

*Gli Uomini Primitive* [*Primitive Men*]. By ANGELO ZUCCARELLI.  
Naples: Perrella, 1906. Pp. 125. 8vo. Price 2.50 lire.

Professor Zuccarelli, of Naples, who has lately been the recipient of a testimonial from pupils and admirers in various parts of the world, has, during the last quarter of a century, been one of the ablest and most vigorous pioneers in those new paths along which the study of abnormal humanity is now moving. He has little in common with the alienist of the old school, for whom anthropology, and even normal psychology, in any precise sense, have no existence, and who may, or may not, have some acquaintance with the abnormal classes living beyond the frontier of insanity. In Zuccarelli's work we always feel that there is a real grip of the psychological and the anthropological aspects of both normal and abnormal man, so that he is unlikely to class the individual case wrongly, or to fail to see its salient features. In his lectures on "Criminal Anthropology" at the University of Naples, in his *Istituzioni*, in his little review *L'Anomalo* (now defunct), which brought forward so many interesting cases and documents, Zuccarelli has always consistently maintained this broad outlook. He remains true to it in the present volume, which is a sketch of the prehistoric development of man, elaborated from the introductory lecture to the author's "Annual Course in Anthropology and Psychiatry." For the most part the book is a summary—clear and agreeable, without being superficial—of more or less well ascertained facts concerning early man, the maker of flints and the dweller in caves. Now and again the author refers to interesting points of contact between primitive man and abnormal man to-day. The general standpoint adopted is that of the monism of Haeckel.

The most interesting, and also the most novel, portion of the book is that in which the author describes his own explorations of the Grotta delle Ossa of Cape Palinuro, near Salerno. This is one of several caves in the district, long occupied by early man, and now difficult to obtain access to. Zuccarelli obtained many bones and flint implements, but is not able to assign their precise epoch. The volume is fairly well illustrated.

HAVELOCK ELLIS.

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### Part III.—Epitome.

#### Progress of Psychiatry in 1906.

##### AMERICA.

By W. McDONALD, Jun.

For years to come, wherever American psychiatrists are met together one face and one presence will be missed by all.

On December 7th, 1906, Dr. A. F. McDonald was gathered to his fathers. Not only here but in other lands will he be mourned. He was

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an honorary member of the British Medico-Psychological Association, at whose annual gatherings he was a frequent representative of the American Medico-Psychological Association, and he will be remembered by many readers of this journal as a felicitous speaker both in debate and at the banquet table. At home and abroad his genial personality had won for him a peculiar place in the hearts and minds of men. He himself had a heart and mind, and both were great. He was a graduate in law as well as medicine. His biography is one long story of constant labour, unflinching adherence to duty and unending usefulness as physician, jurist, teacher, lecturer, writer, administrator, and alienist. His fearless, competent, almost militant discharge of these offices bespoke the mind, the demand for his droll speech and cheerful presence at social gatherings bespoke the heart, while all his characteristics and accomplishments bespoke the man. Well does the writer recall the impression made upon him by our departed colleague only a few short months ago, at the annual meeting of the American Medico-Psychological Association. After a regular meeting a number of the members were gathered together about a social board when Dr. McDonald appeared in the doorway. Instantly there was a cry "The king!" and all rose to greet him. And now the king is dead, but we may not call "*Vive le roi*," for although his place is well filled none can fill his place.

Last year, in the annual letter, the writer deplored the state of medico-legal affairs in America. To-day, alas, there is no better news to carry. The situation is even worse, and the only ray of hope is found in the thought that we can scarcely sink to a lower level without experiencing that great upheaval and subsequent reform which in the world's history has always followed an era of especial degradation. If we must drink the cup to the dregs ere the natural nausea and final revolt may occur, then we pray that we shall quickly see repetitions of such legal scenes as are being enacted at the present time in New York City, until the American public in disgust shall have purged itself clean of the toxine which now goes by the name of medical jurisprudence and medical testimony. I refer, of course, to the Thaw case.

A number of eminent alienists will testify in this case that the defendant's mind was of such and such state before, during and after the homicide. An equal number of equally renowned experts will testify to something diametrically opposite. The jury and the public may, in the meantime, be left in doubt as to the irresponsibility of the prisoner but will have no doubt whatsoever concerning that of the experts. In the words of Judge Mattocks in a decision in the Chandler will case, given last November before the higher court of the State of Maine, "These expert opinions illustrate not only how dangerous, but how unfortunate that men of great knowledge, experience and skill, should array themselves upon different sides of the same proposition which can have but one solution in truth and come to absolutely contrary conclusions. It is evident that such testimony is not only worthless but insidious and dangerous, for it is impossible for the layman in the analysis of such testimony to distinguish the true from the untrue. If the untrue is acted upon, injustice must follow."

