

THE
PRINCETON REVIEW.

JULY, 1857.

No. III.

*Lynne
Atwater*

- ARTICLE I.—1. *A System of Practical Medicine, comprised in a series of original Dissertations.* Arranged and edited by ALEXANDER TWEEDIE, M. D., F. R. S. Vol. 2. Article, Insanity, by J. C. PRICHARD, M. D., F. R. S., etc., etc. Philadelphia: Lea & Blanchard. 1840.
2. *A Treatise on the Practice of Medicine.* By GEORGE B. WOOD, M. D., Professor of the Theory and Practice of Medicine in the University of Pennsylvania, etc., etc. Fourth Edition. In two volumes. Vol. 2. Article, Insanity. Philadelphia: Lippincott, Grambo & Co. 1855.
3. *Elements of Medical Jurisprudence.* By THEODRIC ROMEYN BECK, M. D., LL.D., and JOHN B. BECK, M. D. Tenth Edition. Vol. 1. Article, Mental Alienation. Albany: Little & Co. 1850.
4. *Mind and Matter: or Physiological Inquiries, in a series of Essays, intended to illustrate the Mental Relations of the Physical Organization and the Mental Faculties.* By Sir BENJAMIN BRODIE, Bart., D. C. L., Vice-President of the Royal Society. With Additional Notes by an American Editor. New York: G. P. Putnam & Co. 1857.

THE frequency and success with which criminal advocates plead insanity as a defence for atrocious crime, are viewed with deep concern by a large part of our people. Those who have at heart the interests of morality and religion, are of course alarmed at the apparent countenance thus given to the

doctrine, that the presumption of excusable insanity and consequent guiltlessness increases in proportion to the atrocity of the crime committed. This tends to subvert all moral distinctions, to enervate and pollute the public conscience, to put men at their ease in taking up a profligate career, and perpetrating the most enormous crimes. Thus it poisons the fountains of public virtue, and saps the foundations of religion. Beyond those who have these paramount interests at heart, another large class look with apprehension upon the bearing of such principles on social order, and the security of persons and property. They justly feel that the blessings of good government are imperiled or lost, when the enormity of crimes is made to ensure their impunity.

This plea of insanity, in exculpation of criminals, is of two sorts. First, where any circumstances can be proved which render it plausible, it is claimed that the culprit was the victim of some derangement or delusion in his intellect, which destroyed his moral agency, at least *quoad hoc*. It is simply an attempt to prove that he was a lunatic, and that by reason of this disorder of his reason, he was incapable of knowing the difference between right and wrong in the premises. Now where such an allegation can be sustained, it is unquestionably a valid defence. Reason, the faculty of judging between right and wrong, is, according to the intuitive and universal judgment of mankind, essential to moral agency and accountability. No maniac is accountable, or culpable, or punishable for actions committed under the influence of his insane delusion. The *principle* in this case is right, and ought to govern the administration of criminal justice. It is often perverted, however, by being applied without the slightest justifiable pretext. Criminals who have never been suspected of insanity before the commission of some heinous crime, are often shielded by the plea of lunacy, when it has scarcely the shadow of support in facts. Some few circumstances of his previous history are hunted up, wearing some aspect of oddity or singularity. Materials of this sort will be thrown up, when astute advocates pass their drag-nets over any man's history. And it would not be hard, in this way, to prove almost any man mad. Yet in such cases no false principle is involved. It is only the misapplication of

a true principle. Unquestionably there are a multitude of cases in which the evidence in regard to insanity, if not adequate to produce conviction of its existence, is sufficient to raise a reasonable doubt. A reasonable doubt of guilt, on any ground, according to all principles of humanity and law, necessitates the acquittal of the accused. But such a doubt ordinarily labours under just suspicion, if the sanity of the accused has never before been questioned or doubted. A few oddities which never before caused any suspicion of mental derangement, by no means justify such a reasonable doubt of sanity and consequent accountability, as to destroy the presumption of guilt, and warrant impunity, in cases of detestable crime. On such pretexts, the majority of men could be proved insane, if there were any adequate motive for doing it. It is but a step from the theory openly broached by the boldest of this school of thinkers. This theory is, that atrocious crime, and especially bloodshed, whether by murder or suicide, is *ipso facto* proof of insanity, and indicates such cerebral derangement as exempts from responsibility, guilt, and punishment. With this school crime is a fiction, an impossibility, and the only punishment should be medication—the only prisons, insane hospitals. And if their principles are sound, why are they not equally good for the non-existence of all sin and moral evil of whatever sort? Why are the things commonly so called to be counted anything else than the proofs and effects of a distempered brain? There are, however, many others who go far beyond these experienced observers, (who only assert the doctrine of moral insanity) and seem disposed to include all crime under the category of insanity. Professor Friedreich lays down this dictum, “Plus l’acte est atroce, plus l’irresponsabilité devient probable.” A Review, in England, important as the organ of a party in political ethics, uses these words—“The public mind is awakened to the fact, that all crimes are the result of perversions of intellect, and, like other species of insanity, deserve to be treated with more of compassion than vengeance.” In Germany the following question has been gravely discussed among its medical jurists: If monomania consists in a subjection of the intellectual faculties to one predominant idea, ought we not to regard a person as monomaniacal, whose mental facul-

ties are governed by a vivid affection, a violent passion? Or in other words, is the existence of monomania to be conceded, whether the reason is affected by an erroneous conviction, or a *violent passion*? The answer to this is generally in the negative, yet some contend that there is a mixed diseased state of the mental faculties, a mixture of passions and insanity.*

This shows to what extravagant lengths some medical jurists and psychologists, as well as speculative and socialistic reformers, are disposed to press the notion that sin and crime are the effect of such distempers of the mind or brain, as divest them of all moral character and responsibility; that they are proof of the insanity which excuses them. Much more like this might be extracted from the phrenologists, and materializing atheists, *ad aperturam libri*, with which we will not encumber our pages. We give, *instar omnium*, Spurzheim's definition of insanity, partly because it presents very precisely one form of the doctrine which will be the principal topic of this article. According to him, it is "either a morbid condition of any intellectual faculty, without the person being aware of this, or the existence of some of the natural propensities in such violence that it is impossible not to yield to them."† This brings us to the second sort of insanity, which, though of recent discovery, has begun to figure largely in the defence of great criminals. Our readers will understand us as referring to *moral insanity*, so called. This has become the favourite resort in defending these desperate culprits, who give no indications of insanity but the enormity of their crimes. Where there not only is no hallucination proved which amounts to *unreason*, but the absence of it is clearly shown, no other resource remains for defending those whose agency in crime is clearly evinced. *Prima facie*, at least, there seems no good reason why, if it be a valid defence in some cases, it should not be in all. And we think this will be no less apparent on the most rigid investigation.

Dr. Prichard, by whom, according to Dr. Wood, "the subject has been most elaborately considered,"‡ defines this distemper to be "a morbid perversion of the feelings, affections,

* Beck's Medical Jurisprudence, vol. i. p. 793, tenth edition.

