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DR. JEKYLL AND MR. HYDE: Defending under the Convolution of Insanity and Intoxication

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The Story of Dr. Jekyll and Mr. Hyde

I. Brief Synopsis of the story of Dr. Jekyll and Mr. Hyde

At the beginning of the story, Mr. Utterson and his cousin Mr. Richard Enfield pass a mysterious basement cellar door and Mr. Enfield tells Mr. Utterson a story about a strange occurrence related to the door. Late one night, while on his way home, Enfield chanced upon a deformed, short man who trampled a girl in the street. The girl's family and Mr. Enfield catch the mysterious man and, instead of getting the police, decide to black mail him to give the girl's family money. The mysterious man then disappears into the cellar door and returns with a check bearing not his own name, but that of the respectable Dr. Jekyll. Although Enfield assumed the check would be a forgery, it proves to be legitimate. Mr. Utterson, being Dr. Jekyll’s lawyer and friend is intrigued and the story begins as he seeks out Mr. Hyde to find out more about his connection to Dr. Jekyll.

Mr. Utterson then returns to his office where he reads over a will he is holding for Dr. Jekyll, which leaves his assets to Mr. Hyde. After tracking down Mr. Hyde, near the mysterious door, Hyde is initially civil but turns angry when Utterson asks to see his face and probes into his relationship with Dr. Jekyll. Mr. Utterson becomes increasingly obsessed with Mr. Hyde and can not forget the encounter. The lawyer almost goes crazy thinking about Mr. Hyde.

Mr. Utterson is driven by curiosity to reconnect with Dr. Jekyll to ask about Mr. Hyde. Dr. Jekyll tells Mr. Utterson to drop the business of the will and that Hyde is a close and personal friend. Mr. Utterson then focuses on the newly rekindled friendship with Dr. Jekyll, attending dinner parties at his house with other mutual friends. The story seems to come to a calm before
Dr. Layton, a friend of both Mr. Utterson and Dr. Jekyll’s, suddenly dies of shock after an encounter related to the appearance of Mr. Hyde.

Shortly there after, Mr. Hyde commits a murder on Dr. Jekyll’s friend, Mr. Danvers Carew, using a cane which Mr. Utterson gave as a gift to Dr. Jekyll. The lawyer then leads the police to the home of Mr. Hyde where they discover evidence of the murder. Mr. Utterson tries to pursue Mr. Hyde in order to protect his client, but Mr. Hyde has seemingly disappeared.

For a while things return to normal and Dr. Jekyll is social in the community, but suddenly it becomes apparent that there is something deeply troubling Dr. Jekyll and he goes into isolation. Mr. Utterson attempts to visit him and is turned away repeatedly, until he is eventually approached by one of Dr. Jekyll’s staff, Mr. Poole, who is gravely concerned that something is going on with his master. When Poole and Utterson break into the room where Jekyll is in isolation, they discover Mr. Hyde. They believe that he has killed Dr. Jekyll, because he is nowhere to be found. Hyde kills himself upon their forceful entry.

It is not discovered until much later that Dr. Jekyll and Mr. Hyde are the same person, intentionally created by Dr. Jekyll so that he can live out his deepest darkest desires while still maintaining his position of esteemed doctor in society. After the murder Dr. Jekyll loses his ability to control Mr. Hyde and it becomes more and more challenging for him to remain himself. The secret is reveled in Dr. Layton’s Note, which Mr. Utterson reads after Dr. Jekyll’s disappearance, and is further explained in Dr. Jekyll’s own narrative.

