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## PART 1.—ORIGINAL ARTICLES.

*Sketch of the French Legislation Relative to the Insane.\** By  
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The question of the revision of legislation in regard to the insane is, at this time, under consideration both in England and in France. In England Parliament has been occupied with various projects of law, results more or less direct of the parliamentary inquiry of 1877. In France the Government has charged a Commission composed of Senators, Deputies, Administrators, and Physicians, to study the improvements that might be introduced into this legislation.

Under these circumstances it may be interesting for the readers of the JOURNAL OF MENTAL SCIENCE to be in possession of a summary of the French legislation, and of the modifications of which it is susceptible.

*Historical Sketch.*—England possesses a great number of Acts of Parliament relative to the insane; in France, on the contrary, there is only one law, that of the 30th June, 1838, which constitutes by itself the whole code of lunacy, with the exception of that which concerns the interdiction which is regulated by the Civil Code (Art. 489 and following). The law of the 30th June, 1838, had been the result of profound study and prolonged discussions, as much before the Chamber of Deputies as before the Chamber of Peers under the reign of Louis Philippe. It has constituted, in regard to an entirely new point of administration, a very remarkable legislation in every way, one which has served as a model to many other subsequent laws promulgated on the same subject in different countries.

\* Dr. Foville has kindly responded to the request to write an article for this Journal, on a subject which cannot fail to interest English alienists, the more so when further lunacy legislation is probable on this side of the Channel.—[Eds.]

The object of the law of the 30th of June, 1838, was to ensure the treatment of the insane and the creation of special asylums in all parts of the country. It provided that these asylums should be under the direction or under the surveillance of public authority; that families, any of whose members were attacked with the malady, might procure for such member without delay or unnecessary publicity, the advantages of a treatment adapted to his state; that at the same time the rights of individual liberty should be surrounded by protective guarantees; that every individual placed in a special asylum might always, without delay or expense, appeal from this Act to the decision of the administration and of the Judicial Authority; on the other hand, that society should be efficiently protected against the dangers which may arise from those who have lost their reason; that, lastly, the patients thus deprived of their liberty should be protected in their pecuniary interests, and that it should be possible to defend and administer their property without necessarily having recourse to the long and expensive procedure of interdiction.

And all that it had in view it has performed; no doubt it may leave something to be desired, and cannot be complete in every respect, but, taking it as a whole, it has worked for more than forty years in a regular and uninterrupted manner, rendering to many patients and families very great service without its ever having been shown to have done injustice to any one. It is then, in its entirety, a legislative monument which does great honour to those who constructed it, and which ought only to be touched with great care.

Criticisms, however, have not been wanting in regard to it, but it is important to see under what conditions they have been produced. They scarcely commenced till 1860, an epoch from which the spirit of discussion began to revive in the French journals, although the Imperial Government did not allow the discussion either of the principle of its existence or of the principal acts of its policy, internal or external. The press in opposition had then recourse to expedients, and not having the power to attack the Government directly, it began to combat it on questions of detail relating to administration rather than to politics. Some complaints emanating from former patients discharged, more or less cured, from the asylums, or from lunatics in confinement, served as a pretext and a *point de départ*; the press affected to believe that individual liberty was menaced; alarming articles followed, and the reclamations increased. Some medical men, very

competent to form an opinion, have justly remarked at this period, "The reclamations increased in proportion as the journals more frequently attacked the law of 1838, and spoke of arbitrary sequestration; that is to say it was not the reclamations which caused the articles in the journals, but rather the articles which provoked the reclamations."

