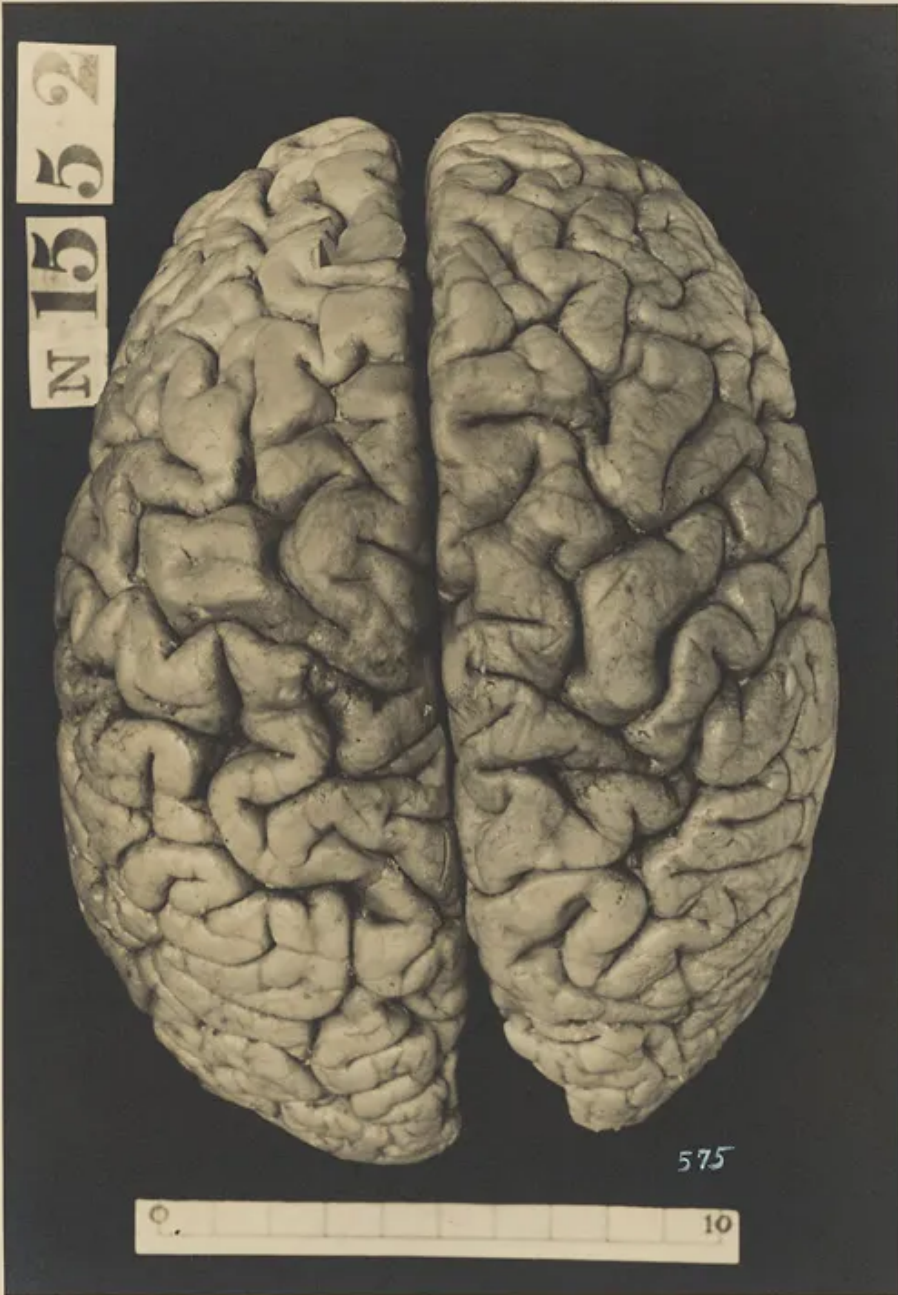


26.4 cm (10 3/8 inches)



(Inches)

with osseous plates - not a reduction dimension

**CRIMINAL**

Enlarged Photograph from "Brains of Feeble-minded and Criminalist Persons," a display at the 1921 Second International Congress of Eugenics. Part of Myrtelle M. Canavan Papers, 1898-1945, GA 10.20 "Myrtell Used with permission from the Harvard Medical Library.

