

punishing the mentally ill

a critical analysis of law and psychiatry

BRUCE A. ARRIGO

Foreword by George B. Palermo

Preface by Michael L. Perlin

Punishing The Mentally Ill

Hans Göran Franck, Klas Nyman



Punishing The Mentally Ill:

Punishing the Mentally Ill Bruce A. Arrigo, 2012-02-01 A powerful sophisticated and original critique on how the disciplines of law and psychiatry behave and on how the mental health and justice systems operate Punishing the Mentally Ill reveals where how and why the identity and humanity of persons with psychiatric disorders are consciously and unconsciously denied Author Bruce A Arrigo contends that despite periodic and well intentioned efforts at reform the current law psychiatry system functions to punish the mentally ill for being different The book synthesizes a wide range of mainstream and critical literature in sociology law philosophy history psychology and psychoanalysis to establish a new theory of punishment at the law psychiatry divide To situate the analysis enduring psycholegal issues are explored including the meaning of mental illness definitions and predictions of dangerousness the ethics of advocacy the right to community based treatment the logic of forensic courtroom verdicts transcarceration and the execution of mentally disordered offenders among others Punishing the Mentally Ill shows that current mental disability law research programming and policy are seriously flawed and that wholesale reform is necessary if the goals of citizen justice social well being and humanism are to be realized

Punishing the Mentally Ill Bruce A. Arrigo, 2002-07-18 A provocative exploration of a wide range of controversies in mental health law this book argues that the criminal justice system punishes citizens for being mentally ill

Crime, Punishment, and Mental Illness Patricia Erickson, Steven Erickson, 2008-07-18 Hundreds of thousands of the inmates who populate the nation's jails and prison systems today are identified as mentally ill Many experts point to the deinstitutionalization of mental hospitals in the 1960s which led to more patients living on their own as the reason for this high rate of incarceration But this explanation does not justify why our society has chosen to treat these people with punitive measures In Crime Punishment and Mental Illness Patricia E Erickson and Steven K Erickson explore how societal beliefs about free will and moral responsibility have shaped current policies and they identify the differences among the goals ethos and actions of the legal and health care systems Drawing on high profile cases the authors provide a critical analysis of topics including legal standards for competency insanity versus mental illness sex offenders psychologically disturbed juveniles the injury and death rates of mentally ill prisoners due to the inappropriate use of force the high level of suicide and the release of mentally ill individuals from jails and prisons who have received little or no treatment

Mental Health and Punishments Paul Taylor, Sharon Morley, Jason Powell, 2020-06-09 How might we best manage those who have offended but have mental vulnerabilities How are risks identified managed and minimised What are ideological differences of care and control punishment and therapy negotiated in practice These questions are just some which are debated in the eleven chapters of this book Each with their focus on a given area authors raise the challenges controversies dilemmas and concerns attached to this particular context of delivering justice Taking insights on imprisonment community punishments and forensic services this book provides a broad analysis of environments But it also casts a critical light on how punishment of the mentally

vulnerable sits within public attitudes and ideas policy discourses and the ways in which those seen to present as risky and dangerous are imagined Written in a clear and direct style this book serves as a valuable resource for those studying working or researching at the intersections of healthcare and criminal justice domains This book is essential reading for students and practitioners within the fields of criminology and criminal justice social work forensic psychology forensic psychiatry mental health nursing and probation

Justifying Legal Punishment Igor Primoratz, 1997-11 While the philosophy of punishment is dominated by utilitarian and mixed theories this study written in the analytic tradition but also drawing on the views of Hegel argues for a purely retributive view all the main questions facing a theory of punishment are answered in terms of justice and desert without any concessions to social expediency

