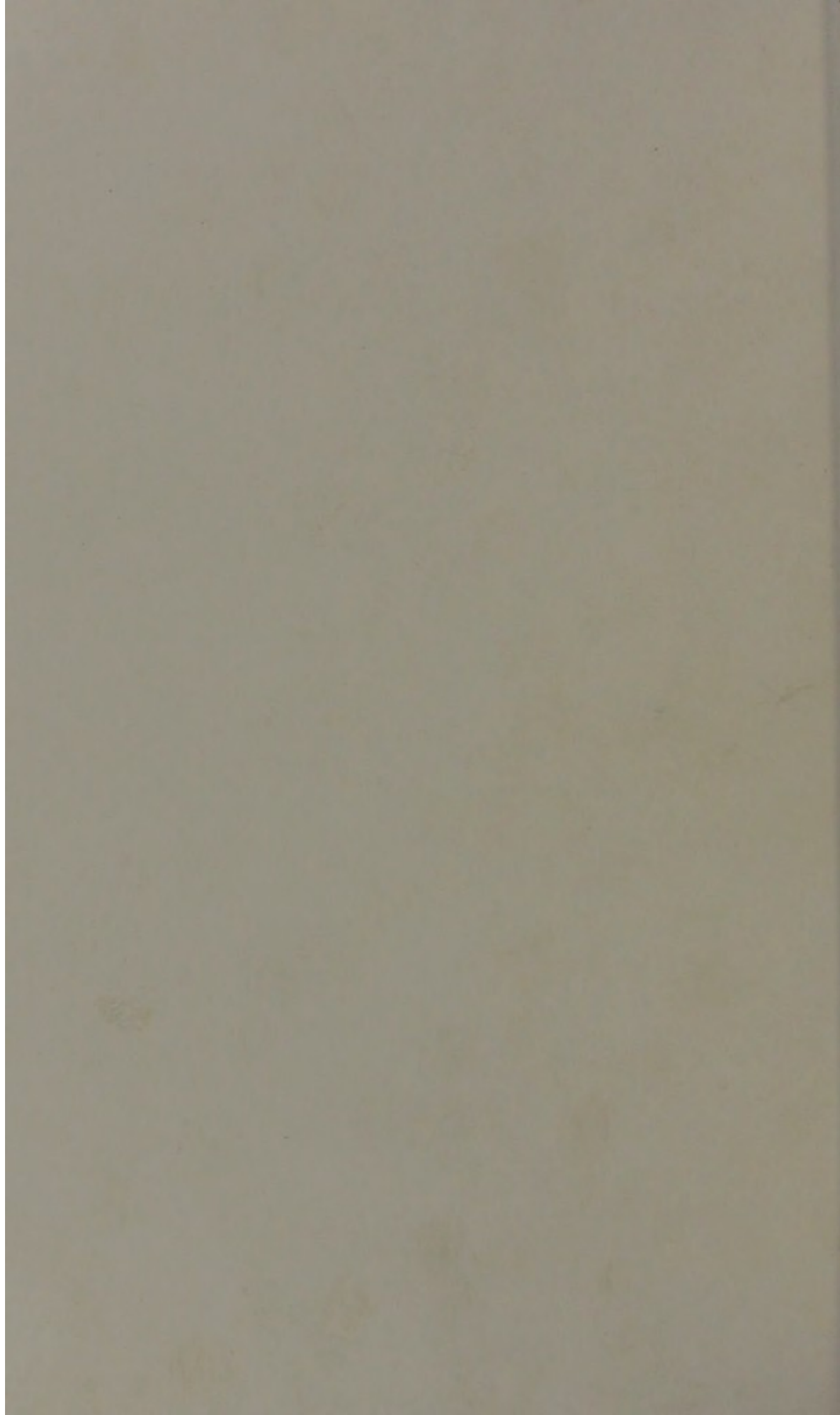
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AN

ESSAY

ON THE

RELATION OF THE THEORY OF MORALS

TO

INSANITY.

BY

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ERRATA

RELATION OF THE THEORY OF MORALS


BY JOHN MILL

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*It does not seem expedient to detain the reader with introductory remarks to the following Essay, which is itself no more than an outline of the important subject which it professes to bring before him.*



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AN

# ESSAY,

§c. §c.

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## CHAPTER I.

VICE, when considered in its relations to the human will, has been surveyed in two points of view; either as involving an opposition to the decisions of our conscience, or as having vitiated its decisions, so that evil is now pursued deliberately and prepensely.

Under these heads may be arranged what Dr. Butler describes as “the natural form and constitution of vice;” when, having that faculty of moral approbation, which makes us esteem one line as more right than another, we run counter to the dictates of this faculty and do wrong, “having a law in ourselves, our consciences bearing witness, and our thoughts



accusing or else excusing one another." Such, again, are the incontinent and intemperate of Aristotle ; the persons, namely, who are vicious against their better judgment, and the persons who are vicious with the consent of their judgment; and such are those whom the author of the Theory of Moral Sentiments, describes as resisting the decisions of that impartial spectator, which he considers them to carry each in his own breast.

Now in all the persons comprised under the above heads; in those, namely, who run counter to the dictates of their conscience, as well as in those who have seduced their conscience into an alliance with their inclinations ; in the daring apostrophe, " Evil, be thou my good ;" and in the exculpatory assertion of Dirk Hatteraick, that he had never broken faith with his ship-owners ; we uniformly find an expressed or implied reference to a standard of right and wrong.

I know, indeed, but one moral writer who has elucidated a very important form of vice into which the agent is supposed to be carried, without any reference to a moral sense, whether as opposed by inclinations or stifled by habit. In this class of cases, if such there are, the principle of moral approbation may be presumed to have no existence.

Now this last supposition, though most mischievous and untrue, when applied as a general fact to the human character, may very well be admitted as describing an exception to that character. Indeed, the admirable reasoning which Dugald Stewart, and lately Professor Sedgewick, have applied to the destruction of Paley's Utilitarian system appears quite compatible with the admission, that there still *are* persons, in whose characters the moral feeling of mankind meet with nothing responsive. The general assumption, founded by Paley on the depravity of savage nations, that man is not naturally a moral being, loses all force when it is considered, that the existence of a given quality is not disproved by its apparent absence, if the conditions, which are essential to its display, are also absent. "Did it ever enter into the mind of the wildest theorist," says Dugald Stewart, "to imagine, that the sense of seeing would enable a man brought up from the moment of his birth in utter darkness, to form a conception of light and colours?" This would certainly be a rash conclusion: but, if a close inquiry should shew us, that there are men, who, *not* having been brought up in moral darkness, exhibit *no* power of forming the analogous moral conceptions, we should do injustice to

the above argument if we did not candidly allow this exception to hold good.

