

One hundred years ago

The plea of insanity in criminal cases

Medical men had no standard as to the mental condition which should exonerate a criminal from punishment. On the other hand, the principle was accepted that insane persons should not be punished with a severity equal to that inflicted upon the sane. While every insane person might commit offences for which he ought not to receive punishment, yet there were very few lunatics who were wholly irresponsible. He [Dr. MERCIER] advanced the propositions that it was right and just to punish the insane for wrong-doing, and that to a greater or less extent that view was acted upon in every asylum, either directly or by the withdrawal of privileges. He urged medical witnesses not to shrink from asking total immunity for some criminals and partial immunity with mitigated punishment for others. To establish a plea of insanity proof of one or more of the following mental conditions should be demanded: delusions; such confusion of mind that the accused was incapable of appreciating in their true relations the circumstances under which the act was committed or the consequences of the act; marked inadequacy of motive; extreme

recklessness and the non-occurrence in the act of the volitional self.

Dr. J. F. SUTHERLAND (Lunacy Commissioner, Scotland) said that in Scotland there was no desire among experts for an alteration in the law. He did not know any case in which injustice had been done where the plea of insanity had been advanced, but he knew instances of grave injustice where the offender was intoxicated. If any alteration of the law were required it was not as regards the delusional man but the intoxicated man who committed a crime of which he had little or no recollection. Intoxication was insanity of the purest kind and the habitual drunkard was not a voluntary drunkard. Such persons should not suffer for their crimes, although within the past five years in Scotland one such person had been executed.

Dr. BLANDFORD (London) urged that a lunatic's knowledge of right and wrong was that of an insane person, comparable to the recognition of the same kind by a child or a dog.

Professor GLAISTER (Glasgow) thought that the tendency was to do injustice not so much to insane persons as to the general public.

Sir WILLIAM GAIRDNER agreed with Dr. Mercier's propositions. To the two existing

verdicts of "Guilty" and "Not guilty on the ground of insanity" he would add a third – "Guilty but insane."

Dr. MERCIER pointed out that there was another verdict in England – "Guilty, but strongly recommended to mercy" – which always influenced a court of law.

REFERENCE

Lancet, 13 August 1898, 443.

Lunacy in Dorsetshire

Although the new county asylum at Charminster has only been completed about two years the Dorset County Asylum Committee has been informed by the Commissioners in Lunacy that owing to the increase of lunacy the available accommodation will be exhausted in five years, and the county is asked to take the matter into early consideration in view of making additional provision. During the past year the percentage of new admissions has been very high.

REFERENCE

Lancet, 13 August 1898, 458.

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Corrigenda

Cubbin, S. & Leahy, A. (letter), *BJP*, 172, 366. The fourth sentence of the last paragraph of this letter should read: "Negative parent-child interactions may not cause hyperactivity, but are associated with its persistence".

Wearden, A. J., Morriss, R. K., Mullis, R., *et al*, *BJP*, 172, 485. The fourth author's affiliation should read: "PAUL L. STRICKLAND, MRCPsych, University of Manchester, Department of Psychiatry, Withington Hospital, Manchester".