Crimes of Punishment Theodore L. Dorpat, 2007 This groundbreaking book by an award winning psychoanalyst and forensic psychiatrist presents a comprehensive exploration of a timely but often taboo topic the failure of punishment to deter crime and violence an issue that affects us both individually and as a culture Written at the culmination of the author's fifty year career as a psychoanalyst forensic psychologist and scholar this wide ranging work identifies the origins of violence and investigates the surprising consequences of punishment from a multitude of perspectives In his treatment of the topic Dr Dorpat utilizes scientific research ethical reasoning and his vast clinical experience and insight He also suggests the benefits of new and emerging humane alternatives to the revenge punishment model currently entrenched in our society such as restorative justice In contrast to most contemporary measures these new approaches while still imprisoning dangerous individuals effectively stress reparation and forms of sanctioning other than incarceration When restitution replaces revenge everyone benefits Crimes of Punishment examines four key interrelated social methods of punishment These are 1 the corporal punishment of children 2 the incarceration of adults in prisons 3 capital punishment the death penalty and 4 emotional verbal abuse As he elucidates and analyzes each of these forms of punishment Dr Dorpat clearly and logically makes the case that punishment is not only ineffectual but that it also engenders more of what it ostensibly aims to stop violence and misbehavior Both children and adults who are subjected to punishment tend to become more violent individuals In covering the full scope of our contemporary justice system Dr Dorpat brings to the forefront those who are often overlooked or dismissed the victims of crime His concluding chapters present and clarify the psychological wounds and needs of these individuals and demonstrate how restorative justice is effective in attending to victims in an ethical and healing manner In a humane and ethically evolved society restitution replaces punishment

Market Comparison Crimes of Punishment is unique in that it covers not just one but four different types of punishment the corporal punishment of children the incarceration of adults the death penalty and verbal emotional abuse Two earlier books written by psychiatrists expose the terrible conditions in America's prisons They are *The Crime of Punishment* New York Viking 1968 by Karl Menninger and *Prison Madness* by Terry Kupers San Francisco Jossey Bass 1999 This book differs in two important ways from the books written by Menninger and Kupers First *The Crimes of Punishment*

covers other kinds of punishment while those authors deal only with the punishment of incarceration Secondly the reforms they recommend are merely piecemeal modifications of the present criminal justice systems whereas Dr Dorpat argues for a radical change that includes the abolition of today's punitive prison Retributive Justice system and the establishment of a new and different system namely Restorative justice a system that has been developed over the past decade in Australia and New Zealand The Crimes of Punishment differs from Menninger's book in covering the many changes that have occurred in prisons since 1968 In several short chapters on restorative justice the book also explores this exciting new approach and serves as an informed introduction to a new important and effective moral approach to the treatment of criminals

Extreme Punishment Keramet Reiter, Alexa Koenig, 2015-07-28 This ground breaking collection examines the erosion of the legal boundaries traditionally dividing civil detention from criminal punishment The contributors empirically demonstrate how the mentally ill non citizen immigrants and enemy combatants are treated like criminals in Canada the United Kingdom and the United States *The Insanity Defense* Mark D. White, 2017-01-23 How often is the defense of insanity or temporary insanity for accused criminals valid or is it ever legitimate This unique work presents multidisciplinary viewpoints that explain support and critique the insanity defense as it stands What is the role of the insanity defense as a legal excuse How does U S law handle criminal trials where the defendant pleads insanity and how does our legal system's treatment differ from those of other countries or cultures How are insanity defenses used and how successful are these defenses for the accused What are the costs of incarceration versus psychiatric treatment and confinement This book presents a range of expert viewpoints on the insanity defense exposing common myths investigating its effectiveness and place in our legal system through history case studies and comparative analysis and supplying perspectives from the disciplines of psychology psychiatry sociology and neuroscience The content also addresses the ramifications of declaring citizens insane or incapacitated and examines trials that involved pleas of insanity and temporary insanity **Crime and Punishment in**

America Laura L. Finley, 2016-12-05 Covering some of the most hotly contested topics in crime and criminal justice including proposed sentencing and prison reforms controversial developments like Stand Your Ground laws and Supreme Court decisions this work supplies essential background current data and a range of viewpoints on these important issues Should people be able to use lethal force before retreating What are the arguments for and against executing mentally ill inmates Should police always need warrants to search individuals or their property How can we best hold accountable white collar offenders Why do men perpetrate crime at higher rates than women This two volume set grapples with the answers to these complex questions and many more enabling readers to better understand current crime punishment issues within the context of America's ever evolving culture economy and politics This multidisciplinary reference work offers a current and thorough compilation of the most important and hotly contested topics related to crime and criminal justice Organized alphabetically each entry presents scholarly research and authoritative sources to inform readers about the subject Capital Punishment

