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Michael M. Miller

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## A PLEA FOR SELECTIVE PSYCHIATRIC TREATMENT FOR OFFENDERS

MICHAEL M. MILLER, M.D.

While serving as physician and psychiatrist on the staff of the House of Correction and the Municipal Court of Cleveland, Ohio, Dr. Miller started the first court clinic in this country for the treatment of chronic alcoholism (1940). Later he became co-founder and Director of the District of Columbia clinic for alcoholism. He was on the staff of St. Elizabeth's Hospital in Washington where he has had wide experience with many types of offenders. For the courts he urges a therapeutic attitude toward criminals rather than an exclusively punitive one.—  
EDITOR.

This paper deals principally with offenders, and since we know that violators of our existing legal statutes regarding moral and social conduct are not homogeneous types of personalities, but include those who could be classified as unstable, immature, mentally deficient and psychotic, the term "psychopathic behavior disorders" might be considered appropriate to this group as a whole. The so-called true psychopathic personality has been aptly described by Karpman,<sup>1</sup> Cleckley,<sup>2</sup> and others and is not the subject of this paper. Psychopathic behavior can, in most instances, be considered as symptomatic of underlying psychosocial problems. Karpman<sup>3</sup> pointed out that on the basis of extensive psychoanalytical examinations, he found that only approximately 15% of those generally termed "psychopaths" revealed the so-called true psychopathic personality, while the rest showed predominantly neurotic personality traits and conflicts.

It is advantageous, in general, to describe these as behavior rather than as constitutional disorders, for it is thereby not necessarily implied that such individuals are practically incorrigible.

It would be wise, I think, to look upon these individuals from the perspective of their social orientation and consider the defensive mechanisms and attitudes which they build up because of the external social pressures directed at them, since society generally tends to ostracize and condemn the behavior and actions of such individuals rather than to search for the underlying factors which motivate these. In addition we frequently fail to attach sufficient significance to the social and environmental influences which excite and promote various forms of asocial behavior, such as poverty, unemployment, in-

<sup>1</sup> Karpman, Ben; *Case Studies in the Psychopathology of Crime*, 1933, 1944, 2 Volumes.

<sup>2</sup> Cleckley, H. M.; *The Mask of Sanity*, Mosby, 1941.

<sup>3</sup> Direct communication to author.

adequate educational opportunities, inadequate recreational and cultural facilities, lack of parental supervision, improper vocational guidance, racial discrimination, overcrowded slums, alcoholism, and a great many others. Certainly socially frustrating factors do account in a large measure for the hostility and aggression which is turned against society by such individuals.

We must further recognize certain basic defects in our social philosophy in order to gain a clearer understanding of the asocial attitudes and behavior of such individuals. The society which, on the one hand, accepts and cultivates the individualism of "Adam Smith" virtually from the cradle, and on the other hand also accepts Christian thoughts and ideals, certainly tends to confuse many a young mind as to the true essential nature and aims of our society. If we are to justify fully self-interested individualism and support it without reservation as the proper mode of conduct, can we too strongly condemn the asocial individual for deviating from, or entirely ignoring the interests of his group and society as a whole? This basic discrepancy and ambivalence in our social ideology and teaching greatly handicaps a proper approach to therapy. The society which generally offers large material rewards to the self-centered individual rather than to the altruistic unselfish person, cannot by these means hope to encourage group consciousness.

It is true that there are those types of offenders who demonstrate a gross lack of concern for the feelings of their fellowmen and the attitude of society toward their behavior in general. In these individuals, emotional impulses rather than intellectual considerations dominate their behavior. Frequently these show a marked lack of social values and moral discrimination and it seems that generally such individuals are incapable of experiencing as deeply the penalties of guilt, self-condemnation, anxiety, and feelings of inferiority which, for instance, belabor the psychoneurotic even after minor infractions of socially accepted conduct. This failure to develop a sufficient degree of social consciousness is evidence of their failure to achieve social maturity. To blame their social failure entirely upon constitutional factors does not seem to be justifiable in most instances. Such individuals may be intellectually mature with an excellent command of language with which they can sway people amazingly well, as for instance in the courtroom; appear well-informed on many worldly subjects and display an amazing knowledge of literature, history, geography, etc. In fact, they frequently seem better informed on the whole than

the average population. Already, Benjamin Rush,<sup>4</sup> in discussing psychopathic individuals, stated: "The Will might be deranged even in many instances of persons of sound understandings and of some of uncommon talents, the Will becoming the involuntary vehicle of vicious action through the instrumentality of the passions." That such individuals showed no characteristic intellectual impairment, is attested to by the fact that the term "moral insanity" is frequently used descriptively in contrast to "intellectual insanity."

