

THE CRIMINAL INSANE OF ENGLAND:

A MEDICO-PSYCHOLOGICAL AND LEGAL STUDY.*

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During a long succession of ages everything that has been styled a crime has been visited in the name of human justice and the safety of society with severe punishment, even to the penalty of death. These sentences were rendered under the influence of immutable principles which cannot be denied without disturbing the foundations of social order.

These considerations have constituted the chief arguments for the condemnation of the sorcerers, the magicians, the "possessed," the heretics of former times. In our days, these same considerations are reproduced, with variations, in most of the sentences passed upon insane persons, who have yielded to heinous passions, though reasoning clearly, and distinguishing right from wrong; upon the backward, the feeble-minded, the imbecile, even idiots; in fine, upon "hereditaries," in whose cases degeneracy can be traced through many successive generations.

The nature of the crimes committed, the physical and moral condition of those who committed them, were, however, the first questions to study; and this is what

* This article was read before the Medico-Psychological Society and the Academy of Medicine, January 19th, 1869. It is here translated for the "AMERICAN JOURNAL OF INSANITY," with the exception of such portions as are almost identical with passages in the article by the same distinguished author, entitled "The Insane in our Prisons and before the Courts," which was translated for the last number of this Journal.

has been done by the Beccarias, the Mittermaiers, and so many other illustrious philanthropists. The results of their efforts are apparent to all. Since the beginning of this century more than one species of torture has disappeared, and the death-penalty has been considerably restricted. From time to time it is abolished in some States; in others it is only applied at long intervals: in every civilized nation it is a cause of terror to the great majority of juries. The crinations of the penal code in their relations with man and society, which M. Mouton, former prosecuting attorney, recently reckoned at the Sorbonne at twenty-four hundred in number, were calculated also to raise doubts of more kinds than one in the minds of jurists and physicians upon the identity of the nature of the crime. How, indeed, style as guilty the drunkard, who has become insane, and is no longer able to resist his fatal propensity? How unite under the same designation, "dipsomaniacs," persons who are seized, at certain times, with an irresistible desire for drink; women subject to this propensity under the influence of pregnancy or menstruation; individuals wounded in the head, &c., although their propensity may have involved them in the most criminal acts? Is not the argument that people know to what they are exposing themselves, in satisfying their passions, a species of reasoning false and pitiless, when it is applied to those whose organizations are deteriorated and overcome by disease? If we have chosen drunkenness by way of illustration, it is because this scourge is constantly increasing, and the lessons we draw from it are readily to be appreciated. Marcé has shown that at Bicêtre the number of alcoholic insane increases every year in a startling degree, so that in six years the proportion of this class has more than doubled.

Dr. Zani, of the asylum of San Orsola, at Bologna,

out of 1,665 received at this institution, describes 302 as alcoholic. Monti states the proportion at Ancona, as 252 out of 875 cases; Gambari, 54 out of 286; Girolami, at Pesaro, 247 out of 1,213 admitted.

The frequency of the abuse of alcoholic liquors in causing insanity, tends therefore largely to diminish, in such instances, the imputation of criminality, because it shows it to us under the influence of an almost irresistible pressure. But the designation of criminal loses all its significance, when we know the serious lesions in the system produced by the prolonged abuse of alcoholic liquors, and their intensity, when they have been transmitted by many successive generations of drunkards. In such instances we are no longer in the presence of invisible dynamic disorders; the evil shows itself in every part of the body, and appals us by its multiplicity. We will confine ourselves to a simple enumeration of the principal organic alterations caused by long-continued use of alcoholic liquors.

What do we perceive in persons who are the victims of excessive, long-continued drunkenness? Diminution of the red globules, increase of the white globules, fatty state of the blood, lesions of the vessels of the brain and of its membranes, deposits of fatty matter upon its substance, atrophy of the organ itself, fatty degeneracy of the liver, the kidneys and the heart, numerous alterations of the nervous system, &c. Observation shows that these disorders attack not only the drunkard himself, but his descendants as well. It is henceforth to be considered as proved that the children of confirmed drunkards are frequently imbeciles, idiots, have vicious instincts, inaptitude for work, an absence of the moral sense, a propensity to crime; and many so descended are sexually impotent.

We refer to the work of Magnus Huss,* for proofs of the terrible ravages caused in Sweden by excessive abuse of spirituous liquors.

This study of the cause of criminality has put it beyond doubt that many culpable acts are attributable to insanity, and that insane persons are often found among convicts. This fact attracted the attention of inspector-general Ferrus, as will be seen below: English investigations have established it beyond a doubt. It is our aim to corroborate this opinion, and, to this end, to develop several points of view which we have more particularly observed. Before going farther, we should say that these remarks in no wise touch the principle of the law, which is the safeguard of society; but, as other things in the world, the law is progressive, and its modifications are manifest proofs of this. Let it only be remarked how the penal code at the present time differs from that of 1810, in which the death-penalty was, with a severity that would now be revolting, applied in thirty-six cases.

It was impossible that the erection in England of special asylums for the criminal insane should not awaken the attention of those who were already interested in medico-social questions. Struck with the importance of this institution, not only from the stand-point of moral psychology, but also from that of medical jurisprudence, we proceeded, in the year 1846, to England, for the purpose of learning the motives which had influenced so practical a nation as the English to build a special asylum, besides those splendid establishments with which they are already so bountifully provided.

One section of the hospital of Bethlehem had been for thirty years set apart for insane criminals. When

* Magnus Huss, *Chronische alcoholismus*, Stockholm and Leipzig, 1852.

we made our visit, it contained 97 persons; 77 men and 20 women. The offences of these 97 persons were thus classified :

High treason,.....	2
Crimes against person,	62
Crimes against property,.....	33
	<hr/>
	97

Among these were thirty-three assassins, and fifteen infanticides, without counting those guilty of assaults, of arson, of theft. Spite of the defective arrangements of the premises, there was no disorder visible during our visit; a mere gesture of the superintendent kept every thing quiet.

