

*Forensic Hypnotism.*

If the Dutch judicial authorities ever seriously proposed to hypnotize De Jong, in order to extract from him a clue, which they believed him to be able to give, as to the whereabouts of his alleged victims, the proposal was very promptly extinguished by public and professional criticism both in Holland and in this country. Even the inquisitorial jurisprudence of the continent surely cannot sanction so flagrant an injustice as to convert a prisoner into his own accuser and judge by the aid of hypnotic suggestion. For this and none other would be the result of the hypnotization of persons accused of crime. We are not unmindful of the subtle distinction which the Dutch law is said to draw between the use of statements made by hypnotized subjects as a medium for further inquiry and the acceptance of such statements as legal proofs; the former, we are told by some authorities (although their opinion is disputed), the law of Holland permits, the latter it prohibits. In point of fact, however, this distinction is worthless. Once let an acute *juge d'instruction* compel a prisoner to supply him with "clues," and he will soon both turn them into legal evidence (how far such evidence is reliable we shall consider immediately), and let the jury understand that the case for the prosecution is corroborated by the testimony of the prisoner himself. If the hypnotization of prisoners should ever again become a practical question on the continent, we trust that the fact to which we have here called attention will be kept in view, and that a form of inquisition, which is morally as unjustifiable as the rack, will not be introduced under the cover of a distinction without a difference. The case against the hypnotization of prisoners becomes all the stronger when we consider how unreliable the testimony of hypnotic subjects has been proved to be. It is unnecessary to sum up the evidence on this point in any detail. Every student of hypnotic science is familiar with the story of how Lombroso endeavoured to obtain from a criminal, convicted on the clearest evidence, a confession of his guilt, only to find that the convict repeated the same tissue of falsehoods which he had told at his trial; and this case is corroborated by the incident recorded by Moll, of a subject who resisted suggestions to confess the commission of some crime so strenuously as to induce a violent attack of tetanus. It is true that, on the other side, we have the instance of the hypnotists who were obliged to waken a patient lest he

should make them the repositories of inconvenient secrets; but there is apparently nothing to show that these incipient confessions were true, and in any event an isolated case of this kind cannot outweigh the evidence in support of the contrary conclusion. It is not only because of its repulsiveness and probable uselessness that we rejoice that the proposal to hypnotize De Jong was abandoned. There can be no doubt that if such an experiment had been tried it would have repelled both the public and the medical and legal professions from giving to the phenomena of hypnotism that respectful consideration to which they are justly entitled. How injuriously the prospects of hypnotic science in this country were affected by what transpired at the Eyraud and Gompard trial, no intelligent observer of contemporary medico-legal history needs to be told. We should have regarded a second *contretemps* of the same kind with deep regret. In a variety of forms the problem of hypnotism will soon be upon us. We may close our eyes to its approach. *Pur si muove*. How shall we determine the civil capacity and the criminal responsibility of hypnotized subjects? When is hypnotic influence "undue?" How shall we best protect the patient from the hypnotist, and the hypnotist from possible false charges on the part of the patient? With these and other questions of the same description we shall have ere long to deal. We earnestly hope that no untoward incidents in the meantime will deter the educated public from studying hypnotic phenomena in a spirit of calm and dispassionate inquiry. It would, indeed, be a misfortune if, when the problem of hypnotism comes up for solution, its intrinsic difficulties should be intensified by our want of familiarity with its terms.

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#### *The Punishment of Habitual Criminals.*

The Report for 1892 of the Commissioner of the Metropolitan Police throws a somewhat startling light on the present position of the controversy as to the relative juridical value of long and short sentences respectively in the case of offences against property, such as burglary and house-breaking, which constitute, as Sir Edward Bradford truly observes, the peculiar work of the habitual professional criminal. Now the statistics for 1892 point to the fact that in so far as crimes of this description are concerned the short sentence theory has already triumphed