† Id. p. 722.

‡ Theory and Practice of Medicine, vol. ii. p. 706.

and active powers, without any illusion or erroneous conviction impressed on the understanding." We ask, at the outset, if there is any conceivable state of moral pollution, perversion, or depravation which this definition will not include and excuse? Is not such a doctrine startling to all who believe in the radical distinction between sin and holiness, virtue and vice? Let it be observed, that what these authors are defining here, is not culpable madness, either in thought, feeling, or action; but such insanity as clears from responsibility and guilt for the commission of crime. The only ground for inferring such irresponsible insanity is found in the irrational and extravagant character of the propensities, passions, and acts themselves, not in any delusion of the intellect.

Now we ask, is not every wicked propensity, feeling, and act absolutely irrational? Surely this is so, unless we obliterate all moral distinctions, and deny the intrinsic excellence of goodness and turpitude of sin; their correspondent merit and demerit—their respective title to rewards and obligation to punishment. Surely by no intuition or deduction of reason can we reach any other conclusion. The word of God is equally sure and explicit to this purpose. It teaches us that "the heart of the sons of men is full of evil, and madness in their heart while they live." Unless then, we are prepared to make an end of sin and guilt, it will not do to say that irrational impulses, desires, feelings, purposes, or acts, prove any such lack of understanding as destroys moral agency and accountability. And for all who are not themselves demented, we need not expatiate in proof of such self-evident propositions.

But truth compels us to go much further than this. All sinful feelings and desires involve a certain blindness or delusion of the intellect. The intellectual are not in such utter divorce from the emotional and active powers as these medical jurists, with many modern psychologists and theologians, suppose. They are both forms of the activity of the one indivisible, rational, sentient willing soul. Not only so; these modes of its activity do not go on in isolation and independence of each other. They mutually interpenetrate and determine each other. Every man's feelings, inclinations, and purposes are shaped by his views of the objects to which they relate. His

apprehensions, judgments, and reasonings about these objects, are very much controlled by his feelings. To think as we feel, and feel as we think, is among the most familiar experiences shown in every man's consciousness, and confirmed by all his observation. Hence all sin has in it an element of delusion. The "deceitfulness of sin," the "deceivableness of unrighteousness," are specimens of the habitual representations of the sacred writers. That they represent blindness of mind, amounting even to an inability to discern what is most essential in spiritual things, as an invariable element of our natural depravity, no candid person can deny. They set it forth in manifold forms, and especially in the two reciprocal forms of wicked passions bewildering the intellect, and of intellectual blindness begetting depravity of feeling. The wicked are described as saying to God, "depart from us, for we desire not the knowledge of thy ways," as not liking to retain God in their knowledge. On the other hand, they are described as "having the understanding darkened, being alienated from the life of God through the ignorance that is in them, because of the blindness of their heart," as those who do not, and cannot know the things of the Spirit, as being turned aside by a deceived heart. The crucifiers of Christ knew not what they did. Paul verily thought that he ought to do many things contrary to the name of Jesus of Nazareth. There is then an element of delusion or deceit in all sin; sometimes inducing, sometimes induced by, the impulses of perverse feeling or passion. This blindness may have reference to the intrinsic excellence of goodness in some of its divine or human relations; or to the turpitude of sin in general, or of the particular crime to which the subject is impelled in any case, by the urgency of passion; or to the retribution which will follow it. Or it may, and often does respect all these combined in one concrete whole. But it seldom happens that crimes, great or small, are committed deliberately, in full view of, or with the conscience fully awake to, their baseness or their punishment. It is seldom that sinners do not disguise to themselves their guilt, and criminals their offences, by some veil of plausible pretension. This is true of all the ungodly, in regard to their religion. It was true of Paul, and has been true of the persecutors of all

ages. It was true of the crucifiers of the Lord of glory. It is always true of the profane, the licentious, and the desperate. It is true of the heroes in villainy and crime. Of the monsters who showered the blood of their fellows upon the streets of Paris in the French Revolution, Alison justly observes, "Even the blood which they shed was often the result, in their estimation, not so much of terror or danger as of overbearing necessity. They deemed it essential to the success of freedom, and regarded the victims who perished under the guillotine, as the melancholy sacrifice which required to be laid on its altars. The weakness of humanity in their case, as in so many similar cases, deceived them by the magic of words or the supposed influence of purer motives, and led them to commit the greatest crimes, while constantly professing the purest intentions."*

Now what we complain of is, that the recent definitions of such insanity as destroys responsibility, are so broad and loose, as to include that madness which enters largely into all, or nearly all, sin and crime.

We think those who do not mean to abolish sin and crime will hardly be prepared to take the ground, that every sort of intellectual delusion excuses the crime to which it may lead. To concede this would be to sap the foundations of morals and religion. The reason is, that perverse moral judgments are possible and almost universal among men, which are merely the effects and manifestations of their depravity. So far from excusing wrong, they are in themselves flagrant sins. They are simply the devices of the depraved soul to shelter or mask its own iniquities. The denunciations of God's word charge guilt not merely upon depraved moral feelings, but, with equal emphasis, upon depraved moral judgments. "Woe to

* Charles Yorke, Solicitor-General of England, as quoted by Beck, said, on the trial of Earl Ferriers, for the murder of his steward: "In some sense, every violation of duty proceeds from insanity. All cruelty, all brutality, all revenge, all injustice is insanity. There were philosophers in ancient times, who held this opinion as a strict maxim of their sect; and, my lords, the opinion is right in philosophy, but dangerous in judicature. It may have a useful and noble influence to regulate the conduct of men, to control their impotent passions, to teach them that virtue is the perfection of reason, as reason itself is the perfection of human nature, but not to extenuate crimes, nor to excuse those punishments which the law adjudges to be their due."

them that call good evil and evil good, that put light for darkness and darkness for light.”

If it is difficult to gainsay this, the question will nevertheless arise, what room is left for irresponsible insanity? We answer that, although there are many delusions on moral subjects which do not screen from guilt, and are themselves most culpable, yet there are delusions which destroy moral agency and responsibility in reference to the actions to which they lead. They involve or proceed from that lunacy* which amounts to the loss or wreck of intellect, in regard to the case in hand, and therefore incapacitates for rational and responsible action. But here the question arises, how shall we distinguish one sort of delusion from the other—that which excuses crime, from that which constitutes its essence? A pregnant question, indeed; and yet we apprehend it is not difficult to find the true criterion which marks this heaven-wide difference.