Although the basis upon which the opposition rested was not very profound, and in great measure artificial, the Government was led to take notice of it. The Senate, to which had been addressed many petitions, in doing all justice to the majority of them, had forwarded several to the Government. The Government thought the moment come to revise the law of the 30th June, 1838, and it charged a Commission composed of men which it believed to be the most competent to make the necessary preparatory enquiries. This Commission, appointed on the 9th Feb., 1869, endeavoured to fulfil its mission with a zeal which those who are conversant with its works are able to appreciate. It desired to interrogate the journalists who had attacked the Government with the greatest fury, but the majority of them abstained from replying to its call. It listened to several special physicians, and to a certain number of patients; it collected and thoroughly examined many documents. An inquiry made at its request, in all the departments, occupied much time. The Commission had just resumed its labours, and was going to make some addition and some modifications of details to the law of the 30th June, 1838, when the war of 1870, and the results which followed, suddenly put an end to its existence and labours. Several attempts at reform by the Government of the National Defence, immediately after attaining to power, could not effect anything in consequence of the course of the military and political events. Since that epoch years have gone by, during which the press has again become free, but absorbed by the great questions relative to the organization of the country, it has bestowed very little attention on the question of the insane. It was only at long intervals that any journal opened its columns to an article inspired by a praiseworthy and genuine interest in advance of the general indifference. It would be absolutely false to say that public opinion occupied itself with these questions in a serious manner. Scarcely anywhere but in the midst of the Municipal Council of Paris can one find a feeble echo of former polemics. Nevertheless the Government thought that the law of 1838, notwithstanding that it was satisfac-

tory in many respects, ought, at the end of forty years, to admit of some alterations and perfections. By a decree dated the 10th March, 1881, it appointed a large Commission charged to investigate the whole law regarding the insane. In awaiting the result of the inquiries of that Commission we may now pass in review the principal questions to which it will have to direct its attention.

*General.*—The law voted on the 30th June, 1838, was completed in regard to the details of its application by a Royal ordinance of the 18th December, 1839. The greater part of this law had been inspired by Dr. Ferrus, who had just been nominated Inspector General of the Service of the Insane, and who had made a voyage to England to study the *régime* of the insane in that country. It is necessary, then, when speaking of the French legislation on the insane, to bear in mind, at the same time, the law of the 30th June, 1838, and the ordinance of the 18th December, 1839; it is also necessary, when it is the question of the interior administration of public asylums, to recall the model of regulations which were proposed as a type to all those establishments, and which, recommended by the Ministerial Circular of the 20th March, 1857, had been specially prepared by Dr. Parchappe, who had become, as an Inspector, a colleague of Dr. Ferrus.

The law of the 30th June, 1838, comprises forty-one articles, divided into three titles; Art. 41 forms by itself the last title, and under the head of *general dispositions*, it indicates the penalties which may follow the non-observance of the preceding articles; but it is doubtful whether any penalty of this kind has ever been applied, and we need not, therefore, dwell upon this subject. The first title, styled *Lunatic Asylums*, comprises seven articles; the second, styled *The Admissions into Lunatic Asylums*, is divided into four sections:—

1st. Voluntary Admissions.

2nd. Admissions Ordered by Public Authority.

3rd. Cost of the Service of the Insane.

4th Regulations Common to all Persons Placed in Lunatic Asylums.

We will state at once, in order to complete the sense, not very clear, of the last section, that the question affects the facilities accorded to all patients and their friends to exercise their right of reclamation, and to take measures for the management of their property and the security of their interests. It will facilitate the comprehension of the matter,

before following, in the order of the articles, the principal dispositions of the law, and the ameliorations of which it might be the object, to give a summary idea of the functions of the different depositaries of the public authority who have to play a certain rôle in its application. As is well known, France is divided into Departments, in each of which the administration is exercised in the name of the Government by a Prefect. The discussion of financial and administrative interests of the Department is entrusted to an elective body, named the *Conseil General*, composed of from thirty to sixty members, according to the importance of the Department, which holds two sessions every year, one in April, the other in August. The Judicial Authority is entirely distinct from the Administrative Authority; it is constituted in every chief place of a Department or District (subdivision of the Department) by a Civil Tribunal, composed of a President and several judges; in connection with each tribunal exists a representative of the Central Authority, named Public Minister or Procurer of the Republic. The last administrative subdivision, that which may be considered as the territorial unity, corresponding at the same time to that which is called in England parish, borough, or city, is in France the Commune, and the Commune is administered by a mayor. These hasty sketches will suffice to make clear all the denominations, administrative or judicial, that we may meet with in the course of this article.

