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Quotes by Dr. Karl Menninger

From his book entitled "The Crime of Punishment"

It is a well-known fact that relatively few offenders are caught, and most of those arrested are released. But society makes a fetish of wreaking "punishment," as it is called, on an occasional captured and convicted one. This is supposed to "control crime" by deterrence. The more valid and obvious conclusion - that getting caught is thus made the unthinkable thing - is overlooked by all but the offenders. We shut our eyes likewise to the fact that the control performance is frightfully expensive and inefficient. Enough scapegoats must go through the mill to keep the legend of punitive "justice" alive and to keep our jails and prisons, however futile and expensive, crowded and wretched.

All this we have observed for years. Many of us have participated in this dumb show many times. Now that I was about to become a public oracle, a spokesman for liaison between law and psychiatry, what should I declare about this social monstrosity? What should I emphasize or demand, remembering that I am not a political scientist or a criminologist but only a psychiatrist

Dr. Karl Menninger, THE CRIME OF PUNISHMENT New York: Viking Press 1968, *Preface pg viii.*

"And there is one crime we all keep committing, over and over. I accuse the reader of this - and myself, too - and all the nonreaders. We commit the crime of damning some of our fellow citizens with the label "criminal." And having done this, we force them through an experience that is soul-scaring and dehumanizing. In this way we exculpate ourselves from the guilt we feel and tell ourselves that we do it to "correct" the "criminal" and make us all safer from crime. We commit this crime every day that we retain our present stupid, futile, abominable practices against detected offenders.

Let us deal here with the unpleasant rhetorical ploy which some radio and television speakers have passed around for use in public attacks on the Supreme Court because of its recent definitions of the limitations of police authority. "Doesn't anybody care about the victims?" cry some demagogues, with melodramatic flourishes. "Why should all this attention be given to the criminals and none to those they have beaten or robbed?"

This childish outcry has an appeal for the unthinking. Of course no victim should be neglected. But the individual victim has no more right to be protected than those of us who may become victims. We all want to be better protected. And we are not being protected by a system that attacks "criminals" as if they were the embodiment of all evil. That is what this book is about."

Menninger pg 9

"The defendant has 'a constitution,' " says a sprightly lawyer and lecturer in an article for Police magazine.' This constitution is "the one the nine men in Washington are always talking about." The author throughout his article refers to the Constitution of the United States as "the criminal's constitution" and implies that the person robbed or raped does not have this constitution. Why the victim of a crime would cease to be an American citizen is not made clear, but this young man is very angry because he feels that victims are not protected by the Constitution and implies that, therefore, offenders should not be protected by the Constitution either. He suggests that the "victims "form some kind of a constitutional convention with delegates and platforms and banners and all that stuff and then they could draft some kind of a constitution for themselves."

This lawyer, no doubt, means well in this oration. He did not mean to sneer at the Constitution of his country. He really believes that the law is so occupied trying to do something fierce but legal to the offender that it neglects the person offended. In this, I think, he is right. The law neglects all of us. The more fiercely, the more ruthlessly, the more inhumanely the offender is treated - however legally - the more certain we are to have more victims. Of course victims should not be forgotten in the hubbub of capturing and dealing with their victimizers, but neither should the next victim be forgotten - the one who is going to get hurt next so long as the vicious cycle of evil for evil and vengeance for vengeance perpetuates the revolving-door principle of penal justice.

“Justice”

We justify the perpetuation of this social anachronism by reference to the holy principle of justice. I am told that justice Oliver Wendell Holmes was always outraged when a lawyer before the Supreme Court used the word "justice." He

said it showed he was shirking his job. The problem in every case is what should be done in his situation. It does not advance a solution to use the word justice. It is a subjective emotional word. Every litigant thinks that justice demands a decision in his favor.

