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MONOMANIE SANS DÉLIRE,

AN EXAMINATION OF

"THE IRRESISTIBLE CRIMINAL IMPULSE
THEORY."

BY

A. WOOD RENTON, M.A., LL.B.,

OF GRAY'S INN, AND OF THE OXFORD CIRCUIT, BARRISTER-AT-LAW.

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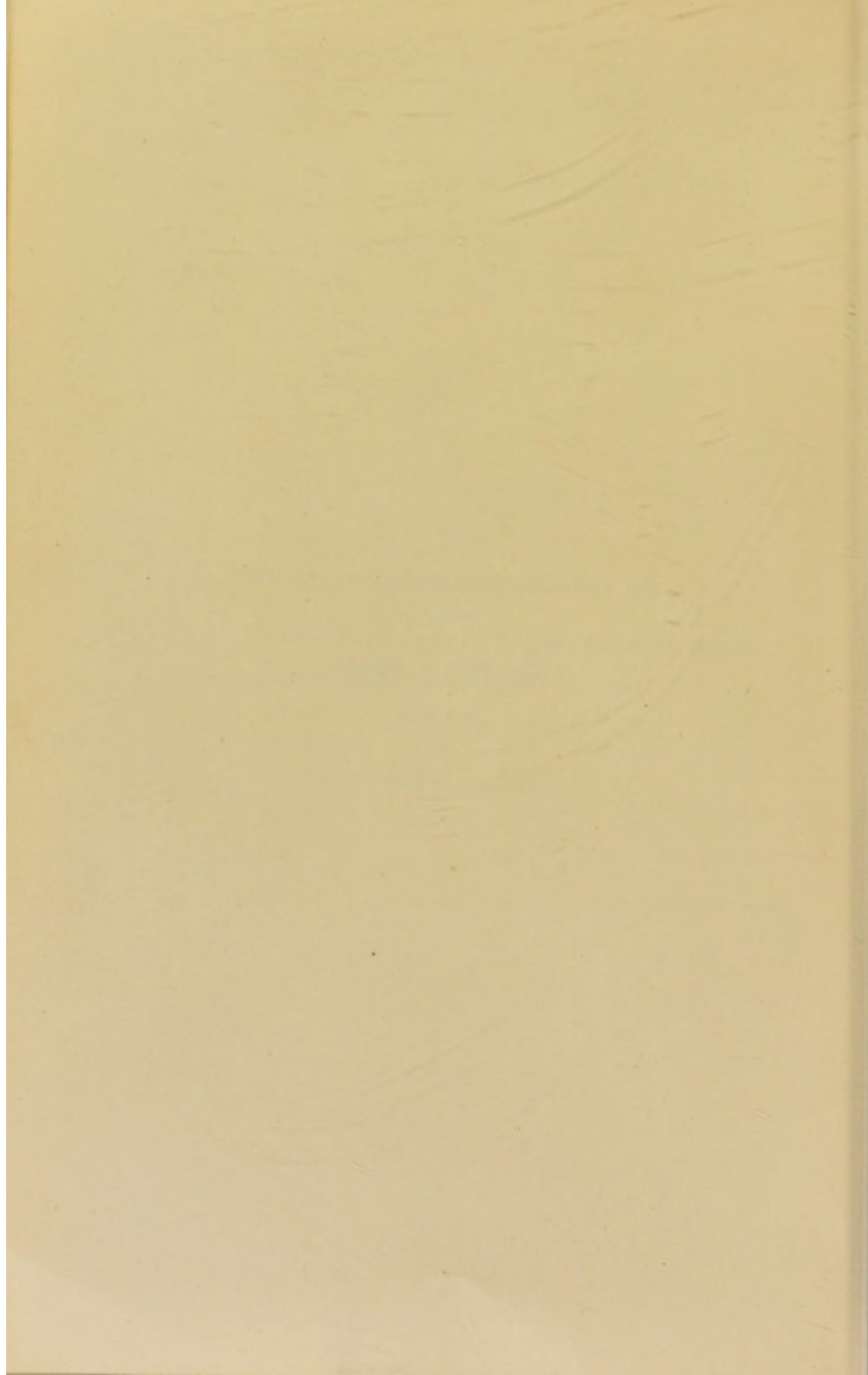
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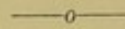
“C'est *l'homo duplex* de S. Paul, poussé au mal par
un motif, retenu par un autre.”

TO
SIR BENJAMIN CHILLEY-CAMPBELL PINE,
K.C.M.G.,

This Essay is Dedicated
AS A MARK
OF
GRATITUDE AND HIGH ESTEEM.



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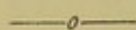
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E. MALCOR, B.Sc. Lond., who has revised the proofs of this
Essay.

INTRODUCTION.



MONOMANIE SANS DÉLIRE.



INTRODUCTION.

MONOMANIE SANS DÉLIRE is partial moral insanity, and moral insanity is a perversion of the affections, without any perceptible lesion of the intellectual faculties.

The writings of many continental, and a few English, medical jurists contain a minute diagnosis of this disease. At the end of the 18th century, M. Pinel, whose humane labours in the Bicêtre were an honour to his profession and his country, expressed the conviction that there are maniacs who at no period give evidence of lesion of the understanding, but who are under the dominion of instinctive and abstract fury. M. Esquirol¹ at first believed that “dans la manie sans délire l'intelligence est plus ou moins lésée :—l'action intellectuelle est suspendue,” but he, too, soon came to adopt and to elaborate the opinion of Pinel :—“ces monomaniques ne déraisonnent pas, mais leurs affections, leur caractère, sont pervertis. La volonté est lésée. . . . Tantôt les facultés intellectuelles du monomaniac ne présentent aucun désordre, et cependant il

¹ *Des Maladies Mentales*, tom. ii. p. 5.

est entraîné par un penchant irrésistible, il est poussé par un instinct aveugle à telle ou telle action que lui-même réprouve; obsédé par des idées de vol, d'incendie, de meurtre ou de suicide, qu'il s'efforce en vain d'écarter, il sent toute l'horreur de semblables désirs; et cependant sa volonté est vaincue." The works of Pagan, Ray, and Prichard give forth an equally certain sound. "There is no delirium of the passions, no exaltation of the imagination: there is no illusion, no hallucination, no motive either criminal or insane."¹ "No delusion is present to disturb or distort the mental vision."² "It is a feature of moral insanity that there is no ground or provocation actual or supposed."³

Now, in this enumeration of the discriminating symptoms of moral insanity, it is implied, nay, by M. Esquirol is expressly asserted, that while the disease may assume a variety of forms, it yet possesses one constant element—viz. an irresistible impulse to do some act known to be contrary to morality or law.⁴

To the consideration of this "irresistible criminal impulse" theory, the following pages will be devoted. I shall certainly not attempt to confute it by dwelling primarily upon its dangerous social tendencies; still less shall I deny that such a disease, if it exists, must modify or cancel the criminal responsibility of its

¹ Pagan, *Med. Jour. of Insanity*, p. 132.

² Ray.

³ Prichard, *Treatise on Insanity*, p. 22.

⁴ Cf. Ray, *Med. Jour. of Insanity*, p. 208: "Now, however these cases may differ from one another, they all possess one feature in common—the *irresistible motiveless impulse to destroy life*." The italics are the author's.

victims. But I shall examine, one by one, the cases on which its advocates rely, in the light of their own definition of its essential elements, show how far short of that definition these *ex parte* statements come, and endeavour to justify the earlier opinion of M. Esquirol — *Nihil a demone, multa ficta, a morbo pauca.*

It is thought that, by thus treating *monomanie sans délire* as an inference from observed facts which must conform to, and stand or fall by, the rules of inductive logic, several collateral issues, whose consideration has sometimes embarrassed a just view of this subject, are at once disposed of. *A priori* reasoning—why *may not* this disease exist?—is merged in the *à posteriori* question—do the facts warrant the conclusion that it *does* exist? The subtle suggestion that insanity is incapable of definition also disappears; for if *monomanie sans délire* is an induction, the formal expression of that induction is the definition of the disease; moreover, each part of the definition must be strictly warranted by, and find its counterpart in, the observed facts.¹ Finally, we get rid of that vexed question, to which the bickerings of Regnault and Leuret have

¹ “Where definitions are attempted (of insanity), especially in courts of law, they fitly become a matter of ridicule, or causes of contradiction and perplexity.” Sir Henry Holland, *Chapters on Mental Physiology*, 1852, p. 110. Cited and adopted by Professor Gairdner, M.D., LL.D., in a very able and scholarly pamphlet, *Insanity, Modern Views as to its Nature and Treatment*. It is submitted, with great diffidence, (1) that even as regards the *genus*, Insanity, a definition, in the sense of an exhaustive enumeration of its discriminating symptoms, is possible; and (2) that on those who assert the existence of the *species*, moral insanity, lies the burden of assigning and strictly proving a *difference*.

given an historic interest, — as to whether medical experts alone are competent to infer the existence of *monomanie sans délire*.¹ The really important consideration is that *such inferences have been drawn*. M. Regnault would have rendered a greater service to jurisprudence had he bent his energies to *testing their logical worth*. And yet he is not altogether without excuse. For the medical reports, which Dr. Ray² invites the legal profession to accept in a spirit of “modest teachableness,” and with a becoming regard for “the results of other men’s labours,” are in truth disfigured by nearly every blemish which it is possible for scientific *observations* to possess. To precision of language Dr. Prichard and Dr. Ray are strangers, and even the most eminent of their continental masters frequently forfeit all claim. In the literature of *monomanie sans délire* there is a redundancy of such scientific comments as these: “there was originally an error in her education which would have required that her mind should be remodelled ere she could be pronounced sane.”³ “The diseased propensities of the individual were displayed in such a

¹ The test proposed by Marc (*De la Folie*, ii. p. 205) is this: “Le degré d’enchaînement de la liberté morale chez les aidoiomaniaques devra être mesuré sur la nature plus ou moins insolite, extraordinaire, de leurs actes, ainsi que sur les manifestations intellectuelles qui les accompagnent.”

It is, to say the least, arguable that this test may be applied by a metaphysician as safely as by a medical expert.

² P. 45.

³ Prichard. The facts of this case were these: A young lady, aged 23, had just “come out” in society, when her father’s affairs became embarrassed, and she was obliged to retire from the new life on which she had so recently entered. She grew sullen in temper, vulgar in her manners,

manner as to render necessary his confinement in a lunatic asylum.”¹ The brain of Feldtmann was in “a condition different from that of health.” “Tout son être était absorbé par la sensualité.”²

It is, however, not so much in their literary style as in their controversial methods, that the surprising powers of the alienist physicians are conspicuously displayed. “Si l’on remarque,” says Hoffbauer, “que l’aliénation mentale n’est et ne peut être que le résultat d’une maladie physique, on verra que le médecin est le seul arbitre qui réunisse les conditions nécessaires pour éclairer la conscience du juge. Nous ne parlons ici que du médecin qui a fait une étude particulière des maladies mentales.”³

If indifference to consistency, superiority to the rules of logic, a settled habit of gratuitous assumption, and a knack of mistaking conjecture for inference, are the “conditions nécessaires” to which the learned doctor here refers, then I readily admit—what a very cursory examination of their elaborate treatises will clearly illustrate—that M. Esquirol and his brethren possess these indispensable qualifications in a marked degree.