The general forms of insanity were, exaltation, depression, feeble-mindedness. In the conversations we had with Dr. Morrison, the medical superintendent, he informed us that all those who had been admitted to the asylum since his connection with it, had shown signs of mental derangement.

The subject of the criminal insane, which we had only touched upon, interested us so deeply, that we have endeavored to examine it thoroughly. Various proceedings before the Medico-Psychological Society, in which Falret, Dagonet, Morel, Billod, Lunier, &c.,* have given the results of their experience, appear to furnish us a favorable opportunity for stating our investigations with reference to the criminal insane of England, and to set forth at the same time our own views upon this important subject.

The origin of the institution is not a matter of doubt: it is owing to the respect the English have for the sovereign power, as it is to-day constituted in their country,

* Discussion sur les aliénés dangereux. Ann. Méd.-Psycholog., 1868 and 1869.

that these measures have been taken by Parliament, and sanctioned by public opinion. The following facts speak for themselves, and confirm the opinion we have advanced.

In the year 1786, Margaret Nicholson, under the pretext of presenting a petition to King George III, attempted to stab him. The king avoided the blow by stepping back. In 1790, John Frith threw a large stone at the king. Finally, in 1800, Hadfield fired a pistol at the king while in his box at Drury Lane.*

After a most careful examination by the privy-council and medical experts, all three were pronounced insane, and sent either to prison or to Bethlehem; but their attempts at murder had excited public attention in England.

The trial of Hadfield, noted for the famous plea of Lord Erskine, was the occasion of the different laws passed by Parliament concerning high treason, and the criminal insane. The members of the privy council maintained that the insane are irresponsible only when wholly devoid of memory and intelligence. Erskine declared that not one instance of such insanity ever existed. "In all the numerous cases," he says, "bearing upon insanity, which have come up for trial at Westminster, however complicated they may have been, these diseased persons have not only given proof of memory, as I conceive, shown a knowledge and most perfect remembrance of their mutual relations to each other, but they have also been remarkable in general

* Hadfield was induced to commit this crime by another lunatic, named Bannister Truelok, who imagined that the true Messiah was to be born of him, and to come into the world by his mouth. He was likewise confined at Bethlehem. It is worthy of remark that Hadfield had succeeded in escaping from the old Bedlam, and was retaken at Dover, as he was about to pass over into France.

for their subtlety and finesse. Their reasonings have rarely been faulty. Their disease consisted of delusions, all whose deductions drawn from their mental disorder, were based upon a firm belief in the reality of their unsound impressions."

It was not until the year 1816, that it was decided by Parliament that a special institution should be set apart for the criminal insane. The bill was carried into effect in 1816, by the construction of wings at Bedlam, to which were afterwards added two others. The metropolitan commissioners, on the subject of insanity, alive to the numerous inconveniences of this hospital, and insisted anew in 1844, that it should be replaced by another asylum more adapted to the purpose and to the number of patients. The new institution was opened in 1863, at Broadmoor, about forty miles from London. It had been preceded by the asylum at Dunderum, in Ireland, erected in 1850.

For the creation of these special asylums long discussions in the two houses had been necessary, and also examinations by experts of the three would-be assassins who had attempted the life of George III.; of David Davis, who had severely wounded Lord Palmerston; of MacNaughton, who had killed Drummond, Secretary of State, while intending to kill Sir Robert Peel, of Oxford, who had twice shot at Queen Victoria, and of others confined at Bethlehem.

These facts had been attended with another result of no less importance, and directly connected with the subject—that of calling the attention of medical men and jurists to the insane in the prisons and before the courts. Accused persons suspected of insanity were examined with more care, and it was proved with regard to a considerable number of them.

How could it have been otherwise, when we consider

their surroundings? The issue, generally, of many generations of criminals, of lunatics, of imbeciles, of drunkards, of debauchees, of paupers, these pariahs of civilization came into the world having before them nothing but the spectacle of vice, of bad examples, of promiscuousness of the sexes, without any moral or religious knowledge to counterbalance their deplorable tendencies. Last of all, in the discussion before the Medico-Psychological Society, there were reported to be from ten to fifteen thousand children in the colonies, the penitentiaries, and prisons. If judicial reports were available in reference to them as to the adults, we are certain that they would reproduce the genealogies as above.

Dr. Hood narrates the following anecdote regarding hereditary propensities, taking it from a work entitled "Old Bailey experience."

Obs. 1.—A gentleman recently returned from New South Wales, told me that he was one day in a factory, where the convicts are kept until an engagement is made for them with some master, when a gentleman entered the establishment. Perceiving a young man who he thought would do for him, he asked him "what he was?" "A thief from London," he replied, touching his hat. What can you do? Steal, sir. I don't doubt that, responded the interrogator, but what have you been taught? To steal, was the response of the young man. What was your father? A thief. The gentleman on further inquiry learned that he had five brothers, and five sisters, all of whom were thieves.*

Let us now take a brief survey of the results at which some of the physicians and jurists have arrived, who have occupied themselves with the question of the convict insane.

[The next two cases are omitted in this translation for the reason given at the head of this article.]

*Ouv. cit., p. 34; W. Chas. Hood, M. D., suggestions for the future Providence of Criminal lunacy, p. 78, London, 1854. See also the "Traité de l'hérédité naturelle," by Dr. Lucas, which contains very curious facts concerning the hereditary transmission of crime.

At one of the last sessions of the Medico-Psychological Society, M. Morel gave an account of the trial of Count Chorinski, who had poisoned his wife. Called by the defence, he had declared before the court at Munich, that the count was of unsound mind, and that he would soon give incontestable proofs of it. We have since learned from the German prisons that the count has had so furious an attack of madness that he has been put in a strait-jacket, and was to be taken to an asylum.