Aristotle, describing such a class of men, observes, that in them the βέλτιστον, the moral sense, “has not indeed been corrupted, (as in the *natural* form of vice mentioned by Dr. Butler), but has never existed;”\* and he gives them a name, expressive of a nature purely animal. He dismisses them, indeed, with a very brief notice as an unsound and morbid part of the species. With us, however, the definition of insanity is not at present so widened as to comprise them; and it will, I imagine, be a valuable subject of inquiry to examine the relation in which this irregularity of the moral constitution of man, may stand to the irregularities of the lunatic, in the ordinary sense of the word.

Such an inquiry must also be interesting as it concerns the great subject of education. It will be obvious, indeed, that the persons thus morally constituted, if such there are, want those qualities of the heart, on which the ordinary systems of instruction rely for the regulation of the appetites and passions.

\* Οὐ γὰρ διέφθαρται τὸ βέλτιστον, ἀλλ’ οὐχ ἔχει.

Ethic. Nicomach.

## CHAPTER II.

THE form of vice, which Aristotle, as I have observed, discusses briefly, in truth, though his admission of its existence is very valuable, may be considered under two varieties: one of them, when the agent, in lieu of a sentiment of moral approbation, is actuated and furnished with motives by a sense of expediency; the other, when there is an absence of the tendency to refer actions to principles of any kind, and the agent is moved by the immediate impression of agreeableness in what he executes, and disagreeableness in what he avoids.

In the following passage, Tacitus sums up the moral life of Tiberius:—"His moral character had," he observes, "different periods. It was excellent in the life which he led, and the good report which he gained, while he remained in private life under the sway of Augustus. It was dark and deceitful in the

simulation of virtue as long as Drusus and Germanicus survived:—it was still the same, with a mixture of good and evil, during the lifetime of his mother:—it was formidable in cruelty, but free from exhibitions of open lust, while he loved or feared Sejanus: finally, it burst forth at once into vice and infamy, after that all influence of shame\* and fear being removed, he acted entirely in conformity to his own dispositions.”

To assume a moral sense here, or in the more modern instance of Cæsar Borgia, appears gratuitous. It is equivalent to assuming the existence of reason in a madman, because reason is an attribute of man in general. It may, perhaps, be urged that shame, which Tacitus imputes to Tiberius, implies some influence of the moral sense. But this supposition can hardly be made good. For men are ashamed, not of what they have performed, but of what they have been *detected* in performing; the appeal is made to the great principle of sympathy, in which we partake even with the brute creation: no reference is *implied* to any principle or rule of right beyond it. This consideration brings into a clear point of view

\* Vide Appendix, No. I.

the error of Adam Smith, in making sympathy the basis of our moral sentiments. After all the actions and reactions of sympathy have been run through, even by *his* consummate ingenuity, the ulterior question still remains, What is *that* in which *all* men sympathize, as obligatory on their moral conduct?

In the following character of Lord Wharton, Swift does not allow to that nobleman even the common point with mankind in general which shame affords. "I have had the honour," says Swift, "of much conversation with his Lordship, and am thoroughly convinced how indifferent he is to applause, and how insensible of reproach, which is not a humour put on to serve a turn or meet a countenance, nor arising from a consciousness of innocence, or any grandeur of mind, but the mere unaffected bent of his nature.

*"He is without the sense of shame or glory, as some men are without the sense of smelling; and therefore a good name to him is no more than a precious ointment would be to these."*

But we need not have recourse to historical examples; every-day life affords instances of this class. Mr. A. was born in a respectable station, and is in possession of a good fortune, of as much, at least, as he has allowed to

remain out of a good fortune. He has a wife and children, and as many friends, or rather associates, as his convivial qualities retain for him, in spite of the hardness of his character. He has always been profusely extravagant; for his passions and appetites have compelled him to squander money, which he would probably have hoarded, if his selfishness had taken that turn. His temper is at once stern and violent; and all who know him expect that the dispositions of his will must prove him, to the last moment of his life, utterly unjust. If he had sufficient courage he would rob or murder; for his cupidity is under no moral check; but he is naturally very timid, and owes to this circumstance his freedom from such acts as the law construes into crimes. Such is Mr. A., and such also, or as nearly such, as the distinctive points which separate all individuals will allow, is Mr. G. his neighbour. But there happens to exist a peculiarity in the latter, which materially alters the course of his life, and its results upon others. Mr. G. was observed to talk very much to himself. This excited attention; and, on further inquiry, it was discovered that he was habitually under the influence of false perceptions, and that he considered himself solicited by certain

voices, audible only to himself, to perform those actions which indeed flowed naturally enough from his own evil dispositions. Mr. G. was accordingly recognized as a lunatic, and placed under restraint. Thus the family of Mr. G. is secured against the results of his moral character; and his fortune will descend according to the principles of law; thus dealing out a justice to others, and a protection to *him*, which would have been refused, but for this hallucination.

If, on the one hand, the interests of virtue require the admission of a moral sense, and if this admission is borne out by sufficient evidence, on the other hand it still appears both reasonable and humane to accept with readiness the proofs of an exception to this general law. Aristotle, indeed, terms the absence of a moral sense a lesser evil\* than the struggle of vice against a principle of conscience, probably because it involves less responsibility. And surely to impute a principle of conscience or moral approbation to the class of men which the above cases illustrate, is to allow a very gratuitous extension of the depravity of human nature, which will rather weaken than strengthen our belief in the general law; or, what is

\* "Ελαττον θηριότης κακίας. Ethic. Nicomac.



equally mischievous, will dilute and reduce the value of the principle itself, as a counteractive to sin. A cause is often hurt by arguments forced into its service.

Now in so far as the existence of a class of human creatures must be admitted forming an exception to this general law, how very faulty and unsuccessful must those systems of education be, which presuppose the universal existence of a moral sense! unsuccessful indeed in regard to those very persons whose management must, at any rate, and on the soundest hypothesis, be difficult and uncertain. The exclusive appeal to conscience and the moral sense is however made by every system of education with which I am acquainted; which I must therefore suppose likely to fail of their object, when they deal with beings, whose passions and inclinations obtain neither control nor resistance from that quarter. Now the regulation which such forms of vice require, either for their cure or at least for the mitigation of some of their effects, it is my present object to ascertain. Whether such processes of regulation may be carried on so successfully as to make those beings ultimately susceptible of moral impressions, is an ulterior point of consideration.

With a view then to a solution of the problem

how they may be regulated, I will consider in what analogy they stand to a class of beings who form an exception to the laws of the human intellect, co-extensive with that which *they* form to the moral character of man.

Now the term, insanity, is at present applied to the former of these classes ; and to this it is limited. The result of my inquiries, if successful, will be to authorize its analogical application *also* to the latter class : so that we may speak of a moral insanity as contradistinguished from an intellectual one.