Dr. Jekyll’s narrative begins in the voice of Dr. Jekyll describing the chemistry experiments he has used to create Mr. Hyde in order to live out his alternate persona. The narrative concludes with the sad ending where he identifies himself as Mr. Hyde and says, "I bring the life of that unhappy Henry Jekyll to an end."
II. Scholarly Treatment of the Case

The Strange Case of Dr. Jekyll and Mr. Hyde, by Robert Louis Stevenson has been largely characterized as a story exploring the duality of man. Vladimer Nebokov compared the dual personalities of Dr. Jekyll and Mr. Hyde with Sigmond Freud’s theory that we are made of two competing forces within us, the *id* and the *super-ego*. Nebokov discusses the fundamental way that man is torn between good and evil in the story, and the competing interests of man.¹

Sigmond Freud theory of human nature is that we are comprised of the *id* and the *super-ego*. The *id* energizes us and is an intrinsic, non-rational, pleasure seeking primitive part of us. The *id* is in constant competition with the *super-ego* which is the voice of culture, order, and discipline.²

Nebokov has said that there is a relationship between the *id* and the *Super-ego* in the story of Dr. Jekyll and Mr. Hyde. Dr. Jekyll is the *super-ego*. He is a moral citizen, a prominent doctor in the community. He is pleasure seeking, and longs to be free of the boundaries that are imposed on him. Mr. Hyde is the outlet for Dr. Jekyll to express his primal desires, the *id*. As the *id* becomes stronger, it eventually overpowers the rational societal construction that is Dr. Jekyll and he loses the control he once had over his creation.³

Freud says that man is subjected to the idea of fate, which robs him of his independent will.⁴ Happiness can only come from the internal processes of the human mind, according to society. This concept is reinforced by the traditional view of a man as “genius” who rejects all bodily needs. In this way, the libido and importance of physical happiness or enjoyment is discouraged by society. Societal norms, also encourage the suppression of aggression.

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² Sigmund Freud, *The Ego and the Id, On Metapsychology*, (Penguin Freud Library)
³ Vladimir Nebokov, *Lectures on Literature*
⁴ Sigmund Freud, *The Ego and the Id*
Victorian society was highly restrictive in Robert Louis Stevenson’s time. Scholars have asserted that the Strange Case of Dr. Jekyll and Mr. Hyde reflect the extreme suppression of the id in Victorian society, causing Dr. Jekyll to essentially go insane. Dr. Jekyll is forced to make a choice between pursuing the desires of his darker side and his desire to maintain his prominent reputation. As a solution, he creates Mr. Hyde. Through Mr. Hyde he can express his id, and do the restricted things that feel good, like engage in criminal activities free from any conscience.

In Sigmond Freud’s theory on the duality of man, there is a control to the id and the super-ego. The ego serves to control the two. The ego is self aware and rational. The ego mediates the desires of the id with needs of the super-ego within us. A classic example of the duality of man is in Plato’s Republic where the parts of the soul are held together by rationality. Similarly here, Nebokov asserts that the values of Victorian society served as Dr. Jekyll’s control.

Here, Stevenson is not only revealing human nature’s deeply tangled double nature; he is also criticizing the restrictive nature of his Victorian society. Sigmond Freud argues that all our sources of suffering are part of the same civilization we have created. Freud suggests, that no man can ultimately be happy. He contests that it is our very own civilization and aspects of society that repress our true expressions of happiness. The overarching law, as a construction of our society, governs our human impulses. It is also a control of that same society. This represents the law as it’s own duality, which Robert Lewis Stevenson explores by placing the lawyer as the narrator. The law, the ego in the story, serves as the lens with which the plot is revealed to us.

The lawyer is the driving force behind the pursuit of Mr. Hyde in the story. Law’s dual nature as

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5 Sigmund Freud, *The Ego and the Id*  
6 filepedia.org: *Plato’s Republic*: Translated by Benjamin Jowett.  
8 Id.
a construction of society and control of society is reflected also in the character Dr. Jekyll/Mr. Hyde as the duality of man.

