

## РАЗМЫШЛЕНИЯ О СУДЕБНОЙ ПСИХОТЕРАПИИ

Амит Юри

### Reflections on Forensic Psychotherapy

*Amit Uri*

*Dr. Amit is an affiliate of the Object Relations Institute in New York City, New York, a psychology faculty member at Rutgers University in New Jersey, a senior clinician at a forensic unit on the eastern seaboard, a former chief psychologist at a New England (USA) forensic unit, and is a private practitioner. He is a diplomate of the American College of Forensic Examiners and a Certified Group Psychotherapist by the American Group Psychotherapy Association.*

#### **A Porous Professional Veneer**

«There but by the grace of G-d go I» is a proverb attributed to Edward Bickersteth (1822) who modified the original saying credited to John Bradford (1510-1555). Bradford was an English preacher and a proponent of the English Reformation who, upon seeing criminals led to the gallows, used to utter «There but by the grace of G-d goes John Bradford» A forceful pronouncement that the others' misfortune could be one's own were it not for divine intervention or for one's luck.

With this embedded deep in my mind, I have functioned in various capacities in forensic mental health for over three decades. From a psychotherapist to a risk evaluator to a chairperson of a risk assessment committee to a court «expert» and finally back to providing psychotherapy to men with a history of repetitive sexual offending and a list of many other criminal behaviors. Of all the functions, I cherish most my first and last posts for they afforded me the opportunities to encounter convicted criminals for several thousands of hours. During these hours, I grew to realize the accuracy of the Latin proverb *Homo homini lupus est; a man is a wolf to another man*, as well as Erasmus' (1466-1536) advice in his *Adagiate* to be as wary of an unknown person as of a wolf. In later years, Freud elaborated on this axiom in his *Civilization and its Discontents* (1930). He asserted that:

Men are not gentle creatures, who want to be loved...on the contrary, [they are] creatures among whose instinctual endowments is to be reckoned a powerful share of aggressiveness. As a result, their neighbor is...someone who tempts them to satisfy their aggressiveness on him, to exploit his capacity for work without compensation, to use him sexually without his consent, to seize his possessions, to humiliate him, to cause him pain, to torture and to kill him.

Years later, Melanie Klein (1882-1960), based on her clinical experiences and acumen, noted that we are born greedy, envious, jealous, with a penchant for sadism and sadistic behavior such as nipple-biting in infancy, and paranoid. Her contemporaries and others who followed supported her observations with their own. Thus, my logic continues, criminals and crime are as much a part of nature as are the forests' trees, the animals walking the earth, and the occupants of the seas and oceans. My view on human nature is not affected only by the social sciences and the humanities. I also consider the roles played by neurophysiological glitches (genetics and hormonal imbalances) and society itself, and indeed I keep in mind that not all who present evidence of biological irregularities and histories of unforgiving surroundings go on to become lawbreakers. Tersely stated, there are no virtuous people, not even the seemingly sweet and innocent baby who just emerged from its mother's womb.

I wish not to paint myself as one who never forgot the words uttered by Bradford and later modified by Bickerteth. To the contrary, my clinical veneer cracked on more occasions than I dreamed on while in training. Not once in my mind's solitude did I say to a criminal «You are one son-of-a-bitch deserving worse than the punishment you received». I own my humanness and the embedded foibles and innate capacities. One of these innate givens is to extend an apology to others against whom I verbally aggressed, lawbreakers included. All have been guides in my Tao (pronounced Dao).

What follows are three accounts of the many exchanges I had with men considered sexually dangerous. They are presented to depict the role the adage

assumed in my life as a psychotherapist, much like the white stick used by the blind to avoid collisions with inanimate obstacles and remain considerate of others. The first and third exchanges occurred in a group setting. The names are fictitious.

## **Joseph**

When I first met Joseph in group psychotherapy, he was a man in his early fifties. Fifteen or more of these years he spent in prison for having sexual contacts with several underage females. He has no other known criminal behaviors. He only attended school for nine years and was a factory worker.