Both perception and reflection in the insane intellect are governed by laws absolutely different from those which are recognized by the common perceptions of mankind. This, however, happens also to persons whom it would be absurd to call insane or even eccentric. Thus a person under an excited state of mind, or in ill health, sees visions and hears voices equally foreign to the common perceptions of mankind with those of the lunatic. The difference between the insane and all others who have similarly erroneous perceptions, is, that the latter are possessed of a power by which they can question the justness of their own perceptions, the insane have no such power; for when they begin to make use of such a power, they are so far convales-

cent. But as the erroneous notions which the insane intellect forms respecting the objects of sight cannot be referred by it to any test of their soundness, as possessed by it in common with the rest of mankind; so the conduct suggested by the inclinations and tendencies of the *vicious* in the sense in which we are now estimating vice, cannot receive any modification from a reference to a moral sense or common feeling of approbation. The analogy may be pursued further: for persons thus destitute of the moral sense may, from the very absence of a conflicting principle such as it would supply, move much more smoothly through their course of wickedness, than criminals of an opposite kind, namely, those who do wrong, "having a law in themselves, their consciences bearing witness, and their thoughts accusing them;" and so also the progress through life of persons intellectually insane, is often very quiet and regular, far more so, at least, than that of many persons justly considered sane, but exposed, from the very struggles of their reason with antagonist principles of the intellect, to constant uncertainties and doubts, which the insane are exempt from. Many a person indeed,

" Cui sic absumpta voluptas  
Et demtus per vim mentis gratissimus error,"

may envy the contented and self-satisfied lunatic.

Without supposing myself to have exhausted the points of analogy between these states of moral and intellectual deficiency, enough has, I think, been adduced to warrant our assuming, that the absence of the moral sense constitutes a form of unsoundness, analogous to that intellectual unsoundness, which is commonly understood when the term, insanity, is used; and, accordingly, that we may talk of a moral and of an intellectual insanity as contradistinguished species.

But is it not probable, with such points of analogy between these two states, that the preventive and curative treatment, which has been *found* applicable to the latter, may be transferred with advantage to the former? Or, to return to the examples above quoted, does it not seem justifiable to restrain Mr. A., whose disorder was only a moral one, as well as Mr. G., whose disorder was one of the intellect as well as of the heart? Was it reasonable that society should suffer outrage at the hands of Lord Ferrers, and that Lord Ferrers himself should be permitted to close his life on the gallows, because, although his actions were incoherent and delirious, his words *unhappily* were not so?

Surely his moral unsoundness entitled him to the protection of coercive measures. At present such persons must complain in the words of Horace :

Mea cum pugnat sententia secum  
 Quod petiit spernit, repetit quod nuper omisit  
 Æstuat, et vitæ disconvenit ordine toto,  
 Diruit ædificat mutat quadrata rotundis,  
*Insanire* putas *solemnia* me, neque rides,  
 Nec medici credis nec curatoris egere  
 A Prætoꝛe dati, rerum tutela mearum  
 Cum sis.

Now, in the above reasoning, I am not recommending a new practice. I am rather assigning grounds for one which has, in truth, always been carried into effect, but carried into effect very ill, from its grounds being ill laid down and imperfectly understood. For though the *theory* of unsoundness of mind limits restraint and coercive measures to *intellectual* perversion, the *practice* of it extends such measures to a vast number of cases in which the disease is truly a moral one,—with this immense disadvantage, that they are admitted at present as contraband, and under the false colours of intellectual perversion, and find their way even into mad-houses, not because they are deemed fit subjects for such places, but because they can be kept no where else. Meanwhile their treatment is always incomplete and often inap-

plicable, in consequence of the case being misunderstood, having in truth been accepted under a wrong denomination.

These moral symptoms are, indeed, generally surveyed in two points of view,—the one inadequate, the other false. In the first case, as mere symptoms indicating the progression of the intellectual affection; in the latter case, as a distinct class of facts, tending to prove that the patient is vicious as well as mad, and not affording indications of a moral insanity.

A lady, whose high moral excellence had for many years gained her universal respect, was attacked by puerperal derangement. She recovered completely in the opinion of the attendant and physicians,—agreeably, indeed, to the views of all those who regard insanity solely in relation to the intellect,—and she was, of course, released from treatment and surveillance. Meanwhile, it had not been observed that her moral character had been, equally with her understanding, under the influence of the disorder. This part of the affection was, therefore, permitted to remain unsubdued, and she was in after life as remarkable for want of decorum, as she had been before for unblemished purity of character. It must not be assumed of the form of moral insanity which I am depicting, that

because its presence involves an absence of the moral sense, and because such a deficiency may predispose men to its occurrence, it must necessarily be preceded by that deficiency, and can *only* grow out of such sterile ground. Painful experience shows us, that under adequate exciting causes insanity can be developed in the noblest and finest minds. But this constitutes another part of the subject. In the sad case alluded to, the curative process was suspended before the whole disease had subsided, owing to an imperfect view having been adopted of its symptoms. *Her* madness, when supposed to have been removed, had, in truth, lost its influence only over one set of functions—those, namely, of the understanding.

If once, however, the existence of a moral form of derangement is admitted, the expediency of establishing proofs of its existence becomes instantly obvious, on the ground that its effects must be more formidable than those of a vitiated understanding, in the same proportion as acts of folly are less formidable than acts of crime.

Deliberate suicide, *as far as it is connected with insanity*, is a moral form of it. No intellectual delusion need be present when self-destruction is coveted. But there must be an

extinction of that moral sense, which revolts from it on grounds independent of fear. Owing, however, to the systematic neglect of moral symptoms, the suicide is seldom recognized as possessing his destructive tendency until he has made an attempt upon his life; often, therefore, until all measures must be too late. It is to be hoped that there exist means of improvement in our acquaintance with the symptoms of a disorder which is at present not recognized until it is fatal.

It is, indeed, somewhat remarkable that the moral phenomena of insanity should form so small a part of the disorder, either in the definitions hitherto given of it, or in the general principle laid down for its ascertainment. In some degree, they may, indeed, be observed in almost every case; nay, the admitted symptoms even of delirium would justify our describing insanity as an affection of the heart as much as of the head. Perhaps the difficulty of instituting a course of treatment or coercion, when the moral symptoms are either the prominent or sole evidence of the disease, may account for their being considered as less worthy of notice. The aberrations of *the intellect* are easily made the subject of coercion: the very opposition of the patient is generally conducted in a manner



which proves its necessity. A man whose insanity is of the heart *requires*, indeed, the *protection* of coercive measures, but while he retains his intellectual powers, is very well able to resist their application. The character of Sir Giles Overreach, is highly maniacal in this sense of the word ; and the interest of Massinger's powerful play mainly depends upon the difficulty of spreading toils for this wild beast.