CASE IV.—The *Gazette de Tribunaux* of Dec. 25th, 1858, contained a statement that a young man of twenty-two years of age, who had set fire fourteen times within a few days, and had caused the destruction of property to the amount of 200,000 francs, had been condemned to death. He gave as reasons for these crimes that he was tormented with reproach for having stolen five francs from his mother, and by the thought of having injured an innocent man whom he had falsely accused of the theft. It turned out that he once tried to hang himself, because he had seen a man commit suicide by this means, and it was, besides, proved that his mother had been insane.

This reference to the criminal insane was necessary in order to show the close connection between insanity and crime, when the latter has been bequeathed by heredity, or drunkenness, and strengthened from early years by the influences of destitution, the contagion of vice, abandonment by one's parents, &c.

Has society nothing with which to reproach itself, when it applies to these degenerates, thus placed in fatal conditions of physical and moral inferiority, the same corporal and ignominious punishments as to the real criminal !

Many a time, when sitting in court as a juror, in cases of accused persons whose culpable acts were not explicable by ordinary motives, and occasioned doubts in the minds of the jury, we have set before our colleagues

the ideas of the English concerning the criminal insane. They would almost always answer us that, if a similar institution existed in France, they would send thither persons in this category; but, they would add, these are people dangerous to the public safety; it is necessary to prevent them from doing harm; the prison is the only means possible; we will only lower the penalty.

The facts presented by us which we have taken from the history of this question in England leave no doubt upon the causes of the creation of a central asylum; but they were not the sole ones, and in proportion as these so-called criminals were better studied, their diseased state became more and more evident; their antecedents, their motives, almost always imaginary, false, puerile, absurd, the strangeness and the cruelty of the offences with which they were charged, the fantastic kind of explanation which they gave, their delusions, the dangers society incurred from them, dissipated all doubts. Lords Shaftesbury, Derby, and others, had declared in 1852, that nothing was more injurious than to put together the criminal insane and ordinary criminals. The realization of this system was not effected without a contest. But the great majority, both in and out of Parliament, pronounced in its favor: the public safety, the shameful stigma brought by the old system upon honest families, the injustice done by intermingling these two classes of the insane, and, finally, the legal difficulties in the way of properly disposing of insane criminals constituted effectual arguments.

We cannot but approve of these arguments, which have the same force for us as for those who defended and adopted them in England; it seems needful, however, to discuss the criticisms of the opponents of the criminal insane and of special asylums for their use.

One of the first is the want of logic in the denom-

ination of the criminal insane. A lunatic, said M. Falret, from the time that he is recognized as such, is no longer a criminal, but a *sick person*. The English physicians had already met this objection. The word *criminal*, observes Dr. Hood, is independent of responsibility or irresponsibility; it means only that the individual has committed an act which society justly considers a crime. Murder and arson, whether perpetrated by a lunatic or by a responsible person, are none the less crimes. "*Res non verba quæso*," adds Hood.

We will not dwell upon this objection; we too have employed the word dangerous, as well as M. Falret. But in the use of this term one difficulty still presents itself; and our colleague asks by what signs it is to be recognized that a lunatic is dangerous? Are not sick persons sent to asylums, who have committed no criminal act, and yet are dangerous, while others who have committed murder or theft under the influence of temporary excitation, or of an hallucination, are no sooner in the institution than they appear calm and manifest no depraved tendencies? It is therefore argued that these special establishments are not really needed, and the less as their place can be easily supplied by particular sections connected with ordinary asylums, and even with prisons. It is finally objected, that to remove these central asylums to a distance from the great majority of the poor, who furnish the principal quota of inmates, would only weaken and break family ties, by obliging relatives of the patients to make long voyages at great expense.

But is the picture that is drawn of the readiness of the dangerous insane to adapt themselves to the discipline of asylums, of the disappearance of their perverse instincts, and of their small number a true one? What is the teaching of experience? Very many of these diseased persons have a tendency to repeat their criminal

acts. Thus Hadfield, before his attempt upon the life of George III, had tried to kill his wife and child; and some years after, he killed a lunatic in the old Bedlam, where he was confined.

The lunatic mentioned by Pinel,* who was confined at Bicêtre, for having killed his two young children, and also a fellow-prisoner during his trial, after an interval of fourteen years, during which he had appeared perfectly calm, cut the throats of two other lunatics. The attorney-general, who sustained before Parliament in 1800, the bills concerning high treason and the criminal insane, even then remarked that many of this class, guilty of these crimes, and confined therefor, having been set at liberty before the presentation of these laws, had added to their list of victims.†

These repetitions need occasion no surprise, when we remember the frequency of relapses into insanity, which Thurnham estimates at fifty out of every hundred;‡ but there are other facts upon which too great stress cannot be laid, namely, that the sick included in this category, independently of physical and moral heredity, and, consequently, of the pernicious propensities with which they are born, have, as others who are partially insane, the power of reasoning, notions of right and wrong, of justice and injustice, know how to discriminate, can form plans, and, indeed, have many points of resemblance with other men, from whom they differ only by an invincible belief in their delusions, which they can neither correctly appreciate, nor control, or against which their will is powerless.

* Pinel, *Traité médico-philosophique sur l'aliénation mentale*, 2d edit. Paris, 1809, p. 119.

† Hood, *ouv. cit.*, p. 2.

‡ J. Thurnham, *Observations and Essays on the statistics of Insanity*, 119-123, London, 1845.

