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**David J. Vaughan, *Mad or Bad: Crime and Insanity in Victorian Britain***

Barnsley, Pen& Sword History, 2017, 187 p., ISBN: 978-1-47386-413-9

**Fiona MacHugh**

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## REFERENCES

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- 1 The insanity plea, and crime in Victorian Britain more generally, is a subject which attracts both scholarly and general interest. The nineteenth century saw a crucial growth in the medical professionalization of the management and study of the “mad”, allowing for an expansion of theories on, and explanations for, human behaviour and responsibility, whilst legal developments throughout the century altered the social and legal position of the lunatic in general, and the criminal lunatic specifically. Differing views on the concepts of free will and “insanity” between the nascent psychiatric profession and the legal system often clashed when they met at the trials of offenders whose state of mind was questionable. David J. Vaughan’s volume presents a range of such cases in which the insanity plea was attempted (with varying success) from tribunals across Britain in the Victorian period.
- 2 The book, as the author himself admits, is not an academic treatise and therefore adds little to the historiographical debate on the medical and legal arguments about the defence, another element which Vaughan himself freely admits. Divided roughly into two sections, one covering background and the other the cases themselves, the author does however provide many of the essentials to broaching this complex subject. Two useful glossaries on a small selection of legal terms and medical diagnoses provide an essential outline of some of the key terminology for the uninitiated. The directory of some of the major alienists (psychiatrists) involved in debates on the plea is also a useful indication of where those interested in the topic might direct their attention

amongst the mass of early psychiatric publications. Additionally, a list of contemporary Judges and their supposed stance on the insanity plea, together with useful appendices of key statutes (Appendix 1), key events (Appendix 2), a summary of the McNaughton Rules (Appendix 3) and two examples of early toxicological forensic reports (Appendix 5) provide useful context. Sections on the background of the medico-legal controversy around the insanity plea and on women, madness and the insanity defence function as rough guides to the issues, however the reader cannot help feeling that Vaughan could have made these more coherent. The author's stated intention to create a history of the defence in accessible language is laudable, however the tangled web of psychiatric thought and its interaction with the criminal justice system is difficult to unravel without losing that sense of complexity which is a true reflection of the historic context. His first four "chapters", which comprise just 27 pages of 187, are often vague. The author often refers the reader to other, scholarly sources, such as Roger Smith's *Trial by Medicine* (1981) or Nigel Walker's *Crime and Insanity in England* (1968), rather than explain issues himself (e.g., p. 15). This in itself is not a problem, but these two volumes may not be accessible, in a figurative or literal sense, to Vaughan's readership. Sometimes this section reads more like someone's notes and the historical summary is not always clear. Facts are often included without an explanation (such as the table of Home Secretaries on p. 6) and it is up to the reader to deduce what the author believed the significance to be. Quotations are often used in a similar way, introduced and left without context or comment and so, whilst perhaps interesting, are frustrating and unsatisfying in the reading of the book itself. Without some background knowledge, or cross-referencing with another source, readers may be left somewhat perplexed by this first part of the work. The book's format has clearly been lifted from the structure of the author's blog which "inspired" the book, [criminallunacy.blogspot.com](http://criminallunacy.blogspot.com), which does not necessarily translate in a particularly satisfying way as a print volume. Though these introductory sections contain little novel or revelatory, they do provide an introduction to the basics of the topic.

- 3 The second section, or Chapter Five, which presents Vaughan's selected cases, is the bulk of the book. Vaughan's writing and presentation improves in this more narrative section. The clear-cut presentation of the 25 cases, which includes the crime, the medical evidence at the trial and occasionally some indication of public reaction and the post-trial life of the accused, gives a broad idea of cases which took place throughout the period. Although the decision to present the cases alphabetically allows for easy reference, the non-chronological ordering means there is no real sense of development or change in legal procedure or psychiatric thought over time. Unencumbered by attempts to fit these into a narrative about the wider legal/medical context, Vaughan also avoids canonical cases from the historiography, such as those of James Hadfield, Edward Oxford, Daniel McNaughton or Christiana Edmunds. Also interesting is the decision to include cases where the plea was unsuccessful, or where the offender was found responsible at trial but later had their sentence commuted by the Home Secretary due to their mental state. For scholars and researchers, the main value of this book could be to point them in the direction of less well-known trials, thus expanding existing analysis of cases which are often considered repeatedly across the historiography. The author, however, falls short of providing this widened analysis himself. The inclusion of 35 well selected and interesting illustrations, some of which Vaughan himself produced and therefore represent a novel contribution, include crime scene photographs, newspaper illustrations, portraits of alienists, photographs of

institutions and medical illustrations. As well as adding to the sense of time and place of the cases discussed, some of these also contribute to the idea of the visual culture of representing insanity in the nineteenth century, a topic which could stand to be further explored, in the vein of Sander Gilman's *Seeing the Insane* (1982). As such, Vaughan's selection of illustrations may provide indications of source material which has not been previously presented together, although he himself does not discuss these issues in his book.

- 4 Despite claims to expose "the truth of a masculine world" in his seven-page chapter "devoted" to women, crime and the insanity plea, there is nothing in it which has not been central to the debate on women and "madness" in the nineteenth century since Elaine Showalter's *The Female Malady* (1987). Vaughan's real potential contribution in this area is his decision to include female cases other than those of infanticidal mothers, which dominate both the historical record and the historiography of the insanity plea. Of the ten female cases selected, only three were women who had killed their own children. By including cases such as that of the infamous baby farmer Amelia Dyer, who had a history of asylum internment, but whose insanity plea was unsuccessful, or Celestina Sommer, who was found responsible for the murder of her ten-year-old estranged illegitimate child at her trial but later pardoned by the Home Secretary, as well as women who killed fathers, mothers, and children who were not their own, Vaughan's case selection gives a more nuanced view of the type of women who were found insane in the British courts, and also of women found responsible but later insane.
- 5 This volume no doubt holds potential interest for both general and academic readers alike, despite its shortcomings, although in different ways. For some, the collection of stories will provide that human element which is often eclipsed in works on this subject due to the mass of complex legal, medical and metaphysical arguments which make up the history of the issue of legal responsibility and "madness". For others, this book may be a more palatable first foray into this very mass, providing key names, legislative points, diagnostic criteria and points of controversy. For a general, if not necessarily for an academic readership, the volume provides a window onto the individuals who made up the Victorian criminally insane, the people at the heart of the debate on "madness" and legal responsibility.

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