CHAPTER IV
THE LUNATIC AND THE LAW

The modern evil, we have said, greatly turns on this: that people do not see that the exception proves the rule. Thus it may or may not be right to kill a murderer; but it can only conceivably be right to kill a murderer because it is wrong to kill a man. If the hangman, having got his hand in, proceeded to hang friends and relatives to his taste and fancy, he would (intellectually) unhang the first man, though the first man might not think so. Or thus again, if you say an insane man is irresponsible, you imply that a sane man is responsible. He is responsible for the insane man. And the attempt of the Eugenists and other fatalists to treat all men as irresponsible is the largest and flattest folly in philosophy. The Eugenist has to treat everybody, including himself, as an exception to a rule that isn’t there.

The Eugenists, as a first move, have extended the frontiers of the lunatic asylum: let us take this as our definite starting point, and ask ourselves what lunacy is, and what is its fundamental relation to human society. Now that raw juvenile scepticism that clogs all thought with catchwords may often be heard to remark that the mad are only the minority,
the sane only the majority. There is a neat exactitude about such people's nonsense; they seem to miss the point by magic. The mad are not a minority because they are not a corporate body; and that is what their madness means. The sane are not a majority; they are mankind. And mankind (as its name would seem to imply) is a kind, not a degree. In so far as the lunatic differs, he differs from all minorities and majorities in kind. The madman who thinks he is a knife cannot go into partnership with the other who thinks he is a fork. There is no trysting place outside reason; there is no inn on those wild roads that are beyond the world.

The madman is not he that defies the world. The saint, the criminal, the martyr, the cynic, the nihilist may all defy the world quite sanely. And even if such fanatics would destroy the world, the world owes them a strictly fair trial according to proof and public law. But the madman is not the man who defies the world; he is the man who denies it. Suppose we are all standing round a field and looking at a tree in the middle of it. It is perfectly true that we all see it (as the decadents say) in infinitely different aspects: that is not the point; the point is that we all say it is a tree. Suppose, if you will, that we are all poets, which seems improbable; so that each of us could turn his aspect into a vivid image distinct from a tree. Suppose one says it looks like a green cloud and another like a green fountain, and a third like a green dragon and the fourth like a green cheese. The
fact remains: that they all say it looks like these things. It is a tree. Nor are any of the poets in the least mad because of any opinions they may form, however frenzied, about the functions or future of the tree. A conservative poet may wish to clip the tree; a revolutionary poet may wish to burn it. An optimist poet may want to make it a Christmas tree and hang candles on it. A pessimist poet may want to hang himself on it. None of these are mad, because they are all talking about the same thing. But there is another man who is talking horribly about something else. There is a monstrous exception to mankind. Why he is so we know not; a new theory says it is heredity; an older theory says it is devils. But in any case, the spirit of it is the spirit that denies, the spirit that really denies realities. This is the man who looks at the tree and does not say it looks like a lion, but says that it is a lamp-post.

I do not mean that all mad delusions are as concrete as this, though some are more concrete. Believing your own body is glass is a more daring denial of reality than believing a tree is a glass lamp at the top of a pole. But all true delusions have in them this unalterable assertion—that what is not is. The difference between us and the maniac is not about how things look or how things ought to look, but about what they self-evidently are. The lunatic does not say that he ought to be King; Perkin Warbeck might say that. He says he is King. The lunatic does not say he is as wise as Shakespeare; Bernard Shaw might
say that. The lunatic says he is Shakespeare. The lunatic does not say he is divine in the same sense as Christ; Mr. R. J. Campbell would say that. The lunatic says he is Christ. In all cases the difference is a difference about what is there; not a difference touching what should be done about it.

For this reason, and for this alone, the lunatic is outside public law. This is the abysmal difference between him and the criminal. The criminal admits the facts, and therefore permits us to appeal to the facts. We can so arrange the facts around him that he may really understand that agreement is in his own interests. We can say to him, “Do not steal apples from this tree, or we will hang you on that tree.” But if the man really thinks one tree is a lamp-post and the other tree a Trafalgar Square fountain, we simply cannot treat with him at all. It is obviously useless to say, “Do not steal apples from this lamp-post, or I will hang you on that fountain.”