When his theory is subjected to judicial scrutiny or hostile cross-examination, the medical expert contends that *monomanie sans delire* is an inference which he

and negligent in appearance and dress. Here it is difficult to see anything more than the petted conduct of a spoiled, coarse-minded, and disappointed girl. Dr. Prichard’s mysterious comment, however, destroys the claim of this case to be considered an illustration of moral eccentricity.

¹ Prichard, p. 26.

² Gall, tom. iii. p. 201.

³ *Médecine Légale* (par M. Chambeyron), p. 378.

alone is competent to draw. But when the facts on which he relies are *primâ facie* doubtful, when dissentient voices are whispering, "If this is insanity, what is crime?", this lofty position of exclusive jurisdiction is promptly abandoned, and no adminicle of evidence, however feeble in itself, however contemptible in its origin, is disregarded. Dr. Prichard¹ is not ashamed to adduce in favour of the moral eccentricity of a patient, the loose observations of a casual visitor "who was shocked to find her in so low a way:" M. Esquirol is content to prove the irresistible propensity of an incendiary monomaniac by an excerpt from the speech of her advocate—"Cette fille, âgée de 17 ans, dit son avocat, proteste avec un accent de conviction qui ne saurait laisser de doute qu'elle a mis deux fois le feu, par instinct, par irrésistible besoin;" while in the case of Feldtmann, whose mental state was a question of the utmost nicety, Marc admits² the depositions of Pastor Gœppe, "Que Feldtmann lui avait paru affecté d'une sorte d'idiotisme, que c'était un homme dont les idées tournaient dans un cercle extrêmement restreint, et qui était souvent entêté comme le sont ces sortes de gens," of the woman with whom Feldtmann had lived in concubinage—"Qu'il avait souvent la tête perdue: qu'il tenait des propos désordonnés, faisait habituellement des folies, particulièrement les vendredis et les jours de pleine lune," and of Feldtmann himself—"Que dans sa jeunesse il a eu la tête perdue ce qui l'a rendu comme fou pendant quelque temps."

¹ *Cases*, pp. 36-70.

² *De la Folie*, i. 24.

Not less remarkable is the use which the advocates of *monomanie sans délire* make of the admissions and statements of the victims of this disease. When the patient comes with a glib story of terrible impulses, protracted resistance, and involuntary surrender, he is unhesitatingly believed; but if he laughs at the subtlety of his physician, and assigns a motive for his conduct, which if not adequate is at least appreciable, his testimony is regarded as proof of nothing but the inveterate character of his malady.¹

¹ *E.g.* Marc, ii. chap. ix. *obs.* 85. M. N. was sombre in character, and had his moral qualities little developed. "Privé de son père dès l'âge de quatorze ans il était sans tendresse, sans épanchement pour sa mère." "Ni ses discours; ni ses actions n'indiquent la folie: mais il déclare qu'il se sent une sorte d'impulsion qui le porte au meurtre, qu'il est des instants où il aurait plaisir à répandre le sang de sa sœur, à poignarder sa mère." When the horror of this was pointed out to him, "Il répondit, froidement.—Alors je ne suis plus le maître de ma volonté."

Again, Hoffbauer (par Chambeyron): "Une femme qui avait pris son mari avec aversion avait conçu peu après la bénédiction nuptiale le projet de le tuer, projet qu'elle nourrit avec le plus grand sang froid jusqu'au vingtième jour après la cérémonie. Elle avait été demandée en mariage longtemps auparavant par ce même homme et l'avait constamment refusé à cause de son ineptie: mais, soit adresse soit violence il parvint à jouir d'elle, alors craignant d'être enceinte, elle se hâta de consentir au mariage." This fear proved groundless, and then, "toute sa haine revint, avec le sentiment de sa liberté perdue et de son malheur présent et à venir. Elle s'en tourmentait et priait Dieu de lui envoyer d'autres idées, mais celle-là la poursuivait toujours," etc. Finally, she strangled her husband. Here we have the remarkable spectacle of a woman praying God for relief from a desire which she is cherishing with the utmost *sang froid*. The comment of the reporter on this case reveals a curious theory of homicide by necessity, "Entre le supplice et une vie de souffrance elle avait choisi le mal qui lui semblait le moindre."

Cf. with these cases, Esquirol's account, tom. ii., of the lady who said of herself, "D'ailleurs je suis contente de ma manière d'être." Duprest-Rony's *Satyriasis*, case 8; and *Annales d'Hygiène Pub.*, tom. iii. pp. 198-220, Sieur D—.

But the alienist physicians exhibit still more striking feats of intellectual athletics. Moral insanity is a *perversion* of the moral faculties. To make out a case of moral insanity, the reporter must, therefore, carefully trace the history of this perversion. Now in the literature of nymphomania, which Cabanis eloquently describes as “maladie étonnante par la simplicité de sa cause, maladie dégoûtante par ses effets, et qui transforme, tôt ou tard la fille la plus timide en une bacchante, et la pudeur la plus délicate en une audace furieuse dont n’approche pas même l’effronterie de la prostitution,”—here is how this painful transformation is repeatedly dealt with—the patient led “avant sa maladie une conduite fort régulière à ce qu’on dit;”¹ “une dame âgée de soixante dix ans était possédée de la plus dégoûtante fureur utérine. Sage et modeste jusqu’à l’âge de soixante dix ans, elle devint tout à coup d’une horrible impudicité.”² “Une femme appartenant à une famille, occupant dans sa ville une situation distinguée, mère de deux jeunes filles en âge de se marier.”³

In the following selection of cases, which need no comment, the unchastened licence of speculation and conjecture is beautifully illustrated:—

1. *Trial of Lacasin.*⁴ On the night of 25th July 1829, Lacasin and a friend had been drinking together at the tavern of “Tribale-Haute.” They separated at

¹ Marc, ii. p. 211, obs. 106. Recorded by Buisson.

² Marc, ii. obs. 104.

³ Raige-Délorme’s *Dictionnaire*, etc., tom. iv. p. 824.

⁴ Marc, ii. p. 304 et seq., obs. 131.

the Tribale, and when Lacasin rejoined his comrade at La Capelle, he had set on fire two granaries of hay, and was still carrying a lighted torch. He made little effort at concealment. For this offence he was tried, convicted, and executed. "Il est constant," says Marc (p. 311), "que Lacasin avait la tête troublée par les fumées du vin." "Or, ne doit-on pas regretter (p. 312) qu' avant sa mise en jugement Lacasin n'ait pas été soumis à un examen médical approfondi." Marc then proceeds to display at least his own qualifications for conducting such an inquiry: "N'existe-t-il pas dans cette affaire un ensemble de circonstances qui permet de concevoir des doutes sur l'intégrité mentale de ce malheureux (!) pendant l'exécution du crime? D'abord absence de tout motif raisonnable, puis incurie, imprudence extrême, lors de la combinaison des moyens de cacher son crime. Non seulement il conserve entre ses mains et en présence de témoins le tison—mais il réveille encore par ses chants les habitants des hameaux voisins. Enfin, l'exaltation produite chez lui par l'abus du vin, bienqu'elle n'ait pas été jusqu' à l'ivresse complète, ne doit-elle pas jeter des doutes sur sa situation mentale, et permettre de supposer qu'il a pu se développer en lui un état de pyromanie instinctive?"

2. "Une jeune paysanne, âgée de quatorze ans mit le feu, après avoir été maltraitée par sa maîtresse. Elle avoua tout, et ne donna aucun signe d'aliénation mentale. Cependant la Faculté de Leipzig, se fondant d'une part sur la faiblesse des facultés morales, et d'une autre part sur l'absence de tout développement

sexuel chez cette fille, déclara *qu'elle avait agi par simplicité enfantine et par défaut de maturité d'esprit.*"¹

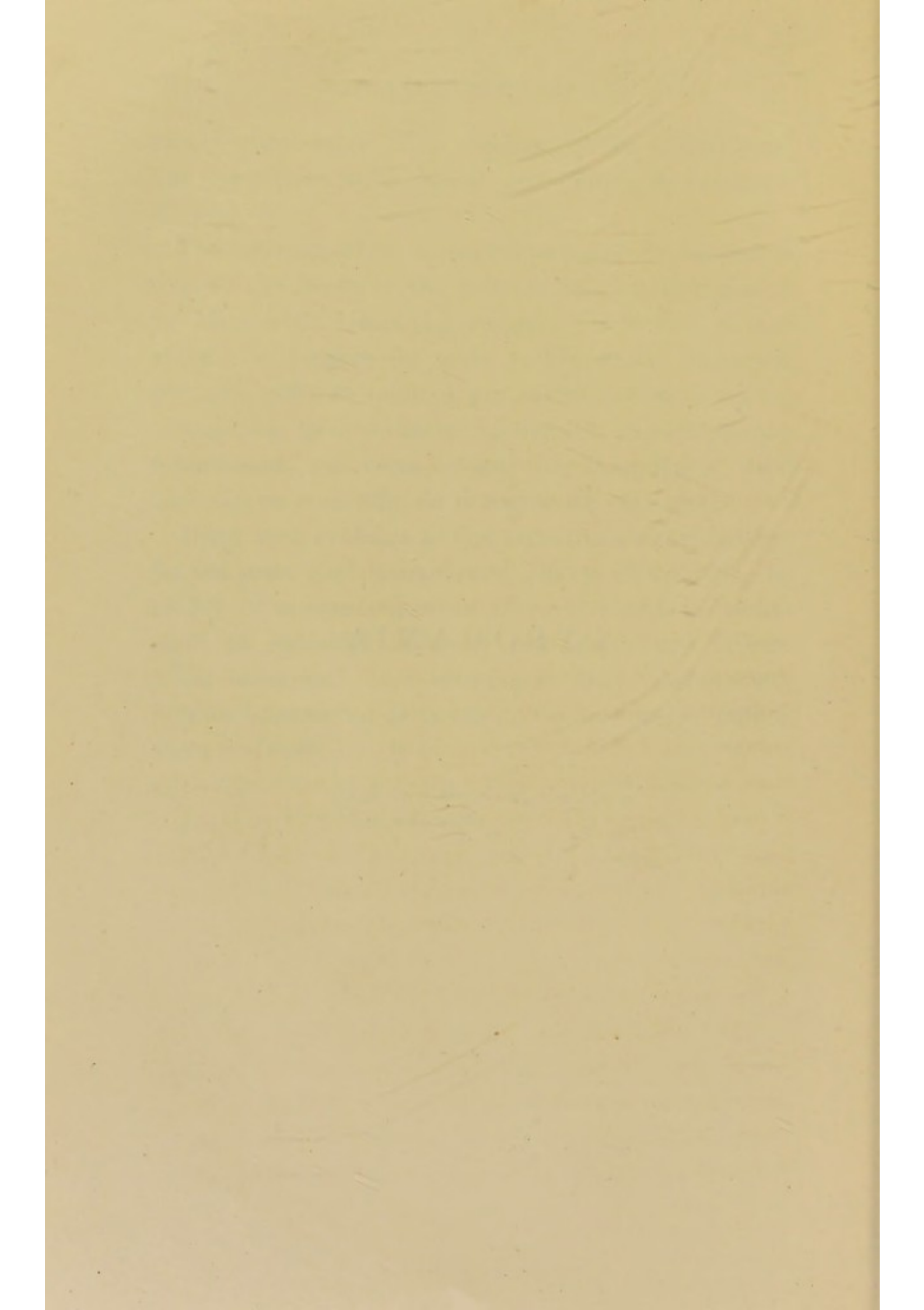
This opinion, which is more honourable to the hearts than to the heads of the learned Faculty, is regarded by Marc with despairing wonder.² "Il faut le dire malgré le progrès de notre jurisprudence criminelle pratique, nous ne sommes pas encore arrivés à ces investigations médico-légales rigoureuses, je dirai presque minutieuses, sur l'état mental des incendiaires, dont l'Allemagne nous offre de si nombreux exemples."