We should not, however, be too hasty in judging those experts engaged in the controversy. First, let us search our own hearts, lest there should be found some guile within us. How many of us who pose as experts would have refused to examine the defendant at the request of the attorney for either side? Many of us would have to admit having taken part repeatedly in similar medico-legal battles without experiencing feelings of shame, perhaps even congratulating ourselves upon our just and dignified attitude. In one such case in which four experts were retained by each side, all who testified for the defence stated that they had agreed to go upon the stand for the prisoner only on condition that after an exhaustive examination they should become convinced of his insanity. A perfectly correct attitude. But is it not a bit singular that each of the eight experts was able to make up his mind to testify exactly as desired by the attorney who called him? There is no question but that the great majority of medical experts mean to be honest when they engage to advise counsel or to give judge and jury the benefit of their opinions. But at least some cease to be honest with themselves when they mount the stand. Many of those who are distressed by the degraded position of American medical jurisprudence see no hope of better things until we shall have created a professional sentiment adverse to present methods. The fault is not so much with the men as it is in the circumstances surrounding their connection with the cases. When once the expert steps upon the witness stand he is no longer a learned authority whose opinion is respectively craved by judge or jury; he is no longer even a partisan witness for defence or prosecution; he is placed from that instant on his own defence. He is interrogated as to his whole professional career, as to the opinions given in other cases with which he has been connected: he is tempted by one lawyer to add a jot or tittle to the strength of his testimony or prevented from presenting the whole truth, and is browbeaten, nagged, and taunted by the opposing attorney whose whole purpose is to confuse and discredit him. He is pitted against other experts who are asked to suggest technical questions difficult to answer, or to which the answer must of necessity permit more than one interpretation. He is often forced even by the judge to answer a question with an unqualified "Yes" or "No," where such a reply cannot possibly represent the truth. Finally, he must answer an interminable hypothetical question in which certain conditions are suppressed while others are exaggerated, until neither a positive nor a negative answer can give anything to the jury but a warped conception of the opinion of the expert as to the facts in the case. The result is that sooner or later the expert scents the smell of battle, responds to the call to arms and sallies forth to the charge. Matters have gone so far that every alienist steps upon the stand with a definition of insanity "up his sleeve"; a definition framed with greatest care in such a fashion, not that the judge or the jury may be enlightened as to the nature of mental disorder, but that it may be sufficiently intangible and abstract as to be invulnerable to the shafts of opposing counsel.

But enough of criticism. Where is the remedy for such evils? It will be found only by permitting the expert to remain unbiased while forming his judgment and while stating his opinion.

Dr. Mercier<sup>(1)</sup> has ably discussed the arguments for and against an arrangement by reason of which medical witnesses might consult together and agree, if possible, on the evidence that they shall give. As he says, discussion among the examiners would tend to reconcile differences. "It would ensure that a factor, which had been overlooked by one, would be brought to his attention by another. It would place the experience of each at the disposal of all." Dr. Mercier suggests, however, that this method would not be without certain drawbacks, and fears that the experts would not always report unanimously.

Little Rhode Island, so often a leader in reform movements, has in this matter of medical testimony again blazed a trail for other States. On a number of occasions during the last two or three years a judge by agreement of counsel has appointed an impartial commission of alienists to which the question of the mental state of the accused was submitted. The commission was given every facility for the examination of the prisoner, as well as the authority to examine witnesses as to the nature of the unlawful act and the circumstances relating to its performance. The members were allowed to consult together as freely as they wished. In each such case the experts gave to the judge a sworn statement of their opinions. The trial was then begun, and as soon as a number of witnesses had testified sufficient to establish the fact of crime and the connection of the prisoner with it, the members of the commission were asked to give to the jury a clear and simple statement of their opinions concerning the mental state of the accused and concerning the question of his legal responsibility. In all such instances, so far as I am aware, the commission returned a unanimous report. In the first case which we recall, the commission reported that in their opinions the prisoner was sane before, at the time of, and after the execution of the crime, and that he was legally responsible for his act. The trial was brief, the jury promptly returned a verdict of "guilty," and the prisoner received sentence. The judge and both opposing attorneys expressed satisfaction with the thorough investigation and unbiased opinion of the commission. Counsel for the defendant moved for a new trial on technical exceptions; this was denied and the prisoner is now serving a twenty year sentence.

In the second case, the commission found the prisoner to be an imbecile, the subject of epilepsy, and did not believe that he should be held criminally responsible for his act. They declared that his mental defects and disturbances were incurable, and recommended that he be placed for the remainder of his life in the custody of a hospital for the insane. Both attorneys expressed their willingness to abide by the decision of the commission. The judge, however, in his charge to the jury, laid stress upon the hesitancy of the commission to declare that the prisoner had no knowledge of the difference between right and wrong, which, according to his interpretation of the law of the state, formed the standard for deciding as to the criminal responsibility of the accused. Curiously enough, and to the great surprise of all, the jury returned in twenty minutes with a verdict of "guilty." Though there was clearly a miscarriage of justice in this case, it is not certain but that the jury would have come to the same conclusion had the medical

testimony been presented in the usual partisan manner by experts retained by each side of the controversy.

