

When Robinson Crusoe was on his island with the company of but his parrot and his goats, a doctor might find a place for his science—the lonely man might be sick or hurt, and the physician or surgeon would be a god-send. But there was no room for the lawyer—Crusoe had no rights to enforce against others, no duties to be enforced of him in favor of others. It may indeed be that in the course of evolution of humanity the lower animals will in time be vested with rights against their lord, but so far they have none. The trifling protection they now have is due not to any legal right they may have—no one has ever heard of a horse or a dog suing his master for damages—but to the sentiment of pity in the human mind. This is quite distinct from a right.

Let me explain by an example. If a man hurts another, he may be sued and compelled to pay money to him he has injured, and he cannot minimize the offence by killing him. A horse his owner should not hurt; but the horse cannot get damages, and it is a less offence to kill a horse than to torture him. The stray dog and cat which no one wants will be killed by the Society for the Prevention of Cruelty to Animals with the hearty approval of everybody; but no one is allowed to kill it by degrees. There is no Society for the Prevention of Cruelty to Imbeciles which will be allowed to kill them to put them out of their misery, no permissible euthanasia to put an end to a living death.

But once another human being arrived on the island, there were relative rights and duties—the right of Friday to be allowed to live, the duty of Crusoe to let him live. Life, liberty and the pursuit of happiness were the rights of each and it was the duty of each to respect the right of the other.

The law, whether custom or legislative, looks to the community; and the rules of law are the rules which are believed, rightly or wrongly, to be for the benefit of a community. An individual as individual, may do as he likes, so long as he does not interfere with the well-being of the community.

These considerations, commonplace as some may consider them, are often overlooked. I think they will solve many of the difficulties medical men feel in respect of the law.

Now let me take some concrete cases. A very eminent medical man says to me: "It would be interesting to note the working of the legal mind regarding such a question as this: 'Why should the legal definition of insanity and responsibility remain at variance with the medical conception, which is founded on experience rather than theory?'"

My answer is, there is no legal definition of insanity. No doubt there are a dozen or more medical definitions and half a