To describe the evolving process from thoughts and feelings to offending, I often use the board in the room to draw the elements that are believed to promote criminal behaviors. For Joseph, understanding of abstractions did not come quickly for English was not his native tongue. With time, I grew progressively more frustrated with him for not understanding the explanations I provided. Before not too long, I realized that my interactions with Joseph paralleled some interactions I had with my late father, whose native language was Russian, about the work I do and its usefulness to others. My father had tough time understanding how the tools I used, words, might help others. The tools he used helped to turn wood into meticulously made customized furniture. He was a master with his hands as well as with analogies and metaphors.

This ah-ah experience occurred while using the board on one occasion to explain (the more senses involved, the more natural is the learning process) how one can self-regulate and avoid perpetrating an assault. I immediately looked at Joseph and saw a perplexed look on his face. I said to him, "I will explain it again, but I want to first apologize to you for being impatient with you a few times before." Joseph looked at me silently. While rewording the presentation, I kept eye-contact with Joseph and asked him twice or thrice if the explanation was sufficiently clear?

Sometime later and when I no longer worked with him, Joseph approached me on my way out of the institution and said, «You know, nobody ever apologized to me». «I was wrong» I replied. Joseph was released not much longer after that. The last

I heard, he was residing with his family, working and doing his art, a master of constructing small boats and houses models from popsicle sticks.

English is not my native language either. I seem to have forgotten how dense I felt during my first year at an American university where the southern drawl clouded the spoken English, and the linguistic nuances were typical to the region about which I knew nothing. I seem to have also forgotten that on one occasion my father wondered aloud about my ability to verbally assist others when I cannot see my shortcomings?

### **Jack**

At about age twenty-seven, slender, boyish-looking and standing 5'7" (167.5 centimeters) with dark eyes, Jack was imprisoned for castrating a male hustler and murdering him. Born to an upper-class family known for their business in precious metals and diamonds, Jack was raised in the Catholic faith and attended schools in an upper-class section of the city where he lived. He became aware of his sexual attraction to boys at around age six. He dropped out of college in his third year and pursued a car salesman career at a large car dealership where, in time, he was promoted to a sales manager position. According to Jack, his life revolved around making money to afford expensive clothes and jewelry, luxurious cars and high-end mind-altering drugs. He spent his evenings in gay bars and nights at his luxury city apartment with young male hustlers.

Jack was a patient in a group therapy that I conducted for nearly twelve years. During the last two years, I also met with him twice weekly for psychoanalytically informed individual psychotherapy; at about this time I began my psychoanalytical training. In group psychotherapy, he functioned mostly as a manager and a consultant to others thus keeping himself far from us all. During the one-on-one sessions, he was a chatterbox-like reporting on institutional events, on his managerial job at the inmates' large storage-room as well as on the job he held before in the prison's maintenance crew. Periodically, he reported on life as a child growing up in a cold Germanic home, and on his lonesome adolescent years. He managed rather well to keep me at an arm-length. I failed to satisfy my curiosity about the child within the

man with the sparkless teal colored eyes whose rage was encased by a thick intellectual shell.

My initial encounter with Jack was in a group psychotherapy in an old prison. After about three years there, the population and staff relocated to a new one. In the former prison, my office was a cell among nineteen other cells occupied by prisoners on the prison's second floor. On one spring morning, I struggled to open my office door with a key large enough to be used as a weapon. Serendipitously, Jack came by and asked, «Hey Doc., can I give you a hand?» Finishing up a two-year post-doctoral residency in clinical psychology only a few months earlier and doubting my aptitude, I replied in jest (so I thought), «No, thank you. I am straight [heterosexual]». Jack giggled and left.