Under these difficulties, the application of the jury system to cases in which commissions of lunacy are sought for, is singularly absurd and mischievous. The acquaintance of the ordinary members of a jury with the subject on which they have to decide is absolutely insufficient ; and the worst cases are liable to be viewed by them as free from disease.

I am acquainted with one melancholy case, in which this trial is being pressed upon the friends of the insane person, by certain designing individuals, who calculate upon the patient's being set free from restraint by the verdict of a jury. Should they succeed, they anticipate the possession of her property, and are not unlikely to achieve their purpose. Do legislators really suppose that they secure a *fitting* decision by merely depriving those who must decide, of

the *moral* motives to give an *unfit* one? or is *knowledge* of a subject absolutely *no* element in their qualifications?

Now supposing the above views of insanity could be acted upon, it is evident that a division of the treatment of insanity must be made\* in reference to the question, how far in each given case moral or intellectual phenomena predominate. The measures appropriate to him whose moral disorder is most urgent, or of the greatest magnitude, must be very different from those which would restrain or improve him, if he were labouring under false perceptions. The madness of Don Quixote is in his head, not his heart; when he mistakes a barber's basin for a helmet, or accounts for its *appearing* to be a basin, by confidently asserting that it has been metamorphosed into this appearance by enchantment; he in these, as in all other instances, maintains the character of his disease. Meanwhile nothing can exceed the moral beauty of character which he exhibits whenever an adequate occasion elicits from him a magnificent and noble sentiment.

Who would place *him* within the same walls,

\* I perhaps need scarcely observe that this division is not the less expedient, because the two forms of insanity are never seen absolutely distinct. Every separate case must be treated according to that form of disorder which there predominates, or in proportion to its predominancy.

or subject him to the same kind of restraint, as would be applicable to "the beast Caliban," which any point of goodness will not take? The latter sort of person generally finds his way into an establishment sooner or later, though the vicious principles of our present system keep him out of it much longer than is either good for himself or safe for society. These are, indeed, difficulties for which the present philosophy of insanity provides no remedy. The best divisions of it, as a disease, are founded upon views either of its physical or its intellectual phenomena; or if moral symptoms are introduced, they are brought forward as affording a measure of the intellectual disorder; as implying a probability that the patient is mad, and not as constituting a form of madness.\* The difference, indeed, between the views illustrated in the present remarks, and those of the eminent writers to whom I am alluding, consists in the relation respectively assigned to vice and insanity. In all *their* works, the view to be gathered on this subject is, that insanity in many instances unseats the moral principle: the view *here* suggested, is, that in one extensive form of insanity the patient is insane, *because*, in him the moral principle is in a vitiated or imperfect state.

\* Vide Appendix, No. II.

According to the first supposition, a defective state of the moral sense is frequent through the *whole* class ; according to the latter supposition, it is *essential* to one species of the class. The case quoted, p. 17, sets strikingly forth the practical difference of these views. On either hypothesis, an inexpert physician might have erroneously concluded, that this unhappy lady had recovered : but surely he was most likely to guess rightly who looked for evidence of the cure as much in the amended state of her moral impressions as of those of her understanding. Men are not likely to find what they do not seek.

Let us take the following case from Dr. Gooch's valuable Essay on Disorders of the Mind in Lying-in Women, and examine it in relation to the above view.

A lady, twenty-eight years of age, of good constitution but susceptible mind, became affected with melancholia, a few months after her second lying-in : towards the end of her pregnancy, a frightful incident had occurred to a near relation, which affected her so deeply, that she often spent the night sleepless, sitting up in bed, thinking of her misfortune, and dreading that she should lose her reason after her confinement. Having nursed her child

without feeding it for three or four months, with much unnecessary anxiety and exertion, she grew thin and weak, complained of sinking at the stomach and aching of the legs, and experienced so much confusion of mind, that she became low-spirited, she knew not why; she was advised to wean her child, took some light tonic and gentle laxative, and went down to the sea-side; but at the end of a month she returned home, having derived but little benefit from the absence; her spirits became gradually more depressed, and it was impossible to persuade her that she had not some fatal disease. One day it was a cancer; another, inflammation of the bowels; and to such a height did her apprehensions rise, that her husband was often brought home by some alarming message, and found her, with a solemn air, and in a low whisper, giving directions to her servants, whom she had assembled round her, what to say if she should expire before their master arrived. She now grew much worse; there was no longer any doubt about the nature of her complaint; she was seen by a physician of extensive practice in these diseases, and sent into the country. Many weeks passed; sometimes she was better, sometimes worse: now accusing herself of the deepest depravity,

and meditating schemes of self-destruction; then again convinced of the absurdity of her notions, and struggling against the load which for a short time every day weighed upon her heart. In this way many weeks passed; at length the disease came on her with more violence than ever, and in her self-examination and condemnation she became quite ferocious. She was now put under the care of an experienced attendant, separated entirely from her husband, children, and friends, placed in a neat cottage, surrounded by agreeable country (it was the finest season of the year), and visited regularly by her physician.

For several weeks she shewed no improvement: sometimes she was occupied with one notion, sometimes with another; but they were always of the most gloomy description. At length it became her firm belief, that she was to be executed for her crimes in the most public and disgraceful way; every noise she heard was that of the workmen erecting the scaffold, every carriage the officers of justice assembling at the execution; but what affected her most deeply was, that her infamy had occasioned the disgrace and death of her children and husband, and that his spirit haunted her. As soon as the evening closed, she would

station herself at a window at the back of the cottage, and fix her eyes on a white post that could be seen through the dusk; this was the ghost of her husband, day and night he was whistling in her ears.

Several weeks passed in this way; the daily reports varied, but announced nothing happy. At length her husband became impatient, and begged to have an interview with her; thinking that the best way to convince her he was not dead was to show himself; this was objected to: he was told the general fact, that patients are more likely to recover when completely separated from their friends; that if she saw him, she would say it was not himself but his ghost. But the husband was obstinate, and an interview was consented to. When he arrived at the cottage he was told that she had a tolerable night, was rather more tranquil, but that there was no abatement of her gloomy notions.—“As soon as I entered the drawing-room, where she usually spent the day,” (I copy his own statement, which he wrote down at the time of the occurrence), “she ran into a corner, hid her face in her handkerchief, then turned round, looked me in the face, one moment appearing delighted at the thought that I was alive, but immediately afterwards

assumed a hideous expression of countenance, and screamed out that I was dead and came to haunt her. This was exactly what Dr. ——— had anticipated, and for some minutes I thought all was lost.

