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“Criminality Is a Disease and Criminals Can Be Cured.”

AN ATTEMPT AT A RE-EVALUATION OF SOME CONCEPTS OF LAW AND PSYCHIATRY

Benjamin Karpman

Dr. Karpman is the Chief Psychotherapist at St. Elizabeth's Hospital and has been associated with that institution for twenty-eight years. He was Professor and Head of Psychiatry at Howard University Medical School from 1921 to 1941 and has published numerous studies on the psychogenetic aspects of neuroses and criminality. He is author of a volume on *The Individual Criminal* and a series of studies, *Case Studies in the Psychopathology of Crime*, two volumes of which have already been published. Volumes III and IV are to appear early in 1947.

In the present study the author emphasizes the need for reconsidering certain problems common to both law and psychiatry in the light of the more progressive trends. He submits that the emphasis should be laid on the doer and not on the deed, on deeper emotional motivations rather than immediate causation, and on the early environmental setting in which the criminal was brought up. He further submits that it is both desirable and necessary to re-evaluate the entire concept of right and wrong, tracing the same to the origin and lifetime development of the individual, that greater consideration should be given to emotional rather than intellectual factors and that criminals should be charged on the basis of their total life development rather than on the type of crime committed. On the basis of all of the above, he submits a two-fold division of criminals and a differential treatment on the basis of this division.—EDITOR.

Man's mind is incurably a compulsive mind. It is a restless mind, always asking questions, seeking problems, and craving answers; confronted with a fact, it looks for a cause. Hence religion which attempts to give us something definitive about that which is basically infinite; hence science which attempts to satisfy a curiosity that is forever insatiable; hence medicine and medical research which seek a cure on a basis of known causes.

Withal, the human mind is equally limited and, for the most part perhaps, superficial. All too often, as soon as an answer to the question is given, it ceases searching for further answers. If a fact is explained in terms of an immediate cause, it ceases to search for deeper causations. Yet the history of mankind has long taught us that behind an immediate cause there is universally a preceding cause, behind which there is a still deeper cause; perhaps there are many deeper causes. In particular, we often fail to recognize the fact that a phenomenon may not have an immediate, clearly demonstrable cause, but may be the result of many little causes, each in itself not significant as a direct determining factor in the final phenomenon, yet all these causes, in totality, providing the large background from which the phenomenon has emerged. And so it happens, for instance, in our political or international life, that a war may start seemingly

from very trivial causes, yet in historical perspective it becomes clearly evident that these trivial causes were only curtain phenomena, and that back of these there have been many contributing factors going deeply and remotely into the national and political life of the belligerent nations, which explain more fully and adequately the phenomenon of war. Likewise in medicine where some diseases are unquestionably due to major cause; yet here, too, we are often confronted with diseases which start from an insignificant agent or no ascertainable cause at all, yet may lead to profound bodily disturbances.

Now, this is the situation with criminality, as it is quite universally with other human phenomena. An individual commits a crime, seemingly for a very simple reason. He stole money because he needed it; or he killed a rival for the affection of a loved woman; or he violated our moral sense because perversely he wished to indulge in sexual behavior which is regarded as immoral and abnormal. These would seem to be the immediate motives, if motives they can be called. And yet, if one is not satisfied with a mere cross-section but attempts to look deeper into the causation, he may discover, as he goes further, a great multiplicity of factors streaming from different directions, all having combined to emerge through one particular act which in itself is insignificant except in a symbolic sense, as an indicator of underlying problems.

It is a frequent observation that two disciplines dealing with the same material, but from different angles, often develop not only different approaches but even different technical languages as well, so that in time they come not even to understand each other. It is just such a situation which appears to have developed between law and psychiatry in dealing with crime. No clear understanding will ever come between the two unless they are interpreted to each other; just as one translates one language into another. It is in the hope of contributing somewhat to a better rapprochement between the two disciplines that the following considerations are offered.

