The Planter’s Dream*

Norval Morris†

Professor Norval Morris claims to have discovered several manuscripts, some by and some about Eric Blair (George Orwell), when he recently retraced Blair’s travels during Blair’s service in Burma between 1923 and 1927. Two of these will appear as chapters in Madness and the Criminal Law, to be published by the University of Chicago Press in November, 1982. The first, “The Brothel Boy,” deals with the relationship between moral guilt and criminal guilt. Here is the second, “The Planter’s Dream,” which explores issues of automatism and criminal responsibility. We certainly do not vouch for its authenticity, for it is unusual for a law review to receive a manuscript on yellowing paper in cramped, meticulous calligraphy, together with a specious account of its origin. The manuscript is not signed, sited, or dated; Professor Morris seems convinced that this information should be: Eric Blair; Moulmein, Upper Burma; 1925.

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“The nightmare suddenly became real,” Taylor later told me. “The noise of the gun was no dream, though the dream had seemed very real. I found myself standing there, shotgun in hand, close to the bed, her head and chest blasted, lumps scattered

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Dr. Veraswami had arrived before me, called by Taylor's boy, Aka Thon, who then came shouting on to my bungalow. Veraswami had bicycled up the hill at top speed through a predawn rainstorm. When I got there dawn was breaking. Taylor sat slumped forward in a chair on the verandah, Aka Thon squatting anxiously nearby, the details of the scene appearing like a developing daguerreotype as the light increased. They made no move as I hurried inside.

Dr. Veraswami was dressed in his usual crumpled white suit, but without shirt or socks, the suit probably pulled on over whatever he slept in and his feet pushed into his, also usual, black shoes. The effect was macabre, with blood now staining his sleeves and lapels.

I did not have to ask if she was dead. The stench was enough. And a shotgun fired at close quarters into a recumbent and plump female makes a gory mess. It was clear that there was nothing Veraswami could do as a doctor. But he busied himself energetically, cleaning the body and tidying the bed, to no purpose I could see except that somebody had to do it.

Veraswami was relieved to see me. "Terrible, terrible, it iss. You will know what to do, Mr. Blair."

I wished I did. They had not trained us sufficiently for such events. European planters were not expected to blow the top third off their Burmese mistresses. But the first thing to do seemed obvious: "Rest a bit, Dr. Veraswami. Have one of my cigarettes."

As we walked out to the verandah I asked Dr. Veraswami if he thought Taylor needed attention. "No. He iss best left sitting there, I think. He iss unhurt physically but, of course, most upset, though he wass able to speak sensibly enough to me when I arrived, to tell me what had happened. He called it an accident. Let us leave him with Aka Thon for the time being."

I rolled cigarettes for Veraswami and myself. We stood awhile silent at the other end of the verandah from Taylor and Aka Thon. "When does his wife return, do you know?" I asked Dr. Veraswami.

"Taylor came to see me the day before yesterday—a medical consultation, you see. But it iss not improper for me to tell you that Mrs. Taylor, Mary, I believe iss her name, iss returning next week."

"Is that why he did it?" I asked. It was a stupid question, and Dr. Veraswami waved the hand that was not holding the cigarette about in a circular rejecting motion. He seemed bewildered and ex-
hausted. I let the silence lie.

The morning sun was now strong on the verandah, steam rising from the surrounding vegetation. Dr. Verawsami peered at his clothes in distaste, fiddled with the buttons on his wet, stained, and wrinkled jacket and said he would go to his bungalow. He would, he added, send an ambulance for the body and would call on Taylor later in the day. “He may need a sedative, you see, or something to calm him, quite likely. He iss, after all, my patient. Where will you hold him?”

The question shook me to action. There was obviously much for me to do that day. I had best begin. I told Veraswami I would later advise him where Taylor was. I tried to thank Veraswami for what he had done, but that didn’t make much sense either. We each had our duties.

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I sent Aka Thon for tea for Taylor and me and pulled a chair up beside Taylor. I told him that from what I had seen, and what Aka Thon and Dr. Veraswami had told me, I would have to arrest him. He raised an anguished face: “Can it be done before she gets back?” The words were slurred and unclear, and at first I did not follow him. I thought he was talking of the dead girl.

“Can what be done?” I asked.

“Whatever you have to do.” I understood—his wife’s impending return was the capstone of his misery.

I had not thought what precisely had to be done and how long it would take. I told him I did not know the answer to his question and, as much for myself as for him, rehearsed what I thought should follow. “I will have to hold a preliminary enquiry and write up what are called depositions, signed statements, in effect, of what everyone who knows about her death can tell me about it. You can testify if you want to, but you don’t have to. If I find she was killed, and not accidentally, then these depositions will be used at trial at Mandalay Quarter Sessions. You don’t have to tell me anything now, but if you do it may be used as evidence. In the meantime I suppose I have to put you under arrest.”

He seemed to understand but responded only by latching on to my mention of an accident. “Blair, it was an accident. I didn’t mean to kill her. You must know that. Why would I want to kill her? I saw that filthy Black on her and shot at him. She wouldn’t have been badly hurt. And then I woke and ... and ... bloody lumps were scattered everywhere.” He slumped forward in his chair, gulping loudly in his reluctance to cry before me.

There seemed no point in pressing Taylor for details. Later
would do. So I did my best to calm him, to get him to drink some of the tea Aka Thon had brought, and then to help him get dressed and gather a few clothes and toilet articles together. We walked in silence the mile or so to the police barracks, where I had the sergeant give him a room. I told them both that Taylor must stay in the barracks, and I told the sergeant to have someone keep an eye on Taylor all the time. Taylor gave no hint of suicide, but I could not ignore the possibility. I told Taylor that Dr. Veraswami would come to see him later in the day and that he could send a message to anyone he wanted to call on him. I then went to the railway station to send a telegram reporting to headquarters at Mandalay.

It was mid-morning before I got back to my office. Aka Thon was waiting: "Mr. Blair, Sir, should I go to her village?" And sickeningly I realized the depth of my prejudice—the dead girl I had left to Dr. Veraswami. Taylor I had attended to myself with reasonable consideration, but I had entirely neglected the dead girl's family and her village community.

Aka Thon and I peddled in the heat the few miles to the girl's village. He knew where to go and whom to see. It was less painful than I had feared. Her father was dead; her mother had already been told—by whom I never discovered; the girl was an only child. The mother was surrounded by weeping women and would not see me. There was little for me to do. Yes, Aka Thon assured me, it was understood that the mother should see Dr. Veraswami about the body and the funeral. And I pressed him to tell all who cared to listen that Taylor was under arrest and that there would be an enquiry into the death; but this seemed of no interest to anyone.

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Intent on piecing together the story of the girl's death, I spent the later part of the afternoon at the barracks with Taylor. Police were about in the barracks, on and off duty; we could not conveniently talk in any of the public rooms. An office seemed too harshly official; so we talked in the white-painted, starkly furnished bedroom that had been allotted to Taylor. A policeman sat outside on the verandah, out of hearing, ensuring Taylor's safe custody as unobtrusively as he could.

Taylor needed prodding to talk. He said he wished to tell me about the killing and gave no hint of trying to conceal anything; but equally he volunteered nothing. He answered my questions and that was all. I had to keep at him and I disliked it. He needed rest, not interrogation; but there was no doubt of my duty, given his repeatedly expressed willingness to tell me all he knew about
the girl's death. It was miserable work. The fan, rotating weakly, did little to move the humid air. It seemed unusually hot even for those pre-monsoon days. By early evening we were both exhausted. As I left, Taylor said he would take a nap. I later learned that he slept until mid-morning of the next day—Veraswami's sedative was certainly not needed.

I went back to my bungalow, took a shower, and dined alone. After dinner I called on Dr. Veraswami. He saw me approaching and bustled his wife and child off the verandah, greeting me in his high-pitched, fussing way with solicitude for my comfort, my need for a cold beer, my tiredness, the heat and humidity and their effects on me, and how upset I must be by the morning's tragedy. I made the point that he had got up before me, had a harder beginning to his day and probably harder work throughout; I didn't see why he should be offering sympathy to me. He chuckled as if my wit were profound and produced the nearly cold beer, settling his ample rump and a clean pair of baggy trousers onto the verandah rail beside the cane chair I was sitting in.

"Have you talked with Mr. Taylor yet?" Veraswami asked.

I told him of my visit to Taylor that afternoon and that from what Taylor and Aka Thon had told me I believed I knew what had happened—"not why it happened, Dr. Veraswami, but what happened."

"We are not likely, my friend, ever really to know the whys of such sad matters. Glimpses of such truths from the corner of the eye are all we can hope for. But tell me what your diligent police probings detected."

I disliked Veraswami's mocking description of what he knew I had had to do, but I did my best to summarize for him the facts as I saw them.

Only Aka Thon, the girl, and Taylor had been at Taylor's bungalow that night—it was not uncommon for him to let the other servants off, particularly when the girl visited him. Taylor had come home from the Club about ten-thirty, and Aka Thon and the girl were already at the bungalow. Taylor had had a few drinks but was not drunk. Aka Thon stayed in the servant's quarters. Taylor and the girl went straight to the bedroom. Aka Thon heard no sound of argument, indeed no sounds at all until the gun was fired. Taylor reported an argument between him and the girl about the return of his wife and how hard life was for the girl in the village, with so many knowing that she visited Taylor. Someone wished to marry her, but she must stop coming to Taylor's bungalow if she hoped to marry this man. Taylor had another whisky and began to
taunt the girl—and torture himself—by pressing her for details of her relationship with the man in the village. He told her to do what she liked—stay or leave, come back or not, he didn't care. She cried. He comforted her. They went to bed. Later he went to sleep. Then came the dream. Then the killing.

