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tion (as he thought it might easily be) and made to fold up in a portable manner, would be very useful to scientific explorers in foreign countries, who would by its means be able to collect a large quantity of important statistics with very little difficulty.

The following paper was read by the author.

MORAL IRRESPONSIBILITY RESULTING FROM INSANITY. By
GEORGE HARRIS, F.S.A., V.P.

I AM desirous of submitting to the consideration of the members of the Anthropological Institute—a society devoted to the study of man, not only as regards his material and physical, but also as regards his mental and moral nature, and as such, by its experience and authority, calculated essentially to aid in the satisfactory solution of some very important, practical, and social questions connected with this subject—the following observations and facts, the aim of which is to establish, on the one hand, a correct theory respecting the nature and essence of the disease termed insanity; and, on the other hand, to arrive at some certain and satisfactory conclusion beyond what has hitherto been attained, as to the precise extent to which, during each manifestation and phase of the disease, moral responsibility ceases, so far as wholly to exempt the doer of any particular act while under the influence of the disease from legal punishment on account of that act. The subject of insanity is at once one of the most painful, one of the most perplexing, and at the same time one of the most interesting topics connected with the science of man. In addition to this, I believe that the study of the phenomena of mental disease affords a very useful aid to that of anthropology, and is calculated to throw much valuable light on the subject; as anthropology also in its turn is calculated to render essential service in the investigation of mental disease, and in arriving at sound conclusions with regard to it. The most opposite opinions, however, have been formed respecting insanity, and that by men well calculated to arrive at a correct principle here. Whether the mind itself is or can be subject to disease, or whether it is only liable to be affected by the ailments to which the body is subject in an infinite variety of ways, seems yet to be a matter upon which those who have investigated this topic are not all entirely agreed; although it appears most reasonable to conclude that what are vulgarly, and for the sake of distinguishing them from the common bodily ailments of the system, termed diseases of the mind, do in reality consist of some disorder of the brain, or other parts of the system through which the mind acts.

Disease of any part of the material frame, its substance, its

organisation, or its fluids, such as the blood, the animal spirits, or the nervous fluid, will produce insanity, if such disease is communicated to or affects the brain as regards its operation as the organ of the mind; while, on the other hand, disease of, or injury to, even the brain itself, will not produce insanity, unless it affects or interferes with the operation of the brain as the organ of the mind.

Insanity develops itself in various modes, and assumes particular aspects, corresponding with the nature of the disease that occasioned it affecting the material frame. Sometimes it consists in mental delusion. At other times its main characteristic is the overpowering influence which certain of the animal propensities or endowments have obtained over the actions of the mind. The intense and unrestrained activity of appetite or passion is another manifestation of its existence. Indeed, the emotions and passions themselves, when rudely excited by natural causes, will produce results akin to, if not identical with, insanity. The ancients termed anger a short madness; and according to Hobbes, madness is nothing else but so much appearing passion.* Moreover, many of the phases of insanity appear in inebriety (which is clearly occasioned by material causes), alike in wild frenzy, disorder of the mind, and mental imbecility.

Insanity is, however, of two main or principal kinds, which are distinguished according to the causes of its origination and the mode of its development. The first kind of insanity is that which is known by the name of idiocy, or imbecility, which consists in a weakness or deficiency, rather than a perversion as regards the operation of the mental material organs. In the other kind of insanity, which is known by the name of madness, the action of the mind is altogether misdirected and perverted, through the disease of the material frame in the way stated, and the consequent disarrangement of the material mental organs.

The essential distinction, indeed, between madness and idiocy appears to be this. In the former case, the machine is out of order, and will only work irregularly. In the latter case, it will not work at all. Insanity of the kind ordinarily known as madness manifests itself in three separate modes, corresponding with the three principal faculties of the mind: 1. Disorder of the understanding, as where the mind labours under some delusion, from erroneous ideas or impressions being conveyed to it, occasioned by some disorder of the senses, of the brain, or of the organs connected with it. 2. Disease of the reason, when conclusions altogether false and erroneous are formed, although the *data* for such conclusions are correct, but the mind is unable to apply them rightly. 3. Disease of the imagination, which arises

* "Leviathan", part i, ch. 8.

when erroneous combinations of ideas themselves correct are formed by the mind; and thus the imagination runs wild, whereby the mind is distracted and overpowered, and the person so suffering is led astray by various wild fancies, and loses all control over his conduct.

Insanity must, however, be clearly distinguished from the effect of a powerful imagination, which by its energy materially influences, though it is unable to control, the other faculties of the mind, and is occasionally by this means the cause of error in our mental operations; but which is very different, indeed, from wild and incoherent actions proceeding from insanity. Cases, too, of great eccentricity of conduct may be found, but where no trace of insanity is discoverable. The individual in question, though in some minor matters acting differently to the generality, still regulates his actions by reason; the data on which he proceeds are correct, and he is not led astray by wild and erroneous fancies.

