

THE CARE OF THE INSANE AND THEIR LEGAL CONTROL

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BY
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PREFACE.

THE following pages contain the articles, revised and enlarged, on Lunacy Law Reform which appeared during the course of last year in the *British Medical Journal*. They are reprinted partly in answer to an objection which has repeatedly been made by the proprietors of private lunatic asylums to their arguments, that they were of little weight, seeing that they were anonymous; and partly because the subject with which they deal has been announced by the Government as one demanding immediate legislation. The objection taken to the articles because they were in the first instance published anonymously was perhaps a fair feint to use against them; but their authorship from the first has not been a secret, and as in these pages opinions are expressed which must seem to need the authority of special knowledge, the medical profession at large has a right to be assured by whom they are propounded; and the Author in this republication not only declares his responsibility, but the earnestness and sincerity with which he entertains the opinions thus put forward the result of a very varied

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experience of thirty-nine years, during which he has enjoyed the largest opportunities of observing the care and treatment of the insane in every part of the country, both in public and private asylums and in domestic life. The Author cannot expect that in questions so debatable and debated, and involving so many personal interests as those which he has here discussed, but that his opinions will be warmly controverted, and he is too well acquainted with the *vis inertiae* of established systems to believe that they will be readily adopted. But if they only hasten the inevitable hour when the public will declare that the most helpless and pitiable of their fellow-subjects shall no longer be confined and detained as a profitable private business, and if they only lead this great open profession of medicine to question the right by which it permits a most important class of diseased persons to be sequestered from its care, the publication of these pages will not have been in vain.

The Author owes some explanation to two classes of persons for the freedom with which he has stated his opinions. In the first place he has to express his regret that he has been compelled to include in that which may appear a general censure those medical men who are as honestly engaged in the treatment of mental diseases, even in private asylums, as medical men in any other sphere of their art and science. The Author, well knowing that there are such men, has always felt sympathy for them, and it was of these he was thinking when before the Select Committee of 1877 he declared that he should be very sorry to see all private asylums abolished. But a few personal exceptions ought not to bate the breath of needful criticism applied to a system intrinsically and generally

bad. And it is improbable that any legislation will interfere with the legitimate work of the true physician. Rather is it likely to reinstate him in his right sphere of dignity and usefulness if he should have wandered from it by becoming the keeper instead of curer of diseased persons. Those physicians who are really skilled in one of the most difficult departments of the medical art, the treatment of mental disease, need scarcely fear that legislation will ever tie their hands as physicians. Nor is it likely that the common or statute law will prevent them from keeping private hospitals for willing and consenting patients. It is in their character of custodians, and in their association with capitalists and speculators in the business of confining and detaining the inmates of these institutions against their will, that physicians engaged in the treatment of the insane must expect to be criticised by their professional brethren and by the public, and controlled by the law and its officers, without much regard to that professional dignity of which they have not themselves been too careful.

The Author also admits the debt of an explanation to the Earl of Shaftesbury and to the Board of Commissioners in Lunacy, over which his lordship has presided since its establishment in 1845. When we read the well-authenticated descriptions of what lunatic asylums were when Lord Shaftesbury commenced his herculean task of cleansing them; when we think of his steady application to the labour of reforms, and to the more irksome labour of maintaining the good ground gained from relapse into the evil from which it had been won; when we think of the mere routine of official duties in behalf of those who could not repay them even by thanks,

and of the unofficial work in season and out of season, in the House of Commons and the House of Lords, in offices and committee-rooms, everywhere but in place; and when we think of the genius and eloquence and power of the man who has devoted himself to this life-long labour, it is but very little to say that every one, whether interested or not in the well-being of the insane, must reverence such an example of unweariness in well-doing.

"Præsentī tibi maturos largimur honores."

But the task which Lord Shaftesbury has carried thus far is one which can never be perfected until the art and science of medicine have reached their extreme limits; and in challenging the interest and co-operation of all who are able to understand the wants of the insane, and to assist in ameliorating their condition, he himself invites criticism of the past and suggestions for the future. This free mindedness with regard to outside criticism is the truest wisdom, and nothing can be more unwise than the opposite feeling, so common in official circles, that it must be right because we have done it, and what you say against the laws which we administer you say against us—the old "fallacy of authority," as it was denounced by Bentham. It is an error to which the least experienced and thoughtful officials are most liable, but a man with Lord Shaftesbury's vast experience and wide grasp of principles, a statesman more than a politician, and above all a social reformer, must recognize that there is no finality in the march of science applied to such a subject as the care and treatment of the insane. The last Parliamentary inquiry