Upon such evidence as this, sometimes contradictory, for the most part inconclusive, always ill-assorted, the theory of *monomanie sans délire* is raised—a monument of unskilful advocacy and misdirected labour. "Les médecins . . . substituent trop souvent aux lumières naturelles de la raison, les ignorances ambitieuses de l'école."

¹ Marc, ii. p. 304 et seq. obs. 150.

² Marc, ii. p. 329.

PYROMANIA.



CHAPTER I.

PYROMANIA.

“IL y a une variété de monomanie sans délire caractérisée par une impression instinctive à incendier.”

The existence of this form of moral insanity, according to M. Esquirol, needs no demonstration—*les faits sont là*; but the cases which he cites are far from warranting this confident assertion. Some are so imperfectly reported as to prove nothing at all; in others, the incendiary propensity is admittedly a manifestation of intellectual disorder: in others it is stimulated by appreciable motives; a fourth class can be explained by malevolence or childish mischief; while not a single case is brought forward of an instinctive and motiveless impulse to incendiarism.

To the first class belong such illustrations as these:—

“Eve Schebomska, âgée de vingt-deux ans, mit quatre fois le feu. Elle se dit tourmentée par une agitation qui la poussait à incendier. Suivant la déclaration de sa maîtresse, cette agitation qui du reste ne l'empêchait pas d'exécuter ses travaux domestiques

devenait plus forte lorsque cette fille était restée quelque temps sans voir son amoureux, don telle avait eu déjà un enfant.”¹

How can any conclusion be drawn from such a meagre and incoherent report? How *recently* had this girl been confined? Was she in a state of puerperal fever? Had her seducer deserted her? If not, what possible relevancy can her confinement have? Again, what was her previous history? Under what circumstances did the incendiary propensity manifest itself? What evidence of resistance was there, except her own statement?

“La servante d’un paysan nommée Kalinovska, âgée de dix sept ans, revenant de la danse où elle s’était très-échauffée, fut prise, tout à coup, d’une propension incendiaire. Elle déclara avoir éprouvé une grande anxiété dont elle n’a pu se délivrer que le troisième jour en satisfaisant son envie. Elle éprouva en voyant le feu éclater une joie telle qu’elle n’en avait jamais ressenti de pareille.”²

No doubt it is possible by liberal and gratuitous assumptions to supply the elements whose presence would make this a case of pyromania: to suppose that this girl was sound in mind, that she honestly resisted her insane impulse, and ultimately yielded to it in spite of herself. But then it is equally possible, and, if assumption is to be admitted at all, equally legitimate, to suppose that her *propension incendiaire* was no

¹ Marc, ii. p. 304 et seq. obs. 146.

² Marc, ii. pp. 304 et seq. obs. 139.

extraordinary impulse, but simply “une grande anxiété” which excitement, perhaps wine, had rendered irresistible. Upon Marc lay the onus of excluding these hypotheses. He has not done so. Therefore the case on which he relies is worthless, and may be dismissed without comment.

In the following cases, mentioned by Esquirol, there is clear evidence of delusion: A gentleman set fire to a house imagining himself commissioned by God to do so, or thinking that his enemies had entrapped him there. Jonathan Martin set York Cathedral in flames, believing that heaven had entrusted him with the sacred duty of purifying it as Christ had purified the Temple, etc. etc.¹

In a third class of cases the incendiary act is prompted, not by any irresistible impulse, but by a perfectly intelligible motive. Sometimes it is jealousy. Thus in 1830² a woman, Toussaint, was tried for burning down a building in which Victoire Durieux, her husband's mistress, slept—*par jalousie*

¹ See also Marc, ii. pp. 304 et seq.

Obs. 127. A case of “Désordre intellectuel.”

„ 128. Where a religious monomaniac tried to burn herself.

„ 130. Do. La femme Renoul. 1833.

„ 134. Do. La fille Bailleul.

„ 135. Pierre Saisson: a false confession of incendiarism.

„ 149. A case of incendiary mania, supervening upon epileptic fits, where the Faculty of Leipsic gave as an opinion —“Qu'en considérant l'état physique de la prévenue on ne pouvait affirmer avec vraisemblance et encore moins avec certitude qu'à l'époque où elle avait mis le feu elle aurait agi avec le libre usage de ses facultés intellectuelles.”

² Marc, ii. obs. 132.

et par vengeance pour les propriétaires de la maison, qui favorisaient cette inconduite. At other times the *propension incendiaire* springs from the desire of escaping from obnoxious domestic service.¹

E.g. “un garçon, *de moins de quatorze ans*, après avoir reçu une correction, et pour pouvoir retourner chez ses parents — mit le feu à l'écurie de son maître.”

“Une fille, *âgée de quatorze ans*, qui dans l'espace d'un an incendie deux fois, afin de quitter ses maîtres, et de retourner chez ses parents. Lors du premier incendie, elle venait d'avoir à peine quatorze ans : et lors du second, elle n'avait que quatorze ans et six mois.” The confession of the prisoner left no doubt as to the facts in this case, but the question of her “responsibility” was referred to the Faculty of Leipsic. That learned body, after one of those rigorous and minute investigations which roused the admiration and envy of Marc, replied—“Que chez les enfants, surtout chez les jeunes filles, la nostalgie est une passion des plus violentes et en même temps des plus naturelles : que la menstruation, lorsqu'elle n'est pas encore normalement établie, exerce une influence sur l'état moral du sexe féminin—que l'accusée s'est trouvée à la fois dans un âge critique.” The prisoner was acquitted on the first, and convicted on the second charge.

¹ Marc, ii. obs. 151. Cf. obs. 140, 142, 144, 145. Obs. 147. “Deux incendiaires mécontentes de leur position, afin de quitter le service.”

Most frequently, incendiary monomania is simply juvenile malevolence. Thus, "la fille Hartmann"—(aged eleven years)—"a allégué parmi ses motifs le désir de voir un grand feu;" Bertheim, "delectabatur minimum non rapidarum flammarum illustri fulgore, quæ puerorum nonnunquam levitas esse solet, sed misero et tristi spectaculo cum ejulatu et clamore currentis per vias et campos, illaque rerum omnium perturbatione et confusione;" while in Maria Franck the incendiary impulse became irresistible only *when she had had a few coppers' worth of spirits*.¹

Perhaps the most amusing illustration of cases of this class is that of Jane Walls.² At the age of twelve she entered the service of a farmer at Barkingside, near London. Shortly after entering on her new duties she set fire to an old bed with a lighted candle. Examined before a magistrate, this victim of an irresistible incendiary impulse thus expressed herself: "I was curious to see the effect of the flame; I did not think I was doing wrong in setting fire to a worthless bed, he is rich enough to buy another. If I had known that I would be hanged for having made a fire in fun, I would not have done it."

The magistrate, however, "finding no proof of malevolence," illogically treated the case as a misdemeanour.

Such cases as these—and they are many—justify

¹ Marc, ii. obs. 148. Obs. 153.

² Marc, ii. obs. 155.

the significant comment of Masius : "La propension incendiaire consiste en un extrême désir de voir un grand feu, surtout chez les enfants bien simples, qui ne cachent pas la joie qu'ils ressentent en apercevant une grande flamme."

EROTIC MANIA.



CHAPTER II.

EROTIC MANIA.

IN erotic mania the sexual propensity is abnormally active. This abnormal activity may either affect the imagination alone, or manifest itself also in the physical organization. In the former case the disease is termed erotomania, in the latter autoerotomania, which again is subdivided into nymphomania (*chez les femmes*) and satyriasis (*chez les hommes*). The evidence in favour of this disease, though happily limited in range, is of an unpleasant character. But as Dr. Ray considers it sufficient "to convince the most sceptical mind" of the existence of moral insanity, it is impossible to decline his challenge, or to shrink from the discussion of a subject which is painful in its nature and revolting in its details.

As regards erotomania little need be said. For this disease acts upon the imagination alone:¹ its victims never transgress the bounds of decency:² it is not a

¹ Esquirol: "L'imagination seule est lésée."

² Esquirol: "Ne sortent jamais des bornes de la décence."

The following are cases of erotomania reported by Esquirol, Gall, and Marc:—

(1) A married lady, aged 32, who is stated to have been of a highly nervous temperament, fell in love with a young man, left her husband

furious aggressive passion such as swayed the disordered thoughts of Julie, but a gentle melancholy, such as hopeless love and moody loneliness bred and nurtured in the bosom of Eloise. "L'aidoiomanie qui constitue la nymphomanie ou l'uteromanie chez les femmes, et la satyriasis chez les hommes, diffère si essentiellement de l'érotomanie qu'elles ne sauraient être confondues l'une avec l'autre."¹ Very different is the medico-legal importance of aidoiomania. An

and returned to her father's house, where she made herself obnoxious by talking of her lover incessantly, etc. (Esquirol).

(2) Laura, the daughter of a Protestant minister, and a young officer being passionately enamoured, took a mutual oath that whichever of them first broke their plighted troth should be killed by the other. Against her will Laura was engaged to an advocate. Her former lover presented himself at the wedding dance, stabbed her to the heart, and then surrendered to justice, saying, "Maintenant tu es à moi : sous peu je te rejoindrai" (Marc, ii. 187).

(3) A young Englishman, whose suit had been unsuccessful, "tomba dans un état de roideur tétanique et resta comme une statue dans son fauteuil, les yeux ouverts, et incapable d'exécuter le moindre mouvement." A friend cried out to him, "Que son affaire prenait une meilleure tournure, et qu'il posséderait la personne tant désirée. Dès qu'il serait rétabli" (Marc, ii. 187, obs. 99).

(4) A young lady, wealthy, richly endowed by nature, and the idol of parents who spoiled her character, became morose, capricious, and sentimental, stayed constantly in the house, read unhealthy books, and indulged too freely in stimulants. In this state of body and mind she fell in love at a ball with a young officer, who unfortunately did not return her affection. Whereupon she became a prey to melancholy, from which she was temporarily roused by a ruse of her medical man, who personated her lover, visited her, and tenderly bade her adieu (Marc, ii. 187, obs. 100).

Cf. the episode of the jailor's daughter in *The Two Noble Kinsmen*, by Shakespeare.

(5) "Une jeune fille, nymphomane, dont les parents trop sévères contrariaient les amours, voulait dans un accès de désespoir se précipiter dans un puits ; lorsqu'on la maria à un jeune homme, vigoureux et très-ardent—ce remède eût les plus heureux effets" (A. S. Belmer, *Nymphomanie*).

