

THE CANADA LANCET.

A MONTHLY JOURNAL OF

MEDICAL AND SURGICAL SCIENCE,
CRITICISM AND NEWS.

VOL. XVIII. TORONTO, JAN., 1886. No. 5.

Original Communications.

INSANITY AND ITS MEDICO-LEGAL ASPECTS.

BY JOHN H. ARTON, M.D., WINNIPEG.

There can scarcely be a more opportune time than the present in Canada, in which to canvass the question, "What is insanity, and what its medico-legal aspects?" We have just passed through a period of excitement, in which these questions have played important parts; and, judging from the amount of irresponsible scribbling that has come, and is still coming to the surface, it may well behove us as dispassionate men, to devote some time and attention to so important a subject. It is proverbially hard to make a definition; and nowhere, perhaps, does the art of defining meet with greater difficulties than here. So far as I know, there is no satisfactory, comprehensive definition of insanity; and, what is more to be regretted, the two professions most interested in this matter, are, perhaps more widely opposed to each other on this, than on any other question. The legal profession has not hesitated, over and over again, to sit upon the medical, with regard to the ideas of the latter on insanity; while the medical profession, has as ably, though without obtaining a conviction, so far, held up its own views.

At first blush, it would appear as though the question should be entirely decided by a medical consensus of opinion, as much as this would decide a question of any other disease; but it is not so, for the question of insanity is made the pivot round which many specially fat tid bits turn; and the gentlemen of the wig and gown are especially gifted in looking after number one. Another reason perhaps for the contempt shown by the legal fraternity for our protests, lies in the prover-

bial facility with which doctors differ. This is owing doubtless to the lack of precision in mental processes, which so many of us, alas! shew;—and which, by the nature of their training, is almost impossible to the legal mind. Medicine has not yet attained the full dignity of an exact science; and, with many in our ranks, it is scarcely a science at all;—and, wherever one is tempted, in a scientific question, to leave the strict lines, and begin to theorize and generalize, he loses his position, as opposed to men who work from a firm and preconcerted basis. It is true that to-day even, it is premature to attempt a definition of insanity; but it is equally true that we have advanced so far along the path towards such a definition as to leave behind, in almost forgotten obscurity, the position held by our legal friends, now, as a century and more ago. It were foolish in us to try to define this disease in its protean characteristics;—to attempt, so to speak, to crystallize in one phrase, or set of phrases, what, by its very nature seems amorphous. We have to fall back on the dictum of one of our greatest poets, which however useless scientifically, amounts to about as much as anything in the same line which our greatest alienists can devise.

"To define true madness! What is it but to be nothing else than mad?" The legal definition, "unsoundness of mind," has the virtue of comprehensiveness: but it is a negation rather than an affirmation. It states what insanity is not, rather than what it is. If however, the courts would advance on their recognition of what *mind* is, we might agree to terms; but so long as they only recognize *intellect* as mind, there can be no agreement.

Physiologists divide the functions of the brain into three—Intellect, Emotion and Will;—and to be sane from a medical standpoint, a man must be sound in all three. The law recognizes these varieties of insanity, in effect, every day, seemingly when it suits its purpose, but the point to which this paper is intended to call attention is that the law does not give due weight to these varieties in the cases of the criminal insane. It is here that oftentimes injustice is done; and despite many efforts, even on the part of the brightest ornaments of the bench and bar, this anomalous state of matters remains from year to year *in statu quo*. I believe, in fact, that the