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"Uncontrolled Desires": The Response to the Sexual Psychopath, 1920–1960

Estelle B. Freedman

In the 1931 German film M, Peter Lorre portrayed a former mental patient who stalked innocent school girls, lured them with candy and balloons, and then, offscreen, murdered them in order to satiate his abnormal erotic desires. Two years later, when the film opened in the United States, the New York Times criticized director Fritz Lang for wasting his talents on a crime "too hideous to contemplate." Despite the reviewer’s distaste for the public discussion of sexual crimes, the American media soon began to cater to a growing popular interest in stories of violent, sexual murders committed by men like "M." In 1937 the New York Times itself created a new index category, "Sex Crimes," to encompass the 143 articles it published on the subject that year. Cleveland, Detroit, and Los Angeles newspapers also ran stories about sexual criminals, while national magazines published articles by legal and psychiatric authorities who debated whether a "sex-crime wave" had hit America.1

The sex crime panic soon extended beyond the media and into the realm of politics and law. Between 1935 and 1965, city, state, and federal officials established commissions to investigate sexual crime, passed statutes to transfer authority over sex offenders from courts to psychiatrists, and funded specialized institutions for the treatment of sex offenders. As a result, in most states, a man accused of rape, sodomy, child molestation, indecent exposure, or corrupting the morals of a...

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minor—if diagnosed as a "sexual psychopath"—could receive an indeterminate sentence to a psychiatric, rather than a penal, institution. The laws defined the sexual psychopath as someone whose "utter lack of power to control his sexual impulses" made him "likely to attack . . . the objects of his uncontrolled and uncontrollable desires."²

A close look at the sex crime panics that began in the mid-1930s, declined during World War II, and revived in the postwar decade reveals that those episodes were not necessarily related to any increase in the actual incidence of violent, sexually related crimes. Although arrest rates for sexual offenses in general rose throughout the period, the vast majority of arrests were for minor offenses, rather than for the violent acts portrayed in the media. Moreover, when arrest rates accelerated sharply during World War II, the popular discourse on sex crimes quieted, and no new psychopath laws were enacted.³ The historical evidence also prohibits a conspiratorial interpretation in which power-hungry psychiatrists manipulated the public and politicians to create a sex crime panic and psychiatric solutions to it.⁴ Most psychiatrists remained skeptical about psychopath laws. Rather, the media, law enforcement agencies, and private citizens' groups took the lead in demanding state action to prevent sex crimes. In the process, they not only augmented the authority of psychiatrists, but also provoked a redefinition of normal sexual behavior.

The new image of aggressive male sexual deviance that emerged from the psychiatric and political response to sex crimes provided a focus for a complex redefinition of sexual boundaries in modern America. For one thing, public outrage over rare, serious sexual crimes facilitated the establishment of legal and psychiatric

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³ Between 1935 and 1956, arrest rates per 100,000 inhabitants rose from 6.0 to 11.2 for rape and from 24.9 to 48.1 for "other sex offenses," while for prostitution they fell from 108.8 to 35.5. The sharpest increase in arrest rates for rape and other sex offenses occurred in 1936–1937, 1942–1947, and 1953–1956. I calculated all data from a series of annual reports; U.S. Department of Justice, Bureau of Investigation, Uniform Crime Reports for the United States and Its Possessions (Washington, 1932–1960), III-XXX. The one state for which commitment, rather than arrest, data are available over time is Michigan. There sex offenders committed to state prisons remained a steady 6 to 10 percent of all state prison commitments from 1875 to 1935. After the passage of the Michigan psychopath law in 1936, the rate jumped to 12.4 percent; after 1947, it fell below 10 percent again; Governor's Study Commission, Report on the Deviated Criminal Sex Offender ([Lansing] Michigan, 1951), 21, and Table 4, 210–11. On the lack of increase in sex offenses, see also Ira S. Wile, "Society and Sex Offenders," Survey Graphic, 36 (Nov. 1937), 569–72; Paul Tappan, The Habitual Sex Offender: Report and Recommendations of the Commission on the Habitual Sex Offender (Trenton, N.J., 1950), 19; Edwin Sutherland, "The Sexual Psychopath Laws," Journal of Criminal Law and Criminology, 40 (Jan.–Feb. 1950), 545–48; California Legislative Assembly, Interim Committee on Judicial System and Judicial Process, Subcommittee on Sex Crimes, Preliminary Report (Sacramento, March 8, 1950), 20; and Karl M. Bowman, California Sexual Deviation Research Report to the Assembly (Sacramento, Jan. 1953), 25.

mechanisms that were then used to regulate much less serious, but socially disturbing, behaviors. The response to the sexual psychopath, however, was not merely expansion of social control over sexuality by psychiatry and the state. Rather, by stigmatizing extreme acts of violence, the discourse on the psychopath ultimately helped legitimize nonviolent, but nonprocreative, sexual acts, within marriage or outside it. At the same time, psychiatric and political attention to the psychopath heightened public awareness of sexuality in general, and of sexual abnormality in particular, between 1935 and 1960.