From this point of view the necessity of sequestering the dangerous insane in a special institution cannot admit of doubt. Their number is another reason, for they formed in 1852, according to Dr. Hood, a total of 439 in the asylums reserved for them, without counting 85 confined in prisons and in county asylums. They now number more than 700, according to a report of Dr. Guy. Although all these were not equally dangerous, there still would be only two modes of disposing of them, either to set apart particular sections in the ordinary asylums, or to establish one or two central asylums. The objection of the expense of a central asylum would be more than met by the safety to society by their isolation, and by the gain in tranquility to other asylums by their removal.

Another important objection brought forward by the adversaries of central asylums for dangerous lunatics, is the difficulty of establishing the characteristics which furnish the ground of separating the insane from the criminal.

Besides the means we have already alluded to we believe other means of information may be obtained.

Convinced as we are of the preëminence of clinics, we have thought from the beginning of our studies, that psychological characteristics were puissant assistants in attaining a knowledge of the question. Hood, in his "*Suggestions*," has the following passage:

The criminal insane are more difficult to manage than others, because they are more irritable, and are more subject to agitation. They are conscious of their offences, and as they are under the impression that they shall never recover their liberty, their habitual dispositions result in sadness and discontent. They have the notion, too, that they form a distinct class among their fellow-criminals. This circumstance establishes a sort of fraternity among them: they are constantly in communication with each other, and are led by curiosity to inform themselves of the particulars in case

of each new arrival. They are soon posted as to the history of each one, and this often leads to quarrels and recriminations. These moral dispositions give to the insane of this class a physiognomy which presents a marked contrast with that of the ordinary patients of asylums; and their own remarks confirm the disordered state of their minds.

We will cite but one example. Speaking of Hadfield, who died in 1841, at Bethlehem, Hood relates that he was often morose and gloomy; abandoning himself at times, to transports of passion, and to sudden impulses. When he spoke of his attempt at murder, which he remembered perfectly, he praised highly his advocate, Lord Erskine, but he manifested in his recital of the details of the act, a satisfaction not consistent with soundness of mind. For instance, he was wont to tell a story about a young woman, against whom he was pushed by the crowd on entering Drury Lane Theatre. "Sir, she cried, you hurt my bosom with the handle of your umbrella." What she called the handle of my umbrella, said Hadfield with a laugh, was the muzzle of my pistol.

Grieslain declares that according to his experience, a skilled physician, especially when he can observe for a considerable time the individual accused, can finally distinguish whether his condition be sound or morbid. If the latter be the case, he suggests as evidence the weakening of the faculty of self-examination; impossibility of comprehending his situation, and marked tendency to tergiversation. In acts and words, falsity of judgment appears: there are disordered fancies, impulses, singular freaks of the will, strange propensities, in fine a noticeable degeneracy of the intellectual and moral faculties.*

These reflections of Grieslain suggest to us the follow-

*A. Brierre de Boismont, *Esquisses de médecine mentale*. Joseph Grieslain, *sa vie et ses écrits*, p. 38.

ing deductions: If this survey, which embraces not only the present, but also the past life of the accused, demonstrates that there exist mental disorders, it also often leaves the conviction that the faculty of reasoning is not extinguished, that it may even be exercised with energy. But we must not in such a case forget the indelible blot of insanity. What imports it that this sick man has discernment, may have recourse to ruse, as Hadfield, who succeeded in escaping from the old Bedlam, that he knows how to dissimulate, to lie, if he can no more strive successfully against his evil thoughts than he can by the effort of his will prevent his arm from contracting, because it is agitated by convulsive movements? When this struggle is possible, which no physician denies, it takes place under conditions of physical and moral inferiority, which forbid the comparison of the individual, whose development has been thus checked, with one who enjoys health of mind; to apply then to the first the same punishments as to the second, would be an act of injustice. There may be in this case a partial responsibility, but good sense and conscience oppose that on this account he should be assigned to the prison for the criminal. These facts are beginning to gain acceptance among enlightened men; and it is not rare in jury discussions to see the main charge and aggravating accessory circumstances set aside, and the stress laid upon only collateral questions stated by the court in anticipation of the influence of these discussions. This tenderness is a new conquest for humanity, but there is still further progress to be made, namely, to send these sad victims of perverted reason to special institutions, as they do in England.

M. Prosper Despine* has tried to supply the want

* P. Despine, *Physiologie naturelle. Études sur les facultés intellectuelles et morales, dans leur état normal et dans leurs manifestations anormales.* Paris, 1868.

felt in respect to psychological characteristics. He has devoted one of his three volumes to the examination of criminals whom he considers as sick persons. Already had Mr. Sampson, in England, adopting the views of the author of the "Vestiges of the Natural History of the Creation," attributed criminal acts to a morbid condition of the cerebral organization. His fundamental proposition is that every manifestation of mind depends upon the health of its material instrument, the brain.* Hurlbut, an eminent counsellor, and one of the judges of the supreme court of the State of New York,† has maintained the same principles. Such a doctrine, exclaims Dr. Hood, would make assassination and theft matters of fatality, would result in doing away with the police, and in closing the criminal courts. We are of opinion that a strict analysis of the identity in its nature of crime, puts the question where it should be.

Despine takes for his point of departure exclusively the lesion of the *psychological* functions; he combats the belief that the culpable act is a product of free-will. According to him, great crimes are due solely to certain mental conditions, incompatible with the existence of reason, of moral liberty sufficient for the conscience to act freely, and without which they would not manifest themselves. These conditions are *moral insensibility and perversity, alteration of the freedom of the will, imprudence and improvidence.*

The union of these five conditions, which constitutes the mental state of criminals, is what Despine calls moral insanity, and not a physical malady.

* B. Sampson, *Rationale of crime*, being a treatise on criminal jurisprudence, considered in relation to cerebral organization. Edited by E. W. Farnham. New York, 1846. Appendix, p. 142.