¹ Marc, ii. 193.

irresistible impulse to sensual indulgence, if it exists, will exempt its unfortunate victims from criminal responsibility. But then in the interests of justice, morality, and social order, law is entitled to demand very clear evidence of its existence. This plea, which is to be a valid excuse for a class of offences disgraceful to human nature, for assaults upon the honour of women, for foul outrages wreaked by brutal maturity upon helpless infancy, must be established by facts and not by the authoritative *ipse dixit* of any medical advocate, however eminent he may be.

Now aidioiomania, if it is to serve the purposes of Dr. Ray and his brethren, must answer to the following definition—a violent sexual propensity, involuntarily gratified and unaccompanied by any perceptible lesion of the intellectual powers. The disease consists in an irresistible propensity; the strength of the propensity is to be measured, not by the extent to which it is gratified, but by the extent to which it is honestly though unsuccessfully resisted. The ideal aidioiomaniac must be hurried on to the indulgence of his passions by an impulse which he loathes, wrestles against with tears and prayers, and yet cannot overcome. Now, in the literature of aidioiomania there is not one case which satisfies these essential conditions. The *observations* of Gall, Esquirol, and Marc may be grouped under three heads.¹

¹ A separate class might be made of those cases in which the morbid propensity was excited by intoxicants or drugs. See Duprest-Rony, *Satyriasis*, Illustrations (5), (6), and (7).

1. *Cases where an irresistible sexual impulse was associated with intellectual insanity.*—Of this class, the cases recorded by Marc and Buisson¹ where the patient “après un grand excès de libertinage perdit la raison,” and where nymphomania supervened upon “un état d’imbecilité absolue,” may be taken as examples. Possibly the elaborate history of *Sieur M—— D——*² should fall under the same category.

2. *Cases of violent impulses successfully resisted.*—Of such are the following instances:—

“Une dame âgée de quarante-neuf ans—éprouva dès l’âge le plus tendre—*un penchant extraordinaire* pour les plaisirs vénériens auquel *sa volonté fut toujours étrangère*: à huit ans l’accouplement des animaux l’irritait et l’entraînait irrésistiblement à des attouchemens illicites.” Having vividly described the strength of this impulse, Bayard, to whom belongs the honour of placing the *observation* on record, thus proceeds: “*Du reste dans la société cette dame s’imposait une telle réserve que rien ne transpirait de ces dispositions qui la désolaient amèrement.*” “*Cette dame chez laquelle le tempérament seul entraînait le désordre ne proférait, même durant ses accès, aucune parole déplacée: de sorte que sa conversation offrait un contraste complet avec l’état de ses sens.*” “Elle était, il

¹ *Ad. loc. cit.* obs. 103 and 106.

² *Ann. d’Hyg. Pub.* tom. iii. pp. 198 to 220. This man was arrested in 1800, in 1811, in 1816, and again in 1826, for sending indecent letters to ladies of high rank. On each occasion he was placed in an asylum. He stoutly denied the genuineness of the letters, “soit d’un oubli réel des accès de délire, soit d’un système de dénégation qu’il regarde comme utile à ses intérêts.”

est vrai, singulièrement retenue par la présence de deux jeunes demoiselles, qui n'ont jamais connu ni même soupçonné la maladie véritable de leur mère."¹

Now it is true that the passages which he has placed in italics show, as M. Bayard intended, that this lady was in full possession of her intellectual faculties. But they point also to a fact—to which the reporter does not seem to have been sufficiently alive—viz. that these propensities were *not irresistible*. In society and in the presence of her daughters this lady could absolutely control her *lips*. Had she ever striven to control her *thoughts*?

“Un jeune homme,² très bien élevé et rempli de talents, qui depuis son enfance s'était violemment entraîné aux idées érotiques les maîtrisait jusqu' à un certain point à l'aide de son penchant également décidé à la dévotion. Lorsque les relations sociales lui eurent permis de se livrer sans contrainte aux plaisirs de l'amour, il ne tarda pas de s'apercevoir avec une espèce d'effroi, que souvent il lui devenait très difficile de détourner son attention des images voluptueuses. Tout son être était absorbé par la sensualité. Pour ne pas succomber tout-à-fait il se trouvait forcé de s'occuper assidûment d'objets scientifiques, ou de se créer quelque nouvelle occupation favorite.” In justice to Gall it should be observed, that he reports this case, not as proving the existence of irresistible sensual impulses, but in order to introduce his peculiar views

¹ *Ann. d'Hyg. Pub.* tom. xix. p. 421. Bayard, *La Nymphomanie*.

² Gall, *Op.* vol. iii. p. 201 (edition by Lewis).

as to the functions of the cerebellum. Thus his comment upon it is "son cervelet est d'une grandeur peu ordinaire."

"Une dame très-spirituelle¹ était tourmentée également depuis son enfance par les désirs les plus désordonnés ; l'éducation très-soignée qu'elle avait reçue fut seule capable de la sauver des démarches les plus inconsidérées aux quelles la portait la violence de son tempérament——. La jouissance ne paraît que les irriter. Réduite au désespoir, ella abandonna sa maison, quitta la ville et se réfugia chez sa mère dans une campagne isolée où le défaut d'objets, la plus grande sévérité de mœurs et les soins du jardinage prévinrent l'éclat du mal." Threatened with a second attack on her return to town, "elle vint me trouver à Paris et se plaignit à moi comme une femme au désespoir. Partout, me dit-elle, je ne vois que les images les plus lubriques ; le démon de la luxure me poursuit sans relâche en tous lieux, à table, dans mon sommeil même ; je suis un objet de dégoût pour moi-même ; oui, je le sens, je ne puis plus échapper à la manie ou à la mort." Here again Gall's comment is noteworthy, "On voit par ces exemples que les personnes dont le cervelet a acquis un développement plus qu'ordinaire ont une disposition naturelle à la manie érotique" (p. 203).

The following case is cited by Duprest-Rony ;² the patient was a young man, twenty years of age. From his fifteenth to his eighteenth year he had been

¹ Gall, vol. iii. p. 202.

² Case 1, *ad loc. cit.*

addicted to onanism, "Et avait quelquefois porté le nombre des pollutions, jusqu' à quinze dans un jour." His constitution and memory were thereby affected. At the age of eighteen he abandoned this fatal habit, and when the incident under consideration took place had in great measure recovered his strength of body and mind. His friends had placed him in the counting-house of a friend, whose wife treated him with great kindness. Mistaking the character of this lady's attentions, he conceived a violent passion for her. "Placé entre la crainte de violer les devoirs de la reconnaissance, et le désir de posséder cette femme, qui n'était cependant ni jeune ni jolie, sa situation devint de jour en jour plus pénible et plus embarrassante ;"—then followed derangement "dans les facultés intellectuelles." He had been reading Racine's *Phèdre*, and imagining himself Hippolyte, he appealed to Thésée to save him from the tears and prayers of Phèdre or take the consequences. He was sent away and soon recovered.

The temptation of S. Antoine,¹ subjected "sans cesse aux prises avec les demons qui sous la forme de femmes enchanteresses viennent emouvoir ses sens," etc., and the illusions of the Curé de Cours, "Que le gouverneur de sa province lui offre toutes les beautés de la cour de Louis XV. pour le faire renoncer à la continence," are cases of the same kind.

3. *Cases of excessive indulgence without any resistance at all.*—*E.g.*² a shepherdess, twenty-two years of age,

¹ Marc, *ad loc.cit.* obs. 101.

² *Ibid.* obs. 105.

“dans la solitude qui l’environnait, victime de l’activité de son imagination, et de l’effervescence de ses sens . . . contracta des habitudes honteuses qui portèrent une atteinte funeste à sa santé. Cette fille se cachait dans des broussailles . . . pour satisfaire à son pernicieux penchant. Deux ans s’écoulerent et tous les jours on voyait progressivement ses facultés intellectuelles s’affaiblir ; elle devint comme stupide.”
 Soon the case terminated, as might have been anticipated, in mania.

Madame D——¹ enjoyed perfectly good health till the eighteenth year of her age. She then fell into a state of profound melancholy, succeeded by “une gaîté folle,” whilst “un penchant *irrésistible* (?) . . . l’entraînait vers les hommes.” She was twice married, but both husbands died within a short period of each other. The disease was cured by change of air, society, and occupation.

“A man had lived many years² in a happy and fruitful union, and had acquired by his industry a respectable fortune. After having retired from business and led an idle life, his *predominant propensity* (?) gradually obtained the mastery over him, and he yielded to his desires to such an extent that, though still in possession of his reason, he looked on every woman as a victim destined to gratify his sensual appetite. The moment he perceived a female from the window he announced to his wife and daughters *with*

¹ A. S. Belmer, *Nymphomania*, p. 27.

² This case and the next are cited by Ray.

an air of the utmost delight the bliss that awaited him. Shortly afterwards he became insane."

"A man had *creditably filled his place in society* till his fiftieth year. He was then smitten with an immoderate passion for venereal pleasures. He frequented places of debauchery where he gave himself up to the utmost excesses. He soon became a victim of furious mania."¹

In such cases as these, according to Dr. Ray, *aidoiomania* assumes its most virulent form: "The mind is finally overwhelmed by the force of this frightful propensity and sinks into complete and violent madness." The learned doctor seems for the moment to have forgotten what *aidoiomania* really is. It is *not* excessive venereal indulgence. We need no elaborate treatises, no minute *observations* to prove the existence and the dangers of "solitary sinning," or furious sensualism. Nor is it merely a violent and extraordinary propensity. There are such propensities in every human breast, but the duty of reason is to check their

¹ To the same class belong the following cases, cited by Duprest-Rony, *Satyriasis*, Paris 1804.

Case 4. The patient "ne parlait que du bonheur des mahométans de leurs serails, etc. etc."

Case 8. "Un marchand, devenu veuf, épousa sa servante, jeune et belle et passa dans ses bras la plus grande partie de la première nuit. Il s'endort, mais bientôt, troublé par des songes pénibles, il se réveille en délire et tient les propos les plus obscènes."—His friends called in Abheer, who gave him a soporific. "Remis par ce repos il se leva, reprit ses occupations accoutumées et *feignit* d'avoir perdu la mémoire des choses qu'il avait dites et qu'il imputait à un songe." To any one but an advocate interested in making out his case, the merchant's explanation would be entirely satisfactory.