Thus the response to the sexual psychopath must be understood in the context of the history of sexuality, for it evidenced a significant departure from the nineteenth-century emphasis on maintaining female purity and a movement toward a modern concern about controlling male violence. In the nineteenth century, the ideal of female purity had served symbolically to control male lust and to channel sexual impulses into marital, reproductive relationships. In practice, of course, individuals deviated from the ideal, and periodic sexual reform movements—such as moral reform, social purity, and antiprostitution—attempted to uphold female purity and restore the deviant to the fold. Antebellum sexual reformers typically employed moral suasion and social sanctions, but by the early twentieth century, reformers had increasingly turned to the state to enforce their vision of moral order.
During the Progressive Era, for example, city and state governments investigated white slavery, Congress passed the Mann Act to prohibit the interstate transportation of women for immoral purposes, and during World War I the United States Army mobilized against prostitution, incarcerating suspected prostitutes found in the vicinity of military training camps.5

By the 1920s the Victorian ideal of innate female purity had disintegrated. Stimulated by Freudian ideas, a critique of "civilized morality" infiltrated American culture. Meanwhile, working-class youth, blacks, immigrants, and white bohemians had created visible urban alternatives to the old sexual order. They engaged in a sexually explicit night life, used birth control, or accepted sexuality outside marriage. Even for the middle classes, a recognition of female sexual desire and of the legitimacy of its satisfaction—preferably in marriage but not necessarily for procreation—came to dominate sexual advice literature by the 1920s. As birth control, companionate marriage, and female sexual desire became more acceptable, female purity lost its symbolic power to regulate sexual behavior. Not surprisingly, by the 1930s calls to wipe out prostitution could no longer mobilize a social movement. Reformers now had to base their arguments more on "social hygiene"—the prevention of venereal disease—rather than on the defense of female virtue.6

If the Victorian ideal divided women into the pure and the impure, modern ideas about sexuality blurred boundaries in ways that made all women more vulnerable to the risks once experienced primarily by prostitutes. "If woman in fact should be a sexual creature," Victorian scholar Carol Christ has asked, "what kind of beast should man himself become?" One response to her query was heralded in England during the 1880s by the crimes of Jack the Ripper, whose sexual murders of prostitutes, Judith R. Walkowitz has argued, created a powerful cultural myth associating sex with "violence, male dominance and female passivity."7 In twentieth-century America, the image of the sexual psychopath further specified both the "kind of beast" man might become and the kind of victims he now sought. The sexual psy-


psychopath represented man unbounded by the controls of female purity, a violent threat not only to women, but to children as well. But violence against women and children was not the underlying concern of the sex crime panics. Rather, the concept of the sexual psychopath provided a boundary within which Americans renegotiated the definitions of sexual normality. Ultimately, the response to the sexual psychopath helped legitimize less violent, but previously taboo, sexual acts while it stigmatized unmanly, rather than unwomanly, behavior as the most serious threat to sexual order.

To understand how and why this controversial psychiatric diagnosis attracted so much public attention and found its way into American criminal law requires three levels of analysis: of psychiatric ideas, of political mobilization, and of sexual boundaries. Taken together, they reveal a complex relationship between psychiatry, social change, and sexuality. Psychiatrists, journalists, and politicians all helped create the sexual psychopath, but a public concerned with changing gender relationships seized upon the threat of “uncontrolled desires” to help redefine sexual normality and deviance in modern America. When it first appeared in Europe in the late nineteenth century, the diagnosis of psychopathy did not refer exclusively either to sexual abnormality or to men. Akin to the concept of moral insanity, it was applied to habitual criminals who had normal mentality but exhibited abnormal social behavior. The German psychiatrist Emil Kraepelin used the term psychopathic personality in his influential 1904 textbook to refer primarily to criminals with unstable personalities, vagabonds, liars, or beggars, although he also listed prostitutes and homosexuals. In 1905, Adolf Meyer introduced the concept of the psychopath into the United States, where sexual crime remained synonymous with female immorality. William Healy’s path-breaking study, The Individual Delinquent (1915), mentioned female hypersexuality and described psychopaths as egocentric, selfish, irritable, antisocial, nervous,


and weak willed, but Healy refused to discuss male sexual abnormality and recommended that most readers "should leave the unpleasant subject alone." Until the 1920s American psychiatrists who diagnosed mental patients as psychopaths typically applied the term to either unemployed men or "hypersexual" women.¹⁰