I propose to demonstrate the paradox that much of the laborious effort made in the noble name of justice results in its very opposite. The concept is so vague, so distorted in its applications, so hypocritical, and usually so irrelevant that it offers no help in the solution of the crime problem which it exists to combat but results in its exact opposite - injustice, injustice to everybody. Socrates defined justice as the awarding to each that which is due him. But Plato perceived the sophistry of this and admitted that justice basically means power, "the interest of the stronger," a clear note that has been repeated by Machiavelli, Hobbs, Spinoza, Marx, Kalsem, on down to Justice Holmes.

Contrast the two ways in which the word is commonly used. On the one hand, we want to obtain justice for the unfairly treated; we render justice to an oppressed people, we deal justly with our neighbor. (Cf. Micah.) We think of justice in terms of fair dealing and the rescue of the exploited and we associate it with freedom and social progress and democracy.

On the other hand, when justice is "meted out," justice is "served," justice is "satisfied" or "paid." It is something terrible which somebody "sees to it" that somebody else gets; not something good, helpful, or valuable, but something that hurts. It is the whiplash of retribution about to descend on the naked back of transgressors. The end of justice is thus to give help to some, pain to others.

What is it that defeats and twists the idea of justice....

Menninger pgs 9-11

The trend of the preceding chapter was the uncertainty of where to begin in solving the crime problem. Upon whom or what should we focus our diagnostic lenses? In theory it is public safety we want, and justice-whatever that is. In theory it is crime that we don't want. But crime we have and injustice we have, and where shall we look for the remedy? Whom shall we blame for the injustice of practical justice? Who is responsible for our continuing crimes against criminals? Who "lets" public safety deteriorate as civilization and scientific discovery increase?

All of us in approaching problems of daily living, problems in our families or our occupations, try to find the most expedient, the most effective, the most sensible thing to do about these problems. We sit and ponder them, we confer,

we consult. We put our heads together in little quarterback huddles - or big ones - a dozen times a day. We try to decide what can be done and how best to do it. Families do it; engineers, doctors, hospital staffs, plumbers, businessmen, and salesmen do it. So do schoolteachers, bankers, merchants, railroad officials, and government officials. Everybody does it. Everybody, that is, except our representatives in the juridical system.

In juridical thinking one does not ask what will work, or what will be useful, or what will be the most economical or the most effective. All "principles" but one are disregarded; one asks only, "What is legal?" What will comply with the fantastic, distorted, historic notion of abstract justice as expressed in precedent? How shocking this principle of changelessness is to those who look constantly for improvements through change in a dynamic world. Justice Oliver Wendell Holmes once said, "It is revolting to have no better reason for a rule of law than that it was so laid down in the time of Henry IV. It is still more revolting if the grounds upon which it was laid down have vanished long since, and the rule simply persists from blind imitation of the past." How can I describe the reaction of scientists to the principle that there must be no change in a procedure no matter how ineffective and obsolete it has become?

Behavior, both orderly and disorderly, can be scientifically studied and appraised. The disciplines of psychology, psychiatry, sociology, ethnology, genetics, anthropology, and ekistics can be and are constantly being applied to the behavior of human beings. There really is such a thing as behavioral science.

But if the public scarcely believes this, the courts believe it not at all. Research studies in the field go on daily in a thousand places. Many facts and principles have been discovered; more are constantly being discovered. But the findings are of little interest to the legal establishment; no question of justice is involved.

Justice in Science

The very word justice irritates scientists. No surgeon expects to be asked if an operation for cancer is just or not. No doctor will be reproached on the grounds that the dose of penicillin he has prescribed is less or more than justice would stipulate.

Behavioral scientists regard it as equally absurd to invoke the question of justice in deciding what to do with a woman who cannot resist her propensity to shoplift, or with a man who cannot repress an impulse to assault somebody. This sort of behavior has to be controlled; it has to be discouraged; it has to be stopped. This (to the scientist) is a matter of public safety and amicable coexistence, not of justice.... Menninger pgs 16-17

We have been speaking of jails, which are to be distinguished from prisons, of which we shall speak later. Both are wretched, abominable institutions of evil, but generally the jails are by far the worse. Theoretically they are for brief, temporary confinement and in no sense for punishment. They exist to protect threatened individuals, and these individuals may be the ones incarcerated.