We next have to inquire as to the strict proofs of the existence of insanity of different kinds; and here the leading authorities on the subject appear to differ as essentially as they do on most other points relating to this topic. Witness the contradictory evidence given by medical men on every trial where the plea of insanity is set up, and also on commissions of lunacy. Under the head of madness Plato classes, "that which arises from an inspired deviation from established customs";* which would include the case of every man of extreme liberal opinions. During the proceedings on a commission of lunacy which was taken out against a wealthy retired tradesman, one proof as to his insanity offered was that he wished to become a member of Parliament. I recollect one case of a gentleman who was subject to occasional attacks of insanity, where his friends declared that they always had warning of the approach of the attack from the conscientious manner in which he talked about the discharge of the duties of his office, which, when in the full enjoyment of his faculties, he was thought to have neglected. Of course, in this case it was the extreme nervous susceptibility which manifested itself on the approach of a paroxysm.

With regard to the evidence afforded by premonitory symptoms, the obtaining of this appears to me mainly to depend, not on the conduct of the person afflicted, but on the acuteness, and observation, and discretion of those about him. In some instances, these symptoms have been very obvious and very frequent, but have passed unnoticed. In other cases, the first appearance of the disorder, however slight, has attracted notice.

As to how far the commission of suicide may be regarded as

* Phædrus, p. 107.

a proof of the existence of insanity in the party committing it, this must of course depend on the circumstances of each particular act. When it has been shown that from the peculiarities of his case, as from acute bodily suffering, or the certainty of approaching ruin and disgrace, life had become a burden, it cannot be assumed that suicide is any proof of insanity. Thus, in the recent case of Mr. Watson, suicide appears to have been attempted in order to excuse the disgrace of being punished as a murderer. Where suicide is proved to have been committed without any adequate motive, and more especially where symptoms of insanity had been observed in the person who afterwards destroyed himself, it may be regarded as a satisfactory proof of unsoundness of mind. Coroners' juries are nevertheless, it is well known, generally disposed to take a charitable view of suicide wherever an opportunity or an excuse is afforded for doing so, out of a humane regard for the feelings of the relatives of the deceased, and return a verdict to the effect that the deceased fell by his own hand while in a state of unsound mind, instead of a verdict of *felo de se*.

The sudden outburst of ungovernable fury, especially after a fit of melancholy depression, as in Mr. Watson's case, is a common feature in, and a strong proof of, insanity. But then, as did not happen in Mr. Watson's case, the fury has been unprovoked, without motive, and without deliberation. As also happened in Mr. Watson's case, this fury has also been vented on those who were most nearly connected with the lunatic. A wife and children, towards whom, when not suffering from mental disease, the insane persons appear to have been very warmly attached, have frequently fallen the first victims to his unprovoked and sudden rage.

Malice against unknown persons, and a general desire to take away life, without any motive for doing so, as in Miss Edmunds' case, might almost be regarded in itself as a proof of disordered mind, if not of actual insanity. The whole nature of woman seemed in this instance to be reversed. And there was the strong corroborative evidence of insanity in her case that several of her relations had been afflicted by the same disease.

According to the opinion of the celebrated John Hunter, as given upon Donellan's trial, there is no such thing as hereditary disease, but there is an hereditary disposition to it. In the case of insanity, for instance, it would appear that although the disease itself is not inherited directly from the parent, yet the frame itself, whether from texture, temperament, formation, or organisation, peculiarly liable to this disease, is so inherited.

During the trial of Mr. Watson, the law, as laid down by the judges, was very clearly expounded by Mr. Baron Martin, who

told the jury that the only question which they had to determine was, "Did the prisoner at the time he committed this act know what he was doing? If not, of course he was not criminally responsible. Did he also know that he was doing wrong?"

It may, perhaps, be thought by some persons who have paid deep attention to the subject, that the principle here expressed by the learned judge who tried the case, and which was laid down by the judges, after deliberation, in the House of Lords, is hardly sufficiently comprehensive to meet all the cases of insanity which have to be dealt with, more especially acts committed from ungovernable, morbid impulse, or which are the result of delusion. I venture, therefore, to submit to your consideration that exemption from moral responsibility, and consequently from criminal punishment, should exist in each of the following cases :

1. Where the person committing the act is suffering from loss of reason, evidence of which is afforded by the nature of his acts, both in regard to the particular offence with which he is charged, and also his general conduct, so that he must be presumed not to know right from wrong, or that he was committing an act which was unlawful. Exemption in this case is clearly comprehended in the rule down by the judges.

