Reviews and Notices of Books.

Insanity and Mental Deficiency in Relation to Legal Responsibility.


Dr. Cook is a barrister-at-law who, as a former official of the Asylums Department of the London County Council, came into contact a good deal with the legal and administrative side of lunacy. He is therefore peculiarly qualified by education and experience to deal with the important subject of insanity and mental deficiency in relation to legal responsibility. The production of this book has involved a close study of over 200 reported cases. Most of the matters dealt with are treated historically, and the bearing of the corresponding sections of the penal codes of foreign countries discussed. It is remarkable how Dr. Cook has managed, in a work of such modest dimensions, to treat his subject so comprehensively. He is concise, clear, and readily followed by the non-legal reader, and his brevity and condensation are not obtrusive.

Broadly speaking, Dr. Cook, while showing that the law as regards the responsibility of the insane for criminal acts has been defined as recently as 1892, points out that the law relating to the civil responsibility of lunatics is still without precision and has not yet been placed on a satisfactory footing. In developing his theme he supplies medico-legal information of great practical value to every practising physician and lawyer, and especially to the alienist.

Chapter I. on "Definition and Classification", should be read in conjunction with Chapter VII. on "Evidence of Insanity". It is to be regretted that they are so widely separated, for alone Chapter I lends itself to much adverse criticism, and the medical reader might be discouraged from proceeding further. However, the discussion on "Evidence of Insanity" at once corrects this impression, so much so that one is tempted to suggest that this last chapter should be first, and the first last. Dr. Cook of necessity brings a legal mind to bear on his subject, and such criticisms as might be made, if space permitted, would be apropos of the legal attitude in general to the subject of mental disease and defect, and not of the admirable way in which it is conveyed in the work before us.

Chapter II deals exhaustively with mental deficiency in relation to tort. The view taken is that "the common law of England regards a lunatic as being incapable of committing a tort, but that, where it can be shown to the satisfaction of the court that the particular nature of the insanity did not preclude him from understanding the nature and probable
consequences of the particular act complained of, he will be liable for his
torts, just as an ordinary person is liable, i.e., on the ground that he
intended the natural and probable consequence of his acts”.

Chapter III treats of the law of contract, and in succeeding chapters
mental deficiency and marriage, insanity and divorce, and testamentary
capacity in mental deficiency are all dealt with, and are of absorbing
interest. In fact the book generally supplies a want the public, and
medical men especially, have perhaps unconsciously needed, for after
perusing its pages one feels the necessity of always having it at hand.

There are two appendices: (I) a summary of the chief powers and
duties of lunacy and mental deficiency authorities in England—very useful
for reference, and (II) suggestions for the reform of lunacy and mental
deficiency administration—which is foreign to a book of this nature and is
best unread or, if read, quickly forgotten. One would have thought that
the general experience of national bureaucracies during the war and even
before, and their deadening influence and costliness, would have deterred
any one from advancing seriously a proposition which would make the care
and treatment of the indigent mentally afflicted a national charge and
abolish all local responsibility for carrying out the provisions of the Lunacy
Act. Central control of the science and art of medicine would soon strange
all initiative and retard progress. However, this is a side issue, and does
not detract from the value of the book or the real ability of the author.

J. R. Lord.

Suggestion and Mental Analysis: an Outline of the Theory and
Practice of Mind Cure. By William Brown, M.A., M.D., Wilde
Reader in Mental Philosophy in the University of Oxford. Crown 8vo.
Pp. 165. 1922. London: University of London Press. 3s. 6d. net.

The author states that he has set out to correlate the therapeutic methods
of suggestion and analysis, also to review the claims recently put forward
by M. Coué. A simple explanation is given of suggestion and the essential
principles of psycho-analysis. The author gives his own theory of dreams,
which is that they are the expression of a compromise between the ‘instinct
of sleep’ and other conations both conscious and unconscious. He states
that “sleep is an instinct like pugnacity, etc.”, but he does not tell us on
what grounds he has arrived at this somewhat novel conclusion. He
criticizes the Freudian transference by transposing the Freudian thesis
that suggestion is merely a form of transference, holding rather that trans-
ference is merely a form of suggestion.

A case is described illustrating hysteria as a dissociation, and hypnosis
is discussed, in which connection the author expresses himself in agree-
ment with the teaching of Charcot rather than that of the Nancy school.
Neurasthenia and compulsive neuroses are described and the use of auto-
gnosis in their treatment. Hypnosis and suggestion are dealt with at greater
length; the view is upheld that no person who is completely normal can
be hypnotized, and the degree to which hypnosis is possible is a measure
of his abnormality. The author regards hypnosis as a dissociation, and
therefore not the same thing as suggestion, and not an advisable form of
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