As I sit here and write, or as you sit and read these words, these horrible institutions are operating in every city, every state in our union. Some of us think of ourselves as the most civilized nation on earth. Social scientists from Denmark, Mexico, and other countries where far more enlightened systems are in operation are shocked at what they see here. They go to see what most American citizens spare themselves the pain of looking at.

Certainly jails should be pleasant and comfortable. They should also be secure. But security does not require austerity and physical discomfort. The city, the county, the law - none of them has been authorized or commissioned to force citizens to endure privation and discomfort without a trial, and without conviction of offense. But it is done even today in thousands of communities - only to people too poor, too ignorant, or too intimidated to escape it "legally." All this in the name of justice.

Readers may be thinking that our miserable, overcrowded, crime-and-disease-breeding lockups are just anachronistic residuals in the onrush of civilization. Along with improved hotels, transportation, housing, and streets, the jail-building profession, whatever that is, has also gone a little modern and made some improvements. Here and there the city fathers may have slighted the needs urged by the chief of police and the sheriff, but in general things are probably improving.

"Things" are improving but conditions are not. The architects who get the contract for designing the new jail are apt to be pretty far down on the list - but even so, they know something. They know where to get stronger steel and harder concrete than was used in the old days. They know about some improved abuse-proof toilets. Some very "nice looking" jails emerge here and there.

The jail idea does not change. It is still the lockup, the place of ill repute, the place the town is ashamed of (or should be). It is apt to be one of the lesser political areas for the employment of men of nondescript skills, or of difficult assignment. No jail in the country - so far as I know - has been dignified and elevated to being the cornerstone of community security and justice. Why shouldn't it be?

Once the hospital was despised and rejected as a pesthouse, a place to die in, a stinking horror, taboo in the civilized community. Today towns and cities alike are proud of their beautiful, efficient hospitals and rely on them as protectors of health. But the jails remain where they have been for centuries, and where the hospitals once were. What kind of justice is served by this designation?

"Why this gratuitous slap at architects?" asks a pre-publication reader. Not at "architects" but at *the* architects who take these political plums and "please the people" when they -the architects - know better.

Menninger pg 44,45

Imprisonment

The idea of punishment, as the law interprets it, seems to be that inasmuch as a man has offended society, society must officially offend him. It must deliver him a tit for tat that he committed. This tit must not be impulsive retaliation; not mob action. It must be done dispassionately, by agency, by stipulation, and by statute. It must be something that will make the offender sorry (or sorrier) for what he did and resolve to do it no more.

Let no one deceive himself about the intention of the prison to be a terrible place. When the Maine State Prison was opened, its first warden proclaimed:

Prisons should be so constructed that even their aspect might be terrific and appear like what they should be - dark and comfortless abodes of guilt and wretchedness. No more of degree of punishment is in its nature so well adapted to purposes of preventing crime or reforming a criminal as close confinement in a solitary cell, in which, cut off from all hope of relief, the convict shall be furnished a hammock on which he may sleep, a block of wood on which he may sit, and with such coarse and wholesome food as may best be suited to a person in a situation designed for grief and penitence, and shall be favored with so much light from the firmament as may enable him to read the New Testament which will be given him as his sole companion and guide to a better life. There his vices and crimes shall become personified, and appear to his frightened imagination as co tenants of his dark and dismal cell. They will surround him as so many hideous spectres and overwhelm him with horror and remorse.

The Constitutional prohibition against "cruel and unusual" punishment in some way or other the hurting done by the state must be a familiar garden variety and not something unexpected. For inexplicable reasons, to deprive a man of decent

social relationships, palatable food, normal friendships and sexual relations , and constructive communication is not - in the eyes of the law - cruel or unusual. Imprisonment, it will be recalled, was not originally considered punishment; it was only a method of detention prior to sentence, banishment, or execution. Hard labor extracted from the individual, presumably disagreeable, monotonous, menial, and often pointless, was the other type of punishment available.