All this, I told Dr. Veraswami, seemed precise, clear, and likely to be true. Veraswami agreed, saying he knew it was.

"But how can you know, doctor, what happened? He reports a vivid dream. It matches his actions. He sticks to the details. Only he knows. There can be no confirmation or denial of the dream."

"Not so, dear friend. You forget he consulted me last week. Perhaps there iss confirmation. But I am most troubled, most troubled indeed, by whether or not I can tell you. After all, you see, medical confidences, Hippocratic oath, the patient's interests, isn't it?" And Veraswami lapsed into gestures and head wavings, adding, "Would you tell me with your usual care and precision, if you will please, what he said about his dream? Perhaps I may be able to help you and him."

I did my best to summarize Taylor's story but made no effort to recapture his alternately halting and gushing words. Taylor had dreamt of the girl being fondled by a dark-skinned man of Northern Indian colouration and build, certainly not a Burmese. Taylor thought he was a Pathan, of a tribe now in revolt in the Northwest of India. Taylor laboured this matter of the man's origin; he could see the man plainly: well-built, craggy features, turbaned, loose-robed. Taylor's anger and sense of helplessness grew—he could not move. Then the man and the girl were naked. He could see it all; the man was rampant. And they were on his bed in his bungalow. On Mary's bed. The squalour and shame grew; rage and self-loathing overcame him. He struck at the figures on the bed, but his blows touched nothing and had no effect. The pair on the bed did not cease their wild copulation. The girl responded more than she ever had to Taylor. Taylor floated to the wardrobe; took his loaded shotgun from the top of the wardrobe; floated to the bedside and shot the filthy Black in the back of his head. The shot woke Taylor. Aka Thon came rushing in. We knew the rest.

"So you see, Dr. Veraswami, it all makes sense if you believe him. And if you don't, it seems such a crazy story to make up, such an unlikely and unhelpful way of getting rid of a native mistress." I could have swallowed the word "native" as I said it, but I had forgotten that Veraswami seemed even more colour conscious, almost colour obsessed, than my fellow Europeans at the Club. Embarrassed, I pressed on: "At the Club, of course, they see it as a
simple story: Taylor got drunk. Told the girl to leave since his wife was returning and he was suffering alcoholic remorse. She tried to blackmail him. Asked for too much money. He shot her. Damn fool act on his part. Others vary the story slightly by adding that the so-called girl wasn’t all that young and was getting on the round and blowsy side even for a native mistress (that damn word would not go away) and that Taylor was tired of her, though they admit he chose an excessive way of dismissing her. All emphatically agree that you have to be careful when you take up too long with these village tarts. A few say that Taylor must be mad, bonkers, insane; but the only reason they give is that anyone who kills as he did must be mad and, so far as I can tell, Taylor seems clearly to understand what he did and, within his dream, why he did it.”

Dr. Veraswami was uncharacteristically, almost ill-manneredly, silent. Even his head and hands were still. I waited, drinking my beer.

“Can you tell me, dear friend Blair, whether ass a doctor I may tell you, a Police Magistrate, what my patient, Taylor, told me last week?”

“I don’t know, doctor. Certainly if it would help to stop a serious crime in the future you may and should tell me—I believe the law is clear on that—but about matters of past guilt or innocence, which I suppose we have here, I don’t know. But I have a telegram from Mandalay that a lawyer from the Imperial Police Service will be coming here tomorrow, and I suppose he will know. He may even ask you about it in court—I don’t know.”

Dr. Veraswami fell silent again for a time. Then he looked up at me with affection gleaming in the eyes behind his slightly askew glasses—a glance I had come to cherish: “Well, it iss to help Taylor. I will tell you. Ass you know, I trust you. If I have to forget it, you will be able to forget it too—we will help one another to forget.” And grinning at his own turn of phrase, he launched into what was a considerable confirmation either of Taylor’s story or of the depth of cunning of his plan to kill the girl.

Taylor had consulted Veraswami the week before, troubled by an event not unlike the killing. He had been sleeping badly, finding himself unable to concentrate on anything for very long during the day, dozing off unexpectedly, drinking too much. And the night before he had awakened—yes, the girl was with him, he had managed to tell Veraswami of her—to find himself brushing at the girl’s face. Actually, she had wakened them both, startled by his pawing. He had dreamt that spiders had invaded his bungalow, many of them, large and loathsome, and they were on the girl’s
Taylor had some memories of somnambulism in his youth—of being wakened by his parents as he apparently sleepwalked towards their bedroom. But nothing like this had occurred for over thirty years now. Could Dr. Veraswami help him? Did Dr. Veraswami think that a nervous breakdown threatened, or mental illness?

Dr. Veraswami did his best to reassure Taylor that he was not suffering from any serious mental illness, that he was not losing his mind—he had rational reasons to be troubled and rational steps could be taken to minimize or eliminate his anxieties. Veraswami urged Taylor to try to regularize his life in a variety of ways and to take a few days' holiday with his wife when she returned from England; the doctor also prescribed and dispensed a sedative, and advised him to reduce his drinking. Veraswami now blamed himself vaguely for not having done more, but I couldn't imagine what more he should have done.

"You think, then, Dr. Veraswami, that Taylor told me the truth? It is not a story to cover up a simple murder?"

Veraswami nodded his head slowly, his eyes half-closed, in a manner indicating that he believed Taylor's story completely. He began to explain about "fugue states," in which people act out their fantasies. Veraswami had studied these conditions, particularly one called "running amok," during his medical training in India, and had then observed such a case after his hospital residence when he served for a short time on a freighter. A stoker, overcome by the heat in the boiler room while the ship was steaming through the Red Sea, had "run amok"—a well-known though rare form of behaviour in some Malayan villages. "To run amok" had become a popular phrase, its origin rarely understood. The stoker had come rushing up from the laddered purgatory of the boiler room onto an upper deck, wielding his shovel. With it he struck the head of an officer who chanced to be in his path, doing him no lasting injury, and then jumped overboard and drowned, still clutching the shovel. Dr. Veraswami thought that the stoker was not conscious of what he was doing. Those who run amok in this way rarely remember anything of what they have done when they come to their senses. Certainly, some actions of those under hypnosis may be completely repressed. The same is true for acts done by those in epileptic fits. By contrast, somnambulists who act out their dreams, about whom Dr. Veraswami had read when he was interested in the phenomenon of running amok, do remember their dreams when they wake from the somnambulist condition. So Tay-
lor's story fitted well with what is known about these conditions—he was unlikely to have made it up.

“If we believe Mr. Taylor,” Dr. Veraswami asked, “what of his guilt? Did he murder the girl? Did he murder the dreamlike Pathan? Can you kill someone who isn’t there? Or murder someone lying under someone who isn’t there?”

“For the life of me, I don’t know,” I replied. “Do you think they worry about questions like that at the Burma Provincial Police Training School? Things there were simpler, not as complicated as fugue states, somnambulists, and running amok. So let me ask you the question they would have advised me to ask. Do you think Taylor would have killed her if he had not had a few drinks at the Club—I still don’t know how many—and then a last whisky at his bungalow?”

Dr. Varaswami allowed that probably the girl would still be alive if Taylor had been, “as you say it, ‘on the water wagon.’ But surely to be convicted of murder and, I suppose, executed, iss a considerable punishment, a very considerable punishment indeed, for not being entirely sober. Or even for having what you were pleased to call a ‘native mistress’ and not being always entirely sober. Few of your European colleagues would escape the hangman! That cannot be right. Iss Taylor any different from the rest?”

Nettled by Veraswami’s deferred reference to my use of “native mistress,” I responded brusquely. “Of course he’s different, Veraswami: he killed her.”

“Perhaps, dear friend, he did, but it iss hard to see how he can be responsible for his dreams. Are you? To be sure, you don’t act them out—I assume not, I hope not—but what iss he to do? He had no idea at all he would injure her that night. I am glad it iss your decision, not mine.”

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The telegram from Mandalay had advised that Arthur Grantham would arrive at Moulmein on the Wednesday evening train. Grantham was attached to the Legal Section of the Burma Police—headquarters apparently did not trust me to run the preliminary hearing without legal advice. I did not resent this; I needed the help. Presumably he would interrogate the witnesses at the preliminary hearing, leaving me to preside and to see that the depositions were transcribed in a reasonably accurate manner. It certainly would make my task easier.

I set out to meet Grantham at the station some time before the train was due so that I could send a telegram to Mrs. Taylor, who was aboard ship somewhere en route to Rangoon, there to
catch the train to Mandalay and on to Moulmein. Taylor had given, it seemed to me, more thought to softening the blow on his wife than to his own situation. He had talked to me more about this than about the killing, on which he seemed to think he had said all that he could say or indeed that anybody could say. The cable he asked me to send to her read: "SERVANT KILLED GUN ACCIDENT STOP IMPORTANT YOU STAY MANDALAY STOP WILL JOIN YOU THERE STOP DO NOT RETURN MOULMEIN STOP SEE YOU SOON LOVE PHILIP."

When he had asked me to send this cable I had commented that Mrs. Taylor could not believe the first word for long. He knew that, he said, but he could not stand the thought of how she would be received in Moulmein—the false sympathy, the cloying effusive comforting, the unqualified misery for her. He wanted to tell her about it himself, though he did not know how he would. He appreciated that in Mandalay, too, such is the capacity of scandal to spread, that his wife might be told more ample facts than were revealed in his cable, but he thought it worth the risk to try to lessen the hurt to her in this way. So I sent the cable.

The train, remarkably, was on time. Grantham was younger and of more junior rank than I had anticipated. Like me, he was an Assistant Police Magistrate. He was fresh from Gray's Inn, after a classics degree at Cambridge, with scant courtroom experience but some knowledge of legal theory, which I lacked entirely. I was glad to see him and told him so, going beyond the figure of speech to welcome him. He seemed pleased, but embarrassed.