C. Cliff, 2003 The issue of capital punishment is a continually debated issue because it calls into question the values and direction of society How is a civilisation supposed to handle lawbreakers Are some crimes so heinous and some people so dangerous that the death penalty is the only appropriate response The United States Constitution prohibits cruel and unusual punishment but opinions on whether that includes capital punishment are vehement on both sides Many states have some form of death penalty and public opinion seems to indicate support of it in principle However many firestorms have erupted recently over the application of the penalty including the topics of its use on minors and those with mental disabilities There are also questions raised about how much of a factor race plays in a capital sentence Internationally several countries have foregone the death penalty with certain countries in Europe and the Americas refusing to extradite criminal suspects including suspected terrorists to the US if capital punishment is a possible sentence With such politically flammable and ethically challenging issues hanging over it capital punishment is a vitally important issue to understand To help facilitate that study this book assembles a carefully selected and substantial listing of literature focussing on the death penalty Anyone researching this area of criminal justice will find this book an important tool as it offers easy access to the most relevant works about capital punishment Following the bibliography further access is provided with author title and subject indexes

Deinstitutionalization of the Mentally Ill United States. Congress. House. Committee on the District of Columbia. Subcommittee on Fiscal Affairs and Health, 1983

The Capital Punishment Debate Pasquale De Marco, 2025-08-09 The death penalty is one of the most controversial topics in American society It is a topic that has been debated for centuries and there is no easy answer In this book we will explore the death penalty from all sides We will look at its history its ethics its methods and its impact on society We will begin by examining the history of the death penalty We will trace its roots back to ancient times and we will see how it has been used throughout history We will then look at the ethics of the death penalty We will consider the arguments for and against it and we will try to come to a conclusion about whether or not it is a just punishment Next we will examine the methods of capital punishment We will discuss the different ways that people have been executed throughout history and we will look at the pros and cons of each method We will also discuss the impact of the death penalty on society We will look at the effects it has on the families of the condemned the victims of crime and society as a whole Finally we will look at the future of the death penalty We will consider the possibility of abolition and we will discuss the reforms that could be made to the system We will also look at the role that the death penalty plays in the search for justice The death penalty is a complex issue with no easy answers However by exploring it from all sides we can come to a better understanding of it We can then make informed decisions about whether or not it is a just punishment This book is a comprehensive examination of the death penalty It is a must read for anyone who wants to understand this complex issue If you like this book write a review

The Barbaric Punishment Hans Göran Franck, Klas Nyman, 2003-01-01 In this volume Swedish human rights activist and political figure Hans Göran Franck examines the administration of the death penalty from

a historical perspective The author s opinions are based on his lifelong work and devotion to abolishing the barbaric punishment Building upon previously unpublished material and considerable detail drawn from Franck s personal experiences it focuses on both the progressive developments within European countries and institutions over several decades and the frustratingly retrograde situation that prevails in the United States The author dedicated this book to those facing a sentence of death During the course of his work the author traveled to numerous countries and met many condemned men and women Publication of this important volume which comes a few years after Hans G ran Franck s untimely passing coincides with a major development to which he contributed the adoption of Protocol No 13 to the European Convention on Human Rights which abolishes capital punishment in both wartime and peacetime William A Schabas a law professor who specializes in the subject of capital punishment has ensured that the manuscript is up to date and contributed the introductory chapter

Justice, Crime, and Ethics Michael C. Braswell,Belinda R. McCarthy,Bernard J.