### *Effects of Incarceration*

Can we by means of confinement and compulsory methods of work, further their social maturation?

Let us observe some of the more common effects of incarceration. It is clear that in the penal situation, offenders are made acutely aware that they stand condemned and in direct opposition to society; that they have been socially excommunicated for purpose of being subjected to punishment.

In medieval society, it was usually considered preferable to punish by physical torture than to imprison for lengthy periods at public cost individuals whose behavior was considered adverse to the interests of society.<sup>5</sup> At the present time the principal instruments of punishment have become frustration and social isolation — something which the great majority of these have keenly experienced before — only never to such an intense degree.

The emotional reaction is one of bitter futility, rage with marked feelings of aggression and hostility forming an almost impenetrable barrier against successful therapeutic rapport. Further, they are not regarded as men with adult insight and judgment, but as children who must be closely supervised — consequently, they are placed in the position of accepting not more social responsibility but less, thus adding additional deterrents to their intellectual and moral growth. Further, they are not usually brought into constructive group relationships, but are kept largely confined to themselves — thus aiding to accentuate their tendencies toward seclusiveness and self-preoccupation. Little or no attempts are made to overcome their egocentric and narcissistic tendencies by redirecting their interests toward questions of greater social and worldly importance.

In order to combat the limited means and privileges to which they are subject, they soon learn to satisfy some of their

<sup>4</sup> Quoted by Maughs, S.: "A Concept of Psychopathy and Psychopathic Personality." *J. Criminal Psychopathology* 2:331, 1940-41.

<sup>5</sup> Direct communication from H. Gill, Superintendent, D.C. Penal Institutions.

desires by means of deception and intrigue, and frequently become rather skilled in the use of these techniques, gathering instruction from more experienced fellow-prisoners on how to most effectively exploit the prison situation.

The rigid discipline, isolation and seeming utter futility of their situation seem not only to create feelings of depression and inadequacy, but to promote anxieties which add fuel to their hatred and hostility, acting as an additional barrier between them and their supervisors. These constant tensions and anxieties are reinforced by those of their prison-comrades, and in time may become fixated and intensified to a degree commonly referred to as "prison paranoia." In fact, imprisonment usually tends in time not only to intensify but to strongly fixate asocial behavior trends.

Left largely to their own resources and giving expression to their deep social hostility, is it a wonder that they turn to their single common interest — *crime*?

Healy<sup>6</sup> speaks of the "psychic contagion" of incarceration: "The gathering of a group of offenders under one roof . . . creates a milieu through the common unit of selection — the commission of a crime. Naturally, then, crime will be the principal interest of the members of this milieu, their common tie, their first and chief topic of conversation. Here is an atmosphere in which crime is something to be admired. Such a milieu will go far toward solidifying delinquent behavior patterns already acquired."

### *Social Immaturity of Most Offenders*

Since it is clearly obvious that most offenders are socially inadequately matured personalities, why then have so few steps been taken to further their social growth? Due perhaps, to the fact that present penal procedures have been criticized as ineffective and socially detrimental numerous times in the past, a school of apologists have sprung up who stress the point that it is not our present penal system that has been so ineffective but that the poor results are due primarily to the constitutional impregnability of these so-called psychopaths, thereby assuming that most offenders are constitutionally defective and endowed by nature with these asocial traits. Such individuals, they declare most emphatically are not capable of achieving social maturity, or of developing social conscience and the faculties of moral discrimination. They cannot learn by experience. No doubt they thereby imply that they can learn from asocial but not from constructive social experiences.

We have observed that these individuals can frequently,

<sup>6</sup> Wm. Healy: *The Individual Delinquent*, Little, Brown, 1915, p. 312.

when the occasion demands, display amazing degrees of resourcefulness and initiative in evading the consequences of their acts. No one has ever intimated that they lacked the ability to master asocial methods and techniques. Certainly this does not suggest inability to learn constitutional or functional inadequacy. Particular emphasis is placed on the point that they cannot learn by experience due to their notable lack of insight, judgment and ability to evaluate.