If a man denies the facts, there is no answer but to lock him up. He cannot speak our language: not that varying verbal language which often misses fire even with us, but that enormous alphabet of sun and moon and green grass and blue sky in which alone we meet, and by which alone we can signal to each other. That unique man of genius, George Macdonald, described in one of his weird stories two systems of space co-incident; so that where I knew there was a piano standing in a drawing-room you knew there was a rose-bush growing in a garden. Something of
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this sort is in small or great affairs the matter with
the madman. He cannot have a vote, because he is
the citizen of another country. He is a foreigner.
Nay, he is an invader and an enemy; for the city he
lives in has been super-imposed on ours.

Now these two things are primarily to be noted
in his case. First, that we can only condemn him to
a general doom, because we only know his general
nature. All criminals, who do particular things for
particular reasons (things and reasons which, however
criminal, are always comprehensible), have been more
and more tried for such separate actions under sepa-
rate and suitable laws ever since Europe began to
become a civilisation—and until the rare and recent
re-incursions of barbarism in such things as the In-
determinate Sentence. Of that I shall speak later;
it is enough for this argument to point out the plain
facts. It is the plain fact that every savage, every
sultan, every outlawed baron, every brigand-chief has
always used this instrument of the Indeterminate
Sentence, which has been recently offered us as some-
thing highly scientific and humane. All these people,
in short, being barbarians, have always kept their
captives captive until they (the barbarians) chose to
think the captives were in a fit frame of mind to come
out. It is also the plain fact that all that has been
called civilisation or progress, justice or liberty, for
nearly three thousand years, has had the general
direction of treating even the captive as a free man,
in so far as some clear case of some defined crime had
to be shown against him. All law has meant allowing the criminal, within some limits or other, to argue with the law: as Job was allowed, or rather challenged, to argue with God. But the criminal is, among civilised men, tried by one law for one crime for a perfectly simple reason: that the motive of the crime, like the meaning of the law, is conceivable to the common intelligence. A man is punished specially as a burglar, and not generally as a bad man, because a man may be a burglar and in many other respects not be a bad man. The act of burglary is punishable because it is intelligible. But when acts are unintelligible, we can only refer them to a general untrustworthiness, and guard against them by a general restraint. If a man breaks into a house to get a piece of bread, we can appeal to his reason in various ways. We can hang him for housebreaking; or again (as has occurred to some daring thinkers) we can give him a piece of bread. But if he breaks in, let us say, to steal the parings of other people's finger nails, then we are in a difficulty: we cannot imagine what he is going to do with them, and therefore cannot easily imagine what we are going to do with him. If a villain comes in, in cloak and mask, and puts a little arsenic in the soup, we can collar him and say to him distinctly, "You are guilty of Murder; and I will now consult the code of tribal law, under which we live, to see if this practice is not forbidden." But if a man in the same cloak and mask is found at midnight putting a little soda-water in the soup, what can we say? Our
charge necessarily becomes a more general one. We can only observe, with a moderation almost amounting to weakness, "You seem to be the sort of person who will do this sort of thing." And then we can lock him up. The principle of the indeterminate sentence is the creation of the indeterminate mind. It does apply to the incomprehensible creature, the lunatic. And it applies to nobody else.

The second thing to be noted is this: that it is only by the unanimity of sane men that we can condemn this man as utterly separate. If he says a tree is a lamp-post he is mad; but only because all other men say it is a tree. If some men thought it was a tree with a lamp on it, and others thought it was a lamp-post wreathed with branches and vegetation, then it would be a matter of opinion and degree; and he would not be mad, but merely extreme. Certainly he would not be mad if nobody but a botanist could see it was a tree. Certainly his enemies might be madder than he, if nobody but a lamplighter could see it was not a lamp-post. And similarly a man is not imbecile if only a Eugenist thinks so. The question then raised would not be his sanity, but the sanity of one botanist or one lamplighter or one Eugenist. That which can condemn the abnormally foolish is not the abnormally clever, which is obviously a matter in dispute. That which can condemn the abnormally foolish is the normally foolish. It is when he begins to say and do things that even stupid people do not say or do, that we have a right to treat him as the
exception and not the rule. It is only because we none of us profess to be anything more than man that we have authority to treat him as something less.

Now the first principle behind Eugenics becomes plain enough. It is the proposal that somebody or something should criticise men with the same superiority with which men criticise madmen. It might exercise this right with great moderation; but I am not here talking about the exercise, but about the right. Its claim certainly is to bring all human life under the Lunacy Laws.