McCarthy,2010-12-29 The contributions in this book examine ethical dilemmas pertaining to the administration of criminal justice and professional activities in the field Comprehensive coverage is achieved through focus on law enforcement legal practice sentencing corrections research crime control policy and philosophical issues The seventh edition includes three new chapters focusing on deception in police interrogation using ethical dilemmas in training police and terrorism and justice Essays are enhanced with case studies and exercises designed to stimulate critical and creative thinking regarding ethical issues in crime and justice Discussion questions and lists of key concepts focus readers and help them to understand ethics in the context of the criminal justice system

Family Guide to Mental Illness and the Law Linda Tashbook,2019

Family Guide to Mental Illness and the Law offers the nuts and bolts legal information and problem solving steps families need This accessible resource explains how common legal issues uniquely impact people with various forms of mental illness and what family members can do to help

Mental Illness: Law and Public Policy B.A. Brody,H. Tristram Engelhardt

Jr.,2012-12-06 This volume developed from and around a series of six lectures sponsored by Rice University and the University of Texas Medical Branch at Galveston in the Fall of 1976 Though these lectures on the concepts of mental health mental illness and personal responsibility and the social treatment of the mentally ill were given to general audiences in Houston and Galveston they were revised and expanded to produce six extensive formal essays by Dan Brock Jules Coleman Joseph Margolis Michael Moore Jerome Neu and Rolf Sartorius The five remaining contributions by Daniel Creson Corinna Delkeskamp Edmund Erde James Speer and Stephen Wear were in various ways engendered by the debates occasioned by the original six lectures In fact the majority of the last five contributions emerged from informal dis cussions occasioned by the original lecture series The result is an interlocking set of essays that address the law and public policy insofar as they bear on the treatment of the mentally ill special atten tion being given to the defmition of mental illness generally and in the law to the issues of the bearing of mental incompetence in cases of criminal and civil liability and to the issue of involuntary

commitment for the purpose of treatment or for institutional care There is as well a critical defense of Thomas Szasz s radical proposal that mental illnesses are best understood as problems in living not as diseases **Trials and Punishments** Antony Duff,1986 This book discusses whether a system of criminal punishment can be justified within our legal system *Christian Guide To Mental Illness Vol 1* Stephen M Saunders,2016-07-01 How do Christians deal with mental illness Mental illness is a major problem for many people in society male or female young or old religious or atheist Christians are certainly no exception yet unfortunately the same stigma surrounding mental illness in society is present in Christian circles too The first in a two volume set from author Dr Stephen Saunders this book takes an in depth look at mental illness while also offering grace and encouragement from God s Word Saunders describes many common mental afflictions in great detail including their symptoms risk factors and the effects they can have on loved ones Saunders then presents you with key biblical principles sin and grace law and gospel and others to show that God is in control and has not deserted those who suffer By reading this book you ll be better prepared to help your loved ones endure whatever mental trials they might be facing

Moral Dilemmas in Real Life Ovadia Ezra,2006-05-26 Moral Dilemmas in Real Life purports to supply ways of thinking of perhaps even dealing with the ins and outs of ethical argument The world today presents both individuals and communities with situations which demand moral and ethical deliberations From the more general issues of universal globalization to the very specific problems of every day existence encountered by active agents contemporary life is replete with moral and ethical conundrums Any thinking person is required so it seems to be concerned involved or at the very least conversant with these issues and this book supplies the wherewithal needed Applied ethics is that intellectual locale where theory meets praxis Moral Dilemmas in Real Life is designed to make that meeting point explicit by presenting a series of issues in well grounded philosophical formulations The book begins with the general relation between the individual and society instilling ethical tension and even clashes between the private and the public in our discourse Going on from general to specific it gradually narrows the ethical playing field to touch on medical ethics the family and the practice of punishment In all cases the book addresses both consensual and conventional social institutions and distortions thereof *Capital Punishment* Bruce E. R. Thompson,2009-06-25 This volume provides an abundance of information on the history of capital punishment and ongoing opposition to it Author Bruce E R Thompson includes narratives on well known figures on both sides of the issue Various methods of execution are explained and their use placed in historical context Legal terminology important to the debate is defined and explained

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