Abigail Jane Mack

I began Part 1 of this series with the image I reproduce here. Item number 1552 rests against a stark black background. Gray, veiny matter folds in on itself, cleaving in distinctive left and right lobes. The brain appears as an organ and an icon. Below, in stark lettering, "criminal." An indelible mark

on the life this brain represents. The image comes from a collection of photographs once displayed at the Second International Conference of Eugenics alongside the brains of “normal” and “feeble-minded” people. It represented an idea that criminals existed as a people apart. They could be identified, marked and rooted out. While many rejected these arguments and their racist, ableist and classist implications, I showed in Part 1 the ways a eugenics-style construction of criminality endures particularly in the work of clinical psychologist Stanton Samenow. His articulations of the “criminal mind” and “criminal personality” have not only informed psychiatric diagnoses and economic models of behavior but also models of “cognitive behavioral therapy” implemented in prison units often called “therapeutic communities” across North America. In Part 2, I examine two critical concepts of this penal therapy: “criminal thinking” and “habilitation.” In combination these concepts work to form a different kind of indelible mark on those deemed criminal made present in the narratives of moral selfhood practiced in prison therapy.

### **“I Was a Criminal Thinker”**

As discussed in Part 1, following a significant sociological review of rehabilitation practices in prisons across American that concluded “nothing works,” legislators and political theorists were beginning to advocate for a “lock them up” “tough on crime” approach. War on Crime and War on Drugs legislation had a significant impact on the US prison population. Between 1970 and 2005, the prison population increased 700%.<sup>[1]</sup>

While much of the rehabilitative ideal in American corrections was coming under attack, drug treatment in the form of “strong arm rehab” gained traction. In the 1960s, several drug rehabilitation facilities—most notably Daytop Village in New York City and Synanon in Venice, California—began to work with the judicial system first as outpatient services and then through court-mandated programming. These programs emphasized the moral development of clientele and a free will model of drug addiction that positioned it as a disease of the self and a consequence of choice.<sup>[2]</sup>

Such a model integrated well with Samenow and Samuel Yochelson’s model of the criminal personality, where criminal thinking errors were a matter of self and state control. In the mid-1990s, theorists like Glenn Walters developed models of criminal thinking based on Samenow and Yochelson’s work. Here criminal thinking was identified as a process and event which included such phenomena as “mollification”—minimizing behavior—“sentimentality”—performing kind acts in an effort to project an ethical persona—and “power orientation”—attempting to gain power and control over one’s environment.<sup>[3]</sup> Identifying and locating criminal-thinking errors within the person has been integrated into strong arm rehab.<sup>[4]</sup> In this process it is not only addiction that becomes treated in a matter of perpetual “recovery,” but criminality and thus the self as moral person. As the War on Drugs continued to boom in the 1990’s, US prisons represented a growing marketplace for private corporations to offer drug rehabilitation services.

In *Breaking Women: Gender, Race, and the New Politics of Imprisonment*, Jill McCorkel follows the implementation of a privately run therapeutic community in a women’s prison over six years. Her

fieldwork, which began in 1994, documented the impact of “get tough” policies on gendered forms of incarceration in the United States, tracing the decline of rehabilitative paternalism (e.g. prisoners were “good girls” who had been done wrong by a man) in favor of a more punitive “habilitation,” that constructed inmates as “real criminals.” This is exemplified in McCorkel’s ethnography when, during a promotional conference for the prison’s therapeutic community, a model inmate, Carla, is chosen to give a speech. “I was a criminal thinker,” Carla reports, “I no longer call myself a victim, because I had choices and I chose to lie, steal, and manipulate . . . But I am working on myself today and I thank you for giving me this opportunity to be in this program and to become a productive member of society.”

### **“Habilitation not Rehabilitation”**

As she continues to work on herself, Carla models “habilitation” in action. “Habilitation” is an ideology of treatment that permeates penal therapeutic discourse. Through habilitation, rhetorics of drug rehabilitation and the criminal personality are further integrated. Anthropologist James Waldram describes this as a “transformative” rather than reformatory process of creating in the inmate a moral individual “fit” for society.[5] Samenow has attributed the idea of “habilitation” to Yochelson and the first iteration of their cognitive behavioral therapy-like intervention in the 1970s.[6] In “2016: Habilitation not Rehabilitation,” Samenow explains that “rehabilitation” implies there is a complete, moral self to which one may be restored. For criminals, he argues, this is impossible. They are the product of a lifetime of wrong thinking and wrong choices and are fundamentally incapable of such restoration as there is no moral self to be restored. Instead, the only option is to work and rework, monitor and supervise “criminals,” their thought processes, and their choices.[7]

Along these lines, McCorkel defines habilitation as “a set of social technologies that mobilize surveillance, confrontation, humiliation, and discipline for the purposes of ‘breaking down’ a self that is thought to be diseased.” Denied “rehabilitation,” inmates must learn to recognize and take responsibility for themselves as unfit, set apart from the rest of society by their criminal disease. In this way, habilitation enacts a neoliberal ideal, McCorkel writes. The state is no longer responsible for societal problems, instead the prisoners are asked to become “self-governing, rational and autonomous subjects.” Simultaneously, as diseased selves with no hope of recovery they are unredeemable subjects, positioned outside the neoliberal state while ensuring the need for constant habilitation services.

