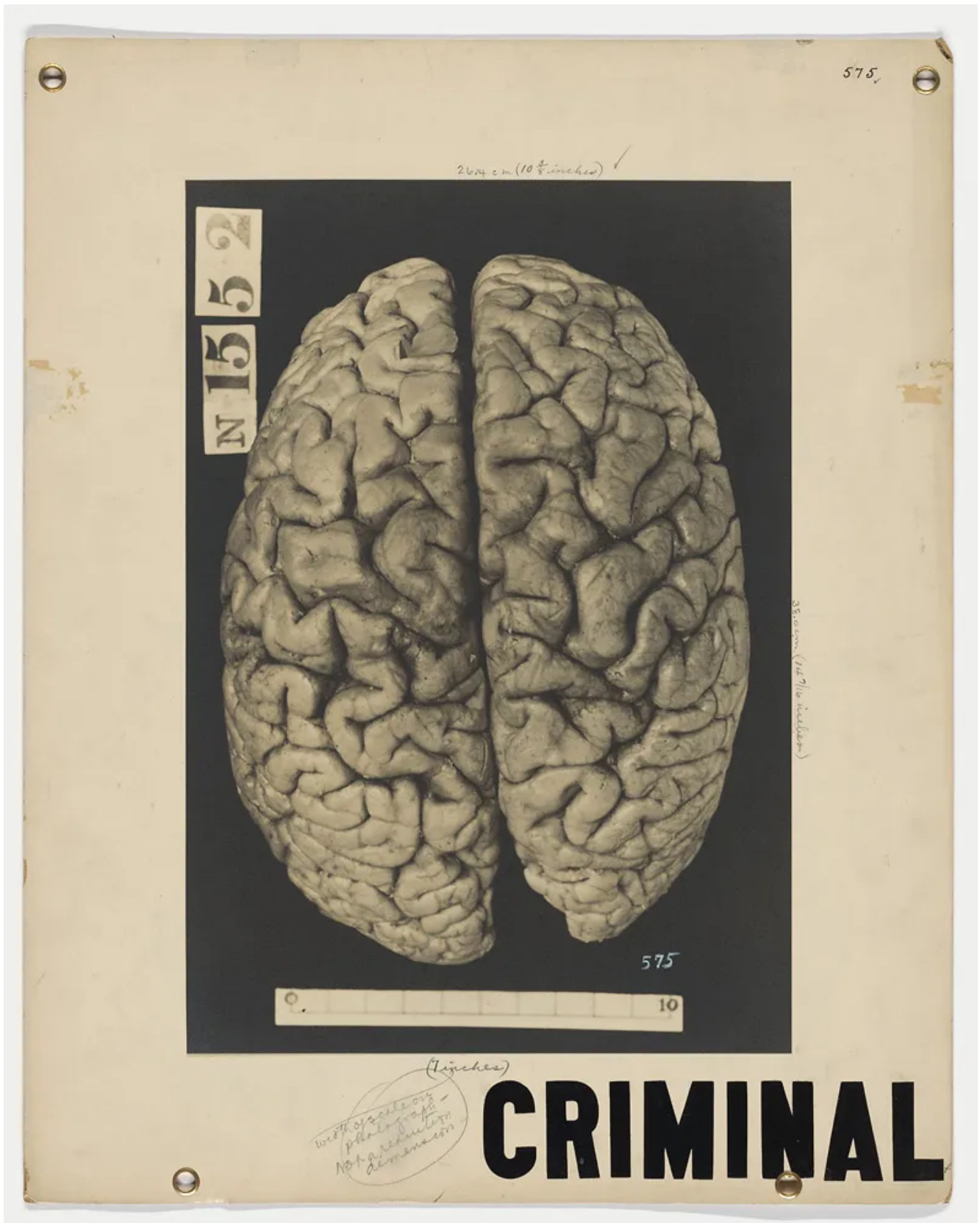


Abigail Jane Mack



Enlarged Photograph from "Brains of Feebleminded 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.