During the time that the exchange between Jack and I occurred, homosexuality was still frowned upon. Gays were considered depraved, and I responded in that spirit. I negatively rejected an offer to assist me. I seemed to have forgotten two experiences I once had in North Carolina. Once when I felt I was looked upon with consternation for I wore a *yarmulke* (a skullcap worn by some Jews) at that time. The second time during a country run with a Protestant clergyman who, by the way, asked my origin and quickly added to my reply «I have a Jewish friend». It looks like it mattered then that I am a Jew. It mattered to me that Jack is gay and know he castrated and murdered another man. I failed to see the person Jack is like the others who were unable to see me beyond my Jew-ness. I saw a jarring category and was myself classified as a sociological irregularity.

During my last individual session, with moist eyes and shaky voice Jack said to me, «I never had a twelve-year relationship with anyone. All my relationships were short, sex and drugs. Thank you Doc». He left the office hurriedly. I saw Jack in passing during my remaining four years in this prison. Not once did he fail to say, with a hand wave and a smile on his chiseled face, «Hi Doc». Twenty plus years passed by since I last saw Jack and I still think of him at times and wonder about the fate of this lonely child who grew up in a cold Germanic home.

## Maurice

He was about twenty-six years old when first incarcerated for sexually assaulting several women. I first met Maurice in a group of intellectually challenged men incognizant of each other. He was about fifty-five years old at that time. A bold, 6'5" tall man (192 centimeters) with a sizeable bulging stomach and a graceless walk. I often wondered, much to my amusement, how soon will it be before the plastic chair on which he sat would give in to his weighty size.

Maurice's volitional participation in the group varied from none to rare during many months. And when giving voice to his thoughts, he would only look at me as though we were alone in the room. His deliveries were predominantly complaints about the institutional food, of stomach distress and recurrent episodes of diarrhea, and of poor medical and ophthalmological services. He hung onto to the injustices for weeks on end. For example, in one instance he complained for nearly a month about a roasted chicken that, he believed was stolen from his cell by another inmate, aided by a correctional officer (e.g., guard). I never challenged Maurice's perceptions; I agreed with him that the medical/ophthalmological services were slow to respond to the population's needs. I also concurred his discernment that correction officers tend to favor some inmates over others. When finally unable to stomach his complaining, I confessed to my inability to order others to behave in a manner befitting his needs. My admission of powerlessness incited a verbal salvo of complaints about the state's «[expletive] judicial system» that kept him behind bars for some twenty-five years for «just» pushing several women. I was also a target during this bombardment; «You are an idiot» he said to me. I replied: «I agree, and I have certificates to prove it». Silence ensued. Maurice was at a loss. He seemed cheery during subsequent sessions. Finally, in contrast to his history of ridicule by his surroundings and of dominance by his mother, someone submitted to the power of his words, to the man whose vocabulary was limited and whose general capacity to self-express grossly underdeveloped.

My reply was not a gracefully executed psychological response. I lost my professional poise to a verbal barrage launched by an intellectually limited man with

a protracted history of polysubstance abuse that had exacerbated his already compromised executive functioning. I lost my temper with an oversized sulking child. Later in my office reflecting on this incident, I realized that Maurice mirrored my infuriation with two facilities managers I had the chance to meet with and who, to my mind, stood in my way to practice my art. Not once did I share with colleagues and friends my discontent with the «imbeciles» managing these facilities. «There [indeed] but by the grace of G-d go I».

### **In Retrospect**

Some may recognize the preceding as an acknowledgment of my blind spots, of my counter-transference. Others may interpret it as a clinician's confessions and expressions of regret. Neither is erroneous, I would agree with both views. Perhaps others will share my belief that living is not without regrets. Few may also share my opinion that it is not a therapist who makes a person, but it is a person who makes a therapist.

I am far from a bleeding-heart. I, too, am a proponent of forced containment for a few, a must for many, and mandatory life-long for the exceedingly cruel others. Nevertheless, no matter how heinous criminal acts are, criminals remain people. Those who come in daily contact with them are the beacons of lights in their netherworld. At moments in time, veiled but likable features can be also detected in all criminals. At moments in time, the beacons' lights may too go out.