And so, on the basis of this philosophy, the convicted prisoner, now officially a "criminal," is remanded to the local jail after sentence until the sheriff or his deputy can get around to making the trip to the state prison. Sometimes this is done with the sheriff's car; more often the prisoner is handcuffed and loaded with his several fellows into a locked van and they are carted off like a load of trussed hogs.

At the prison he is unloaded into the reception division and there stripped, bathed, fingerprinted, and photographed with a large black and white serial number placarded across his neck. The mugging process is reminiscent of calf branding: when the hot iron is withdrawn, the calf struggles to his feet and staggers off in the direction indicated by his stony-faced handlers. The new prisoner goes to a cell block in which a large number of steel cages, built or fastened together and piled on top of each other in several tiers, provides for clapping one, two, or three individuals into each. A long iron bar, operated by remote control, closes a long tier of cages, and part of the typical music in any prison is the resounding clang of various bars on the various tiers being shot or ground into a state of closure.

In each cage is a small triangular wall basin, an open toilet bowl, a shelf, a chair or stool, and a cot or a double-decker. Visitors may pass by and gaze into each. Prisoners can be seen huddled on their chairs, lying on their cots, combing their hair at the wash basins. They are gazed at by passersby with much the same sensation of mild curiosity that one has in walking past cages at the zoo. These cages are opened early each morning with the same noisy mechanism that closed them. The prisoners emerge and march to breakfast and sometimes to thirty minutes of exercise, which means walking around in a paved enclosure. In a few institutions some of them go next to the prison industries - auto repair shops, tailor shops, shoemaking, basketmaking, and occasionally a manufacturing plant of some kind. For some prisoners there may be a farm or a mine or a quarry, For some who elect it, there are educational classes. But the offender is in prison to be punished - not educated or amused.

In quarters such as these, the recipient of official punishment languishes in the cheerless company of others equally miserable, hopeless, and resentful. He is herded about by men half afraid and half contemptuous of him, toward whom all

offenders early learn to present a steadfast attitude of hostility, An atmosphere of monotony, futility, hate, loneliness, and sexual frustration pervades the dank dungeons and cold hangers like a miasma, while time grinds out weary months and years. (Not every prison is like this, but too many are.)

When General Grant entered Richmond he found in operation a prison that had been opened in 1797; the prison is still in use (1967). According to former Federal Commissioner James V. Bennett, more than one hundred prisons still in operation were built before Grant took Richmond. In 1798 - please do a little mental arithmetic - the state of New Jersey opened its Trenton Prison "now standing as a disgrace to American penology and periodically erupting in violence, bloodshed, and escape plots. . . . In 1956 I had heartfelt hopes that an era of infamy in American penology had closed. A New Jersey Governor had the funds to replace the Trenton Penitentiary which had long shamed the consciences of professional penologists. An effort was made to patch it up, so I am told, and worry along with it under the delusion it can be modernized." "

If a doctor sends a man to a hospital to be treated, he goes to see whether the treatment is being carried on; but judges do not seem to believe in this principle. Judges rarely visit the institutions to which they are constantly committing their wards to be "treated." Whenever I have taken judges with me to visit prisons or closely examine prisoners, they have been far more shocked than I.

Judges spend their lives in consigning their fellow creatures to prison; and when some whisper reaches them that prisons are horribly cruel and destructive places, and that no creature fit to live should be sent there, they only remark calmly that prisons are not meant to be comfortable, which is no doubt the consideration that reconciled Pontius Pilate to the practice of crucifixion. (Barnes'311)

But it is not only judges who rarely visit prisons. Who (except a few relatives) does visit prisons? Like the old-fashioned state mental hospitals, prisons have never welcomed visitors, and most people, even kindly, charitable-minded ones, feel they have no business there. George Bernard Shaw commented that one of the main evils of the prison system was the possibility of performing these inhumanities secretly, treatment which the public would never tolerate if they could see it.