He later told me that he had thought he was coming to Moulmein as a young interloper, wet behind the ears, to advise an experienced and sage police magistrate, in his phrase, "how to suck eggs." My obvious uncertainty and appreciation of his assistance had cheered him greatly. But he had found it difficult—he always found it difficult—to express himself with any warmth on such matters. He knew he was on the taciturn side, and indeed he was, but there did not seem much he could do about it. He always rehearsed inside himself what he wished to say so that by the time he was sufficiently confident of whatever it was, the moment had passed and there was no point in saying it. He agreed that this did not make for an easy conversational style and, daringly for him, allowed that I may suffer from a mild form of the same malady—which is true.

There was a further odd embarrassment between us which inhibited our first meeting. We looked rather alike. Of course we were wearing the same uniform and were of similar age, but there
was more to it: he was an ungainly figure, unusually tall and of lean build, with feet and hands marginally but perceptibly oversize, of slightly stooped posture, with straight dark hair cut quite short—all physical qualities I shared without any enthusiasm at all. We both looked awkward and probably were. His features were more regular than mine but of the same general balance or, rather, imbalance. He sported a thin moustache while I was clean shaven; perhaps I should try a moustache. Our similarity of appearance did not pass unnoticed at the Club and provided the butt, I suspected, of many laboured jokes. Putting us together did not add to the presence of each separately, and we both knew this immediately as well.

After a day or two, with these realities recognized between us and circuitously discussed, our early embarrassments turned to the beginnings of a bond of friendship which, however, has not survived the Taylor case. It has been a disappointment to me. As I think about it, I realize I came closer to forming a lasting bond with Grantham than with anyone since the transient ties of childhood and adolescent friendships. Had we met other than through the Taylor case perhaps it would have been different. The fault must be mine; certainly Grantham has friends, as do most others of my contemporaries, whereas I do not. And this is not because I wish it so. Grantham did fail, it still seems to me, in the Taylor case, but not in anything he did or said to others. It was how he felt about it and talked to me about it that irked me and pulled me from him. But others would say he acted at least as effectively and honourably as I did. All that was in the future, however. On the evening of Grantham's arrival in Moulmein I had a horse-drawn personnel cart waiting at the railway station for him, and with few words passing between us I saw him to the Club, where I had reserved a room for him, and arranged to join him later for dinner.

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Grantham listened determinedly, almost immobile, giving little help to my effort to tell him all I knew of Taylor, his wife, Aka Thon, and the dead girl. He interrupted me only to push me to confirm that neither Veraswami nor I thought Taylor was in any way mentally disordered, that Taylor impressed everyone as a sensible if somewhat stolid chap—no one saw any fires of mental imbalance below his dull exterior. Grantham seemed regretful of this: "It would," he said, "be such an easy way out."

Grantham was not forthcoming with information on how the law bore on the facts I had recounted. His ruminative style—he
didn’t actually move his jaws laterally as does a cow chewing the cud, but I kept expecting it—did not make for an easy extraction of information; and there was a good deal I wanted to know. What it amounted to, in sum, was this: Was Taylor guilty if his story was true?

Grantham said that there was some law on the matter, a few cases, but that they were not dispositive. He stressed that we didn’t have to decide whether or not Taylor was guilty, which I knew. After some uncertain but determined prodding by me, he agreed that though we would not have to decide the matter, how he and I approached the preliminary hearing might help either to condemn or to spare Taylor, and that it did no harm for me, with his help, to try to form an opinion about Taylor’s guilt even though my duties did not require me to do so.

There was no doubt that Grantham was exceedingly difficult to talk with at our early meetings—a hippopotamus would have been of lighter conversational foot. But I was able to wrench a few lines of cases and threads of legal analysis from him.

Apparently the law does not hold one responsible for an act of which he is unconscious. This is not a defense of insanity—there is simply no criminal guilt. As examples Grantham offered a blow by an epileptic given while in a grand mal, or a person fainting and falling on someone—neither would be a criminal assault, no matter what the injury.

Grantham could call to mind no case directly concerned with somnambulist acts and would not risk concluding that they were precisely like the acts of the epileptic or the person who fainted. There were differences, he thought, and after all, even if one completely believed his story, Taylor had a motive for what he had done—unlike the epileptic and the person who fainted, who did not even choose their victims. I pointed out that Taylor said he hadn’t chosen his victim—the “victim” he chose was the energetic Pathan. Grantham’s jaw moved but no words came.

Another difference Grantham suggested was that the epileptic and the person who fainted did not later remember what had happened, while in a way, a clouded sort of way, Taylor did. Grantham did not know, in his phrase, “which way this cut.”

The case nearest to Taylor’s that Grantham knew concerned a Londoner named Charlson who was working with his young son in a second-story room overlooking a river. The son was painting the windowsill, the father doing some carpentry work. Without warning the father struck the boy on the side of the head with a mallet. The boy fell in the river. Dazed but not seriously injured, he
scrambled out and went to the police station for help, saying, “Come quickly, something has gone wrong with Dad.” He was right. The father had a tumor developing on his brain. The direction of the trial judge to the jury allowed for an acquittal on charges of assault with intent to kill and assault with intent to inflict grievous bodily harm—since it seemed clear Charlson lacked those intents—but directed a conviction of simple assault if they found Charlson knew what he was doing, though not why he was doing it. The jury, according to Grantham “in generous but misguided sympathy,” acquitted Charlson on all three charges. Why their sympathy was misguided eluded me.

Grantham seemed to think it might be important to try to determine whether Taylor could have predicted any danger to the girl if he drank and had her share his bed. The general line of argument as I understood it was that Taylor, if his story were believed, might be guilty not of murder but of involuntary manslaughter—doing something which risked another’s life and which killed, particularly if the something was illegal or immoral. And I suppose Taylor’s acts could not be regarded as exemplars of chaste and sober virtue. Grantham gave as an example of this the manslaughter convictions of drunken mothers who unintentionally overlay and kill their infant children.

I latched onto this compromise. It seemed a wonderful way out. Grantham ceased his meditation long enough to urge me to be less confident about it; it would please no one except “uncertain chaps like you.”

“Well then,” I offered hesitantly, “why not persuade Taylor to plead temporary insanity? Then, brief treatment in the mental hospital in Rangoon—if it’s necessary to commit him at all. After all,” I said, struggling for a lighter touch in our burdensome dialogue, “he cured himself by killing her.”

Grantham apparently found this distasteful, certainly unamusing; but he did abandon his taciturn mode long enough brusquely to squash my suggestion. “It is typical of you, Blair; another weak compromise. Dr. Veraswami saw Taylor before and after the killing. He diagnosed no mental illness, certainly no psychosis. In the language of the law which you must have studied in Mandalay, Taylor did not suffer from a defect of reason from disease of the mind. It won’t wash.”

Though relentlessly patronising of my ideas, Grantham neither exposed his own nor expressed what must have been his own uncertainties. I tired of this one-sided exchange. He made me feel a fool.
I arranged for Grantham to visit Taylor the next day and left him and his sparkling wit to the care of the few members of the Club who were still about. They would, I thought, like him about as much as they liked me. The thought cheered me.

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Later in the week Grantham and I together interviewed Taylor at the police barracks. Taylor complained of nothing, asked for nothing, replied when spoken to but volunteered nothing. Grantham urged him to ask that the preliminary hearing be delayed until Taylor had a lawyer to defend him. Taylor refused. "I've told you both the truth. No lawyer can make it better. Can't we get this over and let me be taken to Mandalay?" Grantham stressed that though he would try to be as fair as possible at the hearing, there was much a lawyer could do for Taylor which might be important at trial in Mandalay if Taylor were committed for trial; but Taylor would pay no heed to this. "You know the facts. Whatever you decided my life is ruined. Just help me get away from here."

We arranged that the preliminary hearing would be held not at Taylor's bungalow—there seemed to be no need for that—but at the barracks. Grantham began to list those he would call to give evidence and to think about what he would ask them.

A message came to me from Veraswami inviting me and Grantham, "if he would be so very kind as to accompany you," to come to dinner that night. We accepted.

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Veraswami had obviously gone to a great deal of trouble. I had never before dined at his home; we usually met after dinner. His wife and children were nowhere to be seen, but there seemed to be extra servants, and we were served an excessive and complicated Chinese dinner. Veraswami was garrulous, the overly considerate host, chattering about the food, what we might want, the heat, and a variety of painfully polite inconsequentialities. Grantham's taciturnity became Trappist under this treatment. I did my best to play the role of a graceful guest. But I was glad when dinner was over and we could go to the verandah to discuss what Veraswami obviously didn't want us to discuss at dinner, perhaps because of the servants, perhaps from a misguided sense of politeness—Taylor and the dead girl.

That day, Veraswami, accompanied by Aka Thon to help him as interpreter, had gone to the girl's village. He had talked to the girl's mother; there would be a cremation ceremony in the village tomorrow. Veraswami saw no reason not to release the body—the
cause and time of death were obvious; there was no reason for an autopsy, "an exercise I have never greatly enjoyed."

Grantham enquired whether the mother would be likely to behave calmly at the preliminary hearing if he decided to take her deposition. Veraswami was unsure but doubted she would be a helpful witness, not because he thought her overcome by grief but because she might think she ought "to rant, to rave, to scream, to wail about her loss." His reasons for thinking this surprised me: "She does not worry at all what happens to Taylor. Like the rest of the village she does not believe he will be punished. But she hopes that she can get compensation from Taylor, or from the company he works for, or from the government. They took her daughter from her; she should be paid. She was, I am sure, getting some of the money Taylor gave the girl, and she hoped for much more; the loss of the money was grievous, quite grievous to her. She will scream loud and long for that, believe me, and keep wailing on and on whatever you say, Mr. Grantham."