### **Administrative Consideration**

Regardless of how clumsy or not I have been when with imprisoned sexual offenders, more often than not I have had the feeling of sitting with men who fear life, feel divorced from self and others, and in general live life adrift. Most all seem to have had chaotic childhoods. Most all held menial jobs and some were unemployed.

Many of them had numerous short-lived relationships based on sex, drugs, and alcohol. The offenders that I came across and have encountered welcomed any adrenaline-pumping activity for the anxiety associated with the unbearable heaviness of living required discharging. I submit to you that the weight of life's intolerability commenced in their infancy and will be experienced over and again by

current children and others who will be born into similar circumstances. Can the vicious circle of fashioning victimizers and victims come to an end, I ask? No. Can the intensity of cruelty be lessened? Yes, provided the early signs of psychological imbalance such as cruelty to animals, continued enuresis and encopresis after ages three-to-four, fire setting, fighting, stealing, lying and so on are promptly addressed.

Years before me, biopsychosocial research has already attended expansively to the correlation between early signs of behavioral disturbances and criminal behavior. I am also inclined to believe that governments around the world have been inundated with proposals to mitigate the escalation of behavioral and manifested psychological disorders. I also accept that criminal behaviors would never be extinguished, it is part of nature.

In my thinking, clinical services provided with poise are the foundation for perhaps lessening the intensity of antisocial behaviors for most, and support the process of adaptation of some to the law of the land. It is not less about how food is served than how flavorful it is. Even if not as delectable as hoped for, a graciously served bowl of *Borsch* may taste good enough as will *Draniki* in a traditional crockery dish or *Vereshchaka*. It seems to me it is the government's and its administrative designees' responsibility to ensure humane service provision.

I am acquainted with arguments about cost, but do not find them compelling enough. Here is why:

1. Would it not be cheaper to intervene at a very young age and as early signs begin to emerge than later when legal involvement and incarceration are required? For the literary aficionado, I offer a saying attributed to Shakespeare (1564-1616), «Better three hours too soon than a minute too late». To the skeptics, I submit for review a research brief by the Rand Corporation at [https://www.rand.org/pubs/research\\_briefs/RB5014/index1.html](https://www.rand.org/pubs/research_briefs/RB5014/index1.html)
2. Would it not be more economical to intervene while a person is still in the community than when incarcerated?
3. Is there evidence to suggest that early interventions promote the use of mind-altering drugs? I would gladly learn of any.



4. Is there any evidence that early interventions promote and intensify physical and/or verbal violence? I would gladly learn of any.

There are more than just economic arguments. There is a moral argument, for morality is society's backbone. Plainly said, a gentle provision of clinical services to children at risk at an early age may save a person from existing in life rather than live it creatively. A kind but firmly offered mental health services, in prisons as well, may thwart a person from relapsing into criminality and, instead, encourage him/her to create personal meaning. *Potius sero quam nunquam* (Better late than never). Success rates neither need be nor can be perfect, that is, one hundred percent (100%). The American psychologist and free-spirited Catholic priest Eugene Kennedy (1928-2015) said the following about perfection:

There would be no need for love if perfection were possible. Love arises from our imperfection, from our being different and always in need of the forgiveness, encouragement and that missing half of ourselves that we are searching for, as the Greek myth tells us, in order to complete ourselves.

Perfection is unattainable, but the quest for it inspires excellence.

### **A Civilizing Service Provision**

I was neither born nor raised to be a forensic clinical psychologist or psychotherapist, let alone to work with sexual offenders. My curiosity about the ways people and animals behave began early in childhood. By the time I reached adolescence, I had learned about self-introspection and had given up searching for causes of behaviors. I settled for «it is what it is». Undergraduate and post-graduate education did little to help me in my internal journey for the emphasis was on passing exams, showing virtuosity in high-level statistics and verbosity, and all in all demonstrating scholarship and the potential to publish, all before the appearance of computers. Pens, notebooks, worn-out library books and periodicals with torn pages were allegedly my aids to attaining knowledge.