It may be thus stated. Delusion which results from the criminal neglect to employ our faculties aright, or which might be avoided by any employment of them that is practicable by us, is itself culpable. Delusion which does not result from our own fault, and which sinless candour and fidelity on our part could not remove; which arises from a *lesion* of intellect that incapacitates it for rational or reliable judgments in the premises, excuses for crimes committed under its influence. The principle is well stated by the late Dr. Alexander, in the following terms: “On this subject, again, our appeal must be to the unbiassed judgment of mankind; and we think the verdict will be, that error which might have been avoided, and ignorance which is not invincible, do not excuse.”*

If, then, it be true that moral delusions do not of themselves prove insanity, until it is shown that these delusions are more than mere depraved moral judgments, and until it appears that the intellectual faculties are so shattered, that even in the absence of any moral-fault, they are inadequate, in any practicable use of them, to dispel such delusions; much less can any form of mere morbid desire or passion without intellectual aberration, evince irresponsible insanity, or excuse the crimes to

* Alexander's Moral Philosophy, Chap. ix.

which it impels. It seems to us incontestable, in the light of the foregoing views, that the principles we here combat would make an end of all sin and crime, all moral distinctions.

But is it the intent of the medico-psychologists with whom these doctrines originate, to put an end to moral distinctions, and establish a universal license and impunity for crime? Taking them as a class, we think not. The great body of those respectable, including some eminent, physicians, who have promulgated or sanctioned these views, are actuated by compassion for the unfortunate, not by sympathy with crime. Their object has been to procure, for a class whom they believe demented in such a sense as to destroy responsibility, the treatment due to maniacs rather than to criminals. There are, indeed, among the advocates of these views, those who ignore and detest the doctrine of human depravity. It is a favourite resource for such to refer all the misconduct of men to cerebral disease, or other physical derangement, or to untoward external circumstances, anything which does not necessitate the hypothesis of inward corruption, or make the evil-doer the culpable source of his own misdeeds. In this category, in various degrees, we find some of the chief schools of radical and social reformers. Many of these believe that a change of outward circumstances and treatment, in the way of dietetics, hygiene, medications, and social reconstruction, will cure the moral distempers of men. All systems of materialism, by a logical necessity, attribute moral aberration to physical derangement, and make light of guilt and retribution. The same tendency appears in all pantheistic schemes, which, besides identifying mind and matter, run into a fatalistic optimism, and maintain that whatever man is or does, is, in the strict sense, necessary and best—the development and efflorescence of the divinity within him. But, of all classes, the phrenologists have a signal preëminence here. Placing the different faculties of the mind in different parts of the brain and skull, it is by the examination of these bodily organs that they study its properties, and to a very great extent, determine their psychology, their philosophy, their theology, their ethics, their jurisprudence and politics. The whole tendency of this method is to generate confusion and error in whatever concerns men as moral and

responsible beings. Perverse feeling, thinking, and action, on this theory, inevitably suppose and arise from a morbid condition of the brain or some portion of it. Its proper treatment is fit medication. Moral and intellectual insanity may find a place in this scheme. Responsibility, sin, crime, and punishment, are words almost without meaning. Moreover, allotting each faculty to some special section of the head, on whose healthy state the healthful condition and exercise of the faculty itself depend, any extravagance of thought or feeling is attributed to a morbid condition of the correspondent cerebral organ, i. e. to irresponsible insanity. And as these organs are the directive and impulsive causes of all cognitive, sensitive and voluntary action, they irresistibly control it—each one according to its relative energy. If any of them are in disproportionate strength, irresponsible and unavoidable insanity results. This tallies precisely with Spurzheim's view of moral insanity, as "the existence of some of the natural propensities in such violence that it is impossible not to yield to them."

It is not at all surprising, that medical writers on the phenomena of mind, normal or abnormal, should have erred in a similar direction, if not to the same extent; or even that many of them should have been influenced by the method of phrenology.* Their training, their line of observation and inquiry, primarily and immediately respect the body, not the soul. To this their whole professional life is devoted. The mind is their study only in an incidental way, as it affects, or is affected by the body. Their examination of it is limited simply to the

* The following extracts from Dr. Guy's *Forensic Medicine*, are in striking illustration of this remark:

"If the brain be the material organ of the mind, and the propensities and moral sentiments be an integral portion of the moral constitution, which all must allow, then their manifestation must also be dependent on material organism; and disease in the latter must be followed by a corresponding derangement of the former. But observation, as well as reason, proves that the *affective* as well as the *intellectual* faculties are liable to such derangement; for no portion of the brain enjoys immunity from disease." Page 308, Harper's edition, 1845.

"A morbid activity of the sexual propensity, amounting to disease, without any lesion of the intellectual powers, is now admitted by the ablest physiologists. *Dr. Gall was the first to direct attention to this subject, in connection with cerebral physiology.*" Id. p. 312.

mutual inter-dependence between it and the body, and this, chiefly, as either one or both are in a morbid state. Hence they are naturally predisposed to look with favour on that method of psychological investigation which primarily ascertains the laws and faculties of the mind, from the study of the real or supposed bodily organs in which they are manifested. There are abundant exceptions to this remark. But it cannot be denied, that, so far as this noble profession has shown sceptical tendencies, they have usually leaned to the materialistic side. The method of studying the mind, which we have pointed out, admirably prepares them for many of the ministries of mercy to diseased humanity which constitute their higher vocation. Their vocation, too, makes them far more familiar with insanity and all forms of morbid, mental action, than any other class of men. They often find the mind the most potent restorative agent for the body; and physical medication is generally indispensable to the cure of a distempered mind—*mens sana in corpore sano*. Hence they are most valuable and indispensable witnesses in all judicial questions pertaining to insanity, or to the indications of it, or of any morbid state of mind or body. Hence, too, it has happened, that much more largely than any other class of men, they have discussed the whole subject of insanity in itself, and its ethical and legal relations; and within their proper province, we are indebted to them for light which could emanate from no other source. Still, their training and experience do not make them masters of intellectual philosophy, any more than psychologists are of course experts in anatomy. As to all facts pertaining to bodily distempers, or indicating morbid mental action, we look to them for light, and defer to them as generally the most competent observers and witnesses. As to the question, whether these facts indicate such insanity as destroys responsibility, they are no better judges than other men of equal general intelligence. The unperverted common sense of mankind will ordinarily give a safer spontaneous judgment upon such facts, if clearly understood, and upon their bearings on moral responsibility, than any special and conflicting opinion which may arise from exclusive attention to the reciprocal relations of the mind and body. For although it may be the province of the philosopher to

develope in formal statement and definition the conditions of moral responsibility, yet all tolerably enlightened men, who are under no disturbing bias, will judge with intuitive certainty, in any concrete case, whether it involves merit or demerit.* However this may be, it is certain that those who undertake to teach in departments which they have not mastered by special study will find themselves betrayed into loose and crude statements, pregnant with consequences from which they themselves must shrink, as soon as they are developed. It is true, indeed, that with reference to the body and soul, all have them at hand for constant inspection, and know enough about them for the ordinary conduct of life. So all the liberal professions interlock by a *commune vinculum*. In each there is some vague and general knowledge of what pertains to the others. This is one thing. It is quite another to be able to instruct or discourse, to any good purpose, in departments which have not been mastered by comprehensive as well as special study. The lawyer or divine who undertakes to discuss scientifically the principles of surgery or medicine, usually makes an awkward figure. Nor have physicians, who have undertaken to settle questions in psychology and ethics, succeeded much better, unless like Locke, they have made it a special and chief study. And even this illustrious philosopher, with all his merits, was remarkable for loose and vacillating phraseology, and had a strong sensuous, nay, in a few places, a materialistic bias, so that the French materialists had only to twist his writings somewhat, in order to impress them into their service.

