



Madness, Malingering & Malfeasance: The Transformation of Psychiatry and the Law in the Civil War Era

R. Gregory Lande

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Madness, Malingering, and Malfeasance is a groundbreaking study that clearly describes the development of medical and legal practices provoked by the turmoil of the American Civil War. Citing numerous period documents, R. Gregory Lande shatters the romantic myth that all Civil War soldiers were men of honor. He demonstrates that underneath the veneer of Victorian respectability and its accompanying moral code, men suffered frequent breakdowns under the pressures of war. Lande exposes numerous acts of insubordination, alcohol abuse, desertion, and violent crimes against fellow soldiers and civilians. Courts-martial determined the punishment for such transgressions.

Lande convincingly demonstrates that the scientific understanding of mental illness and substance abuse was in its infancy during the mid-nineteenth century. This medical ignorance, combined with the numerous limitations of military law in that era, prevented accused soldiers from receiving what we, by today's standards, would consider a fair trial. While the requirements of military law have always differed from those of civilian law, Civil War soldiers did not have access to legal counsel unless they could afford to hire a lawyer themselves. During hostilities, treatment of the sick and due process of law were considered subordinate to the war's prosecution. The sad result was that many mentally ill, incompetent, and poor men were imprisoned or put to death. Though a more sophisticated understanding of mental illness and substance abuse developed after the war, it would take many years for American society to reform the treatment of those deemed "criminally insane."

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