2. Where a person is labouring under delusion with regard to particular topics to such an extent that his conduct on many matters is not only influenced but determined by this belief, although he still continues to reason correctly, it appears that he should be considered exempt from moral responsibility, and also from criminal jurisdiction. In this case, although his reason may be unimpaired, the ideas on which he forms his reasoning data are false; or, his imagination being disordered, and acquiring undue influence, leads him astray. For instance, the law allows of killing a man in self-defence, when your life is attempted. Suppose a person labouring under the delusion that a man is attempting to kill him, kills the man, as he believes, in self-defence. Is he exempt from moral responsibility in such a case, or ought he to be executed as a murderer? I was once witness to an attempted murder by a lunatic of a man who he believed was intending to kill him, and yet that lunatic talked and reasoned very soundly on all topics, not excepting those connected with his delusion. Would such a case as this come within the principle laid down by the judges? On the one hand, the existence of a delusion might be urged to be an indirect proof of the absence of reason; but which, on the other hand, might be directly answered by shewing the exercise of reason in regard even to the very delusion itself.

3. Where a person is under the influence of a morbid impulse, by which, for the time, he is irresistibly carried away, owing to the weakness of his mind through disease, and in consequence of which he loses the due control over his actions, although he may be quite conscious that he is acting wrongfully, he should also be deemed to be exempt from moral responsibility, and should be free from punishment as a criminal.

4. Where, from mental disease, more especially that connected with, or arising from, the disorder of the nervous system, a person is afflicted with violent and uncontrollable irritability, which induces to acts of frenzy, although he may be at the time actually conscious that he is doing wrong, he cannot be deemed to be morally responsible for his acts, and ought not to be punished for them as a criminal.

DISCUSSION.

Mr. LEWIS, referring to the conclusions drawn in Mr. Harris's able paper, said that it was his impression that the interests of society would be best served by the extinction of both dangerous lunatics and habitual criminals, not in a cruel manner or in revenge, but for the protection of society, just as one would destroy dangerous wild beasts. The lives of these unhappy beings were a curse both to themselves and everyone else ; but it appeared to him that the present tendency of legislation was to protect and preserve all the useless and worthless members of the human race at the expense of those who were worthy and useful.

Mr. BRABROOK remarked that the practical question frequently was not so much the irresponsibility of the criminal as the responsibility of those in whose hands his life was placed. There was a certain morbid shirking from this responsibility which had increased very much of late years. He could not avoid referring, in evidence of this, to the recent instance in which, when public servants had not shrunk from this responsibility, but had preferred what they considered their duty to the State to the dictates of mere humanitarianism, they had been censured and punished. With regard to the question of criminal lunacy, he was of opinion that the final decision in these cases should rest, not with a Parliamentary official, such as the Home Secretary, nor with any single person, but with some wholly independent body of a judicial character.

Dr. CHARNOCK said it was difficult to prove when sanity merged into insanity ; the space between might be small indeed. He thought if a man were proved to be of unsound mind just before, or just after, the perpetration of a crime, he ought not to be held responsible. According to some writers, persons ought to be held responsible during a lucid interval ; but that when the interval is only of short duration it must be looked upon with suspicion, as the insane person may have been under the influence of cerebral irritation. According to some, the proper test is whether a person is able to know

right from wrong. On the other hand, medical men assert that those labouring under confirmed insanity, and who have been confined for years, are proved to be quite conscious of the difference between right and wrong. But it might be asked, how is it possible to ascertain such a fact except from the insane person himself; and even during a lucid interval such evidence would be unsatisfactory.

Mr. HOLTHOUSE was surprised to hear the doctrine advanced—that criminal lunatics should be hanged instead of being confined for life, and chiefly on the ground of economy. In all civilised countries punishment is inflicted rather for the repression of crime in others than for avenging the crime on the offender. The criminal acts of these individuals originate in disease of the higher parts of the cerebral structure—the convolutions—and for this disease they are not responsible; if it be right, therefore, to take away life under such circumstances, it would be equally so to poison or make away with any one who was suffering from an incurable disease—to put him out of his misery, and so relieve his relatives and friends from the expense and trouble of maintaining him. There was another point on which he differed from the last speaker, viz., his sanction of the definition which has been given of insanity, as a want of knowledge of right and wrong. No doubt there are insane people who have not that knowledge; but it is quite certain that many have, and their insanity consists, not in a want of knowledge, but of the power to restrain their morbid impulse, as is seen in many forms of monomania—dipsomania, for example, where the will is too weak to resist the irresistible craving. One more remark. The author of the paper, if he (Mr. Holthouse) understood him correctly, spoke of two kinds of madness—insanity and idiotcy—but it appeared to him that the latter could not properly be termed insanity, as it arose from a defective development of the brain, and not from actual disease; whereas the latter was truly disease affecting a brain which, as regards its development, might be normal.

The meeting then separated.

JUNE 3RD, 1872.

SIR JOHN LUBBOCK, Bart., M.P., F.R.S., *President, in the Chair.*

THE minutes of the previous meeting were read and confirmed.

The following New Members were announced: C. MITCHELL GRANT, Esq., F.R.G.S., 29, Belsize Park Gardens; Captain FRANCIS LUKIS, Grange, Guernsey; R. F. ST. ANDREW ST. JOHN, Esq., Park Road, Red Hill.