The transformation of the psychopath into a violent, male, sexual criminal occurred gradually as a result of three convergent trends. First, as courts and prisons became important arenas into which American psychiatry expanded beyond its earlier base in state mental hospitals, the recently established specialization of forensic psychiatry sought new explanations for criminal behavior. Second, the social stresses of the depression drew attention to the problems of male deviance. Third, the social scientific study of sexuality became respectable, and the influence of psychoanalytic theories on American psychiatry during the 1930s provided an intellectual base for a sexual theory of crime.

American criminologists began to use the psychopathic diagnosis during the 1920s partly because of weaknesses in the dominant theory that low mentality ("mental defect" or "feeblemindedness"), if not the cause of crime, was highly correlated with it. During the Progressive Era, several states had established separate institutions for the indeterminate commitment of mentally defective prisoners. In practice, however many of the suspected "defective delinquents" turned out to have normal IQs. With the influx of psychiatrists into courts and prisons after 1915, criminologists increasingly turned to psychiatric diagnoses, such as "constitutional psychopath," to help explain these troublesome prisoners.¹¹ In 1921, the Massachusetts legislature enacted the Briggs Law, which required psychiatric evaluation of recidivist felons and those convicted of capital offenses. Many of those prisoners who could not be diagnosed as insane or mentally defective were eventually labelled "psychopathic." Such redefinitions expanded the category of insanity and helped create a new deviant population, the psychopaths. In 1918, for example, psychiatrist Bernard Glueck diagnosed almost 20 percent of the inmates at New York's Sing Sing prison as "constitutional inferior, or psychopathic" and recommended a new state institution to house psychopathic and defective delinquents. Between 1919 and 1926, the percentage of inmates classified as psychopaths at one men's reformatory


in New York rose from 11.6 to 50.8, while diagnoses of mental defect declined sharply.  

Despite increased use of the psychopathic diagnosis, male sexual crimes rarely received the attention of psychiatrists and criminologists during the 1920s. When sexuality and psychopathy were linked at that time, women, not men, remained the likely subjects. Indeed, the first specialized institution for psychopathic criminals, a hospital operated at the Bedford Hills Reformatory for Women between 1916 and 1918, had been established because of John D. Rockefeller, Jr.'s interest in eliminating prostitution. Glueck's Sing Sing study did note an absence of sexual morality among psychopathic male inmates, 10 percent of whom had committed sexual crimes. However, his characterization of the psychopath emphasized recidivism, drug and alcohol use, and unstable work patterns, rather than abnormal sexual impulse. Even when sexual crimes against children first became the focus of governmental reports in the 1920s, the psychopath was not associated with such offenses. Nevertheless, the malleable diagnostic category of psychopath had become more widely applied and would soon take on new meanings. 

The sexualization of the male psychopath occurred during the 1930s, when American criminologists became increasingly interested in sexual abnormality and male sexual crime. The disruption of traditional family life during the depression, when record numbers of men lost their status as breadwinners, triggered concerns about masculinity. Psychologist Joseph Pleck has argued that during the 1930s criminologists elaborated on sex differences and investigated sexual deviance in order to shore up the psychological basis of masculinity at a time when social and economic support for the traditional male role seemed to be eroding. In the process, the male sexual deviant became the subject of special attention, particularly if he was inadequately masculine (the effeminate homosexual) or hypermasculine (the sexual psychopath). Both categories of deviant males were thought to attack children, thus simultaneously threatening sexual innocence, gender roles, and the social order. The psychopath neatly fit these concerns. From the origin of the concept, the psychopath had been perceived as a drifter, an unemployed man who lived beyond the boundaries of familial and social controls. Unemployed men and vaga-


bonds populated the depression-era landscape, signaling actual family dissolution and symbolizing potential social and political disruption. Like the compulsive child murderer "M," the psychopath could represent the threat of anarchy, of the individual unbound by either social rules or individual conscience. The apparent "sexualization" of the drifter reflected, in part, a merging of economic and psychological identities in modern America.