It is only by the study of *consciousness*, that we can obtain any valid science of the human mind, or of collateral departments, just as it is by the study of anatomy alone that we can attain any scientific knowledge of the human body. In other

* Says Sir Benjamin Brodie, "The existence of illusions is not to be regarded, in every instance, as justifying the plea of want of responsibility. . . . It is a very great mistake to suppose that this is a question which can be determined only by medical practitioners. Any one of plain common sense, and having a fair knowledge of human nature, who will give it due consideration, is competent to form an opinion on it; and it belongs fully as much to those whose office it is to administer the law, as it does to the medical profession." *Mind and Matter*, p. 105.

words, each must be studied *directly and immediately in their own proper phenomena*, before they can be understood in themselves. Not till they are thus, in some good degree, understood in themselves, may this intelligence in regard to either be increased and perfected by studying their mutual relations. But when we are studying the sentient and intelligent principle, the I MYSELF, we are not examining a congeries of muscles, nerves, or bones—and, when we are studying these, we are not studying the rational soul. Here, we apprehend, is the true reason why phrenology, amid many valuable discoveries, has made so signal failure in its pretensions to be a science of mind; and why physicians so often stumble in dealing with points strictly psychological, and with the ethical problems thence arising. Morell very forcibly observes, “It is of great importance that the two sciences should each hold their proper limits, and that the one should not be allowed to assume the ground which peculiarly belongs to the other. To mark the boundaries of physiology and psychology, we must simply inquire, what are the phenomena which we learn by *consciousness*, and what those which we learn by *outward observation*. These two regions lie entirely without each other; so much so, that there is not a single fact learned by consciousness which we should ever have learned by external observation, and not a single fact learned by external observation of which we are ever conscious. A sensation, for example, is known simply by consciousness; the material conditions of it, as seen in the organ and the nervous system, simply by external observation. No one could ever *see* a sensation, or be *conscious* of the organic action; accordingly, the one fact belongs to psychology, the other to physiology. . . . I will suppose for a moment that we know nothing whatever *reflectively* of our own mental operations; that the study of the human mind had not yet been commenced, and that we were to *begin* our investigation of them upon the phrenological system, some notion of which had previously been communicated to us. We might in this case proceed with the greatest ardour, and examine skull after skull for a century; but this would not give us the least notion of any peculiar mental faculty, or aid us in the smallest degree in classifying mental phenomena. We could never know that the

organs of the reasoning powers were in front, and those of the moral feelings on the top of the head, unless we had first made those powers and feelings *independently* the objects of our examination." In a note, he adds, "The Phrenological Journal admits that we must know our mental phenomena *reflectively* before we can *allocate* them—but persists in calling cerebral observation a *method* of studying psychology. I confess myself unable to see what *psychological* truth it unfolds that is not equally clear without it. Does it reveal a mental fact? Not one. These are all facts of consciousness. Does it give us a classification? No."* To the same effect Mill, sufficiently inclined to the sensational side, while admitting with Morell the value of the physiological facts which phrenologists have noted, and the utility of their hypothesis, for the purpose of experimental investigations, says that they "hastily worked it up into the vain semblance of a science. . . . The verification of any such hypothesis is attended, from the peculiar nature of the phenomena, with difficulties which phrenologists have not shown themselves competent even to appreciate, much less to overcome."†

We have dwelt the longer on this point, because we wish to make it clear, that, when we look beyond the intuitive dictates of common sense, in investigating the faculties of the mind, and those conditions of it which involve responsibility, or the reverse, to the deeper and clearer unfoldings of philosophy, this philosophy cannot be developed by those whose studies are chiefly medical and physiological. If developed at all, it must be by those who have made it their business to examine the mind itself, in its faculties, laws, and operations, and the ethical questions thence emerging, by the immediate inspection of its phenomena in consciousness—i. e. by adepts in mental and moral philosophy. It is no disrespect to say this, any more than it would be a reflection on the metaphysicians to say that they would make themselves ridiculous in an anatomical chair. This, we apprehend, explains, in part, at least, why many distinguished physicians have propounded

* See Morell's History of Modern Philosophy, pp. 305-311. Carter's edition.

† Mill's Logic, p. 295. Harper's edition.

dogmas in reference to those morbid mental states, which, if good for their purpose, as we have seen, are good for a great deal more, and really subvert all moral distinctions—a consequence from which most of them would recoil with horror.

This, however, is not the only cause which has led to the enunciation of these dangerous principles. Another equally powerful is found in the intrinsic difficulties of the subject, and the peculiarity of the phenomena which have of late been referred to moral insanity, or insane impulse without intellectual hallucination. Some writers make a formal distinction between moral insanity and what they call *insane impulse* without delusion; but on no solid ground that we can discover, unless that the former is chronic, the latter sudden and momentary.

The difficulties pertaining to this subject will at once appear, if we bring to view some of the phenomena which are referred to this distemper. Dr. Prichard notes as effects and indications of it—1. A state of excitement, long-continued, and analogous in kind to the exhilaration produced by a free use of strong drink. 2. Absence of reserve; the subjects of it often talk loudly and coarsely to perfect strangers about their family affairs, their property, and their feelings towards their nearest relatives, &c. 3. Garrulity—many enter into long stories, always relating to themselves. 4. The propensity to make extravagant purchases. 5. A total disregard of veracity and of moral obligations in general is a feature of this form of mental disorders. 6. An irresistible propensity to drinking fermented and other intoxicating liquors is often the result of moral insanity, and one of the principal characteristics of particular cases. 7. Perfect selfishness, indifference to the feelings of others. 8. A dislike towards relations and friends formerly loved, and even the objects of warmest affection, is well known to be a feature of madness, and it belongs particularly to moral insanity. 9. A proneness to suspicion. 10. Melancholy—sorrowful dejection of mind, or lowness of spirits without any erroneous belief, or the conviction of any unreal fact impressed upon the understanding. They view everything through a medium of gloom.*

* Library of Practical Medicine, vol. ii., article, *Insanity*. By Dr. Prichard.