See also *Case 9*, a sensational and prurient story of bad dreams.

violence; and one of the chief functions of law is to punish their extravagances.¹ Still less is *aidoiomania* a group of moral symptoms accompanying clear intellectual insanity. It is a propensity to sensual indulgence, which rises, whether slowly or suddenly matters not, but irresistibly to its insulting triumph over the reason, the conscience, and the will. The existence of this disease can be a legitimate inference only when these elements combine,—a violent impulse, a prolonged and intelligent resistance and an involuntary gratification. If these remarks are just, they are fatal to Dr. Ray's theory. No doubt the elements referred to are to be found *singly* in many of the cases, an analysis of which has been attempted. But *aidoiomania* consists in their *combination*. In what single instance do they combine? The "well-educated young man" who made "the fearful discovery that it was often difficult for him to withdraw his mind" from voluptuous images, is saved by his devotional feelings and his new pursuits. The "very intelligent lady" who was haunted by the demon of lust, resisted him successfully without invoking the aid of mania or death. Both cases, therefore, fall short of the definition just at the critical point. In both we have the sensual impulse; in neither is it irresistible. On what then

¹ "J'ai des passions très-ardentes, et tandis qu'elles m'agitent, rien n'égale mon impétuosité: je ne connais plus ni ménagement, ni respect, ni crainte, ni bienséance: je suis cynique, effronté, violent, intrépide: il n'y a ni honte qui m'arrête, ni danger qui m'effraye: hors le seul objet qui m'occupe, l'univers n'est plus rien pour moi."—Rousseau, *Confessions*.

does Dr. Ray's theory rest? There is the case of the man who indulged his passions so immoderately that soon he became a maniac indeed. But what evidence is there that this man ever resisted his unholy desires? He had "accumulated a considerable fortune." He had "creditably filled his place in society." What light do such details throw upon his private character? Then we have the story of the man who retired from business and occupied his leisure with the actual or imaginary gratification of his passions till he looked on every woman as an instrument to his lust. What of this man's early habits and character? If he is the victim of *aidoiomania*, he has become so after a long and painful struggle between his reason and his disease. Where is the history of that struggle? That he had lived "in a happy and fruitful union," that his industry had "acquired a respectable fortune," and that "his predominant propensity gradually obtained the mastery over him," are the only scraps of family information which Dr. Ray has vouchsafed to supply.

HOMICIDAL MONOMANIA.



CHAPTER III.

HOMICIDAL MONOMANIA.

“LE monomaniacque homicide ne présente aucune altération appréciable de l'intelligence ou des affections: il est entraîné par un instinct aveugle, par une idée, par quelque chose indéfinissable que le pousse à tuer; et même alors que sa conscience l'avertit de l'horreur de l'acte qu'il va commettre; la volonté lésée est vaincue par la violence de l'entraînement; l'homme est privée de la liberté morale; il est en proie à un délire partial; il est monomaniacque: il est fou.”¹

In the graphic definition to which M. Esquirol thus deliberately and spontaneously commits himself, the essential features of homicidal monomania are drawn with minuteness and precision. M. Esquirol's language will bear one, and one only, interpretation. It must mean, what Prichard and Ray understood it to mean, that there are cases of homicidal monomania in which these elements combine—a homicidal propensity, intelligently resisted and yet involuntarily gratified.

Now it is submitted that the complex body of cases on which M. Esquirol and his brethren rely can be resolved into the following simple classes, in not one of

¹ Note by Esquirol to Hoffbauer's *Médecine Légale*.

which is there a union of the essential elements of *monomanie homicide* :—

(1.) *Hypothetical illustrations of the definition of homicidal monomania.*—Of such are these: “Une mère de quatre enfans est poussée involontairement à les détruire, et n’échappe à ce malheur qu’en desertant sa maison. Une servante chaque fois qu’elle déshabille pour le coucher un enfant confié à ses soins est prise du désir irrésistible de l’éventrer,” etc. etc. These cases are not authenticated by any details. To speculate upon them is useless. To discuss them is impossible.

(2.) *Cases of temporary mental derangement, due to moral or physical causes.*—Sometimes the exciting cause is *anxiety of mind*. Thus, the wife of a butcher,¹ anxious about her husband’s embarrassed affairs, dreamed that she saw a cord with which she tried to hang herself. She awoke with confused ideas which gradually shaped themselves into a desire to strangle her children. She was restrained at her own request. Or again,² the wife of a labourer in Bavaria killed her child and ate part of its leg. She assigned as motives for this act her extreme misery, and the cries of the child for food while she had none to give it. *As a matter of fact, there was food in the house.*

Sometimes the mental disturbance is caused by *epilepsy* or *brain fever*. Thus,³ Frederick Jensen had

¹ Prichard, pp. 380–404.

² Marc, ii. chap. iv. pp. 24–134, obs. 88, Anthropophagie.

³ Ray mentions also the case of a peasant girl, twenty-seven years

suffered in 1826 from congestion of the brain, owing to a fall on his head. He was also troubled with giddiness. In 1828 he lost a favourite daughter, by whose death he was deeply afflicted. His health of mind and body is nevertheless described by Dr. Ray as *perfect*.¹ Upon one occasion he took his son out for a walk, and *being seized with a strange confusion of the head, and all unconscious what he was doing*, he endeavoured to throw the boy over the citadel wall.

Homicidal monomania in women is usually connected with *menstruation, parturition, or lactation*. How far such cases support the irresistible criminal impulse theory, a few illustrations will show.

(a) "I know a woman," says Gall, "who . . . experienced, especially at the time of the periodical evacuations, inexpressible torture and the fearful temptation to destroy herself and kill her husband and children, who were exceedingly dear to her. She shuddered with fear as she pictured the combat which took place within her between her duty, her principles of religion, and the impulse which urged her to this atrocious act. For a long time she dared not bathe the youngest of her children, because an internal voice constantly said to her, 'Let him slip; let him slip.' Frequently she had hardly the strength and the time necessary to throw away a knife which she was tempted to plunge

old, and subject since she was nine years old to frequent epileptic fits, in whom the homicidal propensity was very strong.

¹ Cf. *Procès de Lecouffe*, by Georget, p. 180: "L'épilepsie de naissance altère ordinairement les facultés intellectuelles d'une manière qui va toujours croissant et finit à la démence complète."

in her own bosom and that of her children. Did she enter the chamber of her children or husband and find them asleep, the desire of killing them at once assailed her. Sometimes she shut precipitately after her the door of their chamber and threw away the key to remove the possibility of returning to them during the night, if she happened not to be able to resist this infernal temptation."¹

(β) In the sixteenth volume of the *Annales d'Hygiène Publique et de Médecine Légale*,² is recorded the case of a mother who poisoned her newly-born infant with nitric acid: "Elle dit qu'elle avait formé dès le commencement de sa grossesse le projet de tuer l'enfant qui devait naître: qu'elle avait combattu cette idée, mais en vain: car ce horrible désir l'avait toujours dominée." This statement the medical reporter unhesitatingly accepts. He overlooks the fact that this woman *managed to get herself left alone with the child*, by saying to a friend who had been sitting beside her, "Il est midi; votre petit garçon revient de l'école: allez lui préparer son dîner;" and he contemptuously dismisses the testimony of the nurse, whose innocence had been established, and who had therefore no motive to speak falsely, "La garde-malade seule prétendit l'avoir entendu déraisonner." It would be interesting to know on what principle those items of evidence are disregarded.

(γ) A woman, Pannetier, destroyed her youngest child and then tried to commit suicide. The medical

¹ Gall, by Lewis, i. p. 338.

² P. 126.

men engaged in the case were asked by her advocate, "Si sa cliente n'était pas dans sa fièvre de lait au moment où elle a donné la mort à son enfant?" They could not agree, and so the prisoner was condemned.

(δ) Madame Z——, the mother of three children, the youngest of whom she has not yet weaned, has, and successfully resists, a strong homicidal propensity.

(ε) Marguerite M—— was confined. Five days after its birth her child was baptized, and the neighbours who came to congratulate her on this auspicious occasion, were talking of the case of Henrietta Cornier. Marguerite was struck by Cornier's horrible act. She thought long over it, and gradually familiarized herself with the idea of killing her own child. . . . Upon one occasion, when a knife lay within her reach, this familiar idea suddenly became a violent impulse. She cried for help, and called in the neighbours to sit beside her.¹

(3.) *Cases where the homicidal impulse is the manifestation of distinct intellectual disorder.*—Thus: (α) M—— C——, who murdered his wife and his sister-in-law at Charenton, "divague sur les causes de ces épouvantables homicides: tantôt il dit que la cave (the scene of the murder) était éclairée d'une manière éclatante et que ces deux dames étaient des diables qui venaient s'emparer de lui: tantôt il declare qu'il n'a pas su ce qu'il faisait."²

(β) Upon the case of Eugene Sclafer, who was tried for the murder of Marie Rousseau, Marc passes this

¹ *Ann. d'Hyg.* etc. tom. xvi.

² Marc, ii. chap. ix. obs. 83.

judgment, "L'influence directe de l'hallucination sur l'acte meurtrier ne saurait être mise en doute."¹

(γ) In the case of Pierre Rivière (1835), Orfila, Marc, and Leuret gave as their unanimous opinion, "Que depuis l'âge de quatre ans Pierre Rivière n'a pas cessé de donner des signes d'aliénation mentale; que son aliénation mentale a persisté quoique moins intense après les homicides qu'il a commis; que ces homicides sont uniquement dus au délire."²

(δ) On 19th June 1833,³ Jeanne Desroches murdered her niece, her mother, a widow named Georges, and a man called Dorneron, successively. The medical report is as follows: "La mélancolie habituelle de Jeanne Desroches a pu réagir sur le cerveau, amener un trouble dans les fonctions intellectuelles et lui faire croire qu'elle était damnée," etc. Illustrations of this class of cases might be multiplied indefinitely. Papavoine⁴ had been morose and solitary from his youth upwards, and "was proved on the trial to be insane;" Rabello, the Portuguese, who killed a little boy for treading on his toes, had been "previously deranged;" while Madame L——, who tore little birds in pieces and drank their blood, "thought it necessary that the human race should suffer at her hands;" besides, "elle a des hallucinations de la vue et de l'ouïe: elle entend des voix qui applaudissent à ces fureurs et qui l'excitent au crime."

¹ Marc, ii. chap. ix. obs. 84.

² Marc, *ad loc. cit.* obs. 89.

³ *Ann. d'Hyg.* ix. p. 444 et seq.

⁴ In this paragraph I accept, without making any admissions, the statements of Dr. Ray.

(4.) *Cases where the homicidal impulse is criminal and not insane.*

Here three sub-classes of cases may be distinguished :

(a) *Where the homicidal impulse is not gratified.*

In the following cases, the peculiarities of the logical method of M. Leuret and M. Esquirol are finely illustrated. The first, which appears in the *Annales d'Hygiène Publique*,¹ edited by M. Leuret, is styled "monomanie homicide avec penchant au suicide." The victim of this complicated disease is presented to us by the initial letters of his name, L. D. He had been a libertine in his youth, had married in the twenty-fourth, and at the date of his morbid seizure was in the forty-ninth, year of his age. "Avant son mariage cet homme passait pour aimer beaucoup les femmes, et cependant marié à 24 ans il est trois ans sans donner à sa compagne aucune preuve de tendresse conjugale." To the ordinary mind, this affecting family incident merely envelopes the tale in a prurient twilight. But the reporter proceeds : "Alors ce malheureux (!) parle souvent de mort, *dit qu'il se pendra*" (here is the penchant au suicide !), "mais *qu'il fera un bon coup auparavant*" (here is the irresistible homicidal propensity !). "Lors qu'il est couché avec sa femme, il fait très souvent des tentatives pour l'étouffer : il lui serre le cou avec ses mains. Si elle parvient à se débarrasser de la main qu'il étouffait, bientôt il la serre de l'autre. *Ne pouvant pas accomplir son dessein* (?) il lui arrache les chaises. . . . Dans d'autres cas il passe la nuit à

¹ Tom. xvi. p. 122.

chanter pour empêcher sa femme de dormir." . . . It requires the insight of medical advocacy to detect in this case any other features than idle talk and petty domestic tyranny.

