

of cases where improvement or cure resulted from attention to simple pathological conditions, as oral sepsis, thyroid deficiency, and strabismus, also the use of lumbar puncture.

In three cases brain disturbance was located by cranial nerve involvement, in one by this and autopsy.

In general he stresses the essential sameness of the problems in all departments of medicine, as these cases of encephalitis would normally not have reached the purview of the psychiatrist, and their lesson would have passed unheeded.

J. GIFFORD.

6. Sociology.

The Movement for a Mental Hygiene of Industry. (*Mental Hygiene*, January, 1920.) Southard, E. E.

The writer refers to the work of the psychologists and neuro-psychiatrists in eliminating the feeble-minded from the American army, and to the establishment of morale officers. Such methods he would see applied to industry. He discerns a psychology of industry, using mental tests and scales; a psychiatry of industry, specialising in grievances; and a psychiatric social work in industry, tracking down the discharge, grievance and psychopathy problems outside the factory or mine. It will be advisable for large-scale plants to have part-time consultants, chosen from amongst the more able mature neuro-psychiatrists. Care must be exercised in the selection, for some of the professionally best of these men remain too analytic for the industrial situation and unable to see the values of rough-and-ready practical combinations which are the lot of employment managers and the minor executives. These consultants, if they once see the problem, can choose full-time younger medical aids, if such prove practically necessary. Employers are generally quite willing to employ psychopathic persons whose mental conditions and industrial efficiency are frankly described, and to retain them as long as they are able to do the work. Understood by their employers and taught to understand themselves, psychopathic individuals who would otherwise be thrown out of industry may keep their places as efficient employees. Mental hygiene as applied to industry is not a matter of efficiency alone or of welfare alone, but combines both aims.

SYDNEY J. COLE.

Should the Plea of Insanity as a Defence to an Indictment for Crime be Abolished? (*The Amer. Journ. of Ins.*, January, 1920.) Macdonald, C. F.

There are cited and discussed proposals made by a Committee of the New York Bar Association in a series of three reports on "The Commitment and Discharge of the Criminal Insane." They would relegate to the obsolete the assumption that an insane man cannot commit a crime, leaving to the petit jury one issue—"Did the accused do the forbidden deed?" They advocate the abolishment of the defence of insanity, which defence they deem sociologically wrong. They refrain from recommending legislation to effect so radical a change in the criminal law on the ground of the unreadiness of public

opinion for such a step, but declare that the question should be discussed, and request an expression of opinion from alienists and interested organisations. They formulate, however, a suitable enacting clause for addition to the present Penal Code—"Insanity or other mental deficiency shall no longer be a defence against a charge of crime; nor shall it prevent a trial of the accused unless his mental condition is such as to satisfy the Court upon its own inquiry that he is unable, by reason thereof, to make proper preparations for his defence." The determination of the mental state of the accused should not belong to the jury which settles whether or not a crime has been committed, but to the successive tribunals which after the verdict of guilty define the punishment, its nature, degree, possible remission or abandonment.

The author notes that the suggestion is no new one, but has been previously made by alienists and medico-legal jurists. It is generally conceded that the only justification for maintaining a system of criminal punishment is derived from the absolute necessities of society for its preservation and benefit solely on the principle of the greatest good to the greatest number (although in particular instances cruel injuries result). The insane are not restrained from the violation of laws by force of example and fear of punishment. No human law can be more imperative to the insane than that higher law within him which impels him to some act of violence.

Objection is made on the ground that there is no crime without criminal intent, which is intimately connected with—yet distinct from—the mental state of accused. In many cases it is essential that the jury ascertain the intent of defendant. Where they must pass upon this question, it is a moot point whether the matter of sanity or insanity should be left to them. Thaw shot White with intent to kill, knowing that it was White; he did precisely what he intended to do. The defence was that Thaw's intention was an insane intention and therefore he was not guilty of effecting White's death.

The writer submits two alternative propositions: (1) The feasibility of replacing the present verdict of "Not guilty by reason of insanity" by the English form "Guilty but insane," or (2) where insanity is pleaded as a defence, the part of the jury should be restricted to deciding as a matter of fact the guilt or innocence of the defendant without reference to his mental condition, which should be later adjudged by a special commission of alienists appointed by the Court; whose finding, being impartial, would satisfy the public and ensure no miscarriage of justice. He adduces as his reasons (1) a jury of laymen are incompetent to decide abstruse questions of medical science; (2) the prevailing inducement of corrupting *largess* for favourable expert opinion would be obviated; (3) sensational appeals to the emotions of the jury would disappear; (4) the public scandal now incident to such trials would be mitigated. The Thaw trial, if decided on such lines, would only have occupied a few hours, the mental examination a few days (instead of two trials with all their disgusting details lasting many weeks at enormous expense to both the State and Thaw's family), and the result would have been the same, *viz.*, his committal to a criminal asylum.

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