Professor Wood says,* “There are numerous individuals mingling in society, and participating in the ordinary avocations of other men, whose sentiments and conduct are so peculiar as to attract attention, but who can reason so well upon all subjects within their capacity, and whose intellect is often so clear, and, in many instances, even strong, that no one questions their sanity. They are simply said to be singular, or eccentric. Now the fact is, that such individuals are not unfrequently as much under the control of their morbid feelings, act as irrationally in obedience to those feelings, and are morally as little responsible for their acts, as others who carry out in their conduct some false conclusion of the intellect. Such persons should certainly be considered as insane. . . . It must not be understood that the patient may not form erroneous judgments, in moral insanity. Like all others under the influence of strong feelings of any kind, he is liable to be warped in the formation of his opinions; but these are not manifestly absurd, or of a character to exhibit any peculiar deficiency of the reasoning power.” He meets the difficulty of distinguishing this from culpably inordinate passion, by suggesting the analogous difficulty of drawing the line in a multitude of cases between disease and health. He also signalizes as another form of moral insanity, *excessive irascibility*. “The least opposition is apt to throw the patient into ungovernable rage, driving him to the commission of acts of which in his cooler moments he repents, and for which he may be ready to apologize, but which are repeated again under similar circumstances. A regard to public opinion, or the fear of personal consequences will often be sufficient to control the expression of these feelings. But when no such restraint exists, they are allowed full sway, and the patient seems to take an insane delight in their indulgence. To abuse and strike a fond parent, or other near relative or friend, to curse and swear, &c. . . . Yet, towards the world at large, their conduct may be irreproachable; and though often willing to admit themselves in the wrong to the objects of their excitement, they find plausible excuses with which to deceive the

* Practice of Medicine, vol. ii. pp. 706-7.

multitude." We have known such specimens ourselves. They exhibit madness assuredly—the madness of depraved, uncontrolled, violent, cowardly passion, which luxuriates in torturing the defenceless objects whose weakness or affection ensures impunity, and reins itself into the utmost propriety, when its indulgence would expose it to public scorn. If this mean and detestable passion is guiltless, and excuses the barbarities in which it revels, what is not? Talk of an "insane delight" in its indulgence! What delight afforded by the exercise of any malevolent passion is not insane? But is it insane in such a sense as to be excusable? And what are nearly all the forms of moral insanity mentioned by Prichard, but cases of moral perversion, or depravity, or of vain infatuation, which, in every person, labouring under no unavoidable delusion of intellect, so far from excusing crime, are themselves inexcusable? With one or two exceptions, these instances hardly touch the difficulties which this subject involves. The real point in issue is most distinctly brought to view in Dr. Beck's *Medical Jurisprudence*, a work which displays great justness and sobriety of view in reference to this whole subject. He refers to this alleged moral insanity what Prichard and his school attribute to another sort of derangement—the insane impulse we have already referred to. Of this sort are what they call homicidal impulse, suicidal impulse, pyromania, or impulse to burning and arson, together with destructive impulse, or inclination to destroy whatever comes in their way. It will be best illustrated by a few examples, which Dr. Beck quotes from Marc.

"In a respectable house in Germany, the mother of a family returning home one day, met a servant, against whom she had no cause of complaint, in the greatest agitation; she begged to speak with her mistress alone, threw herself upon her knees, and entreated that she might be sent out of the house. Her mistress, astonished, inquired the reason, and learned that whenever this unhappy servant undressed the little child which she nursed, she was struck with the whiteness of its skin, and experienced the most irresistible desire to tear it in pieces. She felt afraid that she could not resist this desire, and preferred to leave the house."

“A young lady, whom I examined in one of the asylums of the capital, experienced a violent inclination to commit homicide, for which she could not assign any motive. She was rational on every subject, and whenever she felt the approach of this dreadful propensity, she entreated to have the strait waistcoat put on, and to be carefully guarded until the paroxysm, which sometimes lasted several days, had passed.”

“A distinguished chemist and poet, of a disposition naturally mild and sociable, committed himself a prisoner in one of the asylums of the Faubourg St. Antoine. Tormented by the desire of killing, he often prostrated himself at the foot of the altar, and implored the divine assistance to deliver him from such an atrocious propensity, of the origin of which he could never render any account. When the patient felt that his will was likely to yield to the violence of this inclination, he hastened to the head of the establishment, and requested to have his thumbs tied together with a ribbon. This slight ligature was sufficient to calm the unhappy R., who, however, finished by endeavouring to commit homicide upon one of his friends, and perished in a violent fit of maniacal fury.”

“Under this head of *moral insanity*, besides the impulse to murder, there is also included a propensity to break and destroy whatever comes within reach of the individual; in short, an irresistible impulse to commit injury, or do mischief of all kinds. And this is observed in cases in which it is impossible to discover any motive influencing the mind of the person who is the subject of it. No illusive belief, for example, can be detected, that the lunatic is performing a duty in perpetrating that which manifests his disease.”

Professor Wood mentions, under the head of insane impulse, the case of a lady, to whom the late Dr. Parrish was called after she had taken a fatal dose of opium. Though unable to save her, he succeeded in restoring her to a brief interval of consciousness, in which she assured him that she had no cause whatever for the act, but that she had been unaccountably seized with a disposition to suicide upon seeing a bottle of laudanum. “I once,” says he, “attended a lady, who had taken laudanum to destroy herself, and who declared, after her recovery, that she had been led to the act by reading the

account of the suicide of another lady of whom she had some knowledge.”

Dr. Prichard observes, with reference to suicide from insane impulse, that it is likely to be accompanied or preceded by homicide. “Persons apparently in sound health, both of body and mind, have been seized, as if possessed by an evil spirit, with an unaccountable impulse to destroy some of their friends and relatives, and at the same time themselves. A lady, whose case was reported in the public journals in 1835, after having thrown four of her children into a well, jumped into it. She had previously sent a poisoned cake to another child who was absent.”*

To such cases, treated by these writers, under the head of insane impulse, as distinguished from moral insanity, but by Dr. Beck, more properly under the common head of moral insanity, we may add two or three instances of a different kind. There are few who have not met with persons whose ordinary conversation abounds in falsehoods, uttered without any conceivable motive. Without the slightest mental illusion, or inducement of any sort, these persons, otherwise respectable and blameless, appear to prefer to make false representations for the mere pleasure of the thing.

A *penchant* for theft is sometimes surprisingly exhibited by affluent persons, who have no object to gain by it, and have no conceivable motive beyond the pleasure afforded by the practice itself.

A milder type of the same infirmity is the propensity to make extravagant purchases, for the mere pleasure of doing it, without respect to any use of the articles purchased, either for traffic or otherwise. This, however, may be accounted for in many, perhaps all cases, from motives of vanity—the desire to appear possessed of ample means, or engaged in large business. We have known men who would purchase recklessly, simply from the depraved desire to figure as “great operators.”

The most striking instance of morbid and unaccountable passion which has of late been brought to our attention, is that of the young woman in New York State, which recently was so

* Library of Practical Medicine, vol. ii. p. 193.

widely published in the newspapers, who had a violent propensity to stick needles into her body, where they remained until her sufferings required her to resort to physicians to have them extracted; and who, notwithstanding, would repeat the process, until at length, if we rightly remember, she had done it some hundred and fifty times.