† Hurlbut, *Essais sur les droits de l'homme et les garanties politiques.*

It has been remarked by M. Legrande du Saulle, that proofs are wanting to support this doctrine ; almost all the cases observed, in place of being collected from the clinic of prisons, are taken from law journals and political papers.

We are far from wishing not to take into account the charge, the depositions of the accused and of the witnesses ; these are valuable documents, but in order to speak of the character of the insane and the criminal, it is necessary to have lived with them, and to have observed them for a long time upon the spot.

M. Despine regards these five conditions as so fundamental that he deems it useless to take account of anatomical lesions, which, besides, are not found in insanity. He attaches only a secondary importance to the form of the mental disorder. Thus in his observations upon the parricide, Rivière, who presented symptoms of melancholia, he says that union of the psychological facts, which he ascertained in the patient, sufficed to prove the existence of moral insanity.

The doctrine of the author is too general not to raise numerous objections. It lacks for us the indispensable condition,—personal observation ; it deserves, however, serious discussion by reason of the importance of the questions connected with it, and the psychological side which characterizes it. Thinkers, without practical facts, may be misled ; they open, however, new horizons, and the five characteristics of Despine should be considered.

Not to prolong this article, we will only give in a few words some of our experience on this point. We have had occasion to examine ten insane, five of whom had committed, and the other five attempted to commit, murder. In all of them appeared all the characteristics of melancholic insanity ; they were morose, taci-

turn, lived apart, were easily irritated, had a restless, suspicious aspect, inspiring distrust. When questioned about their criminal act, some appeared to have forgotten it, spoke only in a confused, evasive way, were ill at ease, hesitated to answer, said they did not know why they had acted so, that they had no reason for wishing their victims ill, &c.; others, and these generally thought themselves persecuted, beset by enemies, and pursued, were embittered, and had no regret for what they had done, and declared boldly that they would kill all the authors of their torments. One of them, brother of a magistrate high in office, when solicited by him to become a member of his family, many years after the event had transpired, answered: "I do not wish to come out, I am tranquil in this house, and I feel that I should do over again what I have done." This afflicted one, though very eccentric in his acts, talked very reasonably, and came every day into the parlor to visit the ladies.

Many of these patients had illusions and hallucinations of sight and of hearing; some talked very sensibly on subjects not connected with their delirious conceptions, and had the notion of justice and injustice, of right and wrong. There could nevertheless be no doubt as to their mental derangement, and the dangers society would have incurred had they been set at liberty before a complete cure.

In the course of a long practice, and while collecting the materials of this work, we have met classes of individuals, presenting close affinities with the dangerous insane. We will instance two of them. Most of those with whom we had been up to that time occupied, belonged to the poorer classes. They were generally the offspring of the *alcoholized*, of criminals, of lunatics, of debauchees, who had seen nothing in their lives but

vice, and without any moral or religious instruction to modify their baleful tendencies. Those of whom we are now to speak are not of this class.

We have had repeatedly to verify the painful fact that children brought up by worthy parents, have, from their earliest years, shown utter want of the moral sense. Family education, instruction in secular and religious schools, severity tempered by kindness, admonitions of every kind, nothing whatever has had a restraining power over their defective natures. We have heard one of these unfortunates, at the age of fifteen, assert that he had never comprehended *what was called morality*. He gave only too full proof of the truth of his assertion by his low tastes, by his bad conduct, and by the choice he made of a wretched and shameful life, when he might easily have attained consideration and a high position. How can we avoid, in such instances, thinking of the *irresistible impulses* of the insane?

An aged magistrate, in a case of this kind, made an observation which shows the power which experience has over the judgment. "What we should look at in this matter," said he, "is the mental condition of this young man, for to account for his having pursued such a course of life, when an honest course was so easy for him, and the results so certain, we must admit some mental derangement."

When such a moral outlaw becomes guilty of some wrong act, would the voice of conscience mistake, if it should say to the judges: "Do not put him in prison, but send him to a special asylum, such as the English have devoted to the insane of this description?" Perhaps the bugbear of moral insanity will be objected, which we intend presently to examine; just now we will only answer that our observations do not seem to us liable to the reproach that they allege merely per-

versity, or the influence of bad examples, so long as we find there the elements of insanity, or at least of nervous affection. One of the brothers of the young man last referred to, had often complained of hallucinations of sight and hearing, and had once attempted suicide. There were instances of unsound mind in the family on the mother's side.

The other category is that of those sombre and bloody fanatics, who, for the sake of carrying out those Utopias which are never realized, for to Cæsar succeeds Octavius, recoil before no crime, however heinous. Resorting to cowardly ambushade, and almost always taking to flight after the guilty act, they do not hesitate to sacrifice the lives of a hundred innocent persons, if by so doing they can put out of the way the one whom they regard as an obstacle to their projects.

We have by no means the thought of making of these assassins, or of all vicious beings, as many lunatics: many of them are amenable exclusively to human justice, but there are among them others also, who are *dangerous sick persons*, and this opinion is not a paradox.

Ravaillac perceived odors of sulphur and fire exhaling from his feet; he had seen the host rise in the air, and place itself on each side of him; and he had once seen a head of More upon a statue.*

Historical documents prove that Jacques Clement† must be classed among the hallucinatory insane, as also Damien, who attributed his attempt to murder Louis XV. to his having neglected to be bled.

The young German also who designed to stab Napoleon I, at Schœnbrun, had visions: he saw the genius of Germany, who charged him to deliver his country.

* Bazin, *Histoire de la Fronde*.

† Pierre de L'Estoile, *Journal de Henri III*; see also *Histoire des Hallucinations*, 3d edit., p. 606.

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The three would-be-assassins of George III. were really insane, as Bucknill and Hood have established.

We will cite one more instance, that of the assassin of the illustrious President Lincoln.