We had dined early and it was pleasant on the verandah. Having told of his trip to the village, Veraswami seemed relaxed and delighted by our company, the compulsions of hospitality now apparently less heavy upon him. Grantham had relaxed perceptibly as the evening proceeded and now seemed almost at ease. With the bucket of beer and ice beside him, Veraswami beamed at us. "This is a very delicate matter for you both. I hear it is much discussed at the Club. Nothing else obtrudes, I am told. If I am not presumptuous, dear friends, what should happen?"

"He will be charged with murder, I suppose, and tried at Mandalay Quarter Sessions," Grantham offered, unhelpfully, I thought.

"Oh, that I know, Mr. Grantham, but what do you think is the correct final result? If I am not again being presumptuous ..."

Grantham offered no reply. Opening both palms in an outward enquiring gesture, Veraswami turned to me. So I tried.

"Well, if we believe everything Taylor told us, and it does seem to hang together and to agree with what you said about fugue states, Dr. Veraswami, then I think Taylor is not a murderer. He, Taylor, awake Taylor, thinking Taylor, did not kill her. It is as if he were possessed, as if he were controlled by someone else; but the someone else, the possessor, is sleeping Taylor. We can't hang Taylor for his dreams or even for acting them out. So I think a suggestion of yours, Grantham, is right: Taylor knew he was unwell, knew he should not drink, did so, and as a result killed the girl. He has been reckless. He should be convicted of manslaughter..."
and given a short prison punishment."

I rarely produced such rounded arguments, and Grantham and Veraswami both looked surprised. But with a smile to one another, a linkage I was pleased to see, they joined in attacking my conclusions, but from different directions. Grantham thought that on Taylor's story, drinking or not, he could hardly be expected to foresee any risk to the girl. He might see that he was getting himself into a psychologically depressed or disturbed condition, but surely not that this might injure the girl.

I reminded Grantham of Taylor's spider dream, which I had, with Veraswami's permission, previously passed on to him. Grantham said that was quite different. Taylor was protecting the girl then.

"So he was, in a way, on Sunday night. Protecting her from the Indian lover," I said.

Grantham thought that was farfetched; while he was awake Taylor could surely not foresee any risk to the girl from his protecting her in a dream he had not then had.

Veraswami had started pacing about on the verandah as our talk turned to the details of Taylor's dreams. He seemed agitated. With an odd gesture, a half-raised left hand like a hesitant policeman stopping an oncoming car, he turned to Grantham and myself: "Perhaps that iss what this iss all about—racial prejudice. May we talk about it?" And, not stopping for our obvious assent, with little steps to and fro before us, the sibilant words began bouncing from him in rapid flow. "Have you thought, dear friends" (it astonished me that he had so swiftly thus categorized Grantham), "what enormous trouble European ladies go to in order not to consult me? For minor and imagined medical ailments they make the fatiguing journey to Mandalay rather than come to me. They know I did an English residency, and they know that only the inexperienced or alcoholic European doctors will work in Mandalay. So why iss it? Of course, because I am black and am likely to leap on them in excessive venery if they reveal their flesh to me. It iss madness; they are mostly quite unattractive. You must understand how deep these feelings run.

"Now suppose it had been Mrs. Taylor that Taylor had killed. All else the same; the same dream; the same Pathan lover on top of her. And suppose Taylor's story were believed, ass we now believe him. Would not everyone feel the deepest sympathy for him? Would you not hold the preliminary hearing with great circumspection and kindness to him and find that the death was accidental? Feel sorry for Taylor? I think you would. So they would at
the Club. In the village they would not care—one less European to put up with.” And Veraswami stopped, embarrassed after such an aggressive outburst.

Grantham was quite moved. “Perhaps you’re right, Dr. Veraswami. Perhaps we are influenced by some sort of reverse racial sentiment. As I understand you, you are suggesting that we think Taylor should be punished, as a murderer or a manslaughterer, one or the other, because he had a native mistress, drank too much, couldn’t behave with the gentlemanly confidentiality such things require, and has had the bad luck, entirely without malice, to kill someone as a part of this complexity of immoral acts.”

“Yes, yes, exactly,” Veraswami’s hands flew up in agreement. “It must be so. Many Europeans here do not cleave unqualifiedly to their lady wives. Many drink. Many are fond of Burmese girls and vigorously and frequently express their affection. This iss true, too,” with a knowing glance at me, “even of the unmarried here. But they are at risk, deadly risk, that their crossing the colour line does not become a public scandal—even if the event which causes the scandal iss not their fault. They are subject to being blackmailed, like poor Flory—you will remember him, Mr. Blair—and if it becomes a public matter they are lost. Taylor’s dream made it a public matter; he iss lost; neither of you can do anything for him. The law does not matter. What I told you, Mr. Blair, about running amok, fugue states, and somnambulism does not matter. Taylor iss lost.” And Veraswami’s right arm came down like a cleaver on a block, severing head from shoulders.

“It iss strange indeed, dear friends, that the respective colours of the penis and of its receptacle should be so important.”

* * *

Later that week, again in the early evening on Dr. Veraswami’s verandah, but this time without Grantham, Dr. Veraswami was struggling with the metal levers holding the rubber-ringed ceramic stopper into the top of a bottle of Watney’s beer. It was a tight fit, stubborn to move, so that he had to press both black thumbs up and under the ring to release the levers that held the top. I had watched him at minor surgery and remained perplexed how such deftness could be in the same hands that were wrestling so clum- sily with a beer bottle stopper. In the result, the ring gave suddenly, and the bottle, being by now well shaken, squirted foam onto his trousers. Having apologized to me and to himself—to me I don’t know what for—and forgiven himself on the ground that it didn’t matter, we each got a slightly flat, nearly cool beer.
The Taylor topic would not go away, and soon I was burdening Veraswami with my doubts: “What in Heaven’s name led Taylor to make such a fool of himself with the girl? I don’t mean so much the shooting—I think I begin to understand that—but the whole mess he was in with her, his wife returning, all the servants except Aka Thon sent away, the arguments, all the squalour of an affair with someone he can hardly have admired. I saw her—I suppose you did too—before he shot her; she was no beauty. And this jealousy of the mysterious Pathan. Why didn’t he just send her away and let Aka Thon bring him any other village girl, if that’s what he wanted?”

Dr. Veraswami seemed in no hurry to reply to my convoluted questions. He mopped some more at his trousers, turned to speak, thought better of it, apparently, and then drifted off into comments on his own youth. “I wass married when I was seventeen, before I even thought of becoming a doctor. An arranged marriage, I think you call it. I had no other woman until she died. Then I would patronise prostitutes occasionally, but medical school cured me of them and then I married my present wife. And here I am, a child in love and in jealousy, though I am very fond of and grateful to my wife. But what your Shakespeare had Othello and Iago feel I don’t feel. However, I watch others, particularly your English colleagues here in Moulmein, and I see that many of them get themselves involved beyond their wishes with one another’s wives or with Burmese ladies. They surely know better than to ruin their careers, both in the government service or in a trading company, but a few do so anyways. So, I conclude, ass I told you before, that the gonads are very powerful.”

I remonstrated with Veraswami. Though a quick flirtation or a passing affair may be risky, if it were kept light and transient everyone understood and there was no serious threat to anyone. So handled, tragedies like the dead girl and Taylor would not happen.

Dr. Veraswami seemed to be becoming—could it be?—annoyed with me. He paced about, settling his ample bottom here, then there, on the balustrade, glancing at me querulously. “Mr. Blair, my friend, you tell me important things about yourself which bind our friendship and I am glad of that, believe me, very glad, but then you talk ass if I didn’t know them. You have told me some occurrence in your own life that should help you understand Taylor’s folly, have you not?”

I was unsure of what he referred to. My thoughts pursued the line of any lasting affairs with Burmese girls, but I had enjoyed no such relationships. Indeed, I could not even remember discussing
any such things with Dr. Veraswami and said so.

His petulance seemed to increase but he controlled it. He could never be direct with me though he was never, so far as I knew, withdrawn or secretive. But communication as now often had to be by indirection. "Do you remember the poem you showed me? I remember it. You let me write it down. I will get it now." And he bustled off the verandah towards his study.

I did recall a piece of doggerel I had played with. Dr. Veraswami had insisted it had promise. I doubted it. It was certainly meant in fun and seemed somewhat remote from the Taylor killing.

Waving a paper aloft like a winning race ticket, Dr. Veraswami returned. "Let me read it to you. You will see what I mean." He stopped, quite still, close to my chair, and read what a few months earlier I had facetiously called "Romance." In his Indian, sibilant, highly inflected voice it sounded a great deal better than I thought it would when I wrote it:

When I was young and had no sense
   In far-off Mandalay
I lost my heart to a Burmese girl
   As lovely as the day.

Her skin was gold, her hair was jet,
   Her teeth were ivory;
I said "For twenty silver pieces,
   Maiden, sleep with me."

She looked at me, so pure, so sad,
   The loveliest thing alive,
And in her lisping, virgin voice,
   Stood out for twenty-five.*

I knew the punch line, of course, but Veraswami had read it with such exaggerated inflection that I laughed out loud. He looked even more disapproving. "My friend, even though you are an eminent police magistrate, do not think your servants are silent about your life. I know you occasionally have Burmese ladies brought to your bungalow." And suddenly I realized he was equating me with Taylor—and I resented it.

