

Baker Street *Elementary*

PRESENTS
"THE LIFE AND TIMES IN VICTORIAN LONDON"



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THE LIFE AND TIMES IN VICTORIAN LONDON
137 - THE CASE FOR BROADMOOR RATHER THAN THE SCAFFOLD - SEPTEMBER, 2023



WELCOME TO TOPIC NUMBER # 137... TODAY WE WILL
BE LOOKING AT CRIMINAL INSANITY DURING THE
VICTORIAN PERIOD.



IN 'THE ADVENTURE OF THE RETIRED COLOURMAN,'
YOU NOTED THAT JOSIAH AMBERLEY'S
'MENTALITY' WOULD HAVE MOST LIKELY SENT HIM
TO BROADMOOR, THE CRIMINAL LUNATIC ASYLUM,
RATHER THAN THE SCAFFOLD.



**THIS POSSIBLE OPTION FOR AMBERLEY REFLECTED
SHIFTS IN THE VICTORIAN DEFINITIONS OF AND
ATTITUDES TOWARD MENTAL ILLNESS.**



**OF PARTICULAR INTEREST FOR THE MISER,
WERE THE LAWS REGARDING PUNISHMENT OF
CRIMINALS CONSIDERED INCOMPETENT OF
RATIONAL THOUGHT.**



PRIOR TO THE 1800s, AN INSANITY PLEA REQUIRED DEFENDANTS TO SHOW OBVIOUS SIGNS OF MADNESS AND PROOF THAT THEY COULD NOT DISTINGUISH BETWEEN GOOD AND EVIL OR JUDGE THE CONSEQUENCES OF THEIR ACTIONS.



AS A RESULT, FEW SUBMITTED SUCH A DEFENSE, AND THOSE WHO WERE FOUND INCOMPETENT WERE USUALLY RELEASED TO THEIR FAMILIES.





WHEN JAMES HADFIELD ATTEMPTED TO ASSASSINATE KING GEORGE III IN 1800, HIS USE OF THIS DEFENSE AND HIS POTENTIAL ACQUITTAL AND RELEASE LED TO SWIFT CHANGES IN PUBLIC ATTITUDE AND THE LAW.



OF THE
STATE OF LUNACY
AND THE
LEGAL PROVISION FOR THE INSANE,
WITH
OBSERVATIONS ON THE CONSTRUCTION AND
ORGANIZATION OF ASYLUMS.
BY
JOHN T. ARLIDGE, M.B., A.B. (LOND.),

THE CRIMINAL LUNATICS ACT OF 1800 INCLUDED, AMONG OTHER PROVISIONS, 'A LEGAL MEANS TO DETAIN THOSE ACQUITTED ON A PLEA OF INSANITY' AND A RETROACTIVE APPLICATION TO HADFIELD'S CASE.



AMBERLEY'S DEFENSE, THEREFORE, WOULD HAVE HAD TO SHOW HIS MENTAL STATE WAS SUCH THAT HE NO LONGER THOUGHT THE ACT WAS WRONG.



CENTRAL CRIMINAL ASYLUM, DUNDRUM.


ROBERT HARRISON, Esq., M.D., F.R.C.S.I.

- 2997.—When the weather will not permit of their being employed at those out-door pursuits, are any occupations or amusements provided inside for them?—Not enough. It is very tiresome on wet days.
- 2998.—In point of fact, are the day-rooms of the Asylum, which are occupied by the inmates on those days that will not admit of their being out of doors, different in any way from the day-rooms in the ordinary workhouses?—Not at all. There are no books, or anything to occupy the minds of the patients.
- 2999.—Considering that the Asylum is not a mere place of detention for Insane persons, but it is also to be regarded as an hospital for curative treatment, are you satisfied with that absence of amusement, or the utter want of anything enlivening in the apartments they occupy?—I have often regretted the want of such things—a reading room, or a room with pictures—to excite or engage the attention, so as to keep them from a gloomy mood into which they fall.

**FAILURE TO MEET THIS CRITERION IN THE COURT'S
JUDGMENT WOULD HAVE RESULTED IN A GUILTY
VERDICT AND A DEATH SENTENCE (THE SCAFFOLD).**



FOR JOSIAH AMBERLEY TO SUCCESSFULLY PRESENT AN INSANITY DEFENSE, HE WOULD HAVE HAD TO MEET THE TEST PROVIDED BY THE MCNAUGHTON RULES OF 1843, WHICH READ:



Legal Standards of Insanity

- **McNaughton Rule**
 - States that, in order to establish insanity, it must be proven that at the time of a crime, the accused had a mental defect (i.e. such as a mental disease) so that she/he did/could not know the nature or quality of their crime at the time of offense or if the accused did not know that what she/he did was wrong.
- **The Durham Rule**
 - States that the accused is not criminally responsible if her/his unlawful conduct is or was the product of mental disease or defect.