CASE V.—His name was Junius Brutus Booth,* and he had acquired great reputation in the United States as an actor. When we read the account given of him, no doubt can remain as to his fantastic behaviour, his eccentricities, and his mental derangement. The two following anecdotes are conclusive proofs. On one occasion, while on a voyage in the ship *Neptune*, he seemed much depressed, and spoke frequently of Conway, an actor, who committed suicide by jumping into the sea. When the vessel neared the spot where the unfortunate man perished, Booth, moved no doubt by some delusion or hallucination, rushed from the cabin, saying he had a message for Conway, and jumped into the sea. He was immediately rescued, but gave no explanation of his mad act. On another occasion, when he was expected to appear before a crowded audience at the Park Theatre, the time for the curtain to rise came, and he was no where to be found. Messengers were sent in all directions, and he was finally discovered at a fire in an adjoining street, working with all his strength at an engine. Upon being asked what he was doing there, he replied, with the most childish *naïveté*, that he was helping to save the property of unfortunate people.†

The two categories we have just reviewed relate to the dangerous insane. In one of them it is difficult to recognize the signs of nervous or mental affection. Those of which we are now to speak belong to this division. We are yet of opinion that a prolonged study of the physical and psychical characteristics, and an examination into their antecedents will succeed in discovering, in most cases, the pathologic element; this is also the opinion of the celebrated Griesinger.‡ It is besides, to

* [The distinguished Frenchman has here fallen into an error, which Americans will readily correct. It was not Junius Brutus Booth, but his son, J. Wilkes Booth, who assassinated our ever-to-be-lamented President, Abraham Lincoln.—TRANSLATOR.]

† Kellogg, *American Journal of Insanity*, New York, April, 1868.

‡ Griesinger, *Discours pour l'ouverture des cours de psychiatrie*. (*Archives de la psychiatrie et des maladies nerveuses*. Berlin, 1868.)

be remarked that the hallucinatory state was only admitted after ages, and that epilepsy *larvée* is of recent origin.

Recent times have been marked by a series of crimes, seemingly remote from the causes to which they are usually assigned. Regarded by the public as strange, and affirmed to be mysterious, their mystery, unable to be solved by the courts, their perpetrators have been declared by some jurists lunatics, who were only to be cured at the place of public execution. They forget these noble words of the celebrated Blackstone: "The execution of a lunatic can only be a pitiable sight, attended with detriment to the law, and the result of extreme inhumanity and cruelty, and which, moreover, can be of no service as an example to others."

How, indeed, call a crime, in the real meaning of the word, the act of the nurse at Genoa, who poisoned nine patients under her charge, without any interested motives, from no desire of vengeance, and being on perfectly good terms with them? She justified herself by saying that she was experimenting in order to cure the sick who were constantly dying in the hands of the physicians.*

Must we not range in the same category the youth of twenty years of age, to whom we have referred above, who set fire fourteen times during the past year, causing loss by fire to the amount of 200,000 francs, who gave as his reason that he had yielded to a sudden idea, through remorse for having stolen a five franc piece and then having accused falsely an innocent person? When sentenced to death, he tried to hang himself, after having seen a man who had committed suicide by this means. His mother, near the time of his birth, had an attack of insanity. To this list we must add the stu-

* *Gazette des tribunaux*, 1st September, 1868.

dent J——, who, for the most trifling motives, set fire to the seminary, and killed one of his fellow-students to whom he was passionately attached. This convict, who had become a felon in a few seconds, questioned in prison by a writer concerning the cause of the outrage, answered in a natural tone, as though he was analyzing what some one else had done: " 'Twas the FIRE which made me lose my head. When I saw the flame and smoke, I was no longer master of myself. I ran to my friend's bed and cut his throat. If the match had only not lighted, and the paper not caught fire, nothing of all this would have happened, and instead of being now a convict, I should spend my life as an honest man. Still, why should I rebel against my lot? I have done wrong, and ought to be punished for it, I know."

What is the conclusion from these different facts? That in the opinion of all enlightened men, there are very dangerous insane persons, and that the number is more considerable than is supposed.

Still it is incontestable that all the culpable acts committed by the insane who are called criminals, are not to be comprised in a single category. Many of them are guilty only of venial offences arising from errors of judgment. But even among these are found insane persons, who, by reason of their propensities and bad conduct, should be isolated from ordinary sick patients; such are those whose every word is a falsehood, a calumny, a slander, who steal, get up plots, turn the heads of their companions, excite them to injure themselves and others, write anonymous and threatening letters, abandon themselves to sensual excesses, provoke those around them, accuse persons of having dishonored them, and sow everywhere trouble and disorder.

These vicious, unhealthy organizations often reason very well, have at times neither delirious conceptions,

nor hallucinations, nor illusions; but their acts and words taken at random, prove their mental derangement. But to know them we must have them under our eyes; prolonged daily observation, which we here unceasingly recommend, can alone unmask them: we have already recorded some remarkable instances:* we will add the three following cases observed by us.

CASE VI.—Miss Louisa, 18 years of age, has always been ungovernable; suddenly, when it was least to be expected, she escaped from home, disappeared, and did not return for some days, no one knowing where she had gone or what she had done. It was impossible to accustom her to any rules, to any work. She was always committing larcenies, usually without any benefit to herself, and only for the purpose of troubling those from whom she stole. Her acts, often inexplicable, her fits of passion instantaneous, and of extreme violence, were judged to be occasioned by insanity. Placed in two institutions in succession, she became the terror of all the inmates. She would steal from the patients whatever they most valued, and then either deny the theft, or avow that it was on purpose to pester them. If she thought herself observed, she would go off into frightful fits of anger, roll over on the floor, give utterance to the most grossly insulting language, making use of such expressions that it was necessary to put her in close confinement. One patient's mother, on hearing her for the first time, immediately took away her daughter. When her fit of temper was over, she talked reasonably. Miss Louisa had no notion of morality or religion, and all were agreed that as soon as she was set at liberty she would become a ruined woman.