*Lunatic Asylums.*—The law admits of two kinds of establishments consecrated to the treatment of the insane, public and private asylums. The former are under the direction of the Public Authority (Art. 2); the latter are under the surveillance of the Public Authority (Art. 3). Each Department is required to have a public asylum, especially destined to receive and take care of lunatics, or to treat to that end with a public or private establishment, either of that Department or of another (Art. 1st). Such are the fundamental rules.

For the details of application, we must return to the ordinance of the 18th Dec., 1839. It comprises two divisions, one relative to the public asylums, the other to the private asylums.

*Public Asylums.*—The Departmental public asylums are administered under the authority of the Minister of the Interior and Prefects of the Department, by responsible Directors, in relation with whom are Committees of inspection whose services are gratuitous. These Committees then do

not direct the asylums as the Board of Governors of the English county asylums: they only give advice; their decisions are taken, according to the importance of the questions, by the Director, the Prefect, or by the Minister; in practice the recommendations of the Committee of Surveillance are found to be, in accordance with a previous agreement, almost always favourable to the propositions of the Directors, and are consequently adopted by the Prefect; but in the case of disagreement he is not obliged to follow them.

The Directors are nominated by the Minister of the Interior (Art. 3), who can always unite the functions of director and physician (Art. 13). It is in this way also that the medical superintendents are appointed. But one sees that the reunion of functions is optional; it is not compulsory, and, in spite of the excellent results which it has given almost everywhere, it has not become general.

Out of the 45 public asylums which exist in France, in 36 the functions of director and physician-in-chief are united; in 9 they have remained separated. Such separation is caused as much by the very great importance of the establishment, the legal obligations imposed on the physician-in-chief, and the necessity of having two in the same establishment (Charonton, Mareville, Marseille) as by, in ordinary asylums, old customs, and the difficulty of abolishing an already acquired position. In theory the directors ought to occupy themselves with the administrative and economical, as well as the general policy of the asylum; the physician is charged with the treatment of patients, and the internal management of the wards of the insane. Unfortunately, in practice, it has never been possible clearly to establish the line of demarcation between the prerogatives of the one or the other, and it could not be done, because the nature of things is opposed to it; nearly all the questions relating to the insane and asylums applying at the same time to medical science and economical administration. Consequently it is easy to imagine that the sources of conflict and the occasions of quarrel are frequent between the directors and physicians; therefore there is rarely a cordial understanding between them; when it exists, honour must be paid to the personal character of men and their common love of good. But can you secure this from everybody?

The physicians-in-chief, even when not exercising at the same time the duties of directors, were originally nominated by the Minister; since the decrees of decentralization of

1852, issued at the moment of the re-establishment of the Empire, their nomination, as well as that of the assistant physicians, has been given to the Prefect; but this modification of power has only been a dead letter, and has remained, in fact, illusory. As the changes are especially made by advance from one asylum to the other, and as nearly all the assistant physicians are chosen from the former *internes*, the Minister alone knows the whole of the medical *personnel* of the asylums, and when a vacancy occurs it is to him that the Prefects address themselves for proposals, which, with very few exceptions, are always carried out. It is very desirable that this decree of 1852 should be revised, in order that the whole medico-administrative corps of asylums may be centralized in the hands of the Minister of the Interior, and that this *personnel* should be filled up by means of competition, as is the case in France, with a great number of scientific and administrative officers. This is an opinion which has been often expressed, and the adoption of which would be very advantageous for the patients and for science.

There is only one State Asylum in France for the insane, namely Charenton, which is under the direct authority of the Minister of the Interior, without the interference of a Prefect; with this exception, the preceding remarks are applicable to it.