The short, nonscientific term that best describes most adult penal institutions is "evil," declared the director of the District of Columbia Department of Corrections." Evil influences pervade jails. Perverse sexual behavior is commonplace; indeed the prison is excellently designed to promote this and along with it many other evidences of psychological and emotional imbalance, the very things which society wants psychiatrists to cure.

To describe what it means to be a prisoner, how it feels to be confined, the agonies of the "long moment of suffering," is impossible for one who has not, in the words of Fallada, "eaten out of the tin plate." The psychological state of complete passivity and 'dependence on the decisions of guards and officers must be included among the pains of imprisonment along with restrictions of physical liberty, the possession of goods and services and heterosexual relations. The frustration of the prisoner's ability to make choices and the frequent refusals to provide an explanation for the regulations and commands descending from the bureaucratic staff involve a profound threat to the prisoner's self-image because they reduce the prisoner to the weak, helpless, dependent Status of childhood. The imprisoned criminal finds his picture of himself as a self-determining individual being destroyed by the regime of the custodians.

Bill Sands in his book, *My Shadow Ran Fast*, describes some vivid scenes of daily horror recalled by him from his prison stay. But then he adds:

“if this sounds exciting, it' is misleading. These things happen, but they happen quietly, furtively, sullenly. The men do their time with very little comment or conversation. Fighting makes a man lose his time off for good behavior (wherein he can serve as little as three years and nine months on a 5 year sentence). So there are no curses or insults such as would lead to fist fights on the outside. There are no fist fights. If the issue is worth beefing about, it is done silently and quickly with a knife or a length of pipe. There is a small scuffle, a man lies bleeding; there is the clatter of a shiv or pipe being kicked away. If the weapon is ever found, it is not "on" anyone. There are no fingerprints. That is all.

Everywhere, every minute - like the air you breathe - there is the threat of violence lurking beneath the surface. Unlike the air, it is heavy, massive, as oppressive as molasses. It permeates every second of everyone's existence - the potential threat of sudden, ferocious annihilation. It is as grey and swift and unpredictable as a shark and just as unvocal. There is no letup from it-ever.”

I have just come from interviewing another victim of the system. He is twenty years old. His crimes had not been so aggressive some minor stealing, reckless driving, and belligerent behavior, especially toward police officers - but he had served three years in a reformatory where the principle of management was "treat 'em rough." Most of the time he had spent in solitary confinement, chiefly as punishment for impudent and angry replies to the guards.

True, this lad was undoubtedly a "spoiled boy" to begin with, in the sense that he was indulged by his mother and either ignored or beaten by his father, but given no consistent love or home discipline by either, He was very much in need of "correction" of the right sort; he never got it. In that sense he was spoiled. But what he received at the reformatory did not reform him; it did not correct him. It ruined him. The bitterness, the distrust, and the hate of older human beings which the "correction" in that institution produced became chronic, and irrational in degree. In spite of the fact that he thanked me after a brief interview (which began with sullen monosyllabic answers), and in spite of my temperamental optimism, I tended to agree with the staff consensus. Nobody wants him, and he wants nobody; he wants nobody's help. Probably only violent aggressive outbreaks will permit him to retain his "sanity." And violent aggression the police or the prison guards will certainly not tolerate. So in prison he will remain and deteriorate.

I remember vividly a prisoner I saw at the Kansas Diagnostic Center who had become what is variously labeled in prison slang "the barn boss" or "the whore master." These are the prisoners who rule the cell block or some part of the prison by force. They often have more power than the guards, maintained by bullying and brutality. They control the dispersal of new prisoners to various homosexual wolves, handle the narcotics that are smuggled into the prison, corner the cash supplies of the prisoners, and do other illegal things. This particular man was a small, wiry, athletic Negro who had confessed to many chokings and rapings of young women. He related his propensity for ruthless assaults to the chokings and beatings he used to receive from his grandmother, his mother having abandoned him completely to the former's care. He loved to play baseball on the school team, and his beatings would occur when he didn't arrive home promptly after school to do unpleasant chores for his grandmother.