The *second* case, which is minutely reported by Marc¹ and adopted by Esquirol, is that of a child eight years of age, "who threatened the life of her mother, and, when questioned as to this matter, persisted in her intention with a coolness which made her hearers shudder." The facts are these. This child, whose name M. Esquirol, with becoming delicacy, suppresses, but whom we may, after M. Marc, fitly style *La Petite*, had lived with her paternal grandmother from the fourth to the seventh year of her age. This lady had disapproved of the marriage of which *La Petite* was the issue, and had frequently, in the child's presence, spoken disparagingly of her son's wife, and said that it would be well if she were dead. When *La Petite* was seven years old, she was taken back to the mother, whom she had hardly known, and had never been taught to love. She was far from being a pleasant inmate of the house. Useless and disobliging, she would neither read, nor work, nor play, but sat constantly and sullenly in a chair. Soon her mother made the discovery—which it may be as well to preserve in the original—that "depuis l'âge de quatre ans elle s'amusaient continuellement à onanisme avec des petits garçons de dix à douze ans." Startled by this horrible revelation, and bewildered by the failure

¹ I. 97.

of her fatuous efforts to curb the disordered appetites of her child, *La Petite's* mother became ill. It was during this illness that the indiscreet language of the old grandmother bore its natural fruit in "the irresistible homicidal impulse" of the grandchild.

"*Madame* —— said to her—'Would you be pleased to see your mother die?'

"*La Petite*—'That would not annoy me.'

"*Madame*—'Why would you be pleased to see your mother die?'

"*La Petite*—'That I might get her clothes.'

"*Madame*—'They would be too large for you.'

"*La Petite*—'I would have them made to suit me.'"

At this point *Madame* —— disappears, and this judicious interrogatory is continued by *La Petite's* mother.

"*M.*—'Why then do you desire my death so much? I am not astonished now that you made so much noise when I was ill.'

"*La Petite*—'Yes, mother, I did it expressly that you might die.'

"*M.*—'But how would you kill me?'

"*La Petite*—'I would pull you to the ground by your gown, and then plunge a poniard into your heart.'

"*M.*—'What, a poniard! Do you know what a poniard is?'

"*La Petite*—'You know well, mother, that a gentleman left a book with us, in which a woman stabbed her husband with a poniard in a cave.'

“*M.*—I cannot tell you how pained I felt that a child of seven and a half years of age should reflect so coolly on the means of killing her mother. But I continued the conversation, ‘Why did you not kill me when I was unwell?’

“*La Petite*—‘Because you had a nurse.’

“*M.*—‘But why did you not do it after the nurse left?’

“*La Petite* — ‘Because you sleep so lightly, and I was afraid you would see me take up the knife.’

“I have often,” adds *La Petite*’s mother—as if the act were meritorious—“had conversations of the same kind with my daughter, but her tone has always been the same.”

The unhappy child was taken to a medical man and minutely cross-examined by him, with the same result. Then, as if this was not sufficient, she was brought before the Commissary of Police and subjected to another severe ordeal. Finally, she was sent to a convent, where she became more subdued, but never affectionate. She is dismissed from the pages of Marc with a significant comment: “Son education moral n’a pas été dans cette maison ce qu’elle aurait du être.”

La Petite was indeed an unfortunate child, not, as Marc seems to imagine, in being the victim of disease,—for it cannot surely be contended that there was here any homicidal impulse,—but in being the daughter of such a mother, in being the patient of such a medical man, and in having such misguided friends. It was perfectly

natural that she should repeat the inconsiderate words of her grandmother; it was perfectly natural that if return home meant separation from the companions of her depravity, she should take no interest in home duties or pleasures. It was also natural that a child, whose mind and body had been so early polluted, should even feel an active dislike to the mother who had found out and was endeavouring to check her fatal habits. There is no cause for wonder, no phenomenon for explanation here. What is surprising is the utter folly with which her case was treated by every one who came in contact with it. How indelicately she was led on to speak of her shameful conduct! With what care all her remarks were emphasized, preserved, and repeated! How she was encouraged to talk about killing her mother, anxiously watched, called upon to explain every passing mood, examined, cross-examined, re-examined, warned, prayed with, caressed, whipped! She is the central figure in the household circle. Under these fostering influences her sullenness and self-indulgence become habitual, and the idle talk, which ought to have been ignored, blossoms into a settled tone of conversation. M. Marc and M. Esquirol were ill-advised when they pressed such a case as this into the service of *monomanie sans délire*.

(β) *Cases of manslaughter.*

Thus: Francois-Antoine-Ferrand,¹ aged eighteen, was tried for the murder of his fiancée Mariette. Ferrand's mother was opposed to the marriage, while Mariette's

¹ Marc, i. 104.

parents insisted that she should marry Sieur Roux. Whereupon Ferrand shot Mariette.

Again, Joseph Prohaska¹ was a soldier in a German garrison at Breslau. Lieutenant de V. — attempted to seduce his wife, but without success; he therefore treated Prohaska with unjustifiable severity. When Prohaska complained of this to his wife, she told him of the lieutenant's advances. On the following day he took her out for a walk, deliberately stabbed her, and soon afterwards killed his two children. He was in general kind and attentive, and had no doubt of his wife's innocence. "Now," said he, when the deed was done, "let Lieutenant de V. — make love to her; she and my children are beyond seduction and dishonour; they will thank me for the happiness they enjoy, and will pray for me in heaven." Gall does not contend that there was here any irresistible propensity; his complaint is that the Court did not take account of the *extenuating circumstances*, i.e. the strong provocation under which the act was committed.

*L'Affaire Séverac*² is a similar case. The facts are simple. On 6th December 1836, Séverac Gaspard, ensign officer in the 65th regiment of infantry, murdered a brother officer and grievously wounded four others. He had risen from the ranks, was a favourite with the army, and had displayed such punctuality, courage, and ability, that it was said when he received the ensign, "The national flag could not be

¹ Gall, i. p. 301.

² *Ann. d'Hyg.* tom. xix. p. 374.

placed in better hands." From the date of Séverac's elevation, however, a gradual change took place in his character. This change was attributed to a consciousness of the superior education and acquirements of his brother officers, perhaps to the stigma of illegitimacy on his birth, and also to the receipt of an anonymous letter—that his wife had been seduced by an officer of rank. Séverac at once suspected the major of his regiment, if not of the seduction, at least of an intention to annoy and make him ridiculous. When, by a coincidence, the major said to him, "*Songez un peu moins à votre femme et un peu plus à votre service,*" the suspicions of Séverac, who was ready to interpret every event in the light of his ruling passion, were confirmed. He thus describes the *occasion* of the crime, "*à la fin du déjeuner, comme il allait sortir, M. Derivaux (his victim) lui montra une caricature représentant une femme dans une posture indecente,*" etc. This was naturally "*énergiquement nié par tous les témoins.*"

In such cases there is doubtless a homicidal impulse. But it is not motiveless. Neither is it irresistible; it is never resisted; it is studiously encouraged and then deliberately gratified. The act of indulgence is therefore criminal. But the degree of criminality is diminished in proportion as the provocation for the crime is increased.

(γ) *Cases of murder.*

E.g. On the 30th of October 1814,¹ W——, a

¹ *Ann. d'Hyg.* tom. xvi.

youth whose age is not mentioned, and of whose previous history and character no account is given except that he was "d'un caractère inquiet, taciturne," strangled his two brothers, and was condemned to death therefor. "Hardly had the condemnation been pronounced, when many persons who knew this young man saw in him only an unfortunate monomaniac. A person in favour at the Court appealed to Louis XVIII. to commute the capital sentence. 'What,' cried the king, 'show mercy to a monster who has killed his two brothers! It is impossible!' And the unfortunate (!) was beheaded on 14th February 1815."

Again,¹ L—— L—— had been dismissed from the French army on account of "une maladie honteuse." He made the acquaintance of Thérèse Petit Jean, "une fille publique." Jealous of her intimacy with one Dummont, the scoundrel shot her in her bed-chamber at night, under circumstances of atrocity which it is impossible to relate, and then inflicted a wound upon himself. Upon his trial L—— L—— assigned jealousy as an excuse, and the jury acquitted him. The reason of this verdict it is difficult to see. If every disordered passion, and every extravagance of disordered passion, are to be taken as evidence of insanity, there is an end to the administration of the criminal law.

I conclude with a case of "abstract fury" from Pinel.² The patient was the only son of a weak and

¹ Marc, i. obs. 11.

² Pinel, p. 156.

indulgent mother, who lavishly supplied him with money, and gratified his every passion and caprice. *Opposition or resistance* roused him to fury. When unmoved by passion he had a perfectly sound judgment, and was competent to manage his own affairs. *Enraged with a woman who had used offensive language to him*, he precipitated her into a well. "In this instance," says Dr. Ray,¹ "there was something more than the unrestrained indulgence of strong passions, though no doubt the passions of this person were naturally remarkably strong and active. The understanding, though sound, was incapable of restraining their impulses, *for the reason* that they were excited by disease, and therefore beyond its control. The constant excitement of passions, already too much developed by means of a vicious education, led to that condition of mind in which the healthy balance of the affective and intellectual faculties is destroyed."

Herein is wisdom. The existence of moral mania being the *factum probandum*, Dr. Ray's argument is that in this instance there was something more than ungoverned passion, because there was moral mania. Besides, what support can the case give to the theory of *monomanie sans délire*? This lad was intellectually sound—*plein de raison lorsqu'il est calme*. He was also furious. But then his fury was not "abstract," which, I suppose, means motiveless, *veut-on lui résister son humeur s'exaspère*. — Again, we are not told whether, and if so with what effect, this boy had

¹ P. 160.

received *correction* before his seclusion in the Bicêtre. The question at issue is whether M. Pinel's patient acted from an irresistible impulse, *i.e.*, an impulse which he *could not* resist, but to which he would have yielded in spite of every sanction. Now a man's conduct may be influenced by three sanctions—the religious, the moral, and the legal. It is clear that the first and the second of these were inoperative here. Did this boy's violent conduct ever bring him into contact with the third? Even had it been shown that severe and repeated punishment merely increased his fury, he might still have been but an abandoned criminal. But to put down to moral mania—the very disease whose existence is in question—the furious impulses of this misguided boy—in the absence of any evidence that the one sanction which was likely to check them was ever applied—is illogical and absurd.

Such is the literature of *monomanie sans délire*. Contrast this miserable crew of epileptics, lunatics, spoiled children, nursing mothers, and vulgar criminals with the graphic medico-legal definition of the morally insane: “Des observations récentes sur la manie ont appris qu'elle peut exister avec l'intelligence la plus saine et la plus parfaite, parceque c'est contre sa volonté que le maniaque est entraîné à certains actes.”¹

Moral insanity, according to Dr. Prichard, tends to spread by imitation. Doubtless it does, and this tend-

¹ Hoffbauer (par Chambeyron), p. 378.

ency will operate rapidly and fatally if the criminal law, upon the slender medical evidence before it, should accept that plea for which M. Esquirol contends—"Ce n'est pas moi : c'est mon mauvais esprit qui a commis ces meurtres."



THE CAUSES CÉLÈBRES OF
HOMICIDAL MONOMANIA.

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CHAPTER IV.

THE CAUSES CÉLÈBRES OF HOMICIDAL MONOMANIA.