There exists another class of institutions devoted to the insane; they are the "Quarters of Hospitals." In France these last institutions are of ancient origin; the majority have a separate income, an endowment, and their existence is due to the head of the State; therefore they have a certain analogy with the Royal or Chartered Hospitals of England and Scotland, but they have less independence, and are more intimately associated with the organization of the Commune where they are situated. They are directed by administrative Committees (these not only give advice, but decide), of which the Mayor is, *ex-officio*, president. The hospitals have the right to organize, for the treatment of at least fifty lunatics, special wards which are also public institutions, and in that sense they are to accept a responsible superintendent, who has the same duties and responsibility as a director of the asylums; but nothing has been decided in regard to the nominations of physicians of these lunatic wards; that is to say that, like all the ordinary hospital physicians, they are nominated, purely and simply, by the administrative Committee. This mode of nomination does not offer sufficient guarantees of

special knowledge of insanity. Without doubt, certain administrative Commissions are sufficiently alive to the good of the patients to call only those who have studied mental diseases to the care of the patients, and even, for more security, the Administration of Public Assistance of Paris has organized for this purpose special competitions. But it too frequently happens that administrative Committees of hospitals place at the head of special lunatic wards, ordinary practitioners who have never seen or treated mental disorders, and who are chosen from considerations absolutely foreign to science.

These things are deplorable, and to avoid them in the future, it is necessary that the physicians of lunatic hospital wards should be nominated, like those of the Departmental asylums, by the Minister, and form with them an integral part of the same *personnel* of alienist physicians.

*Private Asylums.*—The private institutions, devoted to the treatment of the insane, can only exist by virtue of the authorization of the Prefect of the Department where they are situated.

That authorization can be demanded either by a doctor of medicine or by a layman, but the latter must produce the certificate of a physician promising to undertake the medical service of the house, and submit to the obligations imposed in this respect by the laws and regulations. This physician must be submitted to the Prefect, who may revoke the appointment, but this revocation is not definite until it has received the approval of the Minister of the Interior. In practice, the only conditions required up to the present time, in such a case, for a physician to be accepted, are those which concern his personal and professional honour; it is not the custom to require from him the proof of a special aptitude for treating lunatics. This is a point upon which it would be useful to be stricter in future, at least in taking account of the practical difference which forms, in private asylums, two categories, of which we shall speak directly.

The other conditions imposed on opening a private asylum relate especially to its material arrangements in regard to the classification of the patients, according to their sex, their age, their general condition, the salubrity of the situation and the establishment, the number of attendants, and lastly, the deposit of a security in money, estimated according to the number of the patients. This deposit is intended to provide for the wants of the patients, in cases where from



some interruption in the service of the asylum, the Prefect would be required to appoint a temporary manager. Their interior rules, like those of public asylums, must be approved of by the Minister of the Interior.

A decree of the chief of the executive power is necessary to suppress the authority once given, and the ordinance lays down (Art. 31) the series of infractions which may cause this revocation. Although the conditions required for the establishment and management of private asylums be uniform for all, custom, as we have just said, has divided them into two classes. One of them comprises establishments which, according to the terms of the first article of the law, enter into an agreement with certain Departments, by virtue of which they engage to receive and take care of all the poor lunatics of the said Departments; others, on the contrary, only receive lunatics voluntarily placed there by well-to-do or rich families.

The former are large establishments belonging to either private persons or religious communities, and which, like the Departmental asylums, receive several hundreds of poor patients; they are classed under the name of private asylums, performing the functions of public asylums. They number in France 18, and out of a total of 49,000 sequestered lunatics in France, they contained altogether, on the 1st Jan., 1882, the number of 11,700 patients; these refuges are usually designated under the name of *Maisons de Santé*, and only receive a relatively restricted number of paying patients; they number 25, and their total population was composed at the same date of 1,312 patients.