My right education began during my two-year postdoctoral residency in clinical psychology at a humanistically oriented private psychiatric hospital where medications were last on the treatment menu. There, a late and a cherished mentor

taught me and others not how to cure patients, but how not to hurt them. Another unforgotten mentor at that time and for the next eight years helped me to recognize the usefulness of literature in seeing people, as well as resuscitated my childhood fondness for Sufi tales and Zen anecdotes. Under the tutelage of an additional remarkable mentor during my first five years that followed the postdoctoral period, I was reminded to join patients rather than perform psychoectomy on some mysterious bacteria linked with mental imbalance for there is none. After a three-year hiatus, my inner journey continued on the couch, four times weekly for years with the support of a psychoanalyst who “brought out the depth of human language in me” (Rizzuto, 1979). I still secure an hour a week for consultation about my work.

Psychotherapy is an egalitarian relationship. It is not about the therapist's brilliance and interpretative virtuosity. To tell patients what they need or should do, or continuously interpret what they say is infantilizing, distancing, undermining self-explorations and act as catalysts for early termination. Psychotherapy, in any setting and modality, is effective when therapists show genuine interest in the feelings expressed by patients when talking about their relationships and gently amplify them. Feeling safe enough in therapy stimulates patients to return to be with the therapist. Eventually, it is the I-thou relationship that promotes self-examination and acceptance and, in turn, may also embolden the person to change.

In psychoanalysis, the stance assumed by the analyst is not unlike in psychotherapy. There, too, it is eventually the I-thou relationship between analyst and analysand that encourages self-acceptance and energizes the latter to change. In the long run, in either mode of treatment, it takes courage to abandon the old and familiar and adopt the new and unfamiliar.

About both, Rollo May (1909-1994) said the following, «Psychoanalysis – and any good therapy – is a method of increasing one's awareness of destiny in order to increase one's experience of freedom».

The changes I have observed in convicted criminals have not been due to my clinical wonderfulness. It has been, in part, a result of attending to the criminals' need for respect and validation despite their conscious and unconscious ploys to

manipulate me, consciously and otherwise, into disliking them thus justifying their childhood belief that not even one person is trustworthy. There have been times beyond count that criminals have said to me, «I do not trust you. You are part of the system», I have always agreed. In their shoes, I would not trust me either.

### **Treatment Formats**

Of the treatment formats available, I prefer a group, family, and multifamily therapy over individual psychotherapy, whether in prison or a hospital or in a community clinic. Family and multifamily therapy are particularly compelling ways to inspire change. The participants also include children of all ages who, after a couple of sessions, muster the courage to tell how they experience living in a home where alcoholism, verbal and physical violence, bullying and ridicule are ways of life. In these forums, parents cannot avoid but learn about their impact on their children. In sessions without children, parents are gently given to understand that dysfunctionality impedes their children's cognitive and emotional development. Post-incarceration community programs involving families are also in order if not a must; they tend to ease the reunification process and reduce the rate of return to criminal behaviors.

To implement efficient hospitals and community programs does not require a significant financial investment. These clinical modalities are money savers, much unlike the expenditures for short or long term hospitalizations and incarcerations. The financial outlay is limited to the ongoing training of clinicians, as well as to affording them space to meet for one hour a week during work-hours without supervisors in groups of no larger than eight to exhaust their frustrations. Quarterly personal meetings between high-level government administrators and clinicians may further inspire the front-liners to offer credible clinical services. Front-line clinicians like to feel acknowledged by the higher ups and certainly by the chiefs. In turn, higher ups will earn the clinicians' respect and trust, a vibrant *quid pro quo*.

### **Lastly**

To fellow clinicians in the various settings and in the medicolegal ones, in particular, I would like to say that your humaneness is a crucial balancing factor for

those who live in constant distress. Exposing humaneness is not a weakness, but a strength.

To fellow administrators in forensic centers and mental hospitals, I would like to say that your humaneness would propel the clinicians to excellence. Together, you may be able to reduce the reoffending rate and alleviate the sufferers' sorrows.

To do good by others, remembering our good fortune may be a truism worth upholding.

My best to you.