Now this is the first weakness in the case of the Eugenists: that they cannot define who is to control whom; they cannot say by what authority they do these things. They cannot see the exception is different from the rule—even when it is misrule, even when it is an unruly rule. The sound sense in the old Lunacy Law was this: that you cannot deny that a man is a citizen until you are practically prepared to deny that he is a man. Men, and only men, can be the judges of whether he is a man. But any private club of prigs can be judges of whether he ought to be a citizen. When once we step down from that tall and splintered peak of pure insanity we step on to a tableland where one man is not so widely different from another. Outside the exception, what we find is the average. And the practical, legal shape of the quarrel is this: that unless the normal men have the right to expel the abnormal, what particular sort of abnormal men have the right to expel the normal
men? If sanity is not good enough, what is there that is saner than sanity?

Without any grip of the notion of a rule and an exception, the general idea of judging people's heredity breaks down and is useless. For this reason: that if everything is the result of a doubtful heredity, the judgment itself is the result of a doubtful heredity also. Let it judge not that it be not judged. Eugenists, strange to say, have fathers and mothers like other people; and our opinion about their fathers and mothers is worth exactly as much as their opinions about ours. None of the parents were lunatics, and the rest is mere likes and dislikes. Suppose Dr. Saleeby had gone up to Byron and said, "My lord, I perceive you have a club-foot and inordinate passions: such are the hereditary results of a profligate soldier marrying a hot-tempered woman." The poet might logically reply (with characteristic lucidity and impropriety), "Sir, I perceive you have a confused mind and an unphilosophic theory about other people's love affairs. Such are the hereditary delusions bred by a Syrian doctor marrying a Quaker lady from York." Suppose Dr. Karl Pearson had said to Shelley, "From what I see of your temperament, you are running great risks in forming a connection with the daughter of a fanatic and eccentric like Godwin." Shelley would be employing the strict rationalism of the older and stronger free thinkers, if he answered, "From what I observe of your mind, you are rushing on destruction in marrying the great-niece of an old
corpse of a courtier and dilettante like Samuel Rogers." It is only opinion for opinion. Nobody can pretend that either Mary Godwin or Samuel Rogers was mad; and the general view a man may hold about the healthiness of inheriting their blood or type is simply the same sort of general view by which men do marry for love or liking. There is no reason to suppose that Dr. Karl Pearson is any better judge of a bridegroom than the bridegroom is of a bride.

An objection may be anticipated here, but it is very easily answered. It may be said that we do, in fact, call in medical specialists to settle whether a man is mad; and that these specialists go by technical and even secret tests that cannot be known to the mass of men. It is obvious that this is true; it is equally obvious that it does not affect our argument. When we ask the doctor whether our grandfather is going mad, we still mean mad by our own common human definition. We mean, is he going to be a certain sort of person whom all men recognise when once he exists. That certain specialists can detect the approach of him, before he exists, does not alter the fact that it is of the practical and popular madman that we are talking, and of him alone. The doctor merely sees a certain fact potentially in the future, while we, with less information, can only see it in the present; but his fact is our fact and everybody's fact, or we should not bother about it at all. Here is no question of the doctor bringing an entirely new sort of person under coercion, as in the
Feeble-Minded Bill. The doctor can say, "Tobacco is death to you," because the dislike of death can be taken for granted, being a highly democratic institution; and it is the same with the dislike of the indubitable exception called madness. The doctor can say, "Jones has that twitch in the nerves, and he may burn down the house." But it is not the medical detail we fear, but the moral upshot. We should say, "Let him twitch, as long as he doesn't burn down the house." The doctor may say, "He has that look in the eyes, and he may take the hatchet and brain you all." But we do not object to the look in the eyes as such; we object to consequences which, once come, we should all call insane if there were no doctors in the world. We should say, "Let him look how he likes; as long as he does not look for the hatchet."

Now, that specialists are valuable for this particular and practical purpose, of predicting the approach of enormous and admitted human calamities, nobody but a fool would deny. But that does not bring us one inch nearer to allowing them the right to define what is a calamity; or to call things calamities which common sense does not call calamities. We call in the doctor to save us from death; and, death being admittedly an evil, he has the right to administer the queerest and most recondite pill which he may think is a cure for all such menaces of death. He has not the right to administer death, as the cure for all human ills. And as he has no moral authority to enforce a new conception of happiness, so he has no
moral authority to enforce a new conception of sanity. He may know I am going mad; for madness is an isolated thing like leprosy; and I know nothing about leprosy. But if he merely thinks my mind is weak, I may happen to think the same of his. I often do.