The Deed vs/and/or the Doer

One of the severest limitations that still exist in modern law is the concept that so rigidly separates the *deed* from the *doer*; more specifically, the crime from the criminal. We pay but little attention to the criminal as an individual. This is even noticeable in criminal semantics. We speak of petty and grand larceny, or of mayhem but we do not have a corresponding noun for these,

such as grand larcenist or mahemist. The word murder includes all degrees and types; murder, homicide, second degree murder, manslaughter, etc. but there are no corresponding nouns for the various degrees. This situation often develops absurdities. A man steals a case of whiskey with a retail value of \$65.00 and is charged with grand larceny, which is a felony. The defense lawyer, however, contends that the wholesale price of the goods is only \$48.00, which brings the crime within the range of petty larceny, which is a misdemeanor. The argument is unanswerable and the original indictment can not be sustained. Nothing, however, is said of the thief himself. When committing the crime, he did not, it seems, consider that he was committing grand or petty larceny; he was committing larceny. His intent was to get the case of whiskey, be it grand or petty larceny. Intent gets closer to motivation than the mere size of the loot; but though it is recognized in both cases, it is not differential. In all reason he should be charged on the basis of the executed criminal intent rather than on the size of the crime. The law, however, emphasizes the result of crime rather than degree of intent. But in any criminal indictment, while intent is recognized, degrees of intent are less emphasized than degrees and gradations of crime.

Or let us take the instance of John A., who fires several shots at William B. with the obvious intention of killing him. He only succeeded, however, in injuring him, and he is charged with aggravated assault, for which he gets a sentence of, say, five years. Had he succeeded in his original aim, he would have been charged with first degree murder and punished accordingly. In either situation, however, his full intent was to kill; he was a murderer in every sense of the word; it was by sheer accident that he failed of his purpose. Yet the punishment is neatly differentiated on the basis of results rather than intent.

But why should we be at all concerned with the doer instead of merely taking care of the deed at its face value? After all, so it is maintained, society's prime concern is with results, with acts as they affect the life of the community, and the effect is the same whatever causes may be back of the act. What indeed is the relationship, if there be any, between the deed and the doer? It is our contention that, be it a social deed or only a personal reaction, it is no more possible to treat satisfactorily the deed without considering the doer, than it is possible to treat a symptom without considering the disease that produced it. To a physician the deed has the same relationship to the doer as a symptom of a disease has to the disease as such. In early days, medicine was obliged to treat disease by symptoms only,

for it did not know the pathology back of it. Modern medicine, however, is not satisfied with the treatment of symptoms as such, but instead attempts to treat the disease that is responsible for it. For, from its point of view, the symptom is merely the particular point at which a great many factors streaming from different directions, each one having an origin and significance of its own, become confluent. Obviously, in order to do away with an annoying symptom, one must take into consideration all factors that have gone into its making. Thus, 100 years ago, we used to treat headache by a few established home remedies (and we do to a large extent even today). It was a blind treatment, a stab in the dark, as it were, and sometimes it worked and then again it did not. By this time, however, we know what a complicated symptom headache may be. It may be entirely an expression of some inflammation of the coverings of the brain. It may be due to some disease of the internal matter of the brain itself or its blood vessels, or it may be due to an expression of some particular psychological difficulties when the *head aches* with conflicts. Obviously, to treat all these headaches in the same manner would be fallacious, for while the remedy may reach one kind of headache it cannot possibly, by reason of the different pathology present, reach another type of headache. We therefore make a differential diagnosis and try to figure out the nature of the headache, and the type of remedy suitable for it.

Or let us say there is a skin eruption. One can of course scrape it off, or put a salve on it. The salve may clear up the eruption, but as soon as the application of salve is removed, the eruption comes back. This is due to the fact that, although the skin eruption is on the surface of the body, its basic cause is entirely internal, a product of disturbed metabolism, and not until the physician learns, by various tests at his disposal, the internal cause of the skin condition will he ever be able to do away with it.

Too, it must be remembered that treatment of a headache, skin eruption or any other symptom, symptomatically can at best be only palliative. As often as headache recurs, the particular medicine must be taken which only temporarily relieves the headache, but does not reach the basic source of it. It is, therefore, an endless proposition, whereas, on the other hand, if we know the basic cause of it, we can by radical treatment cure it and thus stop the headache altogether.

In like manner we view the deed. It is, as we see it, the surface expression of a large number of factors, some external to the individual, but for the most part entirely internal and

having a long history. No deed can be understood unless the psychology of the doer is understood. And society, which is concerned with the abolition of deeds, will never accomplish that as long as it deals with the deed only. Hence, because of the system of punishing the deed and not the doer, crime has never abated and goes on from year to year, increasing in severity. A most radical change is needed; one must reach the deed through the doer.