"Dr. Veraswami: Occasionally to patronise Burmese prosti-

* Editor's note: In his GEORGE ORWELL: A LIFE 92-93 (1980), Bernard Crick expresses uncertainty as to whether Blair wrote this poem while he was in Burma or shortly thereafter in England. The discovery of this manuscript puts that question to rest.
In Dr. Veraswami's perception, to become involved to the point of murderous jealousy is quite another. Surely Taylor's situation is very far removed from what you say you know about me—and I confess to resenting being spied upon.

Dr. Veraswami did his Indian imitation of a blush, revealed more by jerky arm-waving than by much change in skin colouration. "My friend, I am not saying they are the same. Only that you know the delights of Burmese ladies and also that you have some experience of jealousy, do you not? Did you not tell me of Miss Buddicom and what you called your calf-love for her? Surely you must have been jealous of others if you loved her and she felt no more than friendship for you?"

Veraswami was right about the Burmese but wrong about Janice Buddicom. But he struck home nevertheless. In Mandalay there had been an affair with the wife of one of our training officers. I am sure I was neither her first extra-marital adventure nor her last, but that realization in no way diminished the hurt. A painful scene came back to me. A monsoon threatened. And there was I lurking beside the path to her bungalow, waiting for her husband to leave for the Club. Given the threatening weather, he might stay home. And he might already guess I—or someone—was hanging about outside his house. I did not fancy my jungle skills. One of his servants might well have seen me. And yet I stayed there. He held my career in his hands. So did chance. It was absurd. To turn and walk away firmly along the path meant complete safety. To stay to hide, perhaps to be discovered, could mean years of turbulence and many hidden obstacles in my career. And for what? I didn't even like her. She was open about sex, like the Burmese prostitutes, and no one else had ever wanted me in that way—or at least, I never knew if they did. And I hated him and probably her. But I stayed. And then he came out. He had seen me. He shouted at me to come out of hiding. And angrily on the path he told me to clear out and never to hang around his wife again—that he would mistake me for a burglar and shoot me if I did. And I cringed away, with nothing sensible to say. And yet he treated me fairly in the training course. I hated him and feared him. Even more ridiculously, I went back to her on several occasions until she tired of my snivelling attitude to the whole affair and told me it would be better for her and for me if we did not again meet, except distantly when we had to be at official parties.

So, yes, Veraswami was right in his perception but wrong on the occasion—I had indeed known what it was like to make a fool of myself over someone I didn't really even like, to be fiercely jeal-
ous of the sexual behaviour of one I didn’t love but merely wanted. I had been where Taylor found himself, I suppose; I hated having been there; perhaps that was why I hated the whole Taylor case.

* * *

When I reached my bungalow that night, a note awaited me from Grantham. He had been directed to report to regional headquarters at Mandalay on one aspect of the Taylor case and thought I should see what he had written. He would send it off the next morning, subject to any suggestions I might have.

His report combined overconfidence with simulated modesty of opinion, it seemed to me, but there was certainly nothing of substance in it to which I could or did take exception. Grantham had presented it as a memorandum, with paragraphs numbered as we had been taught at our respective police training schools; but I noted that he did not always bother, as he had been instructed, to confine one paragraph to one topic. Grantham liked to appear to conform; I increasingly noticed that he often did not do so in fact.

1. You requested an immediate report on one aspect of the Taylor matter not mentioned in my earlier memoranda—the question of Taylor’s mental state at the time of the killing and, in particular, “the likelihood of his pleading and being found not guilty by reason of insanity.”

2. Here in Moulmein, the general comment is that “he must have been mad to kill the girl,” and it seems likely to me that that will remain the popular opinion. I cannot assess its validity as a proposition of medical science, but I doubt that he was insane at the time of the killing as a matter of law.

3. There is no alienist in Moulmein. The Medical Superintendent of the local hospital, a Dr. Veraswami, has had some training in England as well as in India and also some experience in treating mental illness. He tells me, and it accords with everything Taylor tells me and everything I have learned about this killing, that Taylor suffers from no diagnosable mental illness. Apart from the killing, no one had ever thought such a thing of Taylor.

4. Some time before he killed the Burmese girl, Taylor had consulted Dr. Veraswami about being upset, troubled, and anxious, and sleeping poorly; but Dr. Veraswami tells me that Taylor always had a clear and realistic grasp of his circumstances, and, by my own observation, he still does.

5. If mental illness is to be defined by being out of touch with reality, then only during the dream (if one believes his
story), concerning which I earlier reported, was he so removed from clear understanding of the objective facts of his surroundings. Nor did he suffer any sense of persecution—no partial insanity, according to Dr. Veraswami; and he gives no hint of such now.

6. If mental illness is to be defined by a statistical abnormality of mind and behaviour, then of course if one believes his story, Taylor's somnambulist acting out of his dream is a gross abnormality; but that would make nonsense of any defense of insanity. Dr. Veraswami says that such a condition would not be regarded in medicine as "mental illness"; certainly it would be no ground for his compulsory detention in a mental asylum until the "disease" is "cured" under our law on civil commitment to asylums.

7. Despite paragraph 6, it may not be difficult for the defense to find a doctor in Burma who will give evidence at the trial that Taylor was mentally ill and that that is why he dreamed as he did and acted as he did. A jury, because of the popular belief that he would not have done it unless he was mad, may incline to believe such testimony, false though it is. I appreciate that such a result may be extremely convenient, but it seems to me to be our duty to resist it.

8. Taylor resents and repudiates the suggestion that he was or is mad. He insists he has told me the whole truth; I believe him. He says it could happen to anyone who got himself into such a hopeless situation as he did. He rejects any suggestion that a defense of insanity may be advanced on his behalf—he prefers to see himself as wicked and stupid rather than mad. As you know, he has no defense counsel here and reiterates that he does not wish for such assistance; but when he has counsel in Mandalay these attitudes may change.

9. If one believes Taylor's story, then, in my view, as the law stands, he has no defense of insanity to a criminal charge. If he were thought of as responsible for his conduct in his sleep, then on his own statement he knew what he was doing—shooting the man above the Burmese girl. On his own story, that is a crime, "wrong" in law and in morality; at the least, taking his view, he would be guilty of manslaughter. And further, in my view, he was not at the time of the killing "suffering a defect of reason from disease of the mind" as that phrase has been interpreted and applied since its adumbration in the House of Lords in the case of McNaughtan and its adoption into the criminal law we apply in this country.
10. As I suggested in earlier written reports and will develop in detail when I report to you in Mandalay, my present opinion is that though Taylor has no valid defense of insanity in respect of his alleged crime, he cannot for other reasons be convicted. I see the disadvantage in this position. If found insane he could be held in an asylum until any public anxiety is assuaged, whereas if he is acquitted he must be released immediately, giving, perhaps, an appearance of the administration's excessive leniency towards crimes against natives by Europeans; but, with some hesitation, I think that is the law.

11. Please advise me if you wish me to expand on any of the points in this memorandum. I shall try to do so, although I suspect that my insecurity in these medicolegal problems is already all too apparent.

* * *

Grantham and I seemed equally to dislike the Club, so that for the few days he was in Moulmein we would, apart from the evening Dr. Veraswami invited us to dinner, tend to drift after dinner towards Dr. Veraswami's bungalow for our evening talks. In the small European community of Moulmein this was neither unnoticed nor uncriticized. But, since we were both seen as "stuck-up bores" our actions, if resented, were not regretted.

And we both were bores; that was another sad similarity between us. Not, of course, bores of the blustering, verbose, overbearing subspecies—which is the most deadly form—but of the hesitant, unsure, difficult-to-talk-to type. But undeniably bores. To drag an opinion from Grantham on the Taylor matter, which fascinated us both, was no sinecure, and I suspect he found me equally difficult. Like so many others of our class and training we were often paralyzed in word and deed by the fear that we might make fools of ourselves. But in Veraswami's presence, we could talk freely not only to him but also to one another—he unlocked the doors of our reticence.

One evening at Veraswami's bungalow the reason for our openness in his presence struck me—and I was ashamed. Colour prejudice, of course. No matter what we said or did, we were, it seems, sure of our superiority to Veraswami and had no need to protect our precious selves as we thought we did with others and even with each other. And when we were together at the bungalow we could talk and laugh with one another as well as with Dr. Veraswami, secure in our knowledge of our shared and unfailing inherent advantage. Yet in every way he was our superior—in educa-
tion, skill, experience, character, and sensitivity—and we knew it.

So this was why I found so many reasons to visit his bungalow during my months in Moulmein. What a swinish motive! No, that is not fair; how weak, vacillating, and unsure of myself I must be—to be able to be open and direct only with one I see, for no possibly acceptable reason, as an inferior. Perhaps this is why the English lower middle class so relishes India—it is not the servants or the comforts, but rather the pervading sense of their own greater worth vis-à-vis the lesser coloured breeds around them. At "home" the working class take less and less kindly to condescension, but the natives of the Raj at least pretend to accept it.

Grantham wrenched me back to civility. "Blair, you drift off. What troubles you? You look as if that beef at the Club sits heavily—it wasn't that bad."

I decided to risk my thoughts, even those on colour prejudice, with them both. "Dr. Veraswami, forgive me. I was thinking why Grantham and I can talk so easily to you about Taylor and that poor girl. You know, with others, even with each other, we mumble, are silent, and turn away from our ignorance. But with you . . . ," and I opened my palms in a poor imitation of his expansive Indian gesture.

Dr. Veraswami seemed pleased, and then the rounded smile left his face as understanding came. "Tell us why, my young friend."