“ Finding that persuasion and argument only irritated and confirmed her in her belief, I desisted, and tried to draw off her attention to other subjects; it was some time since she had seen either me or her children: I put her arm under mine, took her into the garden, and began to relate what had occurred to them and me, since we parted; this excited her attention; she soon became interested, and I entered with the utmost minuteness and circumstantiality into the affairs of the nursery, her home, and her friends. I now felt that I was gaining ground, and when I thought that I had complete possession of her mind, I ventured to ask her, in a joking manner, whether I was not very communicative for a ghost; she laughed. I immediately drew her from the subject, and again engaged her attention with her children and friends. The plan succeeded beyond my hope: I dined, spent the evening with her, and left her at night perfectly herself again.”

He went the next morning in a state of great



anxiety to know whether his success had been permanent, but her appearance at the window with a cheerful countenance soon relieved his apprehensions : while he was there, Dr. — came in, he went up stairs without knowing the effect of the interview, and came down saying, “ It looks like magic !” With a view of confirming her recovery she was ordered to the sea-side to bathe. As soon as the day of her departure was fixed she began to droop again, and in the morning of her setting off was as bad as ever. This state continued for several weeks, in spite of sea-air and bathing, and ceased as suddenly as it had done before, apparently in consequence of interviews with friends, calculated to remove the apprehensions with which her mind was haunted ; she has since that time continued perfectly well.\*

In this case we have false perceptions in a melancholic person, giving way somewhat suddenly, on the application of a vivid train of new sensations which broke them down and dissipated them. The Doctor says that the improvement seems like magic ! and the recovery seems to be established on this ground, *i. e.* on the removal of false perceptions. But let us

\* Diseases peculiar to Women, pp. 169—174, by Dr. Gooch.

follow up *our* supposition. How if there should be *moral* aberrations remaining? If the views illustrated in this essay be correct, it may indeed have been quite reasonable to assume, that some progress must have been made towards the cure of the whole disorder, when so striking an improvement has taken place in one class of its symptoms; but it cannot be assumed, that *a cure* has been effected, any more than the removal of a violent and passionate feeling towards a relative, would, in a case of insanity, justify our assuming, that some co-existent false perceptions of the eye or the ear have also been removed.

To those who are willing to adopt these views, the difficulty of finding that point beyond which vice may be considered as the subject of coercion, on the ground of unsoundness, will necessarily be great. In spite, however, of the corresponding difficulty of drawing a line between intellectual eccentricity and perversion, such a line is assumed and acted upon. I have no doubt that if our common tendency to regard insanity as only a disease of the understanding were removed, and men would fix their attention upon it in the point of view in which I have endeavoured to elucidate it, such a distinction might here also be conceived adequately for

practical purposes. When men have once admitted that it is not unreasonable to give to vicious motives their due share as an ingredient in insanity, then, and not before, we may expect to find a code of evidence accumulate of its presence, as such, which may warrant our taking appropriate measures.\*

Such a line of distinction as will then take place may be *practically* sufficient. But no line can be so precise as to afford a strictly philosophical criterion. In each separate case the *remaining* elements, the context, as it were, of the character, will go far to determine whether a given deficiency of that power, by which the justness of perceptions or the fitness of inclinations can be questioned, subjects the individual to be treated as insane. Pride, timidity, veneration, hopefulness, benevolence, will influence in promoting, retarding, or preventing this state: and these and all our other qualities will take effect in numberless degrees and modes, according to their co-operative or antagonist power. If favoured in these respects by original constitution, or restrained by authority in the development of his tendencies, the person whom we are supposing, though he

\* Vide Appendix, No. III.

must be a being of a low order in morals or intellect, or both, may be happy after his kind, and even useful to others.

Now, as far as morality is at present a subject of education, the choice of motives and objects is made exclusively in reference to those who have in themselves a capacity for the perception of moral distinctions. Thus at public schools the *universal* appeal is to the sense of honour, to right feeling, to the *generous* sympathies of our nature. But what have these appeals to do with the being who is unconscious of such motives and sanctions? Where will you find the principle of conscience in the mind of the young desperadoes, whom I might indeed select as personifications of the state which I am describing, as given by the pencil of Sir Joshua Reynolds in his two paintings of Mercury? \* The motive to right conduct furnished by its rightness, or its agreeableness to moral approbation being herein applicable, some other fulcrum must be sought out for the moral lever. What men will not do, as being right, they must be content to do as being ordered; and, in truth, they are contented to do so, if the measures thus adopted are uniform and unhe-

\* These two paintings are in the collection of Earl De La Warr, at Buckhurst Park.

sitating. No one, who has observed mankind attentively, can fail to have noticed the discomfort of a large number of persons, when released from well-managed influence. It must, indeed, be remembered, in regard to the mind as well as to the body, that the same machinery which *restrains* may also *support* and give strength.

I need scarcely say that violence, always wrong, where moral regulation is concerned, is here peculiarly so. Violence always tends to alter the relative position of the judge and the offender in the mind of the latter. This tendency may be obviated, in minds of a higher cast, by the consciousness of misconduct. But, in the absence of the moral feeling, it leaves the offender under the full and unmitigated influence of that indignation, which it is, *in either case*, sure to produce. The measures requisite with such persons, though perhaps conducted by a continued series of expedients, should have that quiet, and, apparently, irresistible force, which may give to a process of discipline the passionless character of a law of nature. In short, the appropriate treatment of such patients, in the way of education, must be that which we, at present, exclusively apply to the purposes of punishment, I mean the peniten-

tiary system. At present, indeed, it is a most painful consideration, that we are compelled to wait until an opportunity is given of correcting a moral defect by its ripening into the commission of a crime. Thus a boy must not be cured of the propensity to steal until he has stolen. The very improvement which is taking place in our schools, perhaps, renders these considerations the more necessary. Some gradation is obviously wanted between a well-regulated school and a madhouse. Those who are unsusceptible of the motives employed in the one, have *now* no refuge but in the other.

The above considerations may appear to many persons absolutely erroneous. Others may think them theoretically correct, but impracticable: in other words, it may be suspected that the moral phenomena of insanity and of the insane habit, though truly existing, cannot be subjected to regulation. To those who hold the latter opinion, I would repeat a suggestion already made, that these phenomena are even now submitted to coercion. Offenders of this kind are actually placed under confinement, when they have attained a certain pitch of waywardness, and committed a certain degree of extravagance. Thus the question is,

*not* whether they shall or shall not be coerced, but whether the restraint applied to them shall be applied on a definite principle, and with some regard to general rules, or, as at present, casually, vaguely, empirically, and, in practice, usually too late. It is, indeed, time that the disgraceful scenes should terminate which are *now* constantly being enacted at the public offices in London, where a father is heard requesting that an ignominious punishment should be inflicted upon his son, as the only moral expedient which can reach him; and thus finds no other mode of obviating the deficiency of principle than the *penal* inflictions of law. This, however, must happen until the limits of education are extended so as to take in the views which I have endeavoured to illustrate.