It would appear very just to establish, between these two classes of private asylums, a difference in the action of the public authority in accordance with the nature of services which they render. The families who place their patients in the *Maisons de Santé*, by means of a payment more or less high, are absolutely free in their choice, and it must at least be supposed that they only decide, for one house rather than for another, for some known reason, and after careful examination. It is only natural that the public authority should content itself with inspecting these houses, and should assure itself that the law is scrupulously observed, without pretending to exercise over it a directing influence.

It is not however the same with the large asylums, receiving all the patients from one or more Departments, that is to say, several hundred lunatics who are not free to go and be

treated elsewhere; here, evidently, the public authority has more pressing obligations, and ought consequently to claim for itself more extensive rights. Without interfering with the financial management of these asylums, it could and ought, in our opinion, to appoint a physician of its own choice, forming a part of the *personnel* of the public asylums, and charged, not only with directing the medical treatment of the patients, but also with seeing that the clauses of the agreement relative to their hygiene, their nourishment, the whole of their physical and moral *régime*, be strictly observed. As these asylums, although private, fulfil the functions of public asylums, it would be only just that the action of the Government upon them should be more direct and more effective than upon the private *Maisons de Santé*, which have to do only with private families.

*Supervision and Control.*—The law, after having made enactments in regard to the existence of asylums, has had to consider their means of supervision. It is for this that Art. 4 provides as follows:—

“The Prefect and the persons specially delegated for this purpose by him or by the Minister of the Interior, the President of the Tribunal, the King’s Procurer, the Justice of the Peace, the Mayor of the Commune, are charged to visit the establishments, either public or private, designed for the insane. They shall receive the reclamations of persons who may be placed there, and will take under their consideration all information with which, in their position, they ought to be acquainted. The private establishments shall be visited, at unfixed periods, at least once every quarter, by the King’s Procurer of the district. The public establishments shall be visited in the same manner, at least once every six months.” This article has been literally quoted, and in its entirety, because it contains the whole economy of the surveillance of the treatment of lunatics, and because it has given rise to a great deal of controversy.

Some have maintained that the surveillance thus organized was illusory, or at least insufficient; that the functionaries charged with control did not perform their duties; that when by chance they visited the asylums, they only saw that which the physicians thought well to show them, and that in short the physicians were always right. Others have replied that it was injurious to the treatment of patients, and to family secrets, to open the doors of the asylum, under the pretext of inspection, to so many different persons, and that,

instead of increasing the number of visitors, they must be restricted. To these opposite objections, it was replied that the prescriptions of the law might be considered as very good, but that their execution may have often been defective from not having sufficient sanction.

Let us now see how the law has practically worked. Let us remark, first, that the functionaries charged with the surveillance of asylums are all local, with one exception only, the officer appointed by law to be the deputy of the Minister of the Interior. These local functionaries are the Prefect, the President of the Tribunal, the Mayor, the Justice of the Peace, and the Procurer of the Republic. It will be remarked that, for the last alone, the visits are compulsory, and subject to a fixed period; for all the others they are optional. It is not far from the truth to say that these visits left optional are very rare. No doubt there are some exceptions; certain magistrates personally interest themselves in the insane, and visit the asylums; but it must be admitted that they are not the majority.

As to the Procurers of the Republic, perhaps at one time they manifested also a certain negligence in the performance of their visits, in spite of their obligatory nature. But in 1866, at the moment when the attacks against the law were most lively, the Minister of Justice reminded them of their duty in this respect, and required that each of their visits (every three or six months, according to the public or private nature of the establishment visited), should be the subject of a written report. Thanks to these orders, the visits of the Procurers of the Republic have been regular, and we can state that it is very seldom that they are omitted. It is just to add that these magistrates acquire thus an experience, relatively at least, in questions relating to insanity, as is well perceived in comparing the manner in which they judge the same things and the same patients at the beginning of their duties, and when they have performed them for a certain time. At first they think they see everywhere improper sequestrations, and persons of sound mind wrongfully confined; later on they acknowledge that under these deceptive appearances are hid real patients, and the necessity of special treatment. It is rare that, instead of being the adversaries of the physicians, they do not become their partisans and supporters; also we believe that it is the duty and the well understood interest of the asylum physicians not to put aside the magistrates charged with the inspection, and not to leave them alone in

the embarrassment of a difficult task; they should, on the contrary, give them the best reception, show them everything, and place their experience at their disposition to initiate them in the knowledge of patients. They will in all respects be gainers, and men and things will, in consequence, be estimated at their just value.