There seemed no avoidance. "Because you are coloured." I blushed fiercely, could feel it, and Grantham started making throat-clearing noises to signify a verbally crippling mixture of embarrassment and dissent. But it suddenly seemed important to me to press on. "I'm right, aren't I, Dr. Veraswami? You know more than we, you have proved your value to yourself and to others. If you were white we would not dare to talk so freely to you as we do. It would be 'Yes Sir; No Sir.' We might think you either an old fool or a wise and sound man of experience, but in either case we couldn't talk to you. But you are an educated Indian; we can talk openly with you on every topic except this one that I am gassing on about now, and, do forgive me, but I'm right, aren't I?"

Dr. Veraswami had begun his pacing about the verandah and his jerky hand-waving, anxious either to interrupt me or certainly to get in on my first pause. Yet when I did stop he was silent and stood immobile for a moment. "Of course, Mr. Blair, you are right. It iss most unusual, most unusual indeed for one of your age and background to see it. I do commend you, my friend. You would think they would let me into the Club to help their conversation
by my pigmentation—if what you tell me about the talk there iss true. But I think there iss even more to this ease you and your lawyer friend feel in my company.” And he beamed with unaf
dected joy on Grantham, who seemed to be overcoming the more acute pains of embarrassment he had suffered earlier. “Have you thought that that poor girl may have had the same effect on Tay-
lor, isn’t it? In another way, if you take my meaning, do you see?”

I didn’t then understand what he was talking about, nor, app-
ently, did Grantham. But my earlier directness with Veraswami had allowed him to give us another view of Taylor which, the longer I thought about it, and later about myself, made more and more compelling but troubling sense.

I cannot recapture most of Dr. Veraswami’s words, but his theme stayed with me quite clearly. And upsetting it was, since if he were right, my own chances of a happy marriage seemed to re-
cede even further. I remembered poignantly my own vigour and confidence in the brothels of London and Rangoon as contrasted to those few graceless, wordless gropings with girls of my own age, class, and colour; perhaps it was not their relative inexperience that distinguished the encounters, but my own insecurity.

“What do you think Mr. and Mrs. Taylor talked about?” Dr. Veraswami said and launched into an almost clinical analysis of their sexual relationship, which if it were true, explained Taylor’s preference for the teak estates over Moulmein, his cheerful accept-
tance of Mary’s regular visits “home,” and, like most of the other planters, his having “a bit on the side” both upriver on the estate and in Moulmein. The conclusion was that many Europeans could not feel easy, in or out of bed, with anyone “they could not either venerate or dominate”; that their vicious class structure had im-
peeded sexual freedom between men and women, the alleged joys of the flesh also requiring for them dominance or subservience, and had severely complicated friendships between males, which were too often seen as dependent weaknesses unless they were of the sporting or hunting variety.

I must say he went on with some relish about what he called the well-known English weakness for ladies with whips and black leather, or for boys, most of which seemed a bit excessive to me.

“But, Dr. Veraswami, surely you in India have a very rigid caste system, more strict than ours. We don’t have untouchables. Indeed, in England, the lower the class, the more touchable.”

Veraswami allowed himself a smile at my turn of phrase but hurried to correct me. “No. No, magistrate friend. You confuse class and caste. And in sexual matters we in India are much better
instructed than you tell me you were in England, and also, from what you tell me about the girls on the ship coming out and the few young European ladies here, we are much better practiced than you. The young ladies of your class have to sell themselves whole, you tell me, to marriage. Our young ladies have the bargains made for them. And they would be troubled indeed to think they were to marry a virgin. True, yes, I know, you will remind me that I have told you how I cannot discuss matters of my work or of the world with my wife—of these things she knows nothing it is true—but, believe me, on matters of our family, of this home, and of sex she is a torrent, a very torrent, word after word, and sensible and pleasing indeed they are to me.”

Veraswami’s view of the Taylor marriage was quite different. For Mrs. Taylor, resentful acceptance, with noble and resigned sacrifice the leitmotif. For him, a growing sense of the infliction of his desire on her, whisky at first helping to cloud the consequent sense of his own worthlessness and, as the years passed, whisky helping to prove that very worthlessness in impotence. Sex, for Taylor, Dr. Veraswami argued, was to be occasionally inflicted on a wife but enjoyed only with a Burmese girl or perhaps with a European prostitute.

Walking back to my bungalow from Dr. Veraswami’s place that night, in the moonlit half-light, Grantham and I carried with us the ease of Veraswami’s companionship. For the first time we talked without anxiety for ourselves about Taylor and the girl. Our difficulty was that though Veraswami was no doubt broadly right about the grim sex lives of the married Europeans in Moulmein, that really did not explain Taylor’s killing the girl. For nearly ten years he had adapted to life in Burma with Mary, as well as enjoying, according to Veraswami, enthusiastic copulation with more than one Burmese girl. He knew how to play these games; why the change? And such an extraordinary change. We had no very helpful ideas, but Grantham did produce the thought—probably improper for a potential prosecutor—that though Taylor was morally guilty for his treatment of the girl he was, it seemed to Grantham, in law entirely innocent of her death.

Although Grantham suggested as much before, I had never succeeded in seeing Taylor as innocent. The degree of his guilt had worried me, but that he was innocent, not guilty of any crime at all, had not really seemed likely to me. Grantham’s argument was really very simple. “In the criminal law, Blair, you are responsible only for conscious, intended acts. There is also some learning on responsibility for certain failures to act, certain omissions, but that
has nothing to do with Taylor’s killing the girl. He is not responsible in criminal law for his dreams; he is not responsible for what he does in his dreams. Even if he just killed her in his dream—forget all that about the Pathan on top of her—he would not be guilty, even if he was in fact acting out his dream. Have you never dreamt that you were urinating and wakened to find it so? Or dreamt that you were copulating and wakened to a differently dampened bed? No. I think Taylor is innocent. But whether I will have the guts to say that in Mandalay and not to prosecute him is another matter.”

“There must be more to it than that, Grantham, surely. Can he find another Burmese girl and have another murdering dream about her? And what if his wife forgives him, too, like you seem to, and returns to what Veraswami sees as their grim bed—he may dispose of her too.”

Grantham did not respond to the probably alcoholic lightness of my analysis; that night I had made more than the usual dent in Veraswami’s beer supply. He took me seriously. “Yes, of course, if he knew of any risk that he might injure her the matter would be very different. Certainly if he knew of any such risk if he drank a little or a lot before he went to bed with her. But there is no evidence at all of that in this case. So your idea about his next Burmese girl—I doubt there will be one—does not help here.”

Grantham told me of one case where an attendant in a mental hospital, who was a diabetic, had drunk too much, had fallen into a fugue state, and was wrecked off the chest of a helpless patient he was beating cruelly but of whose existence he was not consciously aware. In situations like this, foresight of risk spelled criminal liability if the risk were consciously run. The diabetic hospital attendant knew that his blood sugar concentration went awry with alcohol and that he might—although, in effect, unconscious—act violently. He may not have known the chemistry, but he knew the risk. Taylor had no such advance warning; how could he be liable?

“They won’t like this in Mandalay, Grantham.”

“I know, I know,” he replied, “but it’s the truth. I shall tell them that the third eye is not farsighted; that will surely help.” And on that unlikely note we parted, agreeing to meet for breakfast and a further talk with Taylor.

* * *

Taylor would not now talk to Dr. Veraswami about the events of the night when he killed the girl or what led up to them. “He thinks I failed him, when he came to me about the spiders. He cannot talk about matters of sexual jealousy to me, a Nigger as he
sees me, and particularly of jealousy of another Indian, dreamlike though that man may be. Perhaps he can talk to you about it. He would certainly be helped if he could. You should try, my friend, to talk to him."

But how? How to move from policeman and magistrate to confidant and emotional supporter? And should I? I had no idea. Veraswami said it would not be hard if I were direct with Taylor. So I tried; Veraswami was, as usual, correct.

I told Taylor that I believed his story and, unless something he had not told me came up at the preliminary hearing, Grantham and I would likely send to Mandalay depositions supporting its truth. Taylor did not seem to care; he accepted it as obvious that we would believe his story, but that was not what worried him.

He seemed to need my absolution for his relationship with the girl rather than for anything to do with her death. The killing was not his, so it seemed, but her sharing his bed was. I tried to tell him that I was unlikely to be of much use, but he kept repeating that he had no one else to turn to. And then I saw that it was not my absolution, or even Mary's, he needed, but that of everyone with whom he would in the future form any other than the most transient relationship—and that the forgiveness would not, could not, be given.

"Blair, I hated her, always hanging about. If I went up river to the estates, there she would be. And always whining for money and getting it. If Mary went to Mandalay, the girl would wait until I came home from the Club and put me to bed. And if she didn't come I would send Aka Thon for her. It was awful. I once even went to her village and her miserable room. I hated her and yet kept her on." And in his misery he left unasked the obvious question of why, knowing, I suppose, the obvious answer. How appalling always to have to live with this.

Words came to me, and I heard myself saying them before I had thought through what a burden they would make for me: "If you want me to, I shall go with you to meet your wife in Mandalay."

* * *

My last evening with Dr. Veraswami before escorting Taylor to Mandalay—Grantham had gone ahead to arrange for Taylor's detention and trial—helped me to understand why I hated the Taylor case and the tension it was causing between Grantham and me.

Dr. Veraswami talked less than usual. An occasional question.
But mainly he seemed intent on helping me to talk through what troubled me.

In the end, what it seemed to come to was this. Grantham saw the criminal law as a self-contained system, a pure and complete system—at any rate, that is what he thought it ought to be. Taylor was, therefore, innocent; that was all there was to it. He intended neither to kill the girl nor in any way to risk her life, except in a dream which didn’t count. Oh yes, Grantham would admit the existence of other closely similar situations where if you are doing what is illegal or immoral and things go badly you may be convicted for the larger harm; but he saw them as errors in the law or at best rules of evidence that had been allowed to harden into rules of law—and that should be changed.