*Everything happens for the first time, but in a way that is eternal.*

-Jorge Luis Borges

“We are as we think,” Stanton Samenow writes, concluding *Inside the Criminal Mind*.<sup>[1]</sup> The text, now in its third edition, outlines a theory of criminality, which has had enormous though often overlooked impact on psychiatric and rehabilitative care in the United States. Drawing from the initial success of “The Criminal Personality: A Profile for Change,”<sup>[2]</sup> Samenow has built and marketed a cognitive-behavioral therapy like approach to the criminal mind which has informed “Cognitive Restructuring Programs” and penal “therapeutic communities” across North America.<sup>[3]</sup> The influence of this model extends well beyond the carceral state from its use in describing antisocial personality disorder to predictive economic models of human behavior.<sup>[4]</sup>

This phrase “criminal mind” is dripping with history and brimming with potential. Approaching the “criminal mind” from one direction, we find an enduring tension between biological and sociological theories of crime that play out across scientific, political, and media landscapes. We hold on to phrases like “criminal mind” in our effort to understand incomprehensible violent acts. In the face of each new horror we ask: “Is this innate? Or is this a product of our social world?” Yet, in our rush to understand, we often fail to recognize how both options in this dichotomy effectively distance us from the effects of our language and social categories. And so, from another vantage, “criminal mind” reflects a history of racism institutionalized in scientific rhetoric and emotional, political campaigns against crime. \* Despite decades of research that illuminates the social and economic circumstances and indeed, construction of “crime,”<sup>[5]</sup> despite thorough critiques of the ways biological conceptions of criminal identity have bolstered eugenics movements and functioned to maintain a racial social order in the US,<sup>[6]</sup> the “criminal mind” has had enormous staying power in American discourse of mental health and the criminal justice system.\*\*

In this three-part series, I interrogate the history of crime and mental health in the US, focusing specifically on the inheritance and potentiality of criminal subjectivities, like “criminal mind” as they are (re)formed in therapeutic settings. Following Thomas Kuhn, Michel Foucault, and Nicole Rafter, I recognize that scientific discovery occurs in and in response to cultural paradigm.<sup>[7]</sup> This is particularly true as it relates to crime. Rafter (2016) reminds her audience that crime is a social phenomenon occurring within human relationships. “To some extent,” she concludes, “all criminological facts are constructed.”<sup>[8]</sup> Along these lines, I am not arguing that such phenomena as violence and illness do not exist, only that they are recognized and elaborated within particular social and historical contexts. Today, criminologists are seeking to blend biological, sociological and psychological theories in search of the cause and treatment of criminal behavior. As this interdisciplinary hunt continues, it is critical that we investigate the constructions of crime in such endeavors and their social and therapeutic impact. In this spirit, I begin with a brief history and a preliminary investigation of “crime” and the “mind” in Samenow’s work.

We could trace the history of the criminal mind for centuries. It is implicated in debates of *mens rea*, moral insanity, and Protestant penal reform. It echoes long-debunked, 19<sup>th</sup> Century, Social

Darwinist theories of the biological roots of crime.[9] Like the ideologies of criminal identity before it, Stanton Samenow's initial work with mentor, Samuel Yochelson (1976), responded to the political trends of the time.[10] Their account of the "criminal mind" emerged in the mid to late 70's in the wake of the initial War on Crime efforts of the 1960s. According to social psychologist, Craig Haney (2010), a "nothing works" attitude toward penal rehabilitation was gaining steam, bolstering "isolate and punish" policies toward crime.[11] While many psychologists and criminologists were working out theories of criminal thinking, Haney launches a vigorous and pointed critique of Samenow and Yochelson's work as it exemplified, often dramatically, the political attitude of the time.

