

HYPNOTISM IN CRIMINAL DEFENCE.

It is curious to observe how hypnotism is being used of late as a criminal defence. Murderers used to set up insanity and irresistible impulse as an excuse for their crimes, and the sentimental public promptly took pity on them and treated them as heroes and martyrs. Today hypnotism is the fashionable defense.

The west has been especially prolific in cases of hypnotism in the criminal courts and several self-confessed criminals have succeeded in convincing a jury of twelve men that the crime was committed while under the power of another's will. The thief or murderer or rapist comes into court and says, yes, he did this thing, but he couldn't help it. He wasn't a free moral agent. An unseen power compelled him to do the act. The old-fashioned public would have been content to call this power the devil, but the end-of-the-century public needs a more elaborate nomenclature; the criminal lawyer can't plead hypnotism as a defense, but as a species, or under the guise, of insanity he uses it for all it is worth; the European authorities are drawn upon to prove that the criminal at bar could not have formed the criminal intent necessary to make him amenable to our laws and if, as in some cases, the jury are the judges both of the law and the facts, the prisoner generally goes free. The theory is, that given the power to hypnotize and you can make your hypnotic victim do anything you wish, says the *Philadelphia Times*. You suggest the crime and he does the rest. This is called "hypnotic suggestion." The hypnotizer suggests for instance to his subject that a certain

person has seduced his wife, and says, "here is a pistol; when awake you will kill him and avenge the honor of your family." When he awakes he does it, and believes that the dead man had actually been guilty. Such cases are well sustained in the laboratory experiments of the professors; but they do not figure in the criminal courts.

Hypnotic suggestion has been used in the last few years quite frequently as an explanation of juvenile crime. Young criminals, it was found, always travelled with those old in crime, in whose power they seemed to be entirely. In the experience of the Elmira reformatory, it has been found that most of the young law-breakers cannot be regarded as free moral agents; a crime is suggested to them by an older head, and their youthful will is so overwhelmed that they do whatever they are told to do. If any one will study the youthful law breakers that come before our criminal courts every day, he will be struck with the entire absence of conscience as to the import of their offenses. It is not stoicism, nor is it ignorance, and it is not surprising that the hypnotists should attempt to explain it.

Hypnotism, or the influence of "collective suggestion," as it is called, has been used to exonerate persons guilty of assisting to lynch their fellow man. A mob becomes hypnotized by an idea. They hear cries of "hang him," "kill him," and the like, and losing their will power they rush upon their victim. Considerable literature is springing up to explain our lynchings in this way, and in