

FEIGNED INSANITY.

AN ESSAY

BY

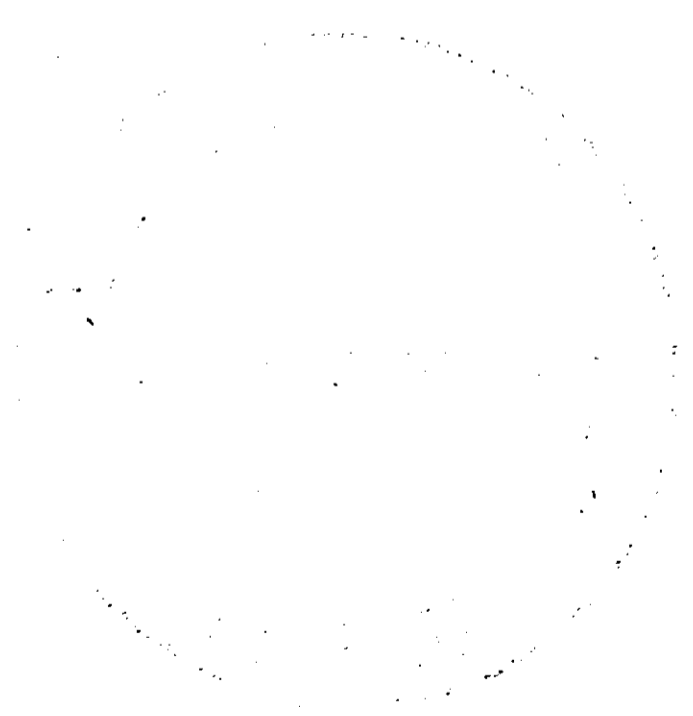
HENRY WENTWORTH ACLAND, M.A.

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FEIGNED INSANITY.

FEIGNED INSANITY,
HOW MOST USUALLY SIMULATED,
AND HOW BEST DETECTED.

AN ESSAY

TO WHICH WAS AWARDED THE GOLD MEDAL IN THE CLASS OF MEDICAL JURISPRUDENCE
IN THE UNIVERSITY OF EDINBURGH, JULY, 1844.

BY

HENRY WENTWORTH ACLAND, M.A.

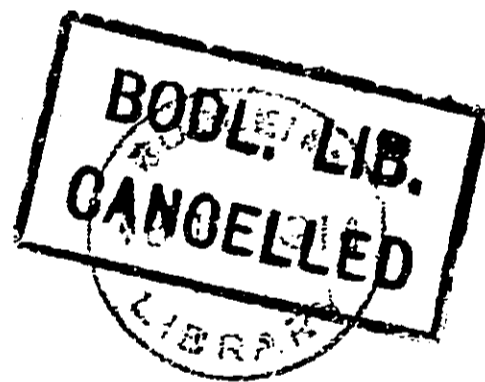
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1844.

“ Il s'agit seulement d'un côté de sentir le besoin de bien con-
noître les hommes, et de l'autre de croire que ce besoin peut-être
satisfait en grande partie: avec cette double conviction tu saurais
applanir ce qui d'abord t'avait paru insurmontable. L'Analyse
est le grand secret pour arriver à une connoissance quelconque.”



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A FEW copies of the following Essay have been printed for private distribution. The Author hopes that the digest of a subject, which in practice is rarely brought before the Medical Jurist, and which is recommended besides by having many difficulties, may not be unacceptable to some fellow-students, and legal friends. It need hardly be said that in these few pages is to be found only a sketch of the question.

12, Queen-street, May Fair,
December, 1844.

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INTRODUCTION.



IN writing upon the subject of Feigned Insanity it appeared difficult to determine how far it was desirable to write upon *Insanity*; for if a treatise on that disease were introduced it would necessarily prolong the Essay to a most inconvenient and needless length. On the other hand, without it the subject would be imperfectly treated of. I have supposed, therefore, that I was arranging for the Use of an advanced Student in Medicine such circumstances as he would desire to have distinctly before his mind, if a case of supposed

feint were offered to him for diagnosis. Thus the principal, the broad features of some forms of Insanity, are briefly portrayed, and others, not needful for our purpose, are wholly passed by.

It is to be borne in mind that the subject of Feigned Insanity does not comprise those cases, which unhappily have of late attracted much notice; those of Homicidal Monomania. The question before us is, whether one acting as if insane be so in truth; not, whether one guilty of a crime, and apparently of sound mind, was irresponsible at the time of the said act. The feigner desires to be thought mad. The madman knows not, or strives to conceal, his misfortune.