CASE VII.—Madame Delphine, 25 years of age, wife of a famous professor, sat at the window the day after her marriage, and called out to men in the street to come up stairs. She would go out every moment with the idea of giving herself up to debauch. When her husband expostulated with her, she threatened, in the transports of her insatiate rage, to kill him, and then broke everything within her reach. Shut up in a convent for penitents, she sought to pervert her companions and to urge them to rebel. The physician of the establishment thought that she was insane, and

* Briere de Boismont, *De la responsabilité légale des aliénés.* (*Ann. d'hyg. et de méd. lég.* Paris, 1863, 2d series, t. XX, p. 327.)

induced her husband to treat her so. She herself agreed that at times her head was turned, and that she did not know what she was doing. Not able to explain her course by any criminal conduct, her friends consulted another physician, who declared it an evident case of insanity. Having been placed in our establishment, we were able to observe her for four years. The daughter of a convict, without education, or any notions of right and wrong, she sought only to satisfy her animal instincts; she was, therefore, under constant surveillance. False, mischievous, and deceitful, she invented slanders which caused trouble in the house. Her evident feebleness of mind made her unable to strive against her evil instinct, or provide regularly for her own wants. Here was the criterion of her conduct, the full importance of which daily observation only could reveal. The discipline of the house produced its usual effect upon this woman. She became submissive, no longer subjected herself to censure for reprehensible conduct, and claimed to be set at liberty. To insist upon her confinement would have caused us embarrassment; we recommended her husband to take her away. After her departure from the institution, she escaped from the house where her husband had placed her, wandered about, leading a disorderly life, following the most menial occupations. Then began an attack upon asylums and their physicians. One of those wretched attorneys of bad repute, with whom Paris swarms, listened to this woman's story, and thought to scent a chance of blackmailing. By his advice she summoned us before a court, eight days after she had left our institution, on a charge of arbitrary detention. It was easy for us to prove the shallowness of the accusation. When she, in her turn, was questioned, she could not find a plausible argument; she could only murmur a few words; this was all we expected from her limited capacity.

CASE VIII.—The third case observed touches upon a delicate subject, for we are here concerned with persons desperately bent on the pursuit of sexual pleasures, who plunge with such frenzy into this course of life, where certain dishonor and crime await them, that they neither will nor can listen to any counsel nor regard any menace. The world sees them fall, turns a moment, and condemns them: but the physician conversant with insanity, who has observed many of this class, entertains doubts as to their mental soundness, and asks himself whether restraint would not have been better for them than this unlimited liberty, which has led to the loss of their reputation, and to long years of misery and brutalization?

Madame Zelia, 23 years of age, was a privileged character. By her beauty, her wit, her various talents, she exercised an irresistible influence: she could converse readily in three languages. Yet she was a creature of the worst instincts, given up to the pleasures of sense. From her earliest years she showed herself a gourmand, was slovenly, deceitful, disorderly, lazy, excessively inclined to sexual pleasures. Her father said to us, "When she makes you the fairest promises, be sure she is planning the vilest plots." Married early, she led a most adventurous life. She turned up in America among the border-ruffians; with confident air, and full of courage, revolver in hand, she shunned no danger, braved the cholera and earthquakes, passed over frightful abysses, figured in the wildest scenes enacted in Western gambling-hells. The families that received her, counted but victims: fathers, sons, sons-in-law were allured by her.

Wearied with this life of perils and excesses, she came home to her parents in France sick, and a prey to extreme nervous excitement. A skilled practitioner of her native town noted symptoms so pronounced of hysteria and nymphomania, that her father concluded to place her in a hospital; when abroad, she had already had one attack of insanity. During her stay at the hospital we witnessed frequent nervous crises, during which her pulse ran very low, she became suddenly pallid, her features changed noticeably; demi-syncopes ensued; but this without loss of understanding. After these crises she was alternately exalted and depressed, manifested disgust with life, tendencies to self-destruction, and was said to have made one attempt at suicide. As there were signs of derangement of the side of the uterus. We engaged our friend Dr. Forguet, to examine her. He found chronic metritis, an ante-flexion, red spots and punctures upon the neck of the organ, an abundant flow of "whites," an intertrigo, and prescribed a treatment which was attended with good results. In the institution where this woman was placed, was also a foreigner, who received numerous visits from his countrymen; in a brief time all of them, and they were men of a high class, were completely charmed by her. The charm she exercised upon them is a new proof of the power that certain persons have upon all who are around them: it is probably in their looks, their movements, their gestures, their words, their nervous *influx*; but it is! Who does not remember the example of St. Bernard, preaching the crusade to the Germans in a language which they did not understand, and inducing them to take the cross by thousands.

There was this fascination about Madame Zelia, but fortunately she had no tenacity of disposition; such was her mobility and impressionability that she could not follow any plan. Had it not been for these defects, she would have been the cause of still greater misfortunes, for she knew how to wear all masks, and play all rôles. Treated with consideration, but under constant surveillance, and warned that, on the first offence, she would be sent away, she remained in the institution six months; but the responsibility became too painful, and we begged her father to withdraw her.

By all those who have not observed such characters in our asylums, Madame Z. would be considered one of those pests to families, who under the ancient regime would have been imprisoned by virtue of lettres de cachet. The happiness of this woman consisted in destroying that of others. Her language and manners were as deceitful as her actions were detestable; she was cunning incarnate, vice impersonated, diabolic in her spitefulness; yet, withal, she had outbursts of generosity. She is one of those examples which prove that persons in authority should not receive without proofs the complaints, the falsehoods, the accusations of unhappy beings. They are considered by the world as perverse natures. When they are carefully watched day by day, we notice the want of connection in their remarks, the irregularity and disorder of their actions, the improvidence of their conduct, the absence of reflection, of judgment, and of the moral sense; all of which things, separately, would be of little account, but when taken together and continuously, enable us to make up an opinion. We believe we are right in maintaining that there is something incomplete and, above all, unsound in these organizations; at war, as they are, with family, with society, and utterly unable to be of any use to themselves and others.