In this social context, Americans embarked on the serious study of human sexuality, measuring normality and defining deviance. During the twenties and thirties, classic texts by European sexologists, such as Richard von Krafft-Ebing, Havelock Ellis, and Magnus Hirschfeld, became more widely available. A growing number of American researchers, including Katharine Bement Davis and Robert Latou Dickinson, conducted survey and case studies of sexual practices. Within criminology, older biological theories combined with the recent identification of sex hormones to stimulate studies of the mentality of homosexuals, the impact of castration on rapists, and the levels of endocrines in senile sex offenders. New funding sources supported the investigation of sexuality. In 1931, the Rockefeller Foundation helped establish the National Research Council Committee for Research on Problems of Sex, which later supported the work of Alfred Kinsey. The Committee for the Study of Sex Variants, founded in 1935 and chaired by Eugen Kahn (an authority on the psychopath), sponsored a pioneering, two-volume study of homosexuality by psychiatrist George Henry.

A second intellectual current helps account for psychiatric interest in sex criminals, in general, and the sexual component of psychopathic personality, in particular. In the 1920s, Freudian concepts of psychosexual development had begun to filter through the fields of psychiatry and criminology, a process that accelerated after the immigration of European analysts to this country. In the early 1930s, a few discussions of the psychopath—such as Kahn's important text, translated into English in 1931—referred to infantile sexuality and to arrested sexual development. In the same year, psychiatrist Franz Alexander elaborated on the contribution to criminality of the Oedipal complex and of anal and oral eroticism. A 1937 article in the Psychoanalytic Review indicated the new direction in psychiatric interpreta-

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tions when it characterized the psychopath as "the phallic man," fixated at an infantile stage of boundless bisexual energy. By the late 1930s, most discussions of the psychopath included at least a section on sexual types, such as "overt homosexuals, exhibitionists, sadists, masochists, and voyeurs." Some authors explicitly linked such deviants to the commission of sexual crimes.17

The most prolific advocate of the psychosexual interpretation of psychopathic behavior was Benjamin Karpman, chief psychotherapist at St. Elizabeth's Hospital in Washington, D.C.18 In voluminous case studies of criminals, Karpman attributed most habitual criminality to arrested sexual development and identified psychopaths by their incapacity to repress or to sublimate their overly active sexual impulses. The typical sexual psychopath was, he believed, "all instinct and impulse." Karpman once claimed, for example, that the psychopath was "always on the go for sexual satisfaction . . . like a cancer patient who is always hungry no matter how much he is fed." Later investigators would attribute sexual psychopathy to underdeveloped, rather than overdeveloped, libido, but Karpman held firmly to his belief that sexual psychopaths always had insatiable and uncontrollable desires.19 Although his views were extreme among psychiatrists, Karpman's vision of the psychopath as emotionally primitive and sexually ravenous resonated with popular stereotypes that harked back to the theory of the born criminal. Thus, an older, hereditarian tradition merged with new psychiatric concepts to produce a crude model of the psychopath as oversexed, uninhibited, and compulsive. It was this image that found its way into the popular press and ultimately into the law.

The incorporation of the sexual psychopath into American criminal law began in the late 1930s in the wake of the first of two waves of popular concern about violent sexual crimes. Three constituencies—the media, citizens' groups, and law enforce-


18 Benjamin Karpman's work dominates the American listings on the psychopath in the Index of Psychoanalytic Writings, ed. Alexander Grinstein (14 vols., New York, 1957), II, 1066–68. In 1923, Karpman organized a symposium on the psychopath at St. Elizabeth's Hospital, at which William Alanson White made his often cited comment that the psychopath was the "wastebasket" classification of psychiatry. Nonetheless, Karpman's efforts to define what he called "psychopathology" as a distinct mental disease persisted through the 1950s. In 1940, in the first volume of a journal for the field, he outlined principles; Karpman, "The Principles and Aims of Criminal Psychopathology," Journal of Criminal Psychopathology, 1 (Jan. 1940), 187–218; and he later called for a national institute to study criminal psychopathology. For colleagues' perception of Karpman in his later years as an "eccentric, slightly pathetic figure as he honed down year after year on the psychopathic individual," see Bromberg, Psychiatry between the Wars, 106. Benjamin Karpman, The Sexual Offender and His Offenses (New York, 1954), is both a useful bibliographical guide to research to that date and a testament to Karpman's passion for engaging his opponents in debate on the subject of psychopathology. For a bibliography of Karpman's writings, see ibid., 685–86; for his case study approach, see Ben Karpman, The Individual Criminal: Studies in the Psychogenetics of Crime (Washington, 1935). For his role in symposia, see Benjamin Karpman et al., "Psychopathic Behavior in Infants and Children: A Critical Survey of the Existing Concepts. Round Table, 1950," American Journal of Orthopsychiatry, 21 (April 1951), 223–72.