By contrast, it seemed to me that the criminal law is a dependent system, very reliant on culture, moral values, custom, and the texture of all the interwoven rules of law. If you are vulnerable morally, in relation to any of those rules, and the dice roll against you, then you may lose badly.

Grantham argued fairly, if often aridly, as if about a game long past. He gave me examples of existing rules of law which helped me make my argument for Taylor’s guilt, but he also mocked them with what seemed to me distant arrogance. He reminded me of what I had been taught at the Burma Provincial Police Training Academy of the felony-murder and misdemeanor-manslaughter rules, by which acts that would normally attract no conviction for homicide did so if they were done in the course of a crime. He told me how “malice” in the criminal law originally meant a generalized illegal intent, intending evil, and how what he called the “growing maturity of our jurisprudence” had intended to shift its meaning to an intent to do the prohibited harm—or to risk it.

In the end I remained unconvinced. It was a strange inversion of roles between us. I sympathized with Taylor, thought I understood something of his torment, but thought he should be convicted of manslaughter. Grantham cordially disliked Taylor, had no patience with his self-indulgence and stupidity, yet thought he should be acquitted.

“It will be a miserable time in Mandalay, Dr. Veraswami. I do not look forward to being anywhere with both Taylor and his wife. And Grantham seems so above it all. Yet he is willing to risk his career, certainly to annoy his superiors, by taking what will be a very unpopular position. His superiors would much prefer him to stress the immorality and indeed the illegality of what Taylor did—adultery, after all, remains a legal and moral wrong—and the
likely connection between his drinking and his killing the girl. That many of his superiors engage in all these acts, except the killing, will only heighten their sense of duty to be done. And they will expect Grantham to be skeptical of the dream and to say that even if you believe Taylor and his dream what he said he did in his dream was at least manslaughter.

“Certainly, Dr. Veraswami, it will not be an easy time for Grantham in Mandalay. Nor for me. Grantham will frustrate his superiors; I will annoy them even more. I will be on their side, in a sense, but they will even more dislike my view that Taylor should be punished for bad luck—for chance selecting him from many of us to help us all shape our moral and legal values.”

Dr. Veraswami waved his head from side to side and patted his ample hips with pleasure in my analysis. “Eric (he had never before used my Christian name), you are right, I am sure, about Grantham and yourself. Whether you are right about what should happen to Taylor I do not know, and it does not seem very important to me, I am most sorry to say. You are so much more important! You are right to be repulsed by the crime—if that is what it was—and also to glimpse Taylor’s agony. Grantham may be right in law. He may even be right about how the law should be. He may be on the right side. But if you report him accurately, and I am sure you do, it will not be, as you say, an easy time for you both in Mandalay.”

* * *

To the distaste of the Europeans catching the mail train to Mandalay, Dr. Veraswami came to say farewell to his patient, Taylor, and, I suppose, to me.

Taylor loathed the increased attention Veraswami attracted. Veraswami understood and made his farewell brief and formal. But there was a fleeting chance for us to talk; he took it and managed to implant a parting barb. “Mr. Blair”—in public he was always punctiliously formal with me—“I have never heard you use the dead girl’s name in our discussion of the case. Do you remember it?”

The name was, of course, spread all over the depositions; some complex, singsong, Burmese name; but for the moment it escaped me, and I said so.

“You should, may I most respectfully suggest, be careful to use it often and precisely in Mandalay. After all, the tragedy was at least partly hers. You and I both seem a little insensitive to her—you see, I too have been searching my conscience.” And he turned and, with light tread for his roly-poly shape, set off to walk
back from the railway station to the hospital.

* * *

A few months later the *Mandalay Times* reported the last I heard, other than rumours, of Philip and Mary Taylor. Under the heading "Moulmein Killing" it reported: "A spokesman for the Burmese Police announced yesterday that Philip Taylor was acquitted of the murder of a Burmese girl in Moulmein. The jury found that her death was accidental and that Mr. Taylor was in no way criminally responsible."

Rumour in Moulmein had it that Mary had returned to England before the trial and that Taylor had drunk his way further inland, doing odd jobs on rubber estates. I had heard nothing of him since the trial. I knew Mary had left him. When it came to the point, she did not care enough for him to run the gauntlet of Mandalay, let alone to try to build a new life with him thereafter, possibly after a prison term.

In the end I didn't know if I felt sorry for Taylor or not. I suppose I did, but it wasn't easy. I think I understand why he kept the girl on—Veraswami had forced me to see that; but I lack any abiding feeling for the tragedy of Taylor's life. Veraswami and I rarely mention the case nowadays. The last time we spoke of it he compared Grantham's and my attitudes toward Taylor. Veraswami had not been to Mandalay while we were all there, but I had told him something of the burdensome weeks leading up to the trial, and he guessed the rest. "The trouble iss that Grantham wants men to be saints. You are too sensible, perhaps too humanly weak for that, my friend. But I have long thought that those who aspire to sainthood in themselves or others have not felt much temptation to be human—and you certainly have."

I think he was unfair to Grantham, but I am not sure. At all events, Grantham left the service soon after the trial and returned to a barrister's practice in England. When he and I were last together in Mandalay, before the trial, he had developed something like contempt for Taylor. Taylor's "innocence," on which Grantham kept insisting to the annoyance of his superiors in the Legal Section, didn't seem to have much to do with it. Grantham resented that Taylor's existence pushed him to those difficult and career-threatening intercessions. As Grantham said, "It was, after all, just bad luck. He should have taken it like a gentleman. He should have shot himself. He let the side down, really."

I never shared Grantham's view. We have lost touch with one another. He seems too proper for me. No doubt he will go far.
Selected Annotated Bibliography

For those who wish to pursue the legal issues raised by Blair in *The Planter's Dream*, here is a short but sufficient guide to the case law and literature.

I. Case Law

*Attorney General v. Gallagher*, 1963 A.C. 349 (1961). Gallagher killed his wife during a drunken rage. There was inconclusive medical evidence that he was an aggressive psychopath. At trial he sought to prove that he was insane at the time of the crime within the meaning of the McNaughtan rules, or that he was incapable of forming the intent necessary for murder due to his drunkenness. The House of Lords ruled that he was properly convicted of murder following the trial judge's instruction that the jury should apply the McNaughtan test to him at the moment before he began drinking rather than at the time of the crime.

*Bratty v. Attorney General*, 1963 A.C. 386, 386, 408-15 (1961). Bratty, who had strangled a girl, raised as defenses automatism and insanity, presenting evidence that an attack of psychomotor epilepsy had caused him to act unconsciously. The House of Lords affirmed Bratty's murder conviction, holding that the jury's rejection of his claimed epileptic fit as the cause of his "unconscious act" precluded any finding of insanity or automatism. The decision recognized two types of automatism: insane and noninsane. Accordingly, a court must determine the cause of a defendant's alleged unconscious act and decide whether his condition is a "disease of the mind" under the McNaughtan test of insanity in order to determine whether a defense of automatism separate from insanity may be raised.

Lord Denning defined automatism as involving an involuntary act, including "an act done by a person who is not conscious of what he is doing, such as an act done whilst suffering from concussion or whilst sleepwalking." He stated that epilepsy is a disease of the mind and that where the cause assigned for the defense of automatism is a disease of the mind, only the defense of insanity is available.

*Carter v. State*, 376 P.2d 351 (Okla. Crim. App. 1962). Carter was involved in a fatal car accident, allegedly after drinking. He claimed that he was not fully conscious during the period he was allegedly seen drinking, and that he became unconscious due to a previous injury that caused him to experience occasional dizziness and blackouts. Reversing Carter's conviction for first degree manslaughter, the court held that he should have been allowed to introduce evidence to prove his claim; that the jury should have been instructed that if he were unconscious he would not be guilty of first degree manslaughter; and that if he knew he was subject to blackouts and nevertheless drove, he might be guilty of second degree manslaughter because driving under such circumstances might constitute criminal negligence. The court also distinguished the defense of uncon-
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sciousness from one of insanity.

Fain v. Commonwealth, 78 Ky. 183 (1879). Fain shot a hotel porter who was trying to awaken him after he fell asleep in a public room in the hotel. Reversing his conviction for manslaughter, the court held that he was entitled to introduce evidence proving that he was a somnambulist and had shot the porter in a state of full or partial somnambulism under the false impression that he was being attacked. The court held that this would be a good defense even if Fain knew he was predisposed to somnambulism and therefore should not have gone to sleep in the public room with a deadly weapon on his person. Even in that case, the court stated, because the shooting would not have been voluntary, Fain would not be punishable under any law.

Government of the Virgin Islands v. Smith, 278 F.2d 169 (3d Cir. 1960). Smith was involved in a fatal car accident and was convicted of involuntary manslaughter. His defense was that he had suffered an epileptic attack while driving and had become unconscious or quasi-unconscious. Reversing Smith's conviction, the court held that the trial judge erred in requiring him to prove unconsciousness: he had only to present evidence sufficient to raise a reasonable doubt on the question. The court also stated, however, that proof that Smith was unconscious would not necessarily exonerate him if he was aware that he might suffer such an attack. Under those circumstances, driving a car might be sufficiently negligent to support the charge of involuntary manslaughter.

Hill v. Baxter, [1958] 1 Q.B. 277 (1957). The court rejected the defendant's contention that he was in a state of automatism when he collided with a car at an intersection; the defendant had asserted that he was in this condition but presented no reliable medical evidence in support of his claim.

People v. Decina, 2 N.Y.2d 133, 138 N.E.2d 799, 157 N.Y.S.2d 558 (1956). Decina, who had a history of epileptic seizures, experienced such a seizure while driving and ran down several children. He was convicted of criminal negligence in the operation of a vehicle, and the court of appeals affirmed, citing Decina's knowledge of his condition. One judge, dissenting in part, stated that recklessness in deciding to drive was not sufficient to constitute criminal negligence in operating the vehicle and that Decina had to have been conscious while operating the vehicle to have committed either element of the offense—driving voluntarily and in a reckless frame of mind.