To this general head, also, some have referred epidemic and contagious crime. Dr. Hunt, an English physician, quoted by Dr. Beck, says: "There is a species of insanity, of a *contagious* nature, and of a *temporary* duration, totally unconnected with diseased structure, but yet evidently connected with a suspension of the healthy action of the cerebellum—a disease which will certainly yield to circumstances, and which ought not, on any pretence, to become the subject of judicial retribution. They are closely allied to the contagious hysteria of the hospitals." This he urges as a reason why a body of men who committed numerous horrid murders under the lead of a maniac, in Kent county, England, should not be punished. We all know that particular forms of crime, vice, and folly, at times become fashionable. But to refer them to excusable insanity is absurd and monstrous. No doubt many are stimulated to all forms of sin, by the contagious excitement and countenance of example. But if this is an excuse, what must not be excused? Says Dr. Beck in regard to it, "*what an admirable defence of mobs and lynch law!*"

The foregoing cases bring to view all the varieties of phenomena which have given rise to the doctrine of moral insanity, including that form of it which some writers distinguish from it under the title of insane impulse. The ground of such distinction is not evident to us. They have the common and essential feature of moral insanity—distemper in the affections and passions, or the moral and active powers, without illusion in the understanding. The difference is merely accidental. At most, it is not greater than the law recognizes in persons of acknowledged sanity, who commit acts of violence with cool atrocity, and those who commit them without premeditation, under a paroxysm of passion, or the immediate excitement of high provocation. The instances adduced as examples and proofs of

moral insanity by its most prominent advocates, by no means fall under one category.

Many of them class simply under the head of ordinary wickedness or folly. Extreme selfishness, jealousy, suspicion, garrulity, want of prudent reserve, mendacity, and even melancholy, are common among the sane as well as among the demented. Without further evidence of mental lesion, they imply no lack of moral agency and responsibility for crime, unless all instances of sin, and folly, and infatuated passion, imply as much.

Some other cases fall under the head of malignant and violent passion. It is indeed true that antipathy towards the dearest friends is among the most frequent effects of insane illusion. It is also true, that, without such illusion, it is no evidence of any insanity, but that obdurate wickedness which marks those who are given over to vile affections. We have seldom seen a youth self-ruined by dissipation and crime, who did not charge his ruin to the indifference, hostility, or other fault, of his parents, family, or other friends, who have spared no pains or sacrifice to rescue him from his degradation, while their generous efforts were thwarted by his perverseness. Some of the most painful exhibitions of human depravity, are seen in those who, to the public gaze, are "wise as serpents and harmless as doves," while by their own firesides, they vent their ill-humour in spite and rage upon helpless wives and children. Where no illusion of the intellect is pretended, and a fear of evil consequences will restrain and curb the indulgence of evil propensities that run riot when unawed by such fear, will any one claim that crimes committed under their influence are blameless, and entitled to impunity? Another class of these phenomena, are mere foibles or frivolous eccentricities, which the subject of them knows, or may know, to be such; and which he ought to restrain like any other propensities, within lawful bounds. Is it not pitiful to adduce a propensity to break or destroy, which abounds in every promiscuous collection of boys in the street, or at school, and which adequate penalties will not fail to correct, as a symptom of insanity? There are few men who have not some foibles or oddities which have hardened into tyrannous habits, in consequence of a weak

and unmanly indulgence of some whimsical fancy. Says Brodie, "we have been told of a very eminent person who had acquired the habit of touching every post that he met with in his walks, so that at last it seemed to be a part of his nature to do so; and that if he found that he had inadvertently passed by a post without touching it, he would actually retrace his steps for the purpose. I knew a gentleman who was accustomed to mutter certain words to himself, and they were always the same words, even in the midst of company. These were foolish habits, but they might have been mischievous. To correct them at last would have been a very arduous undertaking. But might not this have been easily done in the beginning? and if so—if, instead of touching posts, or muttering unmeaning words, these individuals had been addicted to stealing or stabbing—ought they to have been considered as absolved from responsibility?" Who has not seen oddities, less obtrusive and ridiculous perhaps, but scarcely less decided, in all sorts of men, not excepting the most eminent for character and position? Is this insanity?

We come now to those cases which present the real difficulty, and offer the only plausible pretext for this theory of moral insanity, which, without any illusion of the intellect, is claimed to be an excuse for crime. The essential feature in them all is a strong propensity to commit crimes more or less nefarious, without any hallucination of intellect, contrary to its dictates, and without any motive such as is ordinarily requisite to move the most depraved natures to perpetrate them, to feel any inclination to shed blood, burn houses, or even utter falsehood, unless they regard them as means to some end they wish to accomplish, such as the gratification of revenge, or the seizing of plunder. It implies a state that is morbid and abnormal, undoubtedly, to feel strongly impelled to do such things, not only without motive, but against the strong remonstrance of the conscience, the judgment, and the tenderest natural affection. A few cases on record, as we have seen, involve all these conditions. The larger number of those, however, which have been reckoned with this class, may be put in another category.

In our view they are only illustrations of that great principle

enounced by our Saviour, and corroborated by all experience, "he that committeth sin is the servant of sin." If one sin induces such bondage, what must be the effect of continued and persistent sinful indulgence, especially in particular kinds of vice and crime? It is among the most familiar facts that the habitual practice of vice or crime, for the sake of the unlawful exhilaration or gains they afford, often begets a morbid pleasure in, and craving for, the thing itself, irrespective of its desired consequences. To steal or rob habitually, for the sake of plunder, although at first it may be repugnant to the feelings, and nothing could tempt to it except the greed of gain, may, and often does, engender a morbid passion for the mere excitement of such criminal deeds. The habit of lying, begun at first for the sake of some desired object to be accomplished by it, may become a second nature, till the practice itself gives a morbid satisfaction, aside from any end sought by it. It is notorious that free drinking for exhilaration, sooner or later produces an infuriate appetite for any alcoholic liquid, which often operates with a sort of demoniac energy. Yet who doubts that even sots can control this appetite, and do control it, when adequate motives operate upon them? And who doubts that they ought always to be under the sway of such motives?

We accept as the sound view of such cases, practical and theoretical, the following summation by Dr. Beck, of the arguments of Regnault and Collard de Martigny, who have opposed the doctrine of moral insanity, as advocated by Esquirol, Pinel, Prichard and others.

"The main scope of their argument is, that most of these cases are only the evidence of depraved passions, and while they allow that some are correctly styled maniacal, and therefore do not bring these into the controversy, they assert that all countries have at various periods presented criminals whose actions in every respect resemble those of the homicidal monomaniacs of the present day. Nero and Tiberius, Robespierre and Collot D'Herbois, (say they) had as much thirst for blood as Papavoine or Cornier, (alleged subjects of moral insanity.) The malignant passions also concentrate on a single idea, and though the individual is under their influence, yet on points not con-

nected with the prevailing idea, they will appear calm and intelligent.

“To the argument that the monomaniac has no motive to urge him to crime, it is urged that criminal murderers do not all destroy for money. In many of the instances of supposed insanity, early debauchery, with a profound ignorance of the obligations due to God and man, marks the character. Such persons may acquire a passion for blood. The desire to kill exceeds the desire to obey the laws.

