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LEGAL INSANITY, MORAL INSANITY, AND STENDHAL'S *LE ROUGE ET LE NOIR*

by

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PROBLEMS pertaining to concepts of legal and medical insanity have long been present and at times seem to defy solution. Differing views of justice, the impulse toward revenge, and the devices to expiate guilt of the individual and society complicate further the complex currents of any era. They were with us in the aftermath of the killing of a President and the condemnation of his alleged assassin's murderer.

In 1843 Daniel M'Naghten was tried at Old Bailey for the slaying of Edward Drummond, secretary to the British Prime Minister, Sir Robert Peel, and it is from this event that the famed M'Naghten Rules emerged. They remain most influential in courts of law to this day. M'Naghten was declared not guilty on the ground of insanity. There was much opposition to this verdict.¹

Five years before the M'Naghten trial, in 1838, American psychiatrist Isaac Ray (1807–1881) published *A Treatise on the Medical Jurisprudence of Insanity*.² It was used in the defence of M'Naghten and is regarded now as a classic. The issues accentuated in the trial and the publication were not isolated, however, and in word and action, as is usually the case, they undoubtedly reflected some developing forces that were 'in the air' at the time. Rumbblings of social forces and pressures are generally represented in the literature of the day. Some of the themes that concern us here are capital punishment and the nature of 'insanity', but especially the legal plea of insanity and temporary insanity.

In 1830, eight years prior to the appearance of Isaac Ray's treatise and thirteen years before the trial of Daniel M'Naghten, Stendhal (Henri Beyle) published *Le Rouge et le Noir*.³ Although he is said to have been little appreciated in his own day, he commands ample attention now and this novel is regarded as a classic. It is the story of Julien Sorel, a poor provincial boy who aspires to high status amidst the social and political turmoil of nineteenth century France. Whether the book is the first realistic novel or the first psychological novel as has been proclaimed by admirers is for the reader and students of literature to judge. Of immediate interest are sections at the end of the book where Julien Sorel, after shooting in an attempt to kill his former mistress, is awaiting trial and later facing death on the guillotine.

The question of insanity arises not in the mind of young Sorel, who is offended by its mention, but in the mind of his attorney who appears to regard its presence quite seriously and not just as an expedient to save his client from death. On the other hand, Sorel's former mistress, Madame de Rênal, comes to his aid and, aside from voicing opposition to capital punishment, evokes the theme of temporary insanity. This was clearly an effort to turn the tide although based on behaviour that was

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peculiar to her lover but never seriously considered as such by her when it did not serve her needs.

We read as follows (p. 417):

The attorney, a man of great formality, really believed him mad, thinking, like the public, that it was jealousy that put a pistol in his hand. One day he ventured to tell Julien that this idea, whether true or false, would make an excellent plea. But the prisoner could show only contempt and anger. 'Not on your life, monsieur', cried Julien, beside himself, 'must you think of such an abominable lie!' The prudent advocate was for a moment afraid of personal injury.

Later (p. 419), with reference to Sorel's former mistress, Stendhal wrote,

Madame de Rênal soon submitted to her husband's wishes. 'For if I appeared at the assizes', she said to herself, 'I should appear as if I came for revenge.' In spite of all her promises to be prudent, which she made to her confessor and to her husband, she wrote with her own hand, when scarcely arrived at Besançon, the following letter to each of the thirty-six jurors:

'I will not appear at the trial, because my presence might be prejudicial to M. Sorel. I only wish one thing, and that ardently: that he might be saved. You must know that the horrible idea of an innocent man being sentenced to death on my account would no doubt poison and shorten the rest of my life. How can you sentence him to death since I am alive? No, society has not the right to take away a life and, such as Julien Sorel's! Everybody at Verrières has known him to have had moments of aberration. True, the poor young man has a great many enemies. But even among his enemies is there one who does not appreciate his admirable talents and his profound learning? It is not an ordinary person on whom you are going to pass sentence, monsieur. For eighteen months we have all known him as a pious, good, industrious young man; but two or three times a year he would be seized with a fit of melancholy that would drive him almost to insanity. All Verrières; all our neighbors in Vergy, where we spend the summer season; my whole family, and the sub-prefect himself, will bear testimony to his exemplary piety. He knows the whole Bible by heart. Would a wicked man spend years in studying the Holy Book? My sons will have the honor of presenting this letter to you. They are children. Please question them, monsieur; they will give you details about this young man that will convince you of the barbarity of sentencing him to death. Far from avenging me, it would kill me.

'What can his enemies say? The wound inflicted in a fit of temporary insanity, which even my children remarked in their tutor, is so slight, that in less than two months I have been enabled to travel from Verrières to Besançon. If I learn, monsieur, that you hesitate to apply such a barbarous law to an innocent man, I will leave my bed, where I remain only in obedience to my husband's wishes, and come to embrace your knees. Declare, monsieur, please, that pre-meditation has not been proved, and you will not have occasion to reproach yourself for having shed innocent blood!'