19 Karpman, Sexual Offender, 501; see also Karpman, "Principles and Aims of Criminal Psychopathology," 204. For the reversal, see, e.g., Cleckley, Mask of Sanity, 397.
ment agencies—created the sex crime panic and demanded that politicians offer solutions to the problems of rape and sexual murder of children. Politicians, in turn, seized upon the sexual psychopath as the villain in the sex crime drama and called on psychiatrists as the heroes who might rid society of the danger they posed.

Each of the two major sex crime panics—roughly from 1937 to 1940 and from 1949 to 1955—originated when, after a series of brutal and apparently sexually motivated child murders, major urban newspapers expanded and, in some cases, sensationalized their coverage of child molestation and rape. Between 1937 and 1940, and again during the postwar decade, the New York Times, previously silent on the subject, averaged over forty articles per year on sex crimes. In 1937, magazines ranging from Science and the Christian Century to the Nation and the New Masses reported on the sex crime panic. After World War II news and family magazines, including Time, Newsweek, and Parents' Magazine, carried articles titled “Queer People,” “Sex Psychopaths,” and “What Shall We Do About Sex Offenders?” In its 1950 series on “Terror in Our Cities,” Collier’s magazine summarized the newspaper headlines in St. Louis (“The City that DOES Something About Sex Crime”) in a representative composite.

KINDERGARTEN GIRL ACCOSTED BY MAN—CLERK ACCUSED OF MOLESTING 2 GIRLS IN MOVIE—MAN ACCUSED BY 8-YEAR-OLD BOY OF MOLESTING HIM IN THEATRE—6-YEAR-OLD GIRL AT ASHLAND SCHOOL MOLESTED—LABORER ARRESTED FOR RAPE OF 10-YEAR-OLD GIRL—FINED FOR MOLESTING 2 BOYS, AGED 8 AND 10—ARRESTED ON SUSPICION OF MOLESTING 4-YEAR-OLD GIRL—YOUTH WHO MOLESTED BOY 4, IS FINED $500—9 CHARGES AGAINST MOLESTER OF GIRLS.

Despite the lack of evidence that the incidence of rape, child murder, or minor sex offenses had increased, public awareness of individual acts of sexual brutality led to demands that the state crack down on sex crimes. In 1937, after two child murders had occurred in New York City, residents of Ridgewood, Queens, held a protest meeting and demanded that police be given more power to “take suspicious characters in hand before they commit the crimes.” In Chicago, after the rape-

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murder of two nurses, a police squad was formed to “round up attackers.” When
a Philadelphia man confessed to attacks on both male and female children, that
city's mayor recommended sterilization of sex offenders. In New Jersey, when six
men were indicted for assaulting girls, the New Jersey Parents and Teachers Congress
urged denial of parole to those convicted of sex crimes. In 1937 a mob in Inglewood,
California, threatened lynching while the police sought the murderers of three local
girls. In 1950, a Connecticut mob attempted to lynch a suspected sex criminal, while
the national American Legion called for life sentences without parole for sex
offenders.23

23 Ibid., Sept. 24, 1937, p. 46; ibid., Sept. 8, 1937, p. 16; ibid., Nov. 6, 1937, p. 18; Wile, “Society and Sex
to public vengefulness, see ibid., Oct. 24, 1951, p. 26.
Federal Bureau of Investigation director J. Edgar Hoover played an important role in fueling the national hysteria and channeling it into support for stronger law enforcement. In 1937 Hoover called for a "War on the Sex Criminal" and charged that "the sex fiend, most loathsome of all the vast army of crime, has become a sinister threat to the safety of American childhood and womanhood." In a popular magazine article published in 1947, Hoover claimed that "the most rapidly increasing type of crime is that perpetrated by degenerate sex offenders." Implying that this threat to social order required total mobilization, Hoover continued: "Should wild beasts break out of circus cages, a whole city would be mobilized instantly. But depraved human beings, more savage than beasts, are permitted to rove America almost at will."