The logic manifests in the penal therapeutic encounters described in McCorkel’s ethnography. In group therapy, inmates must confront their moral deficiencies as—for instance—mothers, but are offered no counseling on what is considered good mothering. So, McCorkel charts a painful and dissonant process for many women prisoners who rightly feel alienated, marked as criminal, driven to account for themselves in a liminal societal space.

McCorkel makes another important intervention, noting the demographic shifts in the American prison population. The rise in Drug War policies also saw a rise in the incarceration of women. Between the mid-1980s and mid-1990s, the incarceration of African American women increased by 828% while incarceration of white women increased by 241%. [8] It is no coincidence, McCorkel argues—following Loïc Wacquant and Michelle Alexander—that rehabilitative paternalism declined as the mass incarceration of African American women increased. [9] In this construction of the “real criminal,” the prison becomes “the major institutional site for the production of racial caste, in that it serves to permanently displace African Americans from mainstream society and the labor market.” [10] Part 3: criminal subjectivities, race and the neoliberal self beyond prison.

[1] EMILY BADGER. “THE METEORIC, COSTLY AND UNPRECEDENTED RISE OF INCARCERATION IN AMERICA. *THE WASHINGTON POST*. (ONLINE: 2014)  
[HTTPS://WWW.WASHINGTONPOST.COM/NEWS/WONK/WP/2014/04/30/THE-METEORIC-COSTLY-AND-UNPRECEDENTED-RISE-OF-INCARCERATION-IN-AMERICA/?UTM\\_TERM=.A0BD8A56C1D1](https://www.washingtonpost.com/news/wonk/wp/2014/04/30/the-meteoric-costly-and-unprecedented-rise-of-incarceration-in-america/?utm_term=.A0BD8A56C1D1)

[2] COMPARE FOR INSTANCE: JILL A. MCCORKEL. *BREAKING WOMEN: GENDER, RACE, AND THE NEW POLITICS OF IMPRISONMENT*. NEW YORK UNIVERSITY PRESS (NEW YORK: 2013); TERESA GOWAN AND SARAH WHETSTONE. “MAKING THE CRIMINAL ADDICT: SUBJECTIVITY AND SOCIAL CONTROL IN A STRONG-ARM REHAB.” *PUNISHMENT AND SOCIETY* 14:1 (2012) PP. 69-93.

[3] GLENN WALTERS. “CHANGES IN CRIMINAL THINKING AND IDENTITY IN NOVICE AND EXPERIENCED INMATES.” *CRIMINAL JUSTICE AND BEHAVIOR*. 30:4 (2003) PP. 399-421; GLENN WALTERS. “THE PSYCHOLOGICAL INVENTORY OF CRIMINAL THINKING STYLES, PART: 1 RELIABILITY AND PRELIMINARY VALIDITY.” *CRIMINAL JUSTICE AND BEHAVIOR*. 22:3 (1995) PP. 307-325.

[4] GOWAN AND WHETSTONE. “MAKING THE CRIMINAL ADDICT.” (2012) PP. 69-93

[5] JAMES WALDRAM. *HOUND POUND NARRATIVE: SEXUAL OFFENDER HABILITATION AND THE ANTHROPOLOGY OF THERAPEUTIC INTERVENTION*. UNIVERSITY OF CALIFORNIA PRESS (BERKELEY: 2012) PP. 11

[6] STANTON SAMENOW. *INSIDE THE CRIMINAL MIND*. BROADWAY PRESS (NEW YORK: 2014 [1984]) IBOOK EDITION PP. 586.

[7] SAMENOW, *INSIDE THE CRIMINAL MIND* (2014[1984]) AND STANTON SAMENOW, “IN 2016: HABILITATION, NOT REHABILITATION. *PSYCHOLOGY TODAY* (ONLINE: 2015).  
[HTTPS://WWW.PSYCHOLOGYTODAY.COM/BLOG/INSIDE-THE-CRIMINAL-MIND/201512/IN-2016-HABILITATION-NOT-REHABILITATION](https://www.psychologytoday.com/blog/inside-the-criminal-mind/201512/in-2016-habilitation-not-rehabilitation)

[8] MCCORKEL. *BREAKING WOMEN* (2013), PP 13.

[9] IBID, PP. 217-218

[10] IBID.