In the above remarks, it may be observed, that two points are aimed at: one of them, to establish the fact that vice is in some cases identified with insanity; the other, to accommodate the principles of education to our hypothesis, that there exists a class of men in whom the sense of moral approbation is so far deficient, that if not yet insane, they are unsusceptible of appeals to any such sense, but require the influence of direct authority. I separate in this way the above objects, in order that those who

may think the first inapplicable, even if it could be attained, to practical purposes, may not therefore give up all thoughts of turning *the second* to a good account.

Control would be much more easily practised than it is at present, if it were once understood, that there are many persons who will readily accede to it, if applied as necessary, but will steadily oppose it, if the appeal in its favour is made to their supposed sense of right. They can appreciate the cogency of an obligation, which leaves them no choice ; but cannot supply themselves with any other reasons for submitting to it.\* Happily this is not the general rule ; but the exception thus constituted forms a part of society, on the just management of which the peace of the rest mainly depends.

\* "You hear the silly boy," says Ludovic Lesley, speaking of Quentin Durward, "he hath an answer or a reason ready to be rendered for every one. I wonder where he hath caught the gift. I never could give a reason for any thing I have ever done in my life, except for eating when I was a hungry, calling the muster roll, and such points of duty as the like."

"And pray, worthy Seignior," said the royal tonsor (Oliver Dain), looking at him from under his eye-lids, "what might your reason be for calling the muster roll on such occasions?"

"Because the captain commanded me," said Ludovic, "By St. Giles, I know no other reason! If he had commanded Tyrie or Cunningham, they must have done the same."

"A most military final cause!" said Oliver.





## APPENDIX.

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### No. I.—PAGE 8.

MORUM tempora illi diversa ; egregium vitâ famâque, quoâd privatus, vel in imperiis suis sub Augusta fuit : occultum et subdolum fingendis virtutibus, donec Germanicus et Drusus superfuerunt : idem inter bona malaque mixtus, incolumi matre : intestabilis sævitiâ sed obtectis libidinibus, dùm Sejanum dilexit timuit ve ; postremò in scelera simul et dedecora prorupit, postquàm, remoto pudore et metu suo tantùm ingenio utebatur.—*Taciti Annal.* Lib. X.

### No. II.—PAGE 22.

IN support of this remark, I may refer the reader to the works of Sauvages, of Lorry, of Pinel, of Macbride, of Arnold, of Crichton, of Haslam, of Cullen, of Andral, of Dubuisson.—The two following definitions of Insanity are extracted, one of them from Lorry's work, published in 1765 ; the other has been recently afforded by M. Andral, in his lectures :—

“ Insanity, or mania, is that disordered state of the body, in which the judgments arising from the senses in no degree correspond with each other, or with the objects represented.”—*Lorry, de Melancholia.*

“Mental alienation may be defined as follows: a chronic derangement of the *intellect*, complicated or not, with disordered perceptions or impulses, the other functions of the body not being necessarily or constantly altered.”

“The subdivisions, which Andral afterwards mentions, are formed, according to the supposed perversion, or abolition of the intellect of insane persons. The first he calls monomania, the second mania.”—*Lancet*, p. 459; 1832.

The following case is admitted by M. Pinel to be one in which the lesion or defect is *not* an intellectual one. Had he followed up the train of reasoning which it suggests, he would have found that a vitiated state, thus separate and distinct in kind, constitutes a leading ingredient in those other forms of insanity, which by him are based in aberrations of the intellect *alone*. The case is as follows:—“An only son of a weak and indulgent mother was encouraged in the gratification of every caprice and passion of which an untutored and violent temper is susceptible. The impetuosity of his temper increased with his years. Every instance of opposition or resistance roused him to acts of fury. He assaulted his adversary with the audacity of a savage, and was constantly embroiled in disputes and quarrels. If a dog, a horse, or any other animal offended him, he instantly put it to death. If ever he went to a fête or any other public entertainment, he was sure to excite such tumults and quarrels, as terminated in actual rencounters, and he generally left the scene with a bloody nose. This wayward youth, however, when unmoved by passions, had a perfectly sound judgment. When he came of age, he succeeded to the possession of an extensive domain. He proved himself fully competent to the management of his estate, and even distinguished himself by acts of beneficence and compassion. Wounds, lawsuits, and pecuniary compensations, were generally the consequences of his unhappy propensity to quarrel. But an act of notoriety put an end to his career of violence. Enraged at a woman who had used

offensive language to him, he threw her into a well. For this he was prosecuted, and on the depositions of many witnesses, who gave evidence to his furious deportment, he was condemned to perpetual confinement at Bicêtre."

The language of the law is equally far, with that of medicine, from recognizing our twofold division of mental unsoundness into that of the head and that of the heart.

Idiocy and lunacy are the forms of this state, which the law lays down; and both these heads relate to a presumed defect or perversion of the understanding. Moral symptoms come into play only as they afford evidences or proofs of this; except when used to support some obscure theory about the irresponsible nature of the insane, as "Furiosus solo furore punitur."

"With the English jurist," says Collinson, "Idiot is a legal term, signifying a person who has been without understanding from his nativity, and whom the law, therefore, presumes never likely to attain any."

Speaking of lunatics, Collinson observes, "It often happens, that *they*, with recollection unimpaired, occupy themselves exclusively with past events, wholly indifferent to present or surrounding objects. Such a state of mind is known by the name, delirium. Others, on the contrary, attentive to every thing passing before their eyes, and capable even of reasoning with consistency on various topics, have yet some morbid image present to the mind, false in itself, but of whose real nature and character no evidence of the senses, however powerful, can afford conviction. Persons of the latter description are called insane. The various modifications and combinations of delirium and insanity probably constitute the whole variety of cases included under the term, lunacy."

Agreeably with this exclusive view, Lord Ferrars proceeded uncoerced, until Mr. Johnson, his steward, was shot, and he was hanged.

## No. III.—PAGE 30.

It is, perhaps, unnecessary to remark, that the above reasoning has no tendency to protect the delinquencies which result from vice, against the operation of penal laws, on the ground that they may be imputed to insanity. Much has, indeed, been very vaguely said about the irresponsible nature of the insane, and many anomalies have occurred in courts of justice, from the opposite action of feeling and common sense in the minds of jurors; the first leaning to the exculpation of the insane, as such, the second contravening this tendency. When Martin had made his attempt to burn York Minster, some lunatics at an establishment in the neighbourhood of that city were overheard discussing the probable consequences of that act to the incendiary: some of them expressed their opinion that he would be hanged, but one of the number replied triumphantly to this suggestion, by observing, "O, no—he is one of us!" The legislator or juryman, who is disposed to allow insanity to furnish a defence for crime, may profit by this fact. I received it on good authority.