Causation vs./and/or Motivation

Just as in criminal law the deed is regarded as being more important than the doer, so is causation considered more important than motivation. Causation refers chiefly to factors external to the individual responsible for the effect produced. Thus we speak of the effect of physical, economic, and general factors as causative factors in crime. Motivation, on the other hand, refers to factors which spring from the inner life of the individual, stimulating him to act in a particular way; it refers chiefly to inner psychological mainsprings in human behavior. The consideration of causative factors does not give us a clue as to why one of two men living in the same community and under apparently identical social conditions, becomes a habitual criminal while the other develops into a upright citizen and much respected member of the community. Only a study of their inner lives could reveal to us the true personal reasons for the difference in their behavior; only this knowledge can help us to understand the meaning of the crime for the criminal and the community, and how to dispose of it. And in any event, be it a question of causation or motivation, little more is sought in any criminal trial than the most immediate causation or motive. It is recognized as an established principle in law that motive does not enter into any crime as an essential ingredient, though it may be inquired into. Neither the failure to prove any motive, nor even furnishing proof of a good motive, will prevent conviction. In the case of a man charged with the murder of his wife or of the other man because of jealousy, he may be freed entirely if the unwritten law is invoked, or he may be charged with second degree murder and get from 20 years to life. In no instance, however, does the motivation go beyond the statement of jealousy which may mean any number of things. Yet in terms of deeper motivations, understandable only in the light of the man's developmental psychology, another man may have had far greater justification for committing murder than did this one who did the killing in a more premeditated way

and in the belief that the unwritten law will free him, which in fact it did.

The Setting

Another consideration is that extremely little attention is given to the best indicator of criminal dynamics, namely the setting in which the crime has been committed, and more particularly the basic origins from which criminal behavior is derived. While the search for motives is, as a rule, neglected when a cause of crime is looked for, the emphasis is on immediate rather than remote motivation and a specific individual motivation at that, disregarding the multitude of circumstances that preceded it and went directly into its making. Yet it is a fact that very often single, definite, specific motivations in criminal behavior cannot be found, but rather an accumulation of many minute influences which, in totality, produce the effects noted. In the words of many of my patients, the influence is not specific but general and "atmospheric". This indeed is also true of many cases of neuroses in which no specific trauma can be pointed to as the cause of the neurosis, but the etiology must be sought in the many varied minute influences that finally bring about the neurosis. It is true for that matter of normal people when the development of the personality make-up and traits of the individual can not be traced to any specific environmental situations and effects but rather to subtle but continuous influences that pervaded and permeated one's environment and development.

Right and Wrong: Responsibility

But why need we be concerned at all with the motivations behind the crime and the setting in which it has been committed? Because they have an important bearing in the consideration of right and wrong, and the problem of responsibility, both being essential in determining the legal and social disposition of the case. For neither the knowledge of right or wrong, nor the feeling of responsibility, are abstract terms that appear in a vacuum. Nor yet are they immediate and spontaneous reactions that suddenly appear on the scene in response to a definite situation. On the contrary, they are human expressions that have a long history and evolution, a history as long as the development of the individual himself. From our point of view, it is not sufficient to say that the defendant knows or does not know the difference between right and wrong (and in some jurisdictions, whether he can adhere to it), or that he is guilty

or not guilty, partly responsible or not at all responsible, but whether he can choose emotionally right from wrong; why, and to what extent he is guilty and why and to what extent he is responsible. An individual, and presumably a sane individual, may indeed know intellectually the difference between right and wrong, yet be wholly unable to choose emotionally the right, the emotional forces within him driving him irresistibly toward the wrong.

Total or even partial guilt and responsibility as viewed by law can not be determined by the consideration of the external factors of the case but only in the light of the individual defendant's own history and development. The individual must be considered first and not his crime, which is only a pale symbol of him. That is to say, regardless of what his present knowledge of right and wrong may be, what his guilt or responsibility may appear in the present cross section when charged with crime, we must go back to his life history—what sort of guilt feelings and sense of responsibility did he have long before the commission of the crime, and what were the forces that controlled their expression, blocking at times the operation of his conscience and guilt sense and allowing the commission of the crime. When we have a knowledge of all these situations, our entire treatment of the criminal will change. From the time of Beccaria and Bentham, we have been guided by the principle of "let the punishment fit the crime." Because of the universality of these concepts, which at the same time are obviously antiquated, it becomes important to investigate these more closely. We submit as a more correct formulation, "let the punishment fit the criminal" or even "let the treatment fit the criminal," for punishment is only one of the many treatments possible, and by no means the most effective or deterrent. And to paraphrase that great lawyer and humanitarian, Clarence Darrow, "I hate crime, but never the criminal."