IN this chapter it is proposed to analyse the trials of Léger, Feldtmann, and Papavoine. Besides the horrid fascination which they possess in common with the other *causes célèbres* of homicidal monomania, and the vivid light which they cast upon the distinctive excellences and defects of French criminal procedure, these three cases derive an additional interest from the fact that the chief advocates of moral insanity regard them as typical instances of judicial blindness. In each was an act of hideous atrocity proved to demonstration : in each was there a concatenation of circumstances consistent with guilt—deliberation, choice of means, selection of opportunity ; and in each was the plea of mental alienation advanced, discussed, and—in the opinion at least of Ray, Marc, and Esquirol—improperly repelled. It behoves the legal profession, in that spirit of eager yet modest inquiry which Dr. Ray inculcates and demands, to consider these cases well, and to watch narrowly the great masters as, under a storm of ignorant ridicule and abuse such as “his saintly persecutors” poured on the head of Galileo,

they trace the subtle boundary-line between moral insanity and crime. Dr. Ray approaches the subject with characteristic light-heartedness and confidence: "A stronger contrast," says he, "than is presented in every respect between the homicidal act of the real criminal and that of the monomaniac can hardly be conceived."¹ M. Esquirol prescribes certain tests for determining the presence or absence of monomania. M. Georget studiously points out that their value is relative merely, and adopts others to which even that compliment cannot fairly be paid; while M. Breschet tells us that the line of demarcation between depravity and madness is very difficult to draw, a position from which alone the medical expert's exclusive claim to draw it can be defended.

TRIAL OF LÉGER.²

On 23rd November 1824, Antoine Léger was tried before the Assize Court of Versailles for the violation and murder of Aimée-Constance Débully, a little girl about twelve years of age, at Montmiraut. No more horrible tale is to be found in the black annals of madness or crime. On the 10th of August preceding the trial, Aimée left her home, about four o'clock in the afternoon, to prune the vines in her father's vineyard. Night came, but she never returned. Her

¹ P. 212.

² *Journal des Débats* du 24 Novembre 1824; and "Examen médical des procès criminels des nommés Léger," etc., par M. Georget, in the *Archives Générales de Médecine*, tom. viii. p. 149.

parents were alarmed, and after a fruitless search, which revealed nothing but her hat and pruning-knife, gave information to the police. For several days no further traces were found, but on 16th August a blue and white handkerchief was discovered among the vines. The valley in which the vineyard lay sloped up to the forest of Bondiveau, within and in front of which were scattered a number of huge boulders, called *Les Roches de Charbonière*. Among these boulders a small grotto attracted the attention of the police. Tearing aside a framework of ferns and twigs which covered the entrance, the gendarmes forced their way into this grotto. Within were the remains of a frugal meal of artichokes, wheat, and peas, a bed of moss and hay, and at the farthest corner, carefully wrapped up in white cloth, the mutilated body of a child, which Débully identified as that of his daughter. The detection of the criminal speedily followed the discovery of the victim. A man of wild and haggard appearance had been seen on 12th August sitting among the rocks. On 13th August this man was arrested, and gave as his name Antoine Léger. A chain of circumstantial evidence quickly closed around him. A woman, whom his uncouth dress and wild language had terrified, and a shopkeeper from whom he had bought bread and cheese, identified him. The striped handkerchief found among the vines exactly corresponded with another in his possession; while his pocket-knife fitted the ghastly wounds in the body of the child. Interrogatories were administered, and soon

Léger was *entrapped*¹ into an admission of the murder and mutilation, though he stoutly and to the last denied the violation, of the girl Débully. Léger's account was that, having seen the child playing among the vines, he was seized with a sudden and irresistible impulse to kill her. Swiftly and stealthily he descended the slopes of Montmiraut, and sprang like a tiger upon his prey. The poor child had no time to cry, and no power to resist. There was no one to hear or succour. Twisting a handkerchief round her neck, and lifting her on his back, the savage fled to his den, and there, dropping his almost lifeless burden, completed (according to the medical evidence) the horrid work of violation and murder. He then mutilated his victim's body, and feasted upon her legs and arms.

After a long trial, Léger was convicted, condemned, and executed.

The *Examen médical des procès criminels* contains an elaborate disquisition upon Léger's state of mind; for to M. Georget this measure of praise is due, that, fearless of consequences and comments, he not only records his conclusions, but studiously and exhaustively sets forth the premises upon which they rest.

¹ I use this word advisedly. M. Georget says, p. 151: "Plusieurs interrogatoires sont sans résultat. Mais au moment où il fut confronté avec la cadavre," etc. etc. Not so the *Journal des Débats*: "Enfin à un dernier interrogatoire, un homme de l'art qui assistoit—tâtoit le poulx à Léger pendant que M. le juge d'instruction le pressoit de questions. Plus l'interrogatoire, qui déjà avoit été très-étendu, se prolongeoit, plus le battement du poulx s'affoiblissoit progressivement. Enfin abattu, et d'une voix moins assurée que dans les premiers momens, Léger, à cette question du juge—'Etes-vous l'auteur du crime?' laisse échapper le premier aveu de sa culpabilité: Eh bien! oui, dit il, c'est moi!"

M. Georget commences by making it abundantly clear that if Léger was not a criminal, at least he was no moral maniac. He discovered in him¹ "the existence of a deep-seated mental disorder." In his opinion the prisoner was "an unfortunate imbecile, a madman who ought to have been confined in the Bicêtre among the insane."²

Having briefly sketched the history of the case, M. Georget proceeds to sum up and balance the facts which point respectively to insanity and crime. From "the very just and sound maxim," that "the more a crime is unheard of, the less need is there to search for its cause among the ordinary motives of human action,"³ M. Georget draws his first presumption in favour of Léger's insanity: "He wished to drink blood, to eat human flesh!" Now this "very just and sound maxim" may either mean that a great crime was *probably* prompted by extraordinary motives, which is a truism, or may suggest that it was not committed, because no apparently adequate motive can be assigned, which is a fallacy. When it is said that no "adequate motive" for a crime has been established, the question arises—adequate in whose eyes? in the eyes of the judge, or in the eyes of the criminal? It seems to be forgotten that motives which influence persons in the normal condition of human nature slightly or not at all, may act with overwhelming force upon

¹ P. 158.

² P. 163.

³ "Plus un crime est inoui, a dit un juriste (je ne sais lequel; peut-être même la citation n'est-elle pas exacte: mais la pensée est fort juste) moins il faut en chercher la cause dans les mobiles ordinaires des actions humaines."

persons whose moral or intellectual faculties are diseased. Besides, *anthropophagie* was not Léger's only motive. His first act is violation. He may have murdered the child to hide that he had violated her. He may have eaten her legs and arms to quiet the savage hunger which his meagre diet had aroused. Léger was a sensualist as well as a cannibal; but sensualism is "one of the ordinary motives of human action," and so M. Georget, in compliance with the saw of the unknown jurist, dismisses it from his calculation.

A second presumption in favour of Léger's insanity is drawn from his conduct before and after his crime and during the trial.¹ He flies from home with only fifty francs in his pocket; when arrested he falsely avers that he has just escaped from the galleys at Brest.² "Suppose him to be endowed with reason, what intention could he have in making such a statement?" He hears the death sentence without a shudder. But all this is consistent with crime. The declarations of prisoners are notoriously false, and the more depraved a criminal is, the more utterly callous to punishment is he. Then M. Georget relies on the answers of Léger to his interrogators: "I had not my head with me; I was pushed by an evil spirit—I was no more master of myself—I had a thirst for blood." But M. Georget has no right to delegate his high prerogative of determining the presence or absence of insanity to an ignorant and interested witness. That is a point which the medical expert alone is competent

¹ P. 158.

² P. 160.

to settle. Besides, Léger's evidence is not consistently accepted. He attributes his flight from home to the stone; he also asserts that he was sometimes insane. At the date of the trial no traces either of stone or of insanity are found. Upon both points the medical evidence is negative. And yet Léger is allowed to prove that he was the victim of insanity, but not that he suffered from stone.

M. Georget's next point is stated thus :¹—

“Léger's counsel was appointed by the Court, which *proves* either that no advocate could be found at Versailles to undertake his defence, or that he himself did not care to have a defender. Upon the latter supposition, such conduct was another sign of imbecility.” But M. Pérignon, who defended Feldtmann, was also *nommé d'office*, and yet M. Georget draws no inference of Feldtmann's insanity from the fact. Feldtmann defended himself with spirit and ability. But so did Léger. And even had Léger not displayed such an acute regard to his own interests, the fact which M. Georget considers “a sign of imbecility” might still have been explained by poverty or self-conceit. In the case as M. Georget reports it, there is nothing to exclude either, there is much to countenance both of these explanations. Upon what principle of reason or common sense are they ignored in favour of the remote presumption of insanity?

M. Georget's final presumption is intended to be conclusive :² “Si nous conservions des doutes sur l'ex-

¹ P. 162.

² P. 163.

istence de l'infirmité mentale de Léger, l'examen de sa tête achèverait notre conviction — une adhérence morbide entre les méninges et cet organe (le cerveau)." Such an examination may be eminently satisfactory to the medical expert, but comes a little too late to benefit the prisoner or to be of any value to his judge. What the unbelieving generation of lawyers call for is some reasonably certain sign of moral insanity; but the Galileos of medical science return only the harsh and uncompromising answer that, besides their own philosophic maunderings, there shall no conclusive sign be given, save the tardy sign of *post-mortem* appearances.

To sum up in a tabular form the results of this discussion.

POINTS IN FAVOUR OF INSANITY.

1. *Inadequacy of motive.* Explained, however, that there *can* be no adequate motive for the commission of a crime, that motives which have no influence upon one man may act with overpowering force upon another, and that Léger's motive was not *anthropophagie* alone.

2. *The conduct of Léger before 10th August.* His character in boyhood. His flight from home with only a small sum of money; his living upon herbs.

Referred to Léger's explanation, and submitted that it must be accepted as a whole.

3. *The conduct of Léger after 10th August. His confession.* Submitted that he was inadvertently entrapped into a confession, and that

POINTS IN FAVOUR OF CRIME.

1. Léger acts from an appreciable motive. There is nothing to show that he did not murder and mutilate the child to hide that he had violated her. His *soif de sang*, etc., may have been due to actual hunger.

2. Léger endeavours to destroy the traces of his act.

3. Léger denies, and persists in denying, the violation, and only admits the murder and mutilation when further denial is useless.

he systematically denied that part of the charge which indicated criminality most strongly. *His false statement*—that he had just escaped from the galleys. The *nonchalance* with which he heard the sentence of death. Submitted that these circumstances are equally consistent with guilt.

4. *The testimony of Léger himself.* Submitted that from the position assumed by the alienist physicians it is incompetent for a prisoner to pronounce upon his own mental state.

5. *The fact that Léger employed no advocate to defend him.* Submitted that this fact may be explained by poverty or self-conceit, neither of which is excluded by M. Georget.

6. *The post-mortem examination.*

Now, upon M. Georget's elaborate analysis of the trial of Léger, I desire to make two observations only.