However reserved we may have been in our remarks upon these shades of dangerous insanity, we have pre-

sented, as moderately as possible, our ideas upon the difference in the nature of crime, of moral perversity, of vice in the unhealthy, of strange criminal attempts, when they have for foundation the degeneracy of the organization. We commend these grave subjects to the consideration of all thinkers, whose aim it is to ameliorate, not to punish, to preserve society, and not to condemn the really insane.

The individuals of these diverse categories, to whom the attention of psychologists and jurists seems not to have been sufficiently directed, range themselves, in our opinion, into the two sections with different degrees, which we have established for the dangerous insane. But doubts might be raised as to the mental condition of many among these, and as it might be thought that others are only beings perverted by their own faults, it is indispensable that all, without distinction, should be subjected to medico-legal examinations. These should be made by competent physicians for the insane, appointed by the courts. This would be the best means of protecting individual liberty, and of avoiding, as much as possible, errors.

The special wards of public asylums, and the central asylums thus placed under the surveillance of the law, the conscience of magistrates and of juries would be quieted, and the good name protected of many families who would then no more be obliged to count in their number criminals, but diseased persons. The setting at liberty of these insane as persons cured would be equally under the control of the law, which would decide after having called for a report from the physicians of the asylums.

The difference of degrees which we have admitted in the criminal acts of the dangerous insane, is no less important for their classification; but before proposing

the method, which is based upon our researches, there is one observation to be made respecting the insane who are not, and those who are convicts. It is not to be concealed that individuals who have begun to serve out their term in prison and are then transferred to asylums, are an object of aversion to the ordinary inmates of these institutions, and a cause of complaint on the part of their relatives; we are, therefore, of the opinion that they should be subjected to a probationary stage, varying in place, according to their mental condition. In the central asylum itself, there must needs be separate quarters for those who differ wholly from the others by reason of their birth, education and mode of life.

Hood says that the criminal insane at Bedlam complained to him more than once of their being mixed with the insane who were ill brought up, whose talk and actions were a perfect torment to them. It is only equitable that the central asylum should be organized so that the convicts shall be separated from the insane who are only dangerous, and that different ranks should not be confounded, inasmuch as contact with the vulgar man can only aggravate the mental condition of the insane man who has enjoyed the advantages of education; for we must bear in mind that we are here concerned with the sick, not the criminal.

As a general rule, all the insane of these two categories should be submitted to medico-legal examination.

We would classify the two sections as follows:

I. *Special wards in ordinary asylums.*—The insane of the second degree, whose evil instincts are not incorrigible, who are submissive to government, should be placed in these wards, for we do not admit of the prison in case of manifest insanity. The same in regard to the vagrant insane, whom it has often been our business to examine. Now sequestered as sick persons,

now imprisoned as criminals, examination of these cases has taught us that we had to do with lunatics or imbeciles, whose true place was in an asylum where they could have medical care, or be kept occupied. Here, too, we would have the insane who have been convicted of misdemeanors, but are susceptible of discipline.

II. *Special central asylum.*—Devoted solely :

1. To homicides, to incendiaries, to thieves, to those guilty of criminal indecencies, to all those who have pernicious tendencies, marked with the character of persistency.

2. To those insane on the subject of persecution, who have killed, and are constantly wishing to kill, some one whom they accuse of persecuting them.

3. To individuals guilty of strange or unusual crimes, whose acts cannot be explained on any theory of their rationality, as in the case of the female poisoner of Geneva, in 1864, with regard to which the procureur-general was constrained to say : " Her crime is a terrible one, but the cause of it is still mysterious." Their sequestration would protect society ; it would be a sufficient punishment if they were criminal, but if they have acted in a moment of transient insanity, honorable families would, in this event, be saved from the stigma which attaches to conviction for crime, a prejudice likely to continue ineradicable.

4. The central asylum would be suitable also for the insane whose cases require long observation, as the reasoning insane, when they have committed a crime.

5. To those feigning criminality.

6. To the sick, born with instincts of moral perversity, in spite of good family influences ; to fanatics, who murder in order to realize their utopias, but whose conduct finds its explanation in insanity.

7. Finally, to the insane of the second degree, with vicious tendencies, which they are unable to restrain.

Let us not lose from view that these sick persons do not exceed altogether 700 out of 64,658 insane and idiots, according to English estimates from actual experience, and that the measure advocated is a guarantee of tranquility for all the ordinary asylums.

We think that we cannot conclude our work better than with these words from our communication to the Academy of Medicine, at its session of the 19th of last January.

Our task, gentlemen, or rather our feeble sketch is concluded: you are acquainted with the facts and the arguments upon which we rely to sustain our opinion; it is to-day more impregnable than in 1846, when we stated it for the first time.

If we were to appeal to authority, as we have always done, for we are a disciple of tradition, though ever inclining to the remarkable works characteristic of modern individuality, we would invoke in favor of the question which we have had the honor to propound for your consideration and that of the medico-psychological society, the testimony of the greatest man of our age. On being asked one day what should be done with the author of an anonymous book: "He should not be brought before the courts," he answered, "his place is at Charenton." *

Indeed, moral monstrosities, no less than physical, are only deviations from the natural order. The knowledge of the psychological laws restores them to their true place, which is more satisfying to the reason and more consoling to the conscience, than the prison, the galleys and the scaffold.

* A French Lunatic Asylum.—TRANSLATOR.