“The frequency of cruelty in children, the tournaments of former times, the gladiators of Rome, the bull-fights of Spain, and the fondness for witnessing executions in all civilized countries, are urged as proofs that this disposition can be extensively and permanently encouraged. Above all, they object to the act itself being deemed the material proof of the presence of insanity. Because one person murders another without any assignable motive, is the criminal, by consequence, to be considered a maniac?”*

We would not, however, bring within the scope of these principles all the examples we have cited. The case of the mother murdering herself with her own offspring, in the absence of any known special depravity of character, may fairly be presumed to have arisen from some hallucination of intellect, whether it had previously been detected or not. But what shall we say of those cases in which the artist and the servant-girl sought—the one restraint from the public authorities, the other to be removed from a lovely infant, because they were afraid of imbruing their hands in blood—a crime which they at once abhorred, and felt a strong impulse to commit? What shall we say of the propensity of the girl to stick needles into her body? Here is undoubtedly a morbid and abnormal mental state, without derangement of intellect. And like the class of cases, under the previous head, involves in a strong impulse to commit crimes, without motive, from which the normal instincts of human nature, even in its fallen state, recoil, so that even hardened and desperate men will not ordinarily commit them

* Medical Jurisprudence, *ut ante*, pp. 791–2.

without a strong inducement. But unlike these cases, it does not appear to be the growth of previous vice and crime.

We think the truest answer to this question will be reached, if we take into view the distinction which some psychologists have noticed between mechanical, animal, and rational motives. Mechanical motives are such as instinct, which moves to the performance of rational acts and the accomplishment of rational ends, by a blind impulse, without any exercise of reason or rational will. So the beaver constructs its dam, the bee its cells, and the infant sucks the breast. Rational motives are those desires which go forth to objects apprehended by the reason as desirable either in the relation of means or ends. They can have place only in rational beings. To this class belong all desires having regard to duty, our future good, the good of mankind, whatever pertains to the soul, God, and immortality, together with all desires which respect objects viewed as a *means* to these or other ends, as the gratification of any desire, whether holy or wicked. *Animal motives* are those desires and lusts which arise blindly without any exercise of understanding, or any rational apprehension of the object desired; while at the same time, in those having intelligence, they can be gratified only in the exercise of reason and rational will; in animals and infants, only by instinct working rational results without the exercise of reason. To this class belong hunger, thirst, and the various appetites of our animal nature.

Now in men who have not become such monsters of depravity, that they are "past feeling and commit iniquity with greediness," murder, suicide, torture of one's own body, injury or destruction of offspring, are so revolting to the whole sensitive and rational nature even of fallen man, that they can be moved to commit them, only as means of gratifying some other passion or desire. Except in the case of those who, by reckless indulgence of violent and lawless passion, have contracted a thirst for blood, the existence of such a passion to shed blood, irrespective of any end to be accomplished by it, is clearly abnormal. And it is so, just in this particular, that what in any normal state, even of fallen man, operates only as a rational motive, seeking the means to accomplish some desired end, here operates as an animal motive. The craving for blood,

or to stick needles into one's self, or gratuitous lying, arises, as these writers say, "without motive," i. e. without any exercise of reason, and without regard to it as a means to any desired end. It becomes a mere appetite. As hunger is an uneasy sensation, craving without any exercise of reason the food which alone can allay it, so this is an uneasy sensation, fixing on the deed of blood, or whatever else that alone can allay it.

Now, the question in regard to these animal appetites, whether natural or acquired, arising with or without fault in the subject of them, from wicked courses or from disease, but unaccompanied by any insane derangement of intellect is, Do they excuse crime or wickedness committed under their influence? We say not. Like all other animal appetites which become inordinate, we are bound to deny them, and restrain their indulgence within the confines prescribed by reason and conscience. Can it be otherwise? Are the drunkard, the glutton, the debauchee, excusable because they are impelled by violent appetites? And are men excusable for taking human life, for lying, stealing, abusing their dearest friends, because they have a strong appetite for it, when they labour under no lesion of intellect, which disables them from knowing their duty in the premises? * Believe it who will. We believe that this cannot be maintained on any principle, which will not abolish all responsibility and all guilt. Must it not result in the great conclusion of these charitable reformers already noted, either that "all crimes are the result of perversions of the intellect, and like other species of insanity deserve to be treated with more of compassion than vengeance;" or, that we ought to "regard a person as monomaniacal whose mental faculties are governed by a vivid affection, a violent passion?"

* "A disease has been described under the name of *Bulimia*, in which the patient is affected with an inordinate appetite, which nothing can satiate, and which his will seems powerless to resist. One individual, whose case is recorded in the Transactions of the Royal Society, would eat an ordinary leg of veal at a single meal, adding to it a store of sow-thistles and other wild vegetables. Another would devour raw, and even living cats, rats, and dogs, the entrails of animals, and candles, to the extent of fourteen pounds daily. . . . Suppose your patient with *Bulimia* were to be in the habit of robbing butchers' shops and larders, ought he to be considered as not being responsible for his actions, because he was driven to do so by an inordinate appetite?"—Brodie's *Mind and Matter*, pp. 161-2.

It is to no purpose to say that these passions or appetites are irresistible, and therefore excuse the crimes to which they prompt. In what sense are they irresistible? In no other possible sense, but that the subject has not allowed the countervailing considerations presented by reason and conscience their due influence over his mind. And can less than this be said in reference to any sin or crime whatsoever? This word *irresistible* plays an important part in all the pleas for this theory. But it is to no purpose, unless it can be shown that it respects some external coercion, rather than urgency of inward passion and inclination. Nor does it alter the case to call it the loss of will, or of power to will. This is only a circuitous way of saying, that correct principles and motives have not sufficient sway to overbear the vitiated appetites. Is it not one part of the discipline allotted to us to struggle against the incitements to sin, whether they arise from physical or moral infirmity, or a vitiated state of any of our faculties, mental or corporeal? Is it not our business to deny worldly lusts, mortify our members which are on earth, and keep our bodies in subjection? Can it excuse crime, that the propensity to it is so strong, and moral and rational considerations are so slightly regarded, that the impulse becomes irresistible? Does it excuse slander, lying and blasphemy, that the "poison of asps is under the lips," or murder, that "the feet are swift to shed blood?" Would not a profounder dread of punishment deter most of those criminals from committing crimes, in whose behalf the plea of moral insanity is set up? Is a peevish, gouty man to be excused for violence to his neighbour, as Brodie well asks, because some physician examined his blood and found it to contain lithic acid? He adds, "When the boy Oxford yielded to what was probably a less violent impulse, which caused him to endeavour to take away the life of the queen, the jury acquitted him on the ground of his being the subject of 'moral insanity.' It seems to me that juries have not unfrequently been misled by the refinement of medical witnesses, who, having adopted the theory of a purely moral insanity, have applied that term to cases to which the term insanity ought not to be applied at all. . . . If I have been rightly informed, Oxford himself was of this opinion, (that he might have controlled his violent

impulse,) as he said, when another attempt was made to take the life of the queen, 'that if he himself had been hanged, this would not have happened.' "