After the Procurers of the Republic, the Justices of the Peace are the persons invested with the right of inspection of asylums, and are those who most frequently visit these establishments. In the absence of any legal requirements, they have received from the Minister of Justice strict orders to make these visits, and to make a report.

That which is obtained from the magistrates of the Judicial order could be as well obtained from the functionaries of the Administrative order; for that it would be sufficient that their chief, in the absence of law, prescribed for them as a formal obligation, to visit the asylums at fixed periods, and to address to him a report written on each of these visits.

We have seen that, according to Art. 4, the Minister of the Interior must cause asylums to be visited by its deputies. These form part of the body of Inspectors-General of the Administrative Services of the Minister of the Interior. Their organization has varied. For long they formed a separate section of the General Inspection; they were then three in number, all doctors of medicine. More recently they have been confounded in one section with the Inspectors-General of charitable establishments. They are thus nine in number, of which two only are doctors; the others are mostly administrators or jurisconsults; all, without distinction, inspect every public institution, hospital, alms house, charitable house, and lunatic asylum. The Inspectors-General have not, properly speaking, to exercise any active interference, or take any personal action in the asylums. Every year they receive the list of the hospitals which they are to inspect; besides, they are sent on a special mission to this or that point of the district when circumstances demand it. They gather on the spot all the information that they can procure, and transmit it to the Minister, who considers and decides what is best to be done. Their surveillance, when inspecting an establishment, must comprise all the details of the service. Not only should they assure themselves that the law is strictly executed in that which concerns the admission, maintenance, and discharge of the patients, but they have also to verify the administrative acts properly so called, the economical manage-

ment, the financial accounts, the hygienic conditions, the alimentary *régime*, the industrial and agricultural works, &c. In a word, there is not one detail of the management of the establishments, except the profits of private asylums, which escapes their control; their function is consequently much more extended than those of the judicial officers, who have only to occupy themselves with the execution of the law and the guarantees of individual liberty.

All agree in recognising that the inspections made by the Inspectors-General of the Minister of the Interior constitute the most serious and the most efficacious mode of the surveillance exercised over the lunatic asylums; but they are not sufficiently frequent. Before the present organization these took place, in each asylum, every two years, and were always made by a specialist. At the present time they are scarcely made every three years, and most frequently the Inspector is not a physician. Protests have been raised at different times against this state of things, and the demand has been made that asylums be shall inspected in detail, at least once a year, by the deputies of the Minister. That would be one of the best measures to be taken in the interest of the service.

(*To be continued.*)

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*On Decoration and Furnishing of Asylums.* By A. R. URQUHART, M.D., Medical Superintendent of the Murray Royal Asylum, Perth.

I submit the following suggestions in reference to the Decoration and Furnishing of Asylums in response to the appeal of Dr. Savage at last year's General Meeting of the Society—his request that members should take up subjects connected with the everyday practical details of asylum management. I trust that this may prove helpful, and that the limits imposed upon a single paper will not be meagre to baldness.

It is with some diffidence that one approaches a subject that is at present suffering from the evil repute of being hand-in-glove with a sham sentimentalism; but it cannot be gainsaid that the revival and development of a true artistic interest in our daily surroundings is worthy of all encouragement and fostering care. I wish to distinctly disclaim any idea of unduly vaunting decorative art, of elevating it into a panacea for the purpose of obtaining high rates of recovery