

according to Sir James, lead to "a monstrous consequence." Such being the case, medical doctors may be thought to have some justification for even the "furious attacks" directed, as Lord Bramwell complains, against admittedly judge-made law.

What the late Lord Chief Justice (Cockburn) thought of the existing law of criminal responsibility is well known. So far from thinking it "right to demonstration," as Lord Bramwell maintains, he held that it was insufficient because "it is only when mental disease produces incapacity to distinguish between right and wrong that immunity from the penal consequences of crime is admitted," and he strongly approved of Russell Gurney's Bill of 1874, in which "a new element, the absence of the power of self-control, was introduced." Lord Cockburn said he had been always strongly of opinion that a person might be quite aware he was about to do wrong, yet the power of self-control be destroyed or suspended by mental disease. As this is the position uniformly taken by mental physicians, it is not very likely that they will be converted to Lord Bramwell's belief in the perfection of the present tests of criminal responsibility.

In conclusion we cannot but express our regret that after Sir James Stephen has so recently held out the olive branch of peace to the medical profession, a counter-blast should come from his late brother on the bench calculated to destroy the good effect produced. We hailed with sincere pleasure the spirit which pervaded the "Criminal Law of England." Sir James threw a bridge across the gulf separating the two professions on the question under discussion. Lord Bramwell has ruthlessly destroyed it, or, at least, has done his best to do so.

---

#### *A Court of Lunacy.*

Lord Bramwell's article in the "Nineteenth Century" on criminal responsibility has been succeeded in the issue for February by another, entitled "A Court of Lunacy." This essay, written by the Right Hon. Lord de Mauley, consists mainly of a number of propositions, dogmatic assertions, and crudities, which at once excite astonishment and invite criticism. Had the article been anonymous, or appeared in a journal of less distinction, it might have been passed over in silence. We are quite at a loss to know what claim the noble author has to be heard on a subject requiring, as he himself allows, special knowledge and ability. "The signature of a

magistrate, the countersign of a physician, and the man disappears"—such is the curt description of the security of the liberty of the person, in order to show how flimsy it is and how dangerous is the laxity of our lunacy laws. No reference is made to the double certificates required for private cases—those only in which there is any serious fear of improper "incarceration"—nor is there any adequate recognition of the checks upon the interested detention of patients in asylums when they have been too hastily admitted.

"Lunacy Commissioners may act," it is allowed, "as a check upon the abuse of imprisonment; but the fact remains that a man may be immured within the precincts of an asylum surrounded by horrors which may nourish the disease which it is the object to avert." Such a statement, followed by a protest against private asylums, is in curious contradiction to the admission that the "inspection of Visitors forbids the suspicion of the existence of cruelty or neglect." Yet they are the "abodes of misery," and the author can discover "nothing in them to relieve the monotony of existence, nothing to enliven the dull routine of daily life." He finds "a mass of human misery jumbled together without order, regularity, or system." There are the raving maniac, the harmless imbecile, and the cretin! Lord de Mauley is difficult to please, for "private asylums are too large for minute inspection, too small for the general welfare of their inmates."

We do not understand what the writer means when he says that "private asylums should be looked upon as refuges for temporary derangement of the intellect, not as sanatoriums for the cure of the disease." Surely temporary derangement, if treated in a private asylum at all, is so treated with a view to its cure. The writer turns with relief from the "dead-alive" aspect of the private "madhouse" to Caterham Asylum or Hanwell, where he finds in pleasing contrast an air of vitality. "No compulsion is required, but a moral restraint is exercised in withdrawing the mind from the contemplation of its woes and fixing it upon industrial pursuits."

Then follow a series of statements, mostly platitudes, of which it may be emphatically said that those which are true are not new, and those which are new are not true.

Of heredity in regard to mental affections the author says: "We disbelieve in it." The following is his etiology:—"Were the evil traced to its source, it would be discovered to spring from a defective education or moral and physical ill-treatment." Comment is really unnecessary.

Here again is a high-sounding sentence, but one which betrays a singular want of acquaintance with the subject on which the noble lord writes:—"A national disease demands a national remedy; as the malady originates in over-pressure of the brain to supply our national wants, it is a public duty to restore to society those members who have fallen out of its ranks through the cares and anxieties of life. . . . The remedy will not be discovered in the seclusion of private asylums."

Whoever thought that it would? Where, then, is the remedy? The author with justice allows that the mysteries of insanity must be elucidated by science, and he allows that it requires the highest order of talent to discover the agency which controls the intellect. He relies with some degree of confidence upon the genius which has modified the ailments of our frame; but then we are assured that while many persons have risen to eminence by the successful treatment of mental disease, their efforts have been spasmodic and the results uncertain. Unhappy beings have been made the subject of haphazard experiments, and been handed over to the care of dependents who have treated them as outcasts of society. It is singular to find Lord de Mauley, after expressing his admiration of the large asylums of Caterham and Hanwell, representing as among the "first and foremost" causes which militate against success "the lunatic asylums, those huge excrescences on the soil, offensive to the eye, revolting to the senses; their long corridors, their bolts and bars, the high walls which enclose them, convey the impression of the discomfort of a workhouse, the confinement of a prison. They cannot fail to create an irritation of the feelings destructive to the repose which it is the object to secure." (!)

And yet it is these huge excrescences, so revolting to the senses, which, inasmuch as they supply material for study, are, Lord de Mauley allows, to be the means by which our special department of medicine is eventually "to elucidate the character of an occult insidious disease."

We regret to have to speak so critically of this essay; the more so because one intention of the writer appears to be the praiseworthy one of controverting the mischievous paradox of Lord Bramwell in regard to the equal value of lay and medical opinions in lunacy. Thus Lord de Mauley says—and we are glad to agree with him on at least one point—"It is out of the question for any person who has not made mental pathology an object of study to pronounce a trustworthy opinion upon so

complex a subject as insanity." The feeble manner, however, in which the reply—if reply it can be called—is made, will not serve the cause we have at heart, mixed, as it is, with so much that is pointless, unfounded, and contradictory. The article is altogether disappointing. The greater part of it has little or nothing to do with its title. In half a page the writer advocates the establishment of a "Court of Lunacy," over which a judge shall preside who has special knowledge of insanity. Here the trial of an alleged lunatic is to take place. The remarks which follow in the essay have reference to cases in which the management of property is involved, and it is not clear whether this proposal extends to criminals. We are assured that if this scheme were carried out, a large number of patients would no longer be "imprisoned" in asylums, but would be allowed personal liberty while their property was placed in Chancery. Lord de Mauley is scarcely aware, we suspect, of the large amount of liberty already enjoyed by many Chancery lunatics. He proposes that patients should be located in cottages in the vicinity of an asylum. Here again, he is hardly aware, we apprehend, of the extent to which this system is carried out. With regard to the "Court of Lunacy," we do not believe that we shall ever see a judge appointed, specially educated in medical psychology—in fact, in order to be so he must become a physician, and we suppose that a Medical Court is not what the author intends to propose for a remedy. While it is highly desirable that all judges should be better informed than they are as to the character of the insane, that which determines the verdict must mainly be the judgment formed by skilled physicians after patient examination and with special opportunities afforded for testing a prisoner's insanity. Were this done in a systematic manner by competent men, we have no doubt that juries would gladly be guided by the medical evidence given. However good, therefore, may be the intentions of the noble writer of "A Court of Lunacy," we are afraid that they will lead to no practical result, and suspect that Lord Bramwell and ourselves will in this particular be of the same mind.

---