In short, unless pilots are to be permitted to ram ships on to the rocks and then say that heaven is the only true harbour; unless judges are to be allowed to let murderers loose, and explain afterwards that the murder had done good on the whole; unless soldiers are to be allowed to lose battles and then point out that true glory is to be found in the valley of humiliation; unless cashiers are to rob a bank in order to give it an advertisement; or dentists to torture people to give them a contrast to their comforts; unless we are prepared to let loose all these private fancies against the public and accepted meaning of life or safety or prosperity or pleasure—then it is as plain as Punch's nose that no scientific man must be allowed to meddle with the public definition of madness. We call him in to tell us where it is or when it is. We could not do so, if we had not ourselves settled what it is.

As I wish to confine myself in this chapter to the primary point of the plain existence of sanity and insanity, I will not be led along any of the attractive paths that open here. I shall endeavour to deal with them in the next chapter. Here I confine myself to a sort of summary. Suppose a man's throat has been cut, quite swiftly and suddenly, with a table
knife, at a small table where we sit. The whole of civil law rests on the supposition that we are witnesses; that we saw it; and if we do not know about it, who does? Now suppose all the witnesses fall into a quarrel about degrees of eyesight. Suppose one says he had brought his reading-glasses instead of his usual glasses; and therefore did not see the man fall across the table and cover it with blood. Suppose another says he could not be certain it was blood, because a slight colour-blindness was hereditary in his family. Suppose a third says he cannot swear to the uplifted knife, because his oculist tells him he is astigmatic, and vertical lines do not affect him as do horizontal lines. Suppose another says that dots have often danced before his eyes in very fantastic combinations, many of which were very like one gentleman cutting another gentleman's throat at dinner. All these things refer to real experiences. There is such a thing as myopia; there is such a thing as colour-blindness; there is such a thing as astigmatism; there is such a thing as shifting shapes swimming before the eyes. But what should we think of a whole dinner party that could give nothing except these highly scientific explanations when found in company with a corpse? I imagine there are only two things we could think: either that they were all drunk, or they were all murderers.

And yet there is an exception. If there were one man at table who was admittedly blind, should we not give him the benefit of the doubt? Should we not
honestly feel that he was the exception that proved the rule? The very fact that he could not have seen would remind us that the other men must have seen. The very fact that he had no eyes must remind us of eyes. A man can be blind; a man can be dead; a man can be mad. But the comparison is necessarily weak, after all. For it is the essence of madness to be unlike anything else in the world; which is perhaps why so many men wiser than we have traced it to another.

Lastly, the literal maniac is different from all other persons in dispute in this vital respect: that he is the only person whom we can, with a final lucidity, declare that we do not want. He is almost always miserable himself, and he always makes others miserable. But this is not so with the mere invalid. The Eugenists would probably answer all my examples by taking the case of marrying into a family with consumption (or some such disease which they are fairly sure is hereditary) and asking whether such cases at least are not clear cases for a Eugenic intervention. Permit me to point out to them that they once more make a confusion of thought. The sickness or soundness of a consumptive may be a clear and calculable matter. The happiness or unhappiness of a consumptive is quite another matter, and is not calculable at all. What is the good of telling people that if they marry for love, they may be punished by being the parents of Keats or the parents of Stevenson? Keats died young; but he had more pleasure
in a minute than a Eugenist gets in a month. Stevenson had lung-trouble; and it may, for all I know, have been perceptible to the Eugenic eye even a generation before. But who would perform that illegal operation: the stopping of Stevenson? Intercepting a letter bursting with good news, confiscating a hamper full of presents and prizes, pouring torrents of intoxicating wine into the sea, all this is a faint approximation for the Eugenic inaction of the ancestors of Stevenson. This, however, is not the essential point; with Stevenson it is not merely a case of the pleasure we get, but of the pleasure he got. If he had died without writing a line, he would have had more red-hot joy than is given to most men.

Shall I say of him, to whom I owe so much, let the day perish wherein he was born? Shall I pray that the stars of the twilight thereof be dark and it be not numbered among the days of the year, because it shut not up the doors of his mother's womb? I respectfully decline; like Job, I will put my hand upon my mouth.