'IT MUST BE CLEARLY PROVED THAT, AT THE TIME OF COMMITTING THE ACT, THE PARTY ACCUSED WAS LABOURING UNDER SUCH DEFECT OF REASON, FROM DISEASE OF THE MIND, AS NOT TO KNOW THE NATURE AND QUALITY OF THE ACT HE WAS DOING; OR, IF HE DID KNOW IT, THAT HE DID NOT KNOW WHAT HE WAS DOING WAS WRONG.'

The M'Naughton Rules



M'Naughton Rule (1843)

To establish a defense on the grounds of insanity, it must be clearly proven that, at the time of committing the act, the party accused was labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or if he did know it, that he did not know what he was doing was wrong...



YOUR OWN ASSESSMENT OF AMBERLEY'S MENTAL STATE HINGED ON A FEW OBSERVATIONS: THAT THE MAN WAS MISERLY, THAT HE HAD REVERTED TO A 'MEDIAEVAL ITALIAN NATURE,' AND HIS 'JEALOUSY BECAME A FRANTIC MANIA.'



THE REFERENCE TO HIS NATURE DENOTED A COMMON HISTORICAL BELIEF THAT A CULTURE OF VENGEANCE PERMEATED MEDIEVAL ITALY... FEUDING FAMILIES OR CLANS SOUGHT REVENGE FOR ANY INSULTS OR WRONGDOINGS AGAINST THEM, SUCH AS THE QUARRELING CAPULET AND MONTAGUE FAMILIES IN ROMEO AND JULIET.



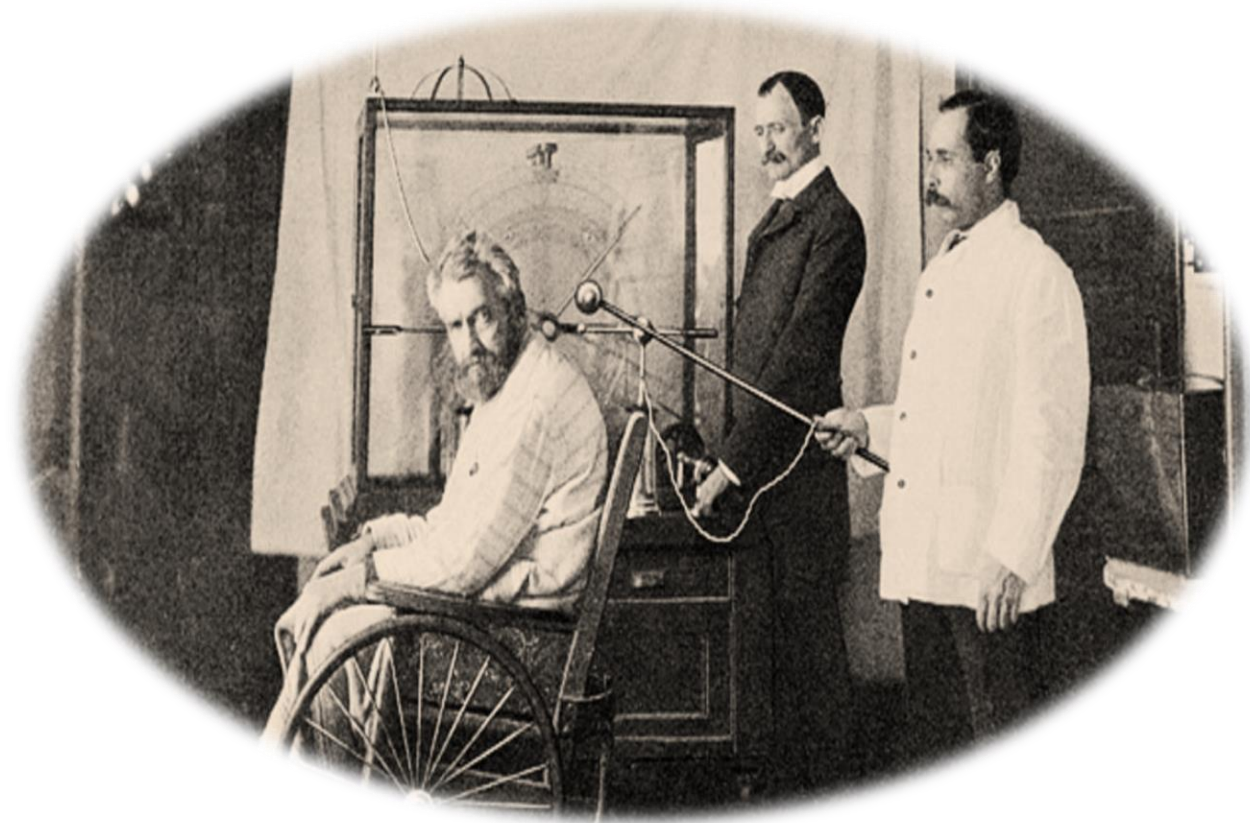
AMBERLEY'S JEALOUSY OF ANY FAMILIARITY BETWEEN HIS WIFE AND DR. ERNEST WOULD HAVE FUELED HIS VENGEFUL NATURE... A FIXATION ON THE ASSUMED AFFAIR BETWEEN THE TWO WOULD MOST LIKELY HAVE BEEN IDENTIFIED AS A MONOMANIA.