Sorel, as a country boy, is hired as a tutor for the children of Monsieur and Madame de Rênal. He makes his way eventually to Paris where he is entrusted with secretarial duties by the Marquis de la Mole. His relationship with Mathilde, the daughter of the Marquis, results in her pregnancy. Their marriage is eventually planned when a disparaging letter from his former mistress, Madame de Rênal, is sent to the Marquis. He becomes enraged at Julien. His daughter then shows the letter to Sorel. He goes immediately to Madame de Rênal and shoots but fails to kill her. Mathilde and Madame de Rênal attempt to save him from the guillotine. Sorel, by the way he manages his affairs, his imprisonment, and the legal proceedings themselves, helps in fact to bring about his own doom. He is beheaded. Stendhal makes a point of the fact that the hostility of his own provincial population is shaped by their resentment toward one of them, Sorel, for endeavouring to rise to higher status. He symbolizes

the battle against their own frustrations and the ambitions that must remain unfulfilled. The principal avenues to wealth and power lay, for some in the Church (the Black), with which Sorel becomes involved, and in the Army (the Red) which is largely relegated to a role in his Napoleonic fantasies.

What manner of man was Julien Sorel in his strivings for wealth, glory, and power? In his ambition he was calculating, scheming, and opportunistic. He used people, especially women, for his own ends. His behaviour was erratic. He would profess his love one moment, and feel hate soon thereafter. He was alienated and solitary. He was basically misanthropic. He was envious and excessively detracting. He was moody, often surly, and sulking. He was vain and hypocritical. He entertained fantasies of greatness but was inhibited and extremely insecure. This he veiled in arrogance. Readily suspicious yet concerned about the likely presence in him of cowardice, he was easily offended by minor or imagined slights. He carried pistols, prepared for defence or attack. He was plagued by indecision, yet would act out impulsively. He could convince himself that he loved and would seem to behave spontaneously. But he was fundamentally removed from others and his rationalizations stemmed from a deep-seated egocentricity. He was shallow and narcissistic, and superficially emotional. His passivity and aggressiveness were mirrored in prominent fantasies of killing or being killed. He could be obstinate or defiant. He was deceitful and a poseur. He was easily frustrated, irritable, and restless. He was involved in no relationship that could be regarded as reasonably mature. This included his contact with the considerably older Madame de Rênal, wife of a rich and powerful provincial. It would seem that Julien Sorel was a paranoid psychopath.

But what of the psychosis? His mistress grasped at the expedient, yet she could only stress the melancholy, allege its periodicity, and offer a legal plea of temporary insanity. This alone is of interest in a French novel of 1830, the days of famed psychiatrists Philippe Pinel (1745–1826) and J. E. D. Esquirol (1772–1840). Although many psychiatrists today would see in Sorel the personality of a psychopath, it would be difficult to imagine ready acceptance of a psychotic label, especially in a court of law. One need not go far to find support for this opinion. Yet curiously, in the novel, it is an attorney who 'really believed him mad'. Mad or not, he was willing to claim it for a legal plea.

To what extent, one may wonder, was this view influenced by the currents of the time? Attention was increasing, in the first half of the nineteenth century, to problems of disturbed behaviour with antisocial features. Yet it was not until 1835, five years after *Le Rouge et le Noir* was published, that British psychiatrist J. C. Prichard (1786–1848), who is believed to have been influenced in his thinking by French psychiatric views, issued his famous work, *A Treatise on Insanity and Other Disorders Affecting the Mind*,⁴ in which he discussed the concept of 'moral insanity'. Here was a 'madness, consisting in a morbid perversion of the natural feelings, affections, inclinations, temper, habits, moral dispositions, and natural impulses, without any remarkable disorder or defect of the intellect or knowing and reasoning faculties, and particularly without any insane delusion or hallucination.' But Prichard's ideas did not meet with immediate or easy acceptance. They did not appear to have much influence, for example, in the trial of Daniel M'Naghten. Permitting a literary specula-

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tion, one may claim there is no reason to assume that they would have had much significance in the trial of Julien Sorel. It is said, at times, that the M'Naghten trial was the first in which medical science was brought into direct opposition to ancient legal authority. It may be added, with tongue in cheek, that had an insanity plea been introduced with supporting psychiatric accoutrements in the Sorel trial, it would have served as a precedent to the M'Naghten.

It should not be surprising that what was 'in the air' in terms of psychiatric thinking and developments could impress early nineteenth century creative talent. Literary works may, in fact, help to crystallize, no less popularize an image of scientific thought. The insanity theme in Stendhal's novel may have been even more widespread in the literature of his time than is likely to come readily to our attention at present. But the fact that it is available in a novel now classic, and in which there has been of late a revival of interest, makes it worth mentioning as a special focus of attention.

REFERENCES

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