In their initial publication "The Criminal Personality: A Profile for Change," Samenow and Yochelson introduced a curriculum of "criminal thinking," that suggested specialists could identify patterns of criminal thought, locate them within the individual, and retrain the criminal mind, a regimen Samenow continues to advocate today. While the publication was rigorously critiqued for its faulty methodologies and unclear terminology, Haney notes that it was received with great fanfare politically.[12] Samenow and Yochelson had suggested the "criminal" existed absent social and economic circumstances, a useful argument, Haney concedes, for those seeking to cut funding to social welfare projects in favor of increased incarceration.

In Samenow's writing today, the overall picture of "the criminal" has not changed and many of Haney's critiques of the "Criminal Personality" stand. For Samenow, crime and the criminal mind are uncontested facts. To those critics who point to the social and economic circumstances of crime, he argues, "the environment does not cause crime." [13] Here, "environment" seems largely to consist of economic and familial circumstances, though he does briefly acknowledge that crime occurs in every demographic group.[14] As for matters of race and racial discrimination, he describes them only as tools with which the criminal may play "victim" and manipulate others.[15] In his earliest introduction to *Inside the Criminal Mind* (1984), Samenow wrote "crime resides within the person." [16] This attitude is reflected in his current writing. For him, crime and the criminal are ahistorical and acultural.

Yet Samenow's work does not exist in a vacuum. By virtue of its uptake in public discourse and carceral practice, his theory of the "criminal mind" has an enduring legacy. Haney documents how its popularity helped bolster political "tough on crime" legislation.[17] Such policies have further targeted, isolated and penalized citizens of color, especially African American citizens.[18] Further, in her ethnography of a prison-based therapy program, Jill McCorkel (2013) argues that such programs and their philosophies of "criminal thinking" are used to particular effect in women's prisons and have been targeted specifically at identifying and rooting out the criminality of African American inmates.[19]

As for the critics with ongoing methodological and conceptual concerns, Samenow dismisses them as "armchair theorists." He points to the ways "criminal mind" resonates with people working in corrections. We may recognize this as the result of the enduring entanglement of political, social, and moral ideologies and public discursive constructions of the criminal identity. For Samenow,

though the uptake of his theory in the carceral state is proof that the criminal mind exists and that his framework is effective.[20]

Samenow's conception of the isolated criminal is aided in large part by his maintenance of a modern Cartesian dualism. We are familiar with the Cartesian Dictum: "I think therefore I am." Samenow writes: "We are as we think." [21] The difference is subtle, but critical. This is not a matter of existence, but a matter of moral existence, individual moral existence. Understanding how the "mind" operates in Samenow's conception is thus critical for understanding the social and therapeutic consequences of his argument. For Samenow, the mind is not shaped by environment. The Samenowian mind exists apart from but shapes and is shaped by biology.[22] It is here in this reciprocal relationship between mind and "biology" where the constitutional error of the criminal person exists. These errors are permanent, but operate on a continuum of severity. Errors in thinking can be identified, retrained and supervised as necessary. In fact, Samenow advocates for constant supervision of criminals once they are released from prison, noting the advances of GPS technology.[23] Retraining and supervision of the criminal mind can produce responsible people. Thus, for Samenow the only environmental effects of the mind which matter or even seem to exist are those imposed by the state.[24]

In his conclusion, Samenow claims that nearly 7,000 copies of his DVD and workbook for criminal habilitation have been sold to prison facilities.[25] Though his influence is strong, other theories of "criminal deviance" have also held sway. The picture becomes a bit messier, the arguments more nuanced. Sociologists and anthropologists have documented this change in penal (re)habilitation through ethnographic studies conducted in prisons and "strong arm" rehab facilities. With these, we can better understand the human impact of such philosophies of mind. McCorkel, for instance, documents how inmates learned to "rent out their head," performing public compliance while resisting in private, a kind of breaking between the group-therapy self and the "real" self. She describes this as a "specific pain of imprisonment—the prison's invasion into the private territories of the self." [26] In Part Two, I will explore techniques for treating criminal thinking. How have crime, addiction and mental health become entangled in such treatments? What are the consequences?