ACHIEVING A FINDING OF NOT GUILTY BY REASON OF INSANITY, HOWEVER, INVOLVED ONE ADDITIONAL, BUT CRUCIAL, FACTOR... HIS DEFENSE WOULD HAVE HAD TO CONVINCe THE COURT THAT HIS MENTAL STATE...



...BASED ON HIS MANIC OBSESSION WITH HIS WIFE'S CONDUCT AND A THROWBACK TO THE PRACTICE OF AVENGING ONE'S HONOR—ERASED HIS ABILITY TO IDENTIFY RIGHT FROM WRONG.



**YOU, UNFORTUNATELY, DID NOT MENTION
WHETHER AMBERLEY TRULY HAD LOST HIS
CAPACITY TO DO SO.**





IF THE COURT AGREED THAT AMBERLEY COULD HAVE NO LONGER MADE SUCH A DISTINCTION REGARDING HIS ACTIONS IN THE CASE, HE MIGHT HAVE BEEN SAVED FROM THE SCAFFOLD, BUT THANKS TO THE PASSAGE OF A LAW ALMOST ONE HUNDRED YEARS EARLIER, HE WOULD HAVE NEVER RETURNED TO HIS LEWISHAM HOME.





**HADFIELD'S 1800 CASE WOULD HAVE
ASSURED AMBERLEY SPENT THE REST OF
HIS DAYS AT BROADMOOR.**



SO, WE HAVE COMPLETED TOPIC # 137 IN OUR SERIES...

IN TOPIC # 138, WE WILL BE LOOKING AT THE DEBATE ON WHERE I MAY
HAVE GONE TO SCHOOL.



ORIGINAL SOURCE MATERIAL FOR FOR THIS TOPIC:

- MORAN, R. (1985). THE ORIGIN OF INSANITY AS A SPECIAL VERDICT: THE TRIAL FOR TREASON OF JAMES HADFIELD (1800). LAW & SOCIETY REVIEW, 19(3), 487-519. [HTTPS://DOI.ORG/10.2307/3053574](https://doi.org/10.2307/3053574)
- M.J. KURATA "INSANITY" IN S. MITCHELL (ED.) VICTORIAN BRITAIN: AN ENCYCLOPEDIA, NEW YORK: GARLAND PUBLISHING, INC., 1988
- [HTTPS://ACTIVISTHISTORY.COM/2017/05/19/TREATING-MENTAL-ILLNESS-IN-VICTORIAN-BRITAIN/#:~:TEXT=THE%20INSANE%20WERE%20HIDDEN%20FROM,WITH%20SO%2DCALLED%20MORAL%20TREATMENT.](https://activisthistory.com/2017/05/19/treating-mental-illness-in-victorian-britain/#:~:text=THE%20INSANE%20WERE%20HIDDEN%20FROM,WITH%20SO%2DCALLED%20MORAL%20TREATMENT.)
- [HTTPS://WWW.SCIENCEMUSEUM.ORG.UK/OBJECTS-AND-STORIES/MEDICINE/VICTORIAN-MENTAL-ASYLUM](https://www.sciencemuseum.org.uk/objects-and-stories/medicine/victorian-mental-asylum)
- M'NAGHTEN, 10 CL. & FIN. 200, 8 ENG. REP. 718 (1843).
- [HTTPS://MUSE.JHU.EDU/ARTICLE/268890](https://muse.jhu.edu/article/268890)



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"THE LIFE AND TIMES IN VICTORIAN LONDON"

IS CREATED THROUGH THE INGENUITY & HARD WORK OF:

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