The main object of punishment is prevention. One of the elements, which must largely enter into the question respecting the adjustment of punishment, must be its suiting, and not exceeding in severity the dictates of common feeling and sympathy. Without this observance the punishment must soon become a dead letter; it may, indeed, be enjoined by law, but a higher tribunal will prevent its infliction. When, however, the punishment of a given offence has once been laid down, the plea of insanity ought no farther to prevent its being carried into execution, than in so far as it happens to deprive the action of some of those attributes which constitute it a crime.

The following remarks on this interesting subject are extracted from an article contributed by the author of this Essay to the *London Review*, for February, 1829 :—

“ One of the earliest and most interesting questions which has occurred to us on the subject of insanity, has been suggested by the treatment which we have seen dispensed to the insane in criminal courts. We have never been able to comprehend the principles on which they have been exempted from the operation of punishments ; and have never been sufficiently clear-sighted to distinguish the line which separates their offences from crimes.

“ We admit that the law endeavours to be distinct both in expressing its intention to extend mercy to the insane, and in explaining the grounds on which it confers this impunity. ‘ Persons *non compotes*,’ says Collinson, ‘ are not chargeable with criminal offences committed in such a state of mind ; for, according to the humane language of the law, *furiosus solo furore punitur*. Besides an evil intention is implied in every offence, and constitutes the charge of every indictment. But a *non compos*, not having a will of his own, cannot have an intention morally good or bad ; so that the overt act by which alone the motives of other men are discerned, with respect to *him* proves nothing. The design, moreover, of legal punishment is example, not revenge. . . . . With this view punishments are usually public, and inflicted in a manner the most imposing ; but how could the execution of a man, incapable of understanding any law, operate more as a warning to others to avoid the violation of the law, than the public punishment of a dog ? The one would be a spectacle of horror, the other of ridicule.’

“ Of course there are limitations annexed, with what effect we shall hereafter consider, to these merciful dispositions of the law relative to the insane. Thus it is admitted, that in a lucid interval a lunatic is as responsible for his conduct as any other individual.

“ The limitation proposed by Lord Hale to the venial nature of insanity is this. ‘ A person who, labouring under melancholy distemper, hath yet ordinarily as much understanding, as, ordinarily, a child of fourteen years hath, is such a person as may be guilty of treason and felony.’

“ Mr. Erskine, in his speech for Hadfield, admits that the insane become objects of punishment ‘ when they perform the acts alleged against them under the influence of circumstances that have a real existence, and from the impulse of human passions.’ Mr. Erskine forgets to complete the above distinction, by telling us what those passions are which are not human.

“ The Attorney-General, in his speech against Bellingham, holds that ‘ every man is accountable for his acts who possesses a mind capable of distinguishing right from wrong.’

“ Such is the language of the law in favour of the insane, and thus it is limited. We trust that we shall not at once be accused of inhumanity for confessing our opinion, that the tendency of the law to give impunity to the offences of such persons, is mischievous in its effects, both as regards society, and as the offenders are themselves concerned. We cannot indeed overlook the fact, that insane persons may be intimidated by example. We have seen it illustrated in numberless instances, and we wish to see it recognized in our legal proceedings. Again, with regard to the disease, when not yet developed, but lying concealed in the insane temperament, we believe that there are preventives, both numerous and powerful, by which it might be anticipated; and we believe that their complete application will not take place until insanity and criminality are made more compatible terms. We may, of course, assume that the plea of insanity is superfluous in all those cases in which the offence, even without it, would not fall within the definition of crime.

“ Yet we confess that our doubts, whether injustice may not somewhere lurk in these speculations, have made us slow to

indulge in them. Are not the protecting clauses afforded by the law warranted by the limited freedom of will which insane offenders enjoy? Shall we punish them for acts which, at the time of committing them, they cannot avoid? Are not we thereby doing evil, that good may come? It is remarked by Aristotle, that we are accountable for the actions which spring from our most deeply-seated habits, from those which most affect our freedom of will. It is true, that habits may be actually unchangeable by any efforts which we may be able to make, but the repeated energies which have brought them into this hard and inflexible state, *have* been in our power. Now reasoning of this kind is far more applicable, than is generally supposed, to the cases of the insane. The criminal act concerning the punishment of which doubts may be entertained, on the score of justice, was not perhaps a matter of choice; but have any pains been taken by the offender himself, by his parents, or his instructors, to counteract or modify the temperament out of which it has sprung? Have they not rather allowed it to strengthen and to harden? Again, when this temperament has made itself known in a less equivocal form, has it then been made a subject of restraint, or, what it at least demanded, of medical attention?

“ The above considerations tend to authorize a more penal treatment of the insane, than that which is at present recognized by the law, as not inconsistent with the principles of justice. But, without having recourse to these considerations, we should be glad to know what greater injustice will be involved in such severity than is, in other cases, actually carried into effect at every session at the Old Bailey? Yet justice and expediency are supposed to concur in pointing out these latter cases as objects of punishment. And if, in the course of our inquiry, we shall demonstrate the same kind of expediency, and only a similar violation of the abstract principles of justice in the punishment of insane persons, we hope that



our speculations will be praised as recommending consistency, rather than blamed on the score of their severity.

“ A child is born in the garrets of St. Giles’s, the offspring of a prostitute and a thief. He receives a suitable education, and he dutifully adopts his father’s profession. After following it with assiduity and success, he is arrested in the pursuit of it, and tried for his life. His early habits are ascertained on unquestionable evidence ; but does this consideration soften the austerity of the law ? Not in the least ; in one respect it tends to ensure his condemnation, namely, in making his deliberate performance of the criminal act more probable. Finally, this man is hanged. And it is very fit that he should be hanged. We do not object to the decision of the law in the case which we are supposing : we only ask for a consistent use of the plea of injustice in relation to other cases.

“ Before we leave this part of our subject, namely, the consideration of *justice* in its relations to the punishment of the insane, we must indeed notice some instances in which it is remarkably violated, as the law at present stands, and in which, we believe, its violation produces very mischievous inconsistency in the practice of our courts. The criminal act of the insane person, to be venial, must spring out of some insane error of judgment. It must not only be the act of a madman, but it must be the result of his being mad ; and its having this character is attested by its connexion with some aberration of the intellect. Now, in this view of the subject entertained by our laws, it is forgotten that insanity is no less a disease of the heart than of the head ; that it affects the soundness of the moral principle to the full as often and as much, as the justness of the intellectual principle. That in many persons its inroads are made almost entirely upon the former part of their constitution ; that accordingly, in an insane person, a wicked action done deliberately, and with a complete knowledge of its nature, may be to the full as much

the result of his being insane, as the act of violence which he may perform under that perverse impression of the understanding, which leads him to believe that his salvation depends upon its performance, or under any other impression equally absurd.