\* We could also discuss at length the long-enduring entanglement of concepts of feeble-mindedness and criminality. For more see: James W. Trent. *Inventing the Feeble Mind: A History of Intellectual Disability in the United States*. Oxford University Press (Oxford: 2017)

\*\* Though I could not have conceived of the tragic events in Las Vegas this week as I was writing this post, the rush to understand and explain in the aftermath of such a horrible massacre reveals, again, the powerful, emotional draw of such an idea as the "criminal mind."

[1] Stanton Samenow. *Inside the Criminal Mind*. Broadway Press (New York: 2014 [1984]) iBook edition pp. 593.

[2] Samuel Yochelson and Stanton Samenow. *The Criminal Personality: A Profile for Change*. Jason

Aronson, Inc (Lanham: 1993 [1976])

[3] See for instance: Carolyn Eggleston and Thom Gehering. "Correctional Education Paradigms in the United States and Canada." *Correctional Education Association*, 27 no. 2 (June, 1986) pp. 86-92;

[4] Charles L. Reid. "A Balanced Review of Yochelson-Samenow's theory of 'criminal personality.'" *Criminal Justice Studies* 10 no. 4 (1998) pp-333-360;

[5] See for instance: Nicole Hahn Rafter, "The Social Construction of Crime and Control" *Journal of Research in Crime and Delinquency*. 27 no. 4 (1990) pp. 376-389

[6] See for instance: Khalil Gibran Muhammad. *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*. Harvard University Press (Cambridge: 2011)

[7] Thomas S. Kuhn. *The Structure of Scientific Revolutions: 50<sup>th</sup> Anniversary Edition*. University of Chicago Press (Chicago: 2012); Michel Foucault. *The Archaeology of Knowledge: And the Discourse on Language*. Pantheon Books (New York: 1972); Nicole Rafter. *The Criminal Brain: Understanding Biological Theories of Crime*. New York University Press (New York: 2016 [2008]).

[8] Rafter, *The Criminal Brain*, Kindle Edition pp. 12.

[9] For more, See: Rafter, (2016 [2008]), *The Criminal Brain*

[10] Yochelson and Samenow, (1993 [1976]), *The Criminal Personality*

[11] Craig Haney, "Demonizing the 'Enemy: The Role of 'Science' in Declaring the 'War on Prisoners'" *Connecticut Public Interest Law Journal*. 9 no. 2 (2009-2010). pp. 185-242.

[12] Haney (2010), "Demonizing the 'Enemy'" pp. 220-226.

[13] Samenow (2014) *Inside the Criminal Mind*, iBook edition, pp. 40.

[14] Samenow (2014) *Inside the Criminal Mind*, iBook edition, pp 41

[15] Samenow (2014) *Inside the Criminal Mind*, iBook edition, pp 478.

[16] As cited in Craig Haney, "Demonizing the 'Enemy: The Role of 'Science' in Declaring the 'War on Prisoners.'" *Connecticut Public Interest Law Journal* 9 no. 2 (2009-2010), pp. 220.

[17] Haney (2010) "Demonizing the 'Enemy'" pp. 226

[18] See for instance: Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. The New Press (New York: 2012).

[19] Jill A. McCorkel. *Breaking Women: Gender, Race, and the New Politics of Imprisonment*. New York University Press (New York: 2013).

[20] Samenow (2014) *Inside the Criminal Mind*, iBook edition, pp 13.

[21] Samenow (2014) *Inside the Criminal Mind*, iBook edition, pp 593.

[22] Samenow (2014) *Inside the Criminal Mind*, iBook edition, pp 48-53.

[23] Samenow (2014) *Inside the Criminal Mind*, iBook edition, pp 589.

[24] Samenow (2014) *Inside the Criminal Mind*, iBook edition, pp 52.

[25] Samenow (2014) *Inside the Criminal Mind*, iBook edition, pp 585.

[26] McCorkel (2013) *Breaking Women*, pp. 17-18, 159