The following Essay, therefore, begins by stating concisely the *Motives* for feigning

Insanity. In the second Chapter are some observations which tend to show that, if masters of our art, we ought always to detect an imitation of this disease. These are derived from some points in the philosophy of the disorder. The forms of real Insanity which are aped by impostors are sketched in Chapters III. IV. V. VI.; and before the discussion in Chap. VIII. of the special aids to diagnosis, three or four Aphorisms, suggesting topics for collateral study, are introduced in Chap. VII. The last Chapter contains heads for the construction of a report of any case we may have to determine.

FEIGNED INSANITY.

CHAP. I.



ON THE MOTIVES FOR FEIGNING INSANITY.

THE law of England, adapting, as it generally does, its tones to the attribute of mercy which pervades the economy of the Almighty Law-giver, ordains, "that if a man in his sound memory commit a capital offence, and before arraignment for it he becomes mad, he ought not to be arraigned for it; because he is not able to plead to it with that advice and caution that he ought. And if after he has pleaded, the prisoner become mad, he shall not be tried, for how can he make his defence? If, after he be tried and found guilty, he loses his senses

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before judgment, judgment shall not be pronounced; and if after judgment he become of non sane memory, execution shall be stayed, for, peradventure, says the humanity of the English law, had the prisoner been of sound memory, he might have alleged something in stay of judgment or execution."*

And the law of Scotland is not much otherwise: for, after an offence has been committed, a plea of insanity may be put in, in bar of *trial*, when it will be according to special circumstances whether the case be argued before the jury; † probably they will decide for themselves on the soundness or unsoundness of the prisoner's mind: if the *trial* proceed, and insanity be proved, the fact will stay execution, but the jury will take care that he, the panel, will be properly confined: † for, to quote the words of Mr. Hume, "What if a capital convict shall fall into a state of furiosity after sentence? Is it to be imagined that the Court must allow him to be executed in this unhappy

* Comment. on Laws of England. 7th ed. vol. iv. p. 25. Cf. *ibid.* p. 395.

† Cf. Hume on Scotch Law, vol. i. p. 44. 3d ed.; and Alison on Crim. Law, vol. i. p. 658, *et seq.*

condition, which disables him from attending to his spiritual concerns, and where his death would so ill serve any of the purposes for which the spectacle of public punishment is designed:"* Nevertheless, if he recover from his unsound state, he will be tried. † French law is not so explicit. Art. 64 of the Penal Code of France enacts, "Il n'y a ni crime ni délit lorsque le prévenu était en état de démence au temps de l'action." But practice and comment have amplified this statute, as may be seen by consulting the work of M. Marc on Insanity considered in its medico-legal relations.

It is clear, therefore, that a *successful* feint of insanity may, by the law of some countries, preserve a guilty person from trial, judgment, or execution.

In the army and navy have been found many cases of pretended insanity. This arises,

(1.) From a desire to be found unfit for service at the examinations made upon impressment for the navy, or the legalized modes of compelling service in the militia or army.

(2.) From a desire to escape special duties or unpopular stations, or to enter the hospital.

* Hume, vol. ii. p. 473. † Alison, *lib. cit.* vol. ii. p. 660.

4 MOTIVES FOR FEIGNING INSANITY.

(3.) To avoid punishment.

(4.) To obtain total discharge.

Slaves, also, in their wretchedness, that they may escape slavery, feign insanity.

And other causes may be imagined, of which histories moreover are to be found;* as of Ulysses, and Brutus, and others, among the ancients: as of David, "who changed his behaviour before them (in Gath), and feigned himself mad (demented) in their hands, and scrabbled on the doors of the gate, and let his spittle fall down upon his beard."†

Such are the motives for feigning insanity.

* Cf. several cases hinted at in the Cyclopædia of Med.; Art. Feigned Diseases.

† 1 Sam. xxi. 13.



CHAP. II.

INSANITY INQUIRED INTO AS A DISORDER
WHOSE PHENOMENA CAN BE FEIGNED.

PAINFUL is the contemplation of an insane mind! Painful the thought, that in the history of man's self-abasement, it is written, that he is willing to ape the total effacement of the Divine image in him. What we know, and what we feel, of our guilt and misery, accounts for *this*; but how to solve the problem of the existence of the phenomena simulated is past our reason; and we have humbly to confess that, as in much else, so also in this, from our reason we must pass on to our faith, lest we be overwhelmed in the darkness of the scene.

Doubtless it will be found that a disorder which was once held by ignorance and superstition as partaking of inspiration, is not easily counterfeited: doubtless it is already remarked,