

## Book Reviews

*Unconscious Crime: Mental Absence and Criminal Responsibility in Victorian London.* By Joel Peter Eigen (The Johns Hopkins University Press, Baltimore and London, 2003, hb, ISBN 0-8018-7428-9) 223 pp.

IN *UNCONSCIOUS CRIME*, JOEL EIGEN FURTHERS HIS IMPORTANT CONTRIBUTION to the highly interesting scholarship about the medico-legal defence in the courtroom before the twentieth century. Eigen's book explores the phenomenon of 'double consciousness' and is based on the criminal trial papers of sessions at the Old Bailey between 1843 and 1876. During that period, almost 200 defendants put forward the legal defence of 'aberrant mental state', their legal counsel perhaps inspired by the outcome of the McNaughtan trial (and the 'rules' of law associated with it) in 1843. Thus, Eigen seeks to explore the effects of the McNaughtan Rules on legal testimony. In the process he uncovers fascinating textual material of interest to historians of both law and medicine.

Eigen opens with a twentieth-century case, signalling the importance of linking historical work in this field to the recent experiences of insanity in the courtroom. But his purpose is to imagine a world and field of experience before the contemporary term 'Multiple Personality Disorder' was contemplated. Instead, his investigation of the 'historical clues' leads him to treat the cases he uncovers in their own historical context. He introduces readers to a world 'awash in a host of altered states of consciousness': nineteenth-century London (p. 15). Mesmerism, hypnotism, dreaming, and somnambulism: these topics interested those seeking for explanations for unconscious states of being. As Eigen reminds his readers, nineteenth-century medical tracts focused attention on 'unexpected and uncharacteristic behaviour' more often than historians have identified (p. 17).

When the language used by lay observers entered the courtroom in the eighteenth century, it was convincing enough by itself, and described states of insanity with colourful imagery. Eigen seeks to make a distinction between the language of expert witnesses—primarily, medi-

cal witnesses—and the type of evidence offered by lay witnesses. Thus, theories about delusional states began to take hold and had increasing validity throughout the nineteenth century due, in part, to the work of insane asylum superintendents and the perceived efficacy of institutions. A new discourse of ‘disordered states of mind’ becomes vital to legal testimony, granting medical experts more authority, and creating a new language of the insanity defence in the process.

But character witnesses (lay observers) remained important. Their commentaries often supported or contradicted medical evidence. Take the case of Mary Ann Hunt who murdered her roommate, Mrs Stowell. In court, friends agreed with the pronouncements of prison surgeon McMurdo: that although Hunt usually experienced irregular menstrual periods, McMurdo believed she was three or four months pregnant. Observers noted that she had violent fits when her menses were ‘suppressed’, but that otherwise she was a kind and humane person (p. 63). However, these views differed greatly from those offered by witnesses for the prosecution who ‘presented the picture of a vengeful, surly young woman’ (p. 57). This fascinating episode, which ended badly for Hunt, allows Eigen to explore gender differences in his sample.

Elsewhere the book investigates violence inside the lunatic asylum (a private madhouse), a case of ‘unconscious poisoning’ by a twelve-year-old boy, and the crimes of a sleepwalker automaton. Eigen’s sample is represented through key detailed narratives in which the stories and their implications are considered in some depth. The evidence is rich, and characterises this work as a highly textual examination of its subject.

The case of William Allnutt, the poisoner, is a good example. Here Eigen comments on the new ‘moral insanity’ being defined inside institutions and by alienists. Allnutt was noticed coveting his grandfather’s possessions—a gold watch and some gold sovereigns—and the family cook saw in his eyes a ‘queer look’. Was the boy in control of his impulses? His mother noted he told her he had ‘voices in his head’; she said ‘I have had great trouble with his health as well as his moral conduct’ (p. 107). Detailed testimony about the nature of moral insanity from different medical experts provides a sense of the serious debate around a murder conviction and its punishment.

In his lengthy conclusion Eigen explores twentieth-century definitions of ‘double consciousness’ and their historical counterparts. He takes care to avoid making a ‘retrospective diagnosis’, instead examining the way particular disease diagnoses emerged, and are historically specific. He reflects on how the unconscious was imagined before Freud: in the nineteenth-century, ‘memory and consciousness [were] the defining elements of personhood’ (p. 165). Using German Berrios’ work, Eigen concludes that ‘the history of mental diagnosis and men-

tal classification is the story of symptoms taken up into one term and folding into another', and must pay attention to the 'changes in the prominence physicians and alienist gave to any particular symptom' (p. 171). Here I would add that it must also incorporate the influence of lay observers and their effects upon clinical discourse, both inside and outside institutions.

This book provides excellent, detailed notes, showing the depth of research and intellectual debate around much of this history. Eigen has made a fine contribution to medical and legal history, and to the discussion of descriptive psychopathology.

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*A Melbourne Doctor and his Generation: Leonard Bell Cox, 1894–1976, Neurologist, Orientalist, Art Collector, Gardener, with contributions by Mervyn J. Eadie, Peter E. Bladin and Monica S. Wehner.* By Volkhard Wehner (privately published by Leddicott Press, Olinda, Vic., photographs, index, \$50.00 + postage \$10.00, available from PO Box 1002, Hartwell, Vic. 3124) 550 pp.

LEONARD COX'S LIFE AND CAREER WERE BOTH EXEMPLARY OF HIS TIMES and atypical of them. The product of a solid Melbourne Protestant middle-class milieu and of an equally solid medical education at the University of Melbourne, Cox became a man of singular achievements. He was a pioneering neurologist with an international reputation, a respected collector of Chinese art, chairman of the National Gallery of Victoria during its controversial construction at the St Kilda Road site, a man of letters and a keen grower of the rhododendron. Volkhard Wehner has written—with specialist contributions from Mervyn Eadie, Peter Bladin and Monica Wehner—a painstaking biography that will give pleasure to the many in the Melbourne medical and arts communities who knew Leonard Cox and shared his world.

In particular, Mervyn Eadie and Peter Bladin have produced a valuable record of a critical period in the development of neurology as a specialism, of Cox's originality, and of the very real barriers to advanced research that faced gifted Australian doctors. A research culture, such as we have come to associate with leading universities, was in its infancy at the University of Melbourne before the 1950s. By 1940, Cox and E. Graeme Robertson were the only specialists in Melbourne practising exclusively in neurology, and the numbers nation-wide were not into double digits. Professional consolidation risked intellectual isola-