Intellectual vs. Emotional Knowledge

In all discussion of right and wrong, and responsibility, the tacit underlying assumption is that we are dealing entirely with motives at the intellectual level, that every member of the community, unless he be definitely insane or feeble-minded, has a perfect and clear-cut knowledge of right and wrong, and responsibility. This conception has been challenged by modern psychiatry. On the basis of undeniable and overwhelming clinical evidence, it has been proven that human behavior is basically emotionally conditioned and that intellectual activities are emo-

tionally determined. We are basically emotional, not reasoning beings. A man born and raised in the South, in a family atmosphere steeped in the traditions of the Democratic party, will have no difficulty in furnishing any number of valid intellectual reasons why democratic principles are superior to those of any other party. Likewise, an individual born and raised in Maine or Vermont in the best Republican traditions can offer equally cogent arguments proving what to him is beyond any peradventure of doubt, that the Republican party is the mainstay of our country.

Yet can any dispassionate and objective observer doubt for a moment that in both these gentlemen the intelligence is merely a tool and a vehicle through which is expressed the language of the underlying emotions. Could they speak any other language, could they escape the emotional influence of their early environment which began to work on their little minds when they could offer no resistance but all they could do was to absorb influences. The pre-war Japanese was convinced against all reason that the Emperor was divine, a proposition which to him was axiomatic and admitted of no doubt or argument. This was because from the earliest childhood he was emotionally influenced to think that way when his reason has not yet developed to a point that he could see the unreasonableness of it and contradict it. And that which is trained in us from childhood becomes emotionally fixed, solidified, structuralized; and it is virtually impossible to change such an influence except perhaps through some other set of powerful emotional influences. Thus as Japan lost the war, it shook to its foundations the belief of the Japanese in the divine power of the Emperor. It made them feel very insecure—and insecurity is a powerful emotional reaction—and now they look to America as a symbol of security. Hence, pictures of Hirohito disappear from their newspapers and in their place we have pictures of General MacArthur and other Americans. Who then can doubt that our intelligence is basically influenced by underlying emotions?

Two Chief Types of Criminals

If there be, therefore, any validity in our contention that the consideration of the doer is more important than the consideration of the deed, then we disregard the technical legal considerations of crime, but instead view crime from the standpoint of the types of personalities involved. Thus, surveying crime as a whole, not from its surface behavior, but from its deeper motivations, especially against its background and setting, two clearly

defined types of crime seem to emerge. One would appear to be committed on a purely mercenary, predatory basis. Take if you will, the immediate causations, or if you choose, go as far back as you can into the life of such a criminal and the most you can uncover is a life of predation and parasitism. We may call this the psychopathic type of criminal. And there is another type of criminal, who in terms of crime as such, may have committed the same crime, yet even a brief search may reveal definite psychological reasons that often are deeply tied with the emotional life of the individual. This is the psychogenic type of criminal. Superficially, the two types may seem very much alike. One might say: "If I am robbed, hurt or killed, it makes little difference to me, in terms of its ultimate effect on me, as to the particular motive the offender may have had in committing the crime." This indeed is true. But the offender is also a member of the community and as such has certain rights and privileges which he cannot be denied. In a large sense, society has produced him and is therefore in a sense responsible for him. Yet society may even have interests in the situation that go beyond the immediate interests of the victim and/or the criminal as individual members of the community; it must consider the larger needs of the community as such. There is foremost here the problem of disposition of the case. Punishment is not enough! Punishment will not restore stolen property, nor return to wife and children a man who has been killed, nor yet re-establish in the woman victim of rape the consciousness of unviolated chastity. It is even doubtful whether it acts as a deterrent as seen from the rising rate of crime. But to know how to dispose of a case, more than mere knowledge of the man's surface behavior is needed. We need to know all we can about him: the type of family he was born in, for that, no doubt, influences his subsequent behavior; his development at a period of life when he could have no control over his developing moral sense and his emotional make-up. For, as Wordsworth truly said, "the child is the father of the man." And can a child be held responsible for having been influenced in the way he was influenced at a highly impressionable age when he could neither choose his influences nor control their effect on him?