People v. Freeman, 61 Cal. App. 2d 110, 142 P.2d 435 (1943). Freeman claimed that his apparently negligent driving, which resulted in a fatal accident, occurred while he was unconscious because of an attack of epilepsy. Reversing his conviction for negligent homicide, the court held that the jury instructions were prejudicial because they did not state clearly that the jury should acquit if it found that Freeman was uncon-
scious when the collision occurred and that such a state had wholly or materially overtaken him before beginning his drive.

People v. Grant, 46 Ill. App. 3d 125, 360 N.E.2d 809 (1977), rev'd, 71 Ill. 2d 551, 377 N.E.2d 4 (1978). Grant, who had been drinking, leaped onto a police officer and struck him twice. Grant had a history of psychomotor epilepsy. Reversing his conviction for aggravated battery, the appellate court held that even though he had not specifically requested an automatism instruction, the trial court should have given one. It also held that the jury's finding of no insanity was not the equivalent of a finding of no automatism: the insanity defense has three elements—presence of a mental disease, lack of cognition, and lack of volition—while the automatism defense has only one, lack of volition. In addition, the appellate court stated that even if he were unconscious, if the defendant knew he was susceptible to violent behavior after drinking or some other conscious casual behavior he would be criminally responsible for his actions. The Illinois Supreme Court reversed the appellate court and reinstated Grant's conviction, holding that the trial court's failure to instruct the jury on the defense of automatism did not deprive him of a fair consideration of the issues of capacity and control. The supreme court stated that the trial court's insanity instruction and summations drew the jury's attention to the evidence regarding Grant's capacity. By finding him sane, the jury had rejected the evidence that would have supported an automatism instruction.

People v. Newton, 8 Cal. App. 3d 359, 87 Cal. Rptr. 394 (1970). Newton claimed that his shooting of a police officer took place while he was in a state of shock from a gun wound in the abdomen and that he was unconscious at the time. Reversing his conviction for voluntary manslaughter, the court held that the trial court should have given the instruction on its own motion that unconsciousness was a complete defense.

Regina v. Charlson, 39 Crim. App. 37 (Wales 1955). This is the case discussed on pages 620-21. Charlson struck his son with a mallet and was charged with assaulting the boy. The jury acquitted him after an instruction that it should acquit if it were in doubt whether he knew what he was doing or was acting as an automaton.

Regina v. Minor, 15 W.W.R. (n.s.) 433 (Sask. 1955). Minor had been hit on the head and suffered a concussion before driving and being involved in a fatal accident. Reversing his conviction for manslaughter, the court held that if he could prove that because he blacked out he was unable to form an intent and therefore did not know what he was doing, he would make out a defense separate from insanity, contrary to the trial judge's instruction to the jury.

Regina v. Quick, [1973] 1 Q.B. 910. This is the case of the diabetic discussed on page 635. Quick, a nurse at a mental hospital, had physically attacked a patient without provocation. He presented evidence that he
had hypoglycaemia which, as a result of his drinking and taking insulin, might have caused the uncharacteristic conduct. The trial judge rejected a defense of automatism and required Quick to plead guilty to assault. The court of appeal quashed the conviction, holding that the defense of automatism, as distinct from insanity, should have been allowed to go to the jury.

State v. Gooze, 14 N.J. Super. 277, 81 A.2d 811 (1951). Gooze, who had a history of Meniere's Syndrome, a disease that causes dizziness and blackouts, and who had been warned by his doctor not to drive alone, was involved in a fatal car accident while suffering a blackout. He was convicted of "driving a vehicle carelessly and heedlessly in willful or wanton disregard of the rights or safety of others," and the court affirmed. The court held that, in light of Gooze's knowledge of his condition, his decision to drive was sufficient to satisfy the elements of the crime, and the fact that he was unconscious while driving did not constitute a defense.

II. Statutes

Cal. Penal Code § 26 (West 1970) ("All persons are capable of committing crimes except those belonging to the following classes: . . . Persons who committed the act charged without being conscious thereof.").

Ill. Rev. Stat. ch. 38, § 4-1 (1979) ("A material element of every offense is a voluntary act, which includes an omission to perform a duty which the law imposes on the offender and which he is physically capable of performing.").

Model Penal Code § 2.01(2) (Proposed Official Draft 1962) (A voluntary act does not include "(a) a reflex or convulsion; (b) a bodily movement during unconsciousness or sleep; (c) conduct during hypnosis or resulting from hypnotic suggestion; (d) a bodily movement that otherwise is not a product of the effort or determination of the actor, either conscious or habitual.").

III. Commentaries

W. LaFave & A. Scott, Handbook on Criminal Law §§ 25, 44 (1972). Section 25 discusses the general requirement of an act, and section 44 addresses the specific issue of automatism.

G. Williams, Criminal Law—The General Part §§ 156-157 (2d ed. 1961). Section 156 analyzes the first question under the McNaughtan rules: whether an accused knew the nature and quality of his act. Williams specifically investigates those situations that involve insane automatism and mistake or ignorance of fact. Section 157 discusses the defense of noninsane automatism and the problems raised by that defense.

the Bratty case, which requires the court to identify whether a condition is a "disease of the mind" to determine whether a defense of automatism separate from insanity may be raised. He also criticizes a holding that the defense of automatism is not available where the automatism was induced by alcohol and urges instead that a crime of being drunk and dangerous be legislated.

Cross, Reflections on Bratty's Case, 78 Law Q. Rev. 236 (1962). Cross suggests that rather than dealing with the social problems posed by a complete acquittal in cases of automatism by enlarging the insanity defense, courts should be given more flexible powers than simply choosing between acquittal and insanity. He also criticizes the existence of different burdens of proof for the insanity and automatism defenses. Finally, he urges the creation of a separate offense of causing bodily harm while drunk to handle the problem of drunken automatism.

Edwards, Automatism and Social Defence, 8 Crim. L.Q. 258 (1966). After surveying cases of automatism in Canada, England, Scotland, New Zealand, and Australia, Edwards suggests that the defense should be handled by (1) allowing the prosecution to use the evidence the defense advances to prove automatism in order to argue that the defendant should instead be judged "guilty but insane"; (2) continuing to allow automatism as a complete defense in situations where no moral fault and no mental disease are in evidence; and (3) where the defendant's own negligence led to his being in the condition of automatism, allowing him to be detained or put on probation notwithstanding a verdict of not guilty.

Edwards, Automatism and Criminal Responsibility, 21 Mod. L. Rev. 375 (1958). Edwards reviews the court's treatment of automatism as the defense to a dangerous driving prosecution in Hill v. Baxter and argues that the case shows the need for revising the English criminal law of insanity under the McNaughtan rules.

Elliot, Automatism and Trial by Jury, 6 Melb. U.L. Rev. 53 (1967). Elliot endorses the requirement that a defendant claiming automatism lay the proper foundation for his claim before the case may go to the jury. He also discusses the ramifications for jury charges of the rule in the Bratty case and a number of other procedural issues related to raising the defense of automatism.

Fox, Physical Disorder, Consciousness, and Criminal Liability, 63 Colum. L. Rev. 645 (1963). Fox examines the difficulties of formulating a rational distinction between automatism and insanity and criticizes the inflexibility of the available categories (criminality, insanity, acquittal). He urges instead a more functional approach which would take into account three factors: fault, protection of society, and what treatment would most likely be effective in handling a given defendant.

Jennings, The Growth and Development of Automatism as a Defence in Criminal Law, 2 Osgoode Hall L.J. 370 (1962). Jennings exam-
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ines the extension of the defense of automatism and endorses it as an alternative to the defense of insanity where an accused is not in fact insane.

Leigh, Automatism and Insanity, 5 CRIM. L.Q. 160 (1962). Leigh evaluates the Bratty case and discusses the relationship between the insanity and automatism defenses. He concludes that the scope of the automatism defense is limited.

Murphy, Involuntary Acts and Criminal Liability, 81 ETHICS 332 (1971). Murphy examines whether there is any philosophical support for the distinction between voluntary acts (caused by the actor's volition) and involuntary ones (caused by something else), or whether the distinction is based on a false mind/body dualism identifying the actor with the mind. He concludes that the distinction remains defensible because there are some acts that, in fact, one can control and others one cannot (e.g., seizures, strokes, and the like).

Prevezer, Automatism and Involuntary Conduct, 1958 CRIM. L. REV. 361. Focusing on Hill v. Baxter, Prevezer discusses automatism and involuntary conduct in English criminal law. He analyzes three types of conscious involuntary action and the law surrounding each: acts involving physical compulsion, acts of one whose will is governed by another, and acts of one whose will is governed by other pressures.

Note, Automatism and Proper Precautions, 37 MOD. L. REV. 199 (1974). This casenote endorses the Quick case's rejection of the equation of the insanity and automatism defenses, but criticizes its holding that if the automatism was induced by the defendant's negligence it should not be a defense.

Note, The Involuntary Actus Reus, 25 MOD. L. REV. 741 (1962). This casenote discusses the New Zealand case of Kilbride v. Lake, in which the notion of "voluntary act" played a key role in a nonautomatism situation. The defendant's certificate of inspection was removed from his car by someone during his absence, and he was convicted of operating the car without it. The court held that although the statute in question provided for a strict liability offense and thus had no mens rea requirement, the defendant still had to be the person responsible for the act or omission involved in the actus reus. The author endorses the decision as a way to avoid a number of potential injustices created by strict liability crimes.