Another ego in Robert Louis Stevenson’s time was religion, as a restrictive control prominent in Victorian society. In Christianity it is said that one is “born in sin.” Freud has conjectured that religion, even, may not lead to the ultimate fulfillment of ones desires. “If the believer finally sees himself obliged to speak of God's 'inscrutable decrees', he is admitting that all that is left to him as a last possible consolation and source of pleasure in his suffering is an unconditional submission.” 9 Man may face the possibility of losing all individuality in the face of religion and becoming subordinate to god. Often religion teaches the suppression of earthly happiness and points to pleasure, most notably in the sexual and violent sense as it relates to the libido, as a sin. Religion is thus, a tool of civilization that represses the physical happiness of the individual. It gives priority to mental processes of happiness and stimulation, much the way Victorian society does. The concept of a collective identity is contradictory to an individual’s concept of himself, in this way civilization is not effective as a way for a man to find complete fulfillment. Dr. Jekyll recognizing this, seeks fulfillment outside of social norms.

Nebokov also claims that Mr. Hyde, in his pleasure seeking, rejects the moral constraints of an overarching governance on society, however in Dr. Jekyll’s attempt to control the outcome, he finds that he is losing control. Nabokov writes, “It follows that Jekyll's transformation implies a concentration of evil that already inhabited him rather than a complete metamorphosis. Jekyll is not pure good, and Hyde (Jekyll's statement to the contrary) is not pure evil, for just as part of unacceptable Hyde dwells within acceptable parts of Jekyll, so over Hyde hovers a halo of Jekyll, horrified at his worser half's iniquity.” 10 At first Jekyll embraces the sense of freedom he

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10 Vladimir Nebokov, *Lectures on Literature*
experiences as Hyde, claiming, "when I looked upon that ugly idol in the glass, I was conscious
of no repugnance, rather of a leap of welcome." It is not until much later that he realizes the true
danger of his creation outside the bounds of societal control.

Stevenson, himself, came from a family of lawyers and undoubtedly understood the many
challenging issues his story presented from a legal standpoint.\textsuperscript{11} The problem of identifying and
drawing a line for responsibility is a challenging question, even today. In the present case, do we
hold the \textit{id}, Mr. Hyde, responsible but not Dr. Jekyll? Or is Dr. Jekyll equally responsible? The
law takes up this question, and answers it in various ways.

Is this a case of mental illness? Or, is it a case more akin to one of intoxication? The law
treats these defenses very differently. Robert Lewis Stevenson writes that, “No man morally sane
could have been guilty of that crime.” This seems to support an insanity defense, yet he
immediately follows this statement with an admission that he had voluntarily engaged in a course
of action which led to the murder and compares his condition to that of a drunkard.\textsuperscript{12}

Criminal law is particularly aimed at punishing or deterring bad behavior, while those
that are within the criminal system often suffer from conditions that put their actions beyond
their physical control and outside of the bounds of the purpose of the criminal justice system, at
least to some extent. No man is perfectly moral or pristine in all of his actions. The problem of
psychological illness is of particular interest because the approach has changed over time, and it
has been largely recognized that the criminal justice system cannot adequately address the
problem of mental illness, though it seeks to.

According to the \textit{M’Naghten} rule, which was the prevailing standard when Stevenson
was writing, the question is whether the accused “was laboring under such a defect of reason,

\textsuperscript{12} Russel D. Covey, \textit{Criminal Madness: Cultural Iconography and Insanity}, 61 Stan. L. Rev. 1375, 1379 (2009).
from disease of the mind, as not to know the nature and quality of the act he was doing; or... [not to] know he was doing what was wrong.”

A popular law review article asserts that Stevenson appeared to be conscious of this in his writing to show the difficulty of applying this standard to the instant case. Hyde’s increasingly panicked efforts to become Jekyll once again—even after the transformation has begin to occur spontaneously—seem to show that Hyde is aware of the moral status of his behavior. Conversely, Intoxication under the law asks whether the “psychotic state . . . continue[s] after the direct or immediate influence of [a] drug.”