What enormous expense would have been saved for the City of New York, and for Thaw's estate, had the question of his mental state been submitted to a competent non-partisan commission of alienists. The prolonged legal wrangle would probably have been avoided to a large degree; both law and psychiatry would have emerged with cleaner hands; while the probability would have been infinitely greater that to Thaw himself would have been meted out adequate justice.

The writer is persuaded that the dignity of the law, the cause of justice, and the status of medico-legal jurisprudence in America would be advanced by relieving jurists, and even juries, from the responsibility of deciding as to the mental condition of persons whose legal accountability is held in doubt by reason of possible or probable mental derangement or defect, and by placing the burden of such judgment upon men whose life-study and experience renders them eminently fit for the task.

How much the physician should have to say concerning the legal responsibility of the accused is another question. In the view of many high authorities the physician's task is ended when he has given a clear and concise opinion to the judge and jury concerning the defendant's mental state, it being the duty of the jury alone to decide whether this mental state be such as to relieve the prisoner from the responsibility for his acts. It is, of course, not proper that the alienist should usurp the office of judge and jury; the writer believes, however, that the expert could give still further aid by presenting an opinion as to the degree in which responsibility is affected by the mental disturbance.

We are already taxing nearly to its limit the place allotted for this epitome. We have thought, however, it might be of some profit to speak of the state of medico-legal affairs in America at the present time, believing the moment particularly opportune in view of the present world-wide discussion of the subject. We have been greatly interested in the recent British agitation concerning medical jurisprudence, and the next number of the *American Journal of Insanity* will contain a letter from France, written by Victor Parant, in which there is a highly interesting comparison between French and American medico-judiciary customs. Unfortunately, we have little space in which to discuss more cheerful aspects of our specialty. There has been great activity in American psychiatry during the past year. We have been fortunate enough to receive visits from several eminent foreign physicians, notably, Dr. Pierre Janet and Professor H. S. Fraenkel. Dr. Janet has given, in Boston, two courses of lectures on hysteria, and has also lectured and read papers in New York and Philadelphia. Professor Fraenkel gave a demonstration of his methods in Boston, and also read a highly interesting paper before the Boston Society of Psychiatry and Neurology, relating the history of the development of his method of movements which has become so well known and has been used with such success the world over. He also gave demonstrations in New York and Philadelphia.

Many valuable and interesting papers were read at the meeting of the American Medico-Psychological Association in June, and we are all

looking forward hopefully to the annual meeting to be held in Washington during the coming May.

It was our original intention to refer somewhat in detail to the newer work in neuro-pathology, particularly that of Dr. Barrett and Dr. Southard. We would gladly have spoken also of recent advances in clinical psychiatry as exemplified in the writings of Dr. Adolf Meyer, Dr. Farrow, Dr. Franz, and many others. It would have been a pleasure to have devoted a paragraph to the later opinions of our "grand old man," Dr. Edward Cowle, who, though a pioneer in American psychiatry, has been spared to point the way to vast fields as yet untouched by the reaper's scythe. But all this, though not another story, must remain untold till time shall have given us another opportunity.

(<sup>1</sup>) *Criminal Responsibility*, Charles Mercier, M.B.

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#### FRANCE.

By Dr. RENÉ SEMELAIGNE.

*The unity of human neuro-biology.*—Professor Grasset, of Montpellier, President of the XVI Congress of French Alienists, held at Lille last August, devoted his presidential address to the study of the unity of human neuro-biology. At the annual congresses in France, those who devote themselves to insanity or neurology are grouped together. For far too long have physicians thought as common people, and carefully separated diseases of the mind from diseases of the body; but it should be understood that alienists and neurologists study diseases of the body. They are aiming at the same mark; they have the same wish, *i.e.*, to know the normal and morbid working of the nervous system, to keep society from a progressive invasion of nervous disease, and to cure, or at least to relieve, the latter. The statues of Pinel and Charcot, erected first at the gate of the Salpêtrière, seem to represent a symbol of such fruitful union which is splendidly realised inside of that glorious temple consecrated to neurologic science. Alienists and neurologists do not work in different ways; their sciences have the same object, the same method, the same purpose, consequently they do not constitute two sciences, but one.

(1) *Psychiatry and neurology have a similar object.*—By its etymological definition, psychiatry seems to monopolise the study of psychical symptoms, and to be quite separated and distinct from neurology, which comprises merely nervous disorders. But psychical, motor, or sensorial functions are nervous functions; one can find psychical symptoms in many of the disorders especially studied by neurologists, and many people suffering psychical disorders are not insane; consequently there is no essential difference between the object of psychiatry and the object of neurology. No one would deny that there is some difference between the two sciences, but such difference exists between two chapters of a book, two branches of a tree, so between the two aspects of a great science, the human neuro-biology. The psychical,