

**THE CRIMINAL  
RESPONSIBILITY OF THE  
INSANE: A LECTURE**

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The Criminal Responsibility of the Insane: A Lecture by Charles J. Cullingworth

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**CHARLES J. CULLINGWORTH**

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THE OWENS COLLEGE, MANCHESTER.

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THE CRIMINAL RESPONSIBILITY  
OF THE INSANE.

A Lecture

INTRODUCTORY TO THE SESSION 1885-6.

BY

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THE  
CRIMINAL RESPONSIBILITY OF  
THE INSANE.

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It is by no means with unmixed pleasure that I find myself called upon to deliver the Introductory Address on this occasion, for I cannot forget that I am occupying this place as the successor of my dear friend and colleague, the late Prof. Thorburn. For nineteen years he had held the Chair which it is now my privilege to occupy. No one can be more painfully conscious than myself of the difficult task which is in store for his successor. It is no light thing to be called upon to take the place of one whom all acknowledge to have been a singularly clear, practical, and acceptable teacher, and whose private character won for him such universal respect, that his death has impressed all of us who knew him, whether colleagues or students, with a sense of personal loss.

With regard to the selection of a subject for my address to-day, I should have experienced considerable difficulty had it not been for the kindness of the Principal. The usual course has been for the professor, to whom the duty of delivering the opening address has been allotted, to choose a topic connected with the subject of his chair, as being that with which he is necessarily most familiar.

Such a course was, in this instance, for obvious reasons, undesirable, and I felt very grateful to the Principal when, with characteristic consideration, he assured me that I should not be expected to adopt it. Being thus freed from the necessity of addressing you on my own special subject, and yet mindful of the injunction of Horace\* which Prof. Wilkins quoted so aptly, and obeyed so successfully last year, I decided to offer some remarks on the Criminal Responsibility of the Insane, making my address a sort of last word on Medical Jurisprudence, with the teaching of which I have been entrusted during the past seven years, and to which, now that I am placed in charge of a more prominent branch of medical study, I, not without some feeling of regret, bid farewell.

Object  
of the  
Address.

The object I have in view in this address is to draw public attention to the extremely unsatisfactory state of the law in this country with reference to the plea of insanity in criminal cases. For many years medical writers of eminence have been uttering their protest against a continuance of the present state of things, and recently one of our most experienced judges has declared a change to be necessary. The chapters in his History of the Criminal Law of England, in which Sir James Stephen deals with this subject, constitute one of the most valuable, and certainly one of the most temperate contributions yet made to the study of the question. Nevertheless, public opinion is not yet fully aroused, and, until it is, no alteration either in the law, or in the methods of procedure can be

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\* "*Quam acit [quisque], libens, consuevit, exerceat artem.*"  
"Let each one do the work he knows the best."



reasonably hoped for. Let us trust that the reformed parliament, which may possibly receive an important contingent from the Senate of Owens College, will take an early opportunity of endeavouring to bring the law on this question into something like harmony with the teachings of science and the dictates of humanity.

It is admittedly a matter of the utmost difficulty to define with anything like precision, the point at which we should cease to regard crime as the result of depravity, and treat the wrong-doer, not as a criminal, but as the victim of disease. Some writers have gone so far as to maintain that almost every criminal, and certainly every habitual criminal, ought in strict justice to be regarded as only in a very limited sense accountable for his actions. And, looked at apart from the interests of society, from the necessity under which every community lies to protect itself from those who offend against its laws, there is much to be said in favour of this view. It is surely unnecessary at the present day to point out that just as truly as the material brain is the organ of thought, or of the intellectual faculty, defect of, or injury to certain portions of which is certainly attended with defect of, or injury to the intelligence, so too, that which has been termed (perhaps not very happily) the moral sense, has its seat in the material brain, and the integrity of the moral sense is primarily dependent upon physical conditions, that is, upon normal and healthy development, and upon freedom from injury or disease. If this proposition, stated so nakedly, should seem startling, and to savour of materialism, I would remind you that it is merely the statement of a truth that we are practically

Relation  
between  
crime and  
disease.

acknowledging every day. We hear of a child, for example, that betrays from its earliest years the most evil propensities, that no discipline of kindness or severity can train to truthfulness, and that comes eventually to be recognised as altogether exceptional, and neither to be treated by ordinary methods, nor judged by ordinary standards, and, learning on enquiry that the child's grandfather was insane or that his father was a confirmed drunkard, we immediately connect the two facts, and accept the one as the explanation of the other. Yet that child's moral perversion can be the result of inheritance only by being dependent upon some physical defect of brain. Let me illustrate the matter in another way. It is a fact well known to every one who has to do with insane people that in many forms of insanity, due to brain-disease, one of the earliest and most unmistakable symptoms is a deterioration of the moral character; the straightforward man becomes deceitful and cunning, the kind and considerate man becomes surly and self-indulgent, the pure-minded man becomes immodest, the man of even temper becomes irritable and passionate. In attributing these signs of deterioration of the moral sense to a physical alteration which is taking place in the man's brain, we are accepting the truth of the proposition that the soundness of the moral sense depends upon the soundness of the brain, or, in other words, that the moral sense, equally with the intellectual powers, has a physical basis in the brain. A further illustration of the manner in which the maintaining of a correct moral standard may depend upon physical conditions, is to be found in the moral break-down that so frequently occurs as a result of

over-strain and exhaustion of the nervous system. The condition to which I refer is graphically described by my friend and colleague, Dr. Ross, in his work on the "Diseases of the Nervous System." "When the nervous system," he says, "is subjected to severe strain and becomes exhausted, the conscience, which is the highest product of the evolution of character, becomes blunted, the power of self-control is enfeebled, and the individual may find that he is in the grip of a great temptation which may take years of painful struggle to overcome" (Vol. II., 2nd edit., p. 658). He goes on to show that when under these circumstances a break-down occurs, it does so at the weakest point of the man's character, whether that weakness be inherited or acquired. "The varying strength of inherited appetites," he continues, "is admirably stated in an eloquent passage quoted by Dr. Carpenter from Robert Collyer of Chicago. 'In the far-reaching influences that go to every life,' says Mr. Collyer, 'and away backward as certainly as forward, children are born with appetites fatally strong in their nature. As they grow up, the appetite grows with them and speedily becomes a master, the master a tyrant, and by the time he arrives at manhood, the man is a slave. I heard a man say that for eight and twenty years the soul within him had had to stand like an unsleeping sentinel, guarding his appetite for strong drink. To be a man, under such a disadvantage, not to mention a saint, is as fine a piece of grace as can well be seen. There is no doctrine that demands a larger vision than this of the depravity of human nature. Old Dr. Mason used to say that as much grace as would make John a saint, would barely keep Peter from knocking a man down.'"