**Intoxication and Mental Illness Under the Law**

I. **In Cases Where Both Intoxication and Mental Illness are at Issue the Law is Convoluted**

When we have a case in which there is seemingly both intoxication and mental illness to blame, how can we determine which is to blame? In essence, aren’t we in many cases asking which came first, the chicken or the egg? Did the intoxication cause the insanity, or was the insanity the cause of the intoxication? In *Maik*, the court decided that the underlying illness from which a psychotic episode emerged was not caused by the use of drugs, but was brought to the surface by the drug use.

Duncan Kennedy has written extensively on the themes of altruism and individualism in the law. Dr. Jekyll is more altruistic than individualistic, committing to the conforms of civilized life, while Mr. Hyde is individualistic. Mr. Hyde wants to live out his internal desires to

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14 Russel D. Covey, *Criminal Madness: Cultural Iconography and Insanity*
16 Id.
commit crimes in violation of society’s code. He is concerned only with his own needs and wants, not the overarching benefits of society.

II. Dueling Dichotomy of the Desire for Autonomy and Equality

Law has been largely characterized as being fundamentally divided between the desire for autonomy and equal treatment, and the need for constraint to protect people within society from the dangers of the world. The interests of each are important and conflicting, making the argument complex for how to promote the goals of the justice system.

The concept of individualism values freedom of choice over everything else and is the most “liaise faire” of the two. This ‘leave it to your personal choice’ principle, rejects the idea of protection, and embraces the idea that people should be free to make their own choices. This approach assumes a competency in all individual decisions and rejects the existence of an overarching moral code of humanity by which we are all governed. As Francis Fukuyama has said, in Our Post Human Future, “when we strip all of a person’s contingent and accidental characteristics away, there remains some essential human quality underneath that is worthy of a certain level of respect.”\(^\text{18}\) Reflective of this sentiment about the uniqueness of the human experience warranting a level of deference to autonomy, the Universal declaration of Human Rights reads, that “all human beings are born free and equal in dignity and rights.”\(^\text{19}\) By nature, all humans have dignity inherent to us as a species, and this is often cited as the basis for holding that we inherently possess an inalienable human right to freedom of decision making.

Conversely, the more traditional view is one of constraint. The altruistic viewpoint of the law acknowledges the need for certain types of protection for people, because of their

\(^{18}\) Francis Fukuyama, Our Post Human Future, 149 (2002) (explaining that what is intrinsically and universally distinctive about humans requires respect from all who share in our common human experience and requiring deference to our autonomistic choices).

vulnerability. In the Victorian era, this was especially true. At the time when Stevenson was writing, this was the dominating principle in society.

The human dignity as constraint perspective acknowledges an overarching human and moral basis for restricting the complete autonomy of a person’s individual decisions. Immanuel Kant’s *Metaphysics of Morals* is often cited for its philosophical writings on the importance of respect for our fellow human beings’ choices, given that they comply with a specific moral framework. Human dignity as a constraint, by nature, holds overarching human values to be a more significant consideration than the right to freedom of individual choice.

This perspective does not reject the importance of individual’s autonomistic determinations, but makes them subject to an overarching code of human values. A popular example of this doctrine in action is the popular dwarf throwing case, where the dwarves themselves argued that they were freely engaging in the throwing and thus should be allowed to continue to do so, but the Conseil d’Etat found that the dwarfs compromised their own inherent human dignity by allowing themselves to be thrown.21

Freud says that, “the program of becoming happy, which the pleasure principle imposes on us, cannot be fulfilled; yet we must not — indeed, we cannot — give up our efforts to bring it nearer to fulfillment”22 If people gave into the challenges put forth by society to fulfill their own happiness they would ultimately and undoubtedly live a life full of despair. As Freud has said, it is impossible for a man to be truly and completely happy, however he may still strive to be as happy as possible. Jekyll finds a way to strive for happiness through the creation of Mr. Hyde, but to his own demise. Freud would say that this is because, at a certain point the *ego* lost

22 Freud, Sigmund, *Civilization and Its Discontents*
control. Dr. Jekyll no longer had his balancing mechanism, and his *id* took over. But, at what point did this occur? Was it before he intoxicated himself with the chemical concoction that turned him into Mr. Hyde, or was it at some point after that? And how do we measure that?