Another prisoner referred to the Diagnostic Center is now twenty-four. When he was eighteen, he was sentenced to ten years in prison for statutory rape. He violated his parole last year and was taken back to prison. He was "combative" and hence was transferred to another "more secure" prison. Here he was so explosive, so violent, so given to attacks of rage and self-injury that he was transferred again, this time to a state hospital. But the doctors and nurses in the state hospital, accustomed to "maniacs" and "mad men," were afraid of him, so he was returned to prison for custody. However, the prison people still did not want him and he was sent to the Diagnostic Center to be referred-where?

"I can't control myself," he admitted, "but still I want to be turned loose. Yet I don't dare go back on the street. I'd kill or get killed. But I can't stand it in here either. My God, this is awful. Can you do something? I have half killed myself

a dozen times; I will succeed one of these days - me or one of you. You better keep me locked up. But it ain't doing any good."

If this man were moaning with pain from a mangled hand, any of us would have pity on him because we could see blood and tendon. But because his pain is internal and because he has injured others, he gets little pity. He needs treatment; he begs for it. But where shall we treat him?

Thus, hidden from public gaze, with citizens enjoying a pleasant sense of security in thinking that they are being protected from the lawless by modern, civilized methods ' the terrible, dreadful prison regimes grind on, an endless contest between caged animals -

that want to get out and regain their freedom and a prison staff which is consecrated to seeing to it that they do not realize this ceaseless and overpowering ambition. Prison life and administration is perpetual cold war, which at times warms up notably, especially in the case of rioting. Prison industry, prison education, and even the rehabilitative efforts of the treatment staffs which have been set up in the better prisons of today, are all incidental to this perpetual cold war between restive inmates and their apprehensive and restraining captors. There are lesser conditions and issues which make it difficult to achieve the rehabilitation of inmates of prisons but the caging compulsion and the jailing psychosis lie at the basis of the failure of the prison system. (Barnes 43)

Many wardens live in dread of a riot. Uprisings of prisoners, for whatever cause, frighten the public and greatly alarm the politicians. A riot is taken to be prima-facie evidence that the system has broken down. And because the warden is probably a political appointee, to say nothing of scores of his employees, the party in power is nervous about this public exhibition of incompetent management. The warden is afraid he will lose his job, and the governor worries about his reputation for good management; the public worries about the demonstration of loss of control.

This is not the place to go into the details of why most of these riots develop; a more sensible question is why there are not many more of them. The maximum-security policy advocated by the old-time penologists has the effect of increasing frantic, desperate, and furious reactions. Anyone who, like the author, has been on prison commissions and survey teams has become familiar with the deep, hoarse cry for "maximum security" that characterizes the philosophy of certain prison people - fortunately a diminishing but still too influential group.

Prison riots might be - sub *specie aeternitatis* - blessings in disguise. They call attention to some aspects of the rottenness of prisons. The only trouble is that they do not keep the attention of the right people long enough nor do they call attention to the real things in the system that provoke the riot. The maximum-security people raise their strident voices of alarm again, and we renew the search for stronger steel and heavier bars and more restrictive regimes.

Menninger pgs 71-78

My hope in presenting this review is that the reader will become concerned enough and angry enough to investigate for himself. It is a creaking, groaning monster through whose heartless jaws hundreds of American citizens grind daily, to be maimed and embittered so that they emerge implacable enemies of the social order and confirmed in their "criminality."

Many men on their release carry their prison about with them into the air, hide it as a secret disgrace in their hearts, and at length like poor poisoned things, creep into some hole and die. It is wretched that they should have to do so. . . . Society takes upon itself the right to inflict appalling punishment on the individual, but it also has the supreme vice of shallowness, and fails to realize what it has done. When a man's punishment is over, it leaves him to himself; that is to say, it abandons him at the very moment when its highest duty toward him begins. It is really ashamed of its own actions, and shuns those whom it has punished, as people shun a creditor whose debt they cannot pay, or one on whom they have inflicted an irreparable, and irredeemable wrong. (Quoted from Goldstein.50)
..... Menninger pg 89