“ In the latter of these suppositions, the moral principle is influenced by the disorder of the intellect ; in the former, the depraved and vitiated moral principle has drawn the intellect into an acquiescence in its insane suggestions.

“ As an instance of insanity, in which, both in the predisposing temperament, and in the present and actual disorder, the moral affection is far more prominent than that of the intellect, we shall extract the following case from Dr. Perfect’s annals of insanity :—‘ The person whose disorder forms the subject of this case, was the eldest son of an ancient family. He was naturally of a morose, arrogant, and imperious disposition, whimsical, shy, and suspicious ; but no very extraordinary singularities were visible in his manner and behaviour till the autumn of 1776, when he was suddenly seized with a hypochondriacal affection, attended with violent motions of the body, fear, suspicion, impatience, and vehement perturbation, which at length settled into a deep melancholy, but he did not attempt any violence either to himself or to others. After proper attentions and medical assistance, he was supposed to have entirely recovered from this disorder, and thought to be in every respect as well as usual, when on a sudden he became possessed of the most absurd and strange fantasies, suspicions, and aversions. He was restless, timid, irresolute, and weak in his judgment . . . . .

. . . ‘ He was sent to a house appropriated for the reception of the insane, in which he had not continued many weeks, before his mother and a near relation went to pay him a visit. He seemed exceedingly glad to see them, and used the most specious and plausible arguments and pretences, by which he so far imposed on their credulity, as to cause them to believe

him in his right senses. Accordingly, the next day he was liberated and sent home, where, for about a week, his behaviour was such as to justify this conduct. But getting up one morning earlier than usual, and coming home wet and dirty, he abruptly walked into the parlour, where his mother was sitting at work, who seeing him in this dishabille, gently reproved him; when, shocking to relate, the maniac, without any hesitation, and before she could get any assistance, snatched up a poker, and dashed out her brains upon the floor. The noise and bustle brought in the servants, but the parricide offering no further resistance, was disarmed and secured. He did not attempt to escape, nor did he appear then, or at any other time, to feel compunction or remorse for this transaction. This person died three years afterwards, in an establishment, in the fifty-first year of his age.'

“The above case is a fair instance, both of moral insanity, and also of the inconsistent treatment at present awarded to the insane. According to the legal distinction above alluded to, this man ought to have been hanged. His act was *strangely* atrocious; but it sprung from vindictive rage, excited by a reprimand, that is, from ‘a human passion called into action by real circumstances.’ His life was, however, spared; because those whose duty it was to have taken cognizance of the offence, were conscious that the law ought, in parity of reason, to furnish with an excuse the vitiated state of the moral principle, as well as the aberration of the intellect. And that, in this instance, the murder of a parent, under the influence of vindictive feeling, was as completely the act of a maniac, *quâ maniac*, as if he had supposed himself entrusted with a commission from God, enjoining him to shed human blood; accordingly, that if the latter of these acts must be viewed as springing from a disease, which affects the freedom of the human will, so also must the former.

“If indeed we examine the records of insanity, as a subject of judicial consideration, we shall find an extensive collection

of inconsistencies, in respect of punishment awarded at one time, and refused at another, to similar offences. These inconsistencies may be referred, we believe, to the very nature and essence of the existing law.

“The inconsistency of that award, by which Miss Brodrick, the murderess of Mr. Errington, was allowed to escape punishment, is noticed by Mr. Erskine in his defence of Hadfield. *She* acted from human passions, and under the influence of circumstances, which had a real existence, namely, under the indignant feeling excited against him, whom she loved, by his intended desertion. There was nothing of the nature of insanity, such as it is defined by law, when viewed as exculpatory, in the offence which she committed; why then did she not suffer its appropriate penalty? Because the fact, that her understanding had at times been irregular, placed this plea strongly before the attention of the jurors, and they felt that her offence was just as probably the result of the disease, though, in its nature, a deviation from moral principle, as if it had been an error of the intellect. It is indeed very reasonable and natural, that distinctions devised by law should be involuntarily neglected by those to whom the execution of the law is intrusted, when such distinctions are in manifest opposition to consistency, and therefore to justice.

“Mr. Erskine would, indeed, have had similar reason to complain of the impunity extended to the assassin of Lord Palmerston. Lieutenant Davis was certainly a madman; but on the occasion to which we allude, he appears to have acted similarly to *Bellingham*, namely, as a disappointed man, selecting for the object of his resentment an individual intimately connected with the subject of his discontent. This state of the moral principle is as easily produced by insanity, as is any false perception of the intellect; and insanity being admitted as a defence, the ill-marked distinction which would render the offender a subject for punishment in spite of it, is ever liable to be forgotten.

“ In the case of Lord Ferrers, the cool malignity with which his purpose was formed, the address with which his crime was defended by him, the cruel pleasure which had seemed to follow its commission, all contributed to remove from the minds of his judges any tendency which they might otherwise have felt to allow him the benefit of his family disorder. Here the principle of the law was permitted to have its free operation. The murderous act had been performed without any accompanying aberration of the intellect, and the criminal suffered death. But without objecting to this award, we may contend, that others who have been acquitted, or who have been exempted from trial, that the parricide, whose case we have quoted from Dr. Perfect, that the intended assassin of Lord Palmerston, and of Miss Kelly, and the actual murderess of Mr. Errington, obtained their impunity on grounds inconsistent with those on which Lord Ferrers suffered.

“ The trial of the murderer of Mr. Perceval was, we suspect, brought to an equally inconsistent issue. We confess, that to us it appeared doubtful, whether if Mr. Perceval's wound had not been fatal, Bellingham would not have enjoyed the same impunity as Lieutenant Davis, and with equal reason. The probability that the insane taint extended to the moral character of this criminal, might, under these circumstances, have *illegally* influenced the verdict of the jury. Such as it was, the crime of Bellingham had precisely that character of perverted moral sense, producing acts of unexplained, indeed of inexplicable wickedness, which we meet with in the crimes of the insane. Again, the assurance of safety in regard to the event of the trial, which Bellingham displayed, even while he rejected and disclaimed the plea of insanity, was, in itself, almost indicative of that madness which the law regards as exculpatory.

“ On the whole, it would appear to us, that under the existing theory of insanity, we inflict our punishments on a form of the disorder to the full as venial, and venial on the

same grounds, as another form of the disorder, which we are pleased to exempt from punishment. Hence it happens, that in the first set of cases, punishment is inflicted or withheld according as the moral sense of the judge and jurors happen to revolt *from*, or to yield itself *to*, the inconsistent severity of the law."

THE END.

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