III. A Case Law Analysis

The law treats insanity brought on by use of intoxicants as no defense to criminal responsibility,\(^\text{23}\) except for those crimes requiring specific intent.\(^\text{24}\) If this rule were applied to Hyde’s case, he would still be generally responsible for the murder of Danver’s Carew because manslaughter requires only general intent.\(^\text{25}\)

Insanity, however, may be a defense to criminal responsibility. If Hyde were found to be suffering from an episode of Delirium Tremens, he may not be criminally responsible for the murder even though he voluntarily intoxicated himself, if the voluntary intoxication is found to bring on insanity.\(^\text{26}\) The classic example is one of a drug user who suffers permanent mental disturbances. In Hyde’s case, this would seem to fit. If Dr. Jekyll were found to no longer be in control of the action to voluntarily intoxicate himself, becoming mentally insane, he could be found to have a defense to the murder.

It is not clear in the story, when Dr. Jekyll lost control to change into Mr. Hyde willingly. Under *State v. Maik*, it would matter whether Dr. Hyde’s state continued after the use of the drug. If a court could find that Dr. Jekyll was mentally ill, regardless of the use of the drug to bring on Mr. Hyde’s personality, and that the emergence of Mr. Hyde brought on a psychotic state, he might not be held culpable under the *Maik* decision.\(^\text{27}\) It would be crucial for a court to question whether it was Dr. Jekyll’s own mental illness that caused him to create Hyde in the


\(^{24}\) *Patterson v. Commonwealth*, 251 Ky. 395, 396 (1933).

\(^{25}\) MPC §210.3(1)(b)

\(^{26}\) *State v. Rio*, 38 Wash. 2d 446, 456 (1951).

\(^{27}\) *State v. Maik*, at 719.
first place, or was his psychosis merely a product of that creation. If Dr. Jekyll’s description of the “thorough and primitive duality” of man as an “underlying illness” is not unique to him it should not negate criminal liability.

The question of voluntary intoxication is taken up in *State v. Yarborough*, where the Kansas Supreme Court considers the story of Dr. Jekyll and Mr. Hyde as parallel to the defendant in that case. The court commented that Dr. Jekyll, like the defendant in that case, was very amicable man when not intoxicated, but that when he was he would turn into a monster. The court asked the question then of whether Dr. Jekyll should be held criminally responsible for the crimes of Mr. Hyde, and concluded that the defendant should not be relieved of liability because he did not get drunk with the intention to murder his victim.\(^\text{28}\) It was an irrelevant consideration that the defendant had not contemplated the violent murder before intoxicating himself, and intoxication was no defense. Similarly, this court would hold Dr. Jekyll guilty for the crimes of Mr. Hyde as well.

**Criminal Law is Not Equipped to Treat Psychological Issues**

The fundamental problem with the criminal law system is that it was not designed to deal with the problems of mentally ill. Unlike most criminal cases, when one is mentally deficient they are not capable of the kind of appreciation that is required for culpability. The goals of the traditional criminal system are thus, unreachable. While the purpose of the criminal system is to deter and punish the doers of crime, mental deficiency requires one to be rehabilitated. Thus, we have found a need to create exceptions under the law that recognize situations where responsibility, because of a lack of mens rea, is negated. As we have seen, recognizing and

\(^{28}\) *State v. Yarborough*, 18 P. 474, 485 (Kan.1888).
applying these exceptions is a complicated and complex issue, especially in unforeseen situations like that of Dr. Jekyll’s creation of Mr. Hyde.