Supposing then that we tentatively divide criminality and criminals into two main groups: psychopathic and psychogenic. It isn't difficult to cite instances from actual experiences indicating the chief differences between the two types. Here is a man who is engaged in stealing. He prizes his theft in proportion to the value of the loot obtained; that and no more. He

has no relation whatever to the victim. He has neither pity nor hate for the victim. Though the victim may suffer privation because of the theft, the thief never stopped to reflect on that, let alone identifying himself with the victim, whom he does not even regard in the light of a victim, if he regards him at all. This is how he acted and behaved all his life; this is the psychopathic thief and robber.

In contrast to him, is another man who, too, steals. He happens to concentrate his thefts on jewelry to the exclusion of everything else. Does he dispose of his jewelry and convert it into cash? Not at all! He keeps it at home where he has by now a large accumulation of gems. Every now and then, in the manner of the proverbial miser, he takes out his jewelry and stares at it for long periods of time as if enchanted or intoxicated. Dispose of it! Never! These gems have a strong emotional value to him. They take him back emotionally to the time of his early childhood when he saw his mother carefully putting away her jewels lest someone steal them. Symbolically, he steals his mother's jewelry and thus shares with her things that are most precious to her. In this way he feels he gets closer to her and re-animates the old memories of her. This is the psychogenic criminal.

Contrast a man who will set fire to his establishment because he expects to collect insurance money which he needs so badly—the motive here would seem to be psychopathic—with another individual who will set fire to house after house, out of revenge for betrayal, or as a form of protest against particular iniquities—that is the psychogenic. So it is also in the case of murder. One man will kill for money while one will kill because of unrequited love or undischarged hate. Likewise, too, are the cases of white slavery wherein we find individuals who engage in it solely for the profit in it, as against those who will resort to it for any emotional reasons they may have at the time. It is conceivable that, as time goes on and we search deeper and deeper into the basic motivations of criminal behavior, the differences separating these two types may become more obvious.

A Plea for Differential Treatment of Criminals

In any event, can society treat these two types of criminals alike? Certainly not! The psychogenic cases should be treated, for they can be cured, as many have been. The psychopathic cases, however, at least in the present state of our knowledge, are not approachable by psychotherapy or some other form of dealing or treatment; these must be devised. It is primarily in

the interest of society much more than in the interest of the individual that before any decision be made as to disposition, a more careful and thorough study be made of the entire situation. This is the method of medicine as a profession, the scientific approach, in the long run the only approach that can truly solve the problem of crime.

In Summary

It is essential that law dealing with the more formal social aspects of crime, and psychiatry dealing with the human motives behind criminal behavior, pool their respective resources and approaches, so that out of this there may develop superior methods of dealing with the problem. For in spite of all measures and methods heretofore and presently used, crime seems to show no signs of abatement, but, on the contrary, grows more acutely every day. Dynamic psychiatry therefore offers the following considerations:

1. Emphasis should be laid primarily on the *doer* and not on the *deed*.

2. Prime consideration should be given to deeper emotional *motivations* behind the crime, and assign immediate *causation* a secondary importance.

3. The setting in which the crime has been committed is important, but more important yet is the *environmental setting* in which the criminal was brought up and developed as a child and/or an individual.

4. It is fallacious to assume that everybody knows exactly what is right and what is wrong, and thus charge everyone with full and equal responsibility. It is submitted here that due consideration must be given to the origin and life-time development of the *right* and *wrong* attitudes in each accused individual on the basis of which the degree of guilt and responsibility may be more correctly evaluated.

5. In the light of advanced psychiatric knowledge, our behavior and our knowledge are determined basically more by *emotional* than intellectual *considerations*.

6. Rather than to treat and charge individuals with this or that type of crime, it is more correct to view criminals in terms of the type of personalities involved. On this basis, criminals may be divided into two main classes: The psychogenic and psychopathic, respectively.

- a) To the *psychogenic* group belong those cases in which definite emotional motivations may be found back of the criminal behavior. For the most part they may be reached psychothera-

peutically, sometimes with but little difficulty. Many are therefore redeemable. This group contributes the larger percentage of habitual criminals.

b) The other group, the *psychopathic*, fails to reveal the presence of psychogenic motivations and therefore can be but little influenced psychotherapeutically. Instead of giving them a definite sentence, they should be segregated and confined for an indefinite period of time.

The basic tenet of this contribution is that if criminals are to be treated effectively, they must be treated differentially on the basis of their personality as a whole.

The Criminal Is the State's Greatest Crime.—*Arnim.*