But if this theory has sometimes bewildered juries, it has found little favour with courts. Nor have juries hereby expressed approbation of the theory in question. Upon this they have not directly passed judgment. They have simply expressed their humane unwillingness to be the instruments of inflicting sore punishments upon persons whom medical experts—the highest recognized authorities on the subject—pronounce lunatics. This only shows what the proper province of this class of witnesses is. It is simply to testify as to the actual phenomena of the case. Whether these imply the privation of moral agency and responsibility, other men are as competent to decide as they. It belongs, as it seems to us, exclusively to the jury, under the guidance of the court. Here, as elsewhere, we have found that the great maxims of the law are seldom anything but the eternal principles of justice, developed by the experience and wisdom of ages, in their application to the relations between man and man. Dr. Prichard complains that "modern lawyers and writers on medical jurisprudence have laid down the dogma, that illusion or hallucination is essential to mental derangement, and a criterion of its existence. . . . But the decisions of courts of justice, and even the opinions of the most learned lawyers and physicians, cannot impose laws on nature, or on the physical constitution of man."* And we add, that a school of physicians, who have never made the laws of man's intellectual and moral nature their chief and immediate study, cannot reverse the immutable laws of moral obligation and human accountability.

The principles of law which we find recognized in the authoritative decisions of English and American courts on this subject, stated indeed with various degrees of explicitness, are:

1. That morbid mental states which involve delusion of intellect, and these only, may excuse from crime committed under the influence of such delusion.

2. It is not every state of mental delusion that will serve for

* *Lib. of Medicine*, vol. ii. pp. 178-9.

defence of one that is convicted of committing a crime. The delusion must be such as disqualifies him for knowing the distinction between right and wrong in reference to the crime he has committed, or for understanding its nature as an offence against the laws of God and man. Says Chief Justice Hornblower, in his celebrated decision, (*State vs. Spencer*), "*Whatever the insanity of a person may amount to, if he is conscious at the time of committing an atrocious act, and has reason enough to know that he ought not to do it, he is guilty in the eye of the law.*"* Thus it has been decided over and over again, that the murder of another in revenge, for imaginary injury, the belief of which is produced by insane illusion, while the mind is sound on all other points, cannot be excused on the ground of insanity. The simple reason is, that if the injury had been real, it would have been no justification. The lunatic's "act, as to criminality, is to be judged as if the thing he imagines to be true were really so. If a man is under the delusion that I am going to take his life, he would be exculpated in taking my life. But if he acted only under the delusion that I was going to carry off his property, or pick his pocket, he would not be exculpated in taking my life, for those facts, if true, would be no justification of his act, unless he were also under the *insane delusion* that he had a right to take my life for such an act."† Brodie adduces an analogous case of delusion not caused by insanity. Because a Socialist believes that all property ought to be equally distributed, would he be exculpated for appropriating or inciting others to appropriate the property of their neighbours, by fraud or violence? ‡

3. The insanity should be shown to have existed at the time of the commission of the crime it is adduced to exculpate. If it did not exist then, it cannot have been the cause of it.

4. There should be some evidence of insanity, besides the

* Zabriskie's Reports, vol. i. p. 204.

† Id. p. 205.

‡ These principles were carried out in the recent great trial of Huntington, for enormous forgeries in New York. Two eminent physicians testified their belief that he was afflicted with *moral insanity*. Judge Capron instructed the jury that no insanity could excuse him, which did not disable him from knowing the moral and legal character of his acts of forgery. The jury found him guilty. So did the verdict of the whole country.

commission of the crime itself. Otherwise culpable crime is impossible. It becomes itself the effect and proof of irresponsible lunacy. Symptoms of insanity, after the crime, appearing in those who have never been suspected of it before, should be scrutinized with great jealousy. Instances of astounding ingenuity on the part of culprits in feigning insanity, are on record, which have baffled the most eminent practitioners.*

It will be observed, that we do not make the criterion, whether the prisoner is capable of knowing right and wrong in the abstract, and in the general, as judges have sometimes stated it. This may be, while his insane delusion utterly disables him from doing it in regard to the particular case in question. Nor is it merely whether he did actually know the wrong of his own act, according to the law of God and man. For every man is bound to know the law, unless there is some physical or mental inability to know it, besides his own criminal neglect. The true question is, was he rendered unable to know the true character of the act by *insane delusion* of any kind? If he was, he is exculpated. If not, he is guilty. In the words of Alison, a Scotch criminal lawyer, "If he labours, as is generally the case, under an illusion or deception as to his own particular case, and is thereby disabled from applying it correctly to his own conduct, he is in that state of mental alienation which renders him not criminally answerable for his own actions."†

With these explanations, we conclude by adding our earnest endorsement of the following judicious deliverance of Dr. Beck, which, though given with special reference to dubious cases of monomania, is equally just with regard to the plea of moral insanity. "It is from long continued and anxious reflection on the difficulties which thus present themselves to the consideration of the medical witness, that I am led to withdraw much of the objection which I have felt and expressed to the *dictum* of the English law on this subject. There must be some rule to guard the sacred interests of society—something to repress

* "Why should it not be enacted that the MURDER, (for all the difference of opinion is only about this) shall not be the first and earliest proof of insanity?"
—Beck, p. 795.

† Beck, p. 770.

and keep in check that tendency to 'shed the blood of his fellow,' which unfortunately is too common; and at the same time humanity forbids that the horrid spectacle should be permitted, of taking away the life of the insane by judicial process. Let the question put by Lord Lyndhurst be presented to every jury: *did the prisoner know, in doing the act, that he offended against the laws of God and man?** Let the following remarks of the Scotch Law Commentator† be kept in mind, and with the acknowledged mildness of our laws, and the unwillingness to convict capitally, I feel a strong conviction that no practical injustice will be done. But to aid in effecting all this, it is very necessary that the medical witness should have every facility allowed him for studying the nature of the case, and that its history should be ascertained."

W H Green

ART. II.—*An Introduction to the Critical Study and Knowledge of the Holy Scriptures.* By the Rev. THOMAS HARTWELL HORNE, B. D. Tenth edition, revised, corrected and brought down to the present time. Vol. II. Containing the Text of the Old Testament considered, with a Treatise on Sacred Interpretation, and a brief Introduction to the Old Testament Books and the Apocrypha: by SAMUEL DAVIDSON, D. D., LL. D. London, 1856. 8vo. pp. 1100.

HORNE'S Introduction to the Scriptures has long held a conspicuous place among the standard volumes of a good minister's library. Notwithstanding its extensive erudition, however, its sound theological views and excellent spirit, which are its strong commendation, it has acknowledged and serious deficiencies, and is much behind the present state of biblical learning, particularly in the departments of criticism and special introduction. Its author's ignorance of German debarred him from the use of the ablest treatises which have been written upon these

* To which we add, *or was he prevented by insane delusion from knowing it?*

† The substance of which appears in the previous quotation from Alison.