1. That the logical process—whose steps he has so carefully expounded—may be applied by a metaphysician, by a lawyer, by any intelligent student of mental science, as well as by a medical expert. M. Georget's conclusion rests upon no ratiocination for conducting which a special training is necessary. He makes no appeal to scientific experience. He admits that in the case of Léger, each of M. Esquirol's tests would prove fallacious. But he does appeal to the common sense of ordinary men, and contends that the prisoner's history and conduct suggest and warrant the inference of his insanity.

2. That if the *post-mortem* examination, which I

children, 'By the theft which you have committed, and your accomplice in which I am thought to have been, you will bring us all to *the stocks*.' I confounded *scaffold* with *stocks*, but it was the latter word that I wished to use."

(2.) *The President (to Madeline Léger)*—"What is the moral state of the accused? Is he quite sane?"

Madeline Léger—"No, sir, he is often out of his senses."

The President—"You did not say that before the *juge d'instruction*. You said that he had no aberration except on the subject of his daughter, that otherwise he was quite reasonable."

The same question was then put to a woman Vanson, who had been in the service of Feldtmann. She replied, "I have never myself seen any trace of insanity in the accused. Madeline Léger spoke to me about it, *but only since the crime*." A man Rougemont and his wife were next examined, and they too deposed that, since the fatal 24th of March, Madeline had told them of the prisoner's periodic fits of insanity.

I propose to analyse M. Georget's reasoning with some degree of care. That an incestuous passion secretly cherished, and never honestly resisted, may come to be a real disease, I freely admit; that such a disease should entail irresponsibility as a consequence, I deny. "This would be," as the Advocate-General¹ in the trial of

¹ The reply of the late Mr. Overend, Q.C., and the charge of Lord Justice, then Mr. Baron, Bramwell, in the trial of William Dove for poisoning his wife with strychnine (*Leeds Mercury*, July 16-19, 1856), contain similar observations.

Feldtmann very properly said, "to confound the extravagances of vicious passions with the delirium of mental alienation; to proclaim the impunity of the greatest offences, to rest their justification upon their very immorality, and to overthrow social order altogether."

Moreover, the case of Joseph Gras, to which M. Georget refers, seems to me to be as unhappy as the principle it is designed to illustrate is unsound. Apply the criteria of moral insanity, prescribed by M. Esquirol, to the cases of Feldtmann and Gras. Each acts from an appreciable motive. Neither has an accomplice. From these *indicia*, therefore, no presumption can here be drawn. But it is Gras who is swayed by a sudden and irresistible impulse. Feldtmann indulges a passion which he had nursed for years. It is Gras who confesses, who repents, who courts punishment. Feldtmann confesses because denial is useless, glories in his cruel deed, and defends himself with courage and adroitness. No lawyer could have taken more subtle objections to the relevancy of the facts, or the credibility of the witnesses against him.¹ It thus appears—if an evil passion is not, as I contend it is not, necessarily insane because of its duration and intensity, and if we adopt the tests on which M. Esquirol relies—that Gras is the lunatic and Feldtmann the criminal.

¹ *E.g.* He objects to Bernard Straffacher, a suitor for the hand of Etiennette, whom he had discouraged,—on the ground of natural prejudice; to Vanson, that she was a discharged employee of his own, etc. etc.

Having completed this lucid and convincing contrast, M. Georget dexterously shifts his ground, and leads evidence to show, not the fatal grasp which Feldtmann's criminal propensity had laid upon his moral nature, but that he was intellectually insane. Upon the incongruity of such a line of proof with the *Feldtmann n'était pas fou*, which is one of M. Georget's central propositions, I shall say nothing. But I take grave exception alike to the competency and to the credibility of the testimony upon which he relies. In the first place, for M. Georget to permit uneducated witnesses to affirm positively *not only facts from which Feldtmann's insanity might be inferred, but the fact that Feldtmann was insane*, is utterly inconsistent with the claim of the alienist physicians to exercise an exclusive jurisdiction in such cases. Here the privilege so indignantly denied to Kant is conceded without a murmur to Madeline Léger. True, the opinion of Feldtmann's paramour was asked by M. le Président; but M. le Président was only a lawyer, whom it is the alienist's function in cases of moral insanity to instruct and not humbly to follow. Besides, in the testimony of Madeline Léger there were contradictions to which even M. le Président called attention. Before the *juge d'instruction*, she said that his incestuous passion was Feldtmann's sole aberration. By the time of the trial, she had made, and had imparted to Rougemont and Vanson, the discovery that he was intellectually unsound. She further deposed to having consulted M. Deville about Feldtmann's mental state before the

crime was committed. M. Deville, summoned by the Bench, denied that any such conversation had taken place.

Such a mixture of contradiction and falsehood might well, one would have thought, have shaken the faith even of an alienist physician.

TRIAL OF PAPAVOINE.

Louis Auguste Papavoine¹ was tried at Paris Assizes in February 1825 for the murder of two children, by name Hérein. Papavoine had entered the French navy in 1804, and had filled with credit several positions of difficulty and responsibility. In December 1823, his father, who was a cloth manufacturer, died, and Papavoine, obtaining his discharge from the naval service, went home to assist his mother in carrying on the family business. Under their joint mismanagement the business was soon reduced to a state of hopeless confusion. Papavoine then vainly sought readmission to the navy. Deeply hurt by the failure of all his efforts, and by the unpleasantness with his former superiors to which his importunity gave rise, Papavoine, who was constitutionally sombre and unsociable, became so seriously altered in character and demeanour that his mother was afraid to take her meals along with him. In September 1824 he fell ill, and his medical man, finding symptoms of fever, advised a

¹ "Examen médical," p. 187, *Journal des Débats*, 24th to 27th February 1825.

change of air. On 2nd October, accordingly, Papavoine went to Beauvais. On the same day his mother wrote to the friends, whose guest he was to be, in the following terms: "You have seen Auguste—mark his eyes and his conversation; above all, see that he neither knows nor suspects I have written to you. I promise you to come on Wednesday. I will tell you things which I cannot write." The only eccentricities which these friends noticed in the conduct of Papavoine were a delusion that his uncle and his brother had been buried while still alive, and a certain incoherence and wildness in his tone. Thus he would mutter to himself, "Not a moment's happiness! At times I think that I am mad."

On 6th October, Papavoine returned to Paris, saying that he was anxious about some proposals of the Government which were very disadvantageous to his house. On the 8th and 9th he took long solitary walks. On 10th October he wandered into the woods of Vincennes. In these woods a young girl, Malservet, was waiting for her lover, and Demoiselle Hérein was walking with her two children, the one five and the other six years of age. All four were total strangers to Papavoine. Malservet stopped for a moment to speak to Hérein, and to caress the children. Then she passed on. Papavoine came up to her and said, "Do you know the children whom you were caressing?" "One may caress children whom one does not know," the girl replied. Papavoine withdrew, and hurried back to town to the shop of a woman Jean, where he bought

a large knife. Then he returned to the woods. Malservet was no longer there. Presenting himself to Hérein, he said in a troubled voice, "Your walk has been soon ended." Then he bent down over one of the children as if to embrace it, and stabbed it to the heart. Hearing a cry, but not knowing the cause, Hérein struck the rude stranger on the head with her parasol, and turned to the child. Meanwhile Papavoine stabbed the other child and fled through the woods. Hérein gave the alarm, and described the assassin. The gates of the forest were closed; every path was guarded by gendarmes, and Papavoine was arrested. When interrogated by the *juge d'instruction*, he denied the charges against him, explained away circumstances of suspicion, and defended himself not only with intelligence, but with "conspicuous ability."

In this line of defence Papavoine persisted from 10th October to 15th November. Then he changed his ground. "He had intended to kill the children of the Duchess of Berry, and to plunge France in despair and grief." His conduct in prison is strongly suggestive of feigned insanity. "He demanded a knife from a prisoner, roused himself at night to search for one, attempted to set fire to his bed, and on 17th November attacked and wounded a fellow-prisoner, Labiet," or Labiey. By February he had changed his ground again. "He had bought the knife to liberate the prisoners in the Castle of Vincennes." "He did not wish to kill the Duchess of Berry's children, but

was weary of life ; so weary that he would have accused himself of the murder of the Eternal Father in order to ensure his conviction."

After a trial of several days' duration, Papavoine's wish was granted, and duly carried into effect.

The chief points in M. Georget's elaborate discussion of this *cause célèbre* may be most clearly presented in a tabular form,—

PAPAVOINE'S INSANITY.

For.

(1) His father was subject to *mental* aberrations.

(2) Papavoine himself was melancholy and incommunicative. He had a sickness at Brest, which one of the marines attributed to fever, but which the officer of health regarded as a moral rather than a physical malady.

(3) His crime was motiveless.

(4) He had no accomplices.

(5) He acted without deliberation.

Against.

(1) Papavoine's father was nevertheless at the head of a large business, and enjoyed till his death an exclusive privilege of providing the army and navy with uniforms.

(2) Papavoine filled positions of trust and difficulty in the naval service with credit.

(3) "It is unnecessary to search for the motive which made Papavoine commit the crime, since the fact that he *did* commit it is clear."—Speech of the Advocate-General. The essence of crime, says Georget, is *intention*, but in Papavoine's case no *motive* was discovered. In this criticism M. Georget confuses *motive* and *intention*. See Bentham, *Principles of Morals and Legislation*.

(4) Many criminals have no accomplices.

(5) This is not warranted by the facts. Besides, deliberation may be instantaneous.

(6) Papavoine defended himself with intelligence. He was far from

being careless as to the issue of his trial. In prison his object seemed to be to "make" evidence of his insanity, and some of his replies to the long, painful, and undignified interrogatories of the Bench are characterized by the cunning of that "incendiary monomaniac" who predicted the acquittal of Jonathan Martin with the significant comment, "He is one of us."

E.g. in the presence of the bodies of his victims *Papavoine* said, "I was mad with grief, but I tried to control myself."

M. le Président—"If you were mad then, you are sane now."

Papavoine—"I refer you to the medical men. Madness is not uniform in its action. I do not pretend that I am mad at all times."

Unawed by these contrary presumptions, which weigh heavily upon the spirit of his less robust brother, *M. Georget*, *Dr. Ray* boldly declares that *Papavoine* was "proved on his trial to be insane." But *M. Georget* is doubtful: "What conclusion shall one draw from all this? Was *Papavoine*, or was he not, insane? As a medical man, I can only remain in doubt on this grave question; therefore, as a juror I would have voted for his acquittal."

Briefly, in conclusion, and upon the whole issue, the position which I respectfully submit to the medical and legal professions may be stated thus:—

(1.) Medical science being inductive, moral insanity

not only is, but necessarily must be, capable of definition.

(2.) The definition of moral insanity, being the formal expression of an induction, must contain the concentrated essence of the cases upon which that induction rests.

(3.) To prove the existence of moral insanity as “an irresistible impulse to do some act known to be contrary to morality or law,” cases must be adduced in which the following elements *combine*, viz. an unlawful impulse, protracted resistance, perfect intellectual soundness, and involuntary gratification.

(4.) The case-law of moral insanity may be analysed into three classes :—

(a) Cases where certain moral symptoms accompany permanent or temporary intellectual disorder.

(b) Cases of unlawful impulses, successfully resisted.

(c) Cases of unlawful impulses, furiously gratified, but not resisted at all.

(5.) The difference between these classes of cases is a difference not in degree, but in kind.

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