Is this not perhaps due in part to the fact that actually, they rarely experience situations which would teach them insight or encourage them to accept more constructive social roles? Are we making many consciously organized and properly directed efforts to reeducate offenders? There is no doubt, as pointed out by numerous authorities, that we have extended considerable effort and not without a fair degree of success to further their asocial education.

#### *"What Should Be Done?"*

We must exert every effort to guide these persons along socially beneficial and useful lines, thus channelizing and utilizing their physical energy and intellectual resources for the benefit of both themselves and society.

Most psychically well integrated individuals strive with more or less intensity and perseverance toward recognition as they individually conceive it. Their strivings must be directed toward socially worthwhile goals.

We should not let our traditional prejudices toward the social offender and deviant blind our better judgment. It has been said of the psychiatrist, of all people, that he usually feels downright sorry for the "hysteric" but bitter and resentful toward the "psychopath."

These individuals must be taught that they would be happier and more successful if their passions and emotional life would become harnessed to, and subordinated to their intellect.

Every effort to cooperate in striving for self-betterment and increased social maturity should be encouraged by such means as increasing the opportunities to participate in therapeutically beneficial activities, by extension of parole, and by shortening of sentence, etc. It is very necessary to offer incentives, hopes and to thereby combat the feelings of utter futility which retard their strivings and becloud their futures. Every individual must have a goal toward which to strive and as most therapists point out, psychotherapy is practically powerless when such is denied the patient; in fact, all forms of treatment are usually thereby rendered impotent. A maximum degree of freedom to participate fully in constructive institutional activities

should be given and a sense of responsibility toward himself and the institution cultivated in every member of the penal population. In fact, the success of a penal corrective program is no doubt largely predetermined by the extent to which the respective institutional organization is able to permit free voluntary participation in vocational and cultural activities. Those individuals who find it difficult to enter into group relations should be given the counsel and if necessary, treatment of competent psychotherapists since such behavior usually indicates serious psychosocial conflicts or inadequacies.

We must recognize the fact that these offenders must not only be held responsible to adjust to social requirements, but that in addition society must assume the responsibility of creating those conditions which will best facilitate their social recovery.

A system of indeterminate sentences would make it possible to deal in a more selective manner with cases rather than imposing punishment regardless, frequently, of the individual or social factors in the case. Such sentences could be, for instance, terminated upon the recommendation submitted to the court by competent psychiatrists and social workers if a reasonable basis for a satisfactory social adjustment existed.

Wooley<sup>7</sup> states: "Whether the defendant is sane or insane does not settle the issue as to what should be done with him. Not all legally responsible criminals need to be confined in penal institutions and not all of the insane need to be in the custody of mental hospitals." He adds, in describing the role of the psychiatrist as an aid to the court: "We cannot help being impressed with the very great responsibility which devolves upon the psychiatrist. If the courts are to follow his recommendations he will actually determine to some extent the outcome in the lives of many criminals." Those of us who have had experience in court work realize fully well that expert testimony is usually valued highly by the court since most judges desire to do what is best for the individual as well as society.

Thus far our selectivity in treatment has been largely limited to the matter of how much punishment should be prescribed for the specific offender. Courts have sadly neglected the establishment of means making it possible to individualize the treatment rather than the punishment of various offenders. The function of the court psychiatrist thus far has been largely diagnostic, this in a field where the psychiatrist could truly render an important and worthwhile social service. It is the responsibility of psychiatry to rightfully recognize its social functions in this sphere. Lay courts cannot possibly alone assume

<sup>7</sup>Lawrence F. Wooley, *Federal Probation*, October-December, 1944, Vol. VIII. No. 4. Title: "Understanding the Defendant."

the difficult task of providing selective correctional treatment for many psychosocial disorders.

### *Summary*

1. Considerable evidence has accumulated pointing to the significant fact that the great majority of offenders cannot be termed "psychopathic personalities."

2. Most offenders show a marked degree of social immaturity.

3. Incarceration tends to intensify feelings of social aggression, to stifle constructive impulses and to inhibit rather than promote maturation of the personality.

4. Much can be done in providing selective correctional treatment within the present available means of the modern penal institution.

5. The importance of close cooperation between the courts and psychiatric consultants is stressed.

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