In response to the sex crime panic, police roundups of "perverts" became common, especially in the wake of highly publicized assaults on children. The targets of the crackdowns were often minor offenders, such as male homosexuals. A rare glimpse of the reaction of "perverts" to such roundups appeared in a letter written in 1946 by one homosexual male to another after a brutal child murder in Chicago: "I suppose you read about the kidnapping and killing of the little girl in Chicago—I noticed tonight that they 'thought' (in their damn self righteous way) that perhaps a pervert had done it and they rounded up all the females [male homosexuals]—they blame us for everything and incidentally it is more and more in the limelight everyday—why they don't round us all up and kill us I don't know." In this case and in others, police justified increased surveillance of all deviant sexual behavior, whether violent or not, by the need to protect women and children from sexual violence.

While some politicians supported the call for law and order, others turned to psychiatrists for solutions to the sex crime problem. In the 1930s, the New York State legislature called on institutional psychiatrists to explain how to prevent sex crimes. Mayor Fiorello LaGuardia appointed psychiatrists, lawyers, and criminologists to a Mayor's Committee for the Study of Sex Offenses. In a move that foreshadowed the national political response to sex crimes, LaGuardia also instituted an emergency program that transferred accused and convicted sex criminals from city penitentiaries to Bellevue Hospital for medical observation.


Some psychiatrists expressed discomfort about the sex crime panic. Karl Bowman, then director of the psychiatric division at Bellevue, observed that most of the men transferred there were minor offenders who did not belong in a mental hospital. At a 1938 symposium on "The Challenge of Sex Offenders" sponsored by the National Committee on Mental Hygiene, psychiatrists argued that no sudden increase in sex crime had occurred and cautioned against new legislation that would establish either castration or prolonged imprisonment for sex offenders. Bowman and other panelists called for more frank, rational discussions of sexuality and claimed that sexual repression caused sex offenses. Other psychiatrists, such as Ira Wile, wrote articles opposing prolonged imprisonment or castration for sex offenders. They recommended instead hospital care, psychiatric exams, and research on sex crimes.27

Despite psychiatric ambivalence about proposed legislation that would incorporate the psychopathic diagnosis into the law, and despite strong criticism of such statutes within the legal profession, five states—Michigan, Illinois, Minnesota,


Ohio, and California—passed “sex psychopath” laws between 1935 and 1939. That not simply psychiatric leadership, but the public mobilization to combat the alleged sex crime wave explains their passage is evident in the case of Ohio. In 1934, psychiatrists in that state’s mental hospitals had failed to get the legislature to fund separate treatment for psychopathic criminals. In 1938, however, after the Cleveland Plain Dealer ran in a series of articles on sex offenders, civic groups created sufficient pressure to achieve quick passage of the Ascherman Act, which permitted the indefinite commitment of psychopaths to the state mental hospital.28

Although the psychopath laws were avowedly enacted to protect women and children, they were the product of men’s political efforts, not women’s. Several women’s clubs publicly favored stronger criminal penalties for sex crimes, and male politicians frequently called on representatives of conservative women’s organizations to testify in favor of psychopath legislation.29 However, in contrast to earlier movements for moral reform and social purity, in which organizations such as the Woman’s Christian Temperance Union had played a major part, the campaign for sexual psychopath laws had little female, and no feminist, leadership.

The hiatus in the sex crime panic during the early 1940s further suggests that its central concern was men, not women. The legitimization of male aggression during World War II and the shift of national attention toward external enemies combined to reduce the focus on violent sexual crimes. Although arrest rates remained high during the war, both newspaper and magazine coverage of sex crimes tapered off markedly, and only one state—Vermont—enacted a psychopath law. The wartime entry of men into the military and of women into jobs formerly held by men restored the “hypersexual” woman to the foreground. Social workers and government agencies condemned the phenomenon of “victory girls,” young women who willingly had sex with soldiers and sailors, and antiprostition campaigns revived briefly in the name of protecting soldiers from venereal disease.30

The postwar years, however, provided a climate conducive to the reemergence of the male sexual psychopath as a target of social concern. The war had greatly increased the authority of psychiatrists, who had been drafted to screen recruits and to diagnose military offenders. Postwar psychiatric and social welfare literature stressed the adjustment problems of returning servicemen, some of whom, it was feared, might “snap” into psychopathic states. In addition, demobilization and readjustment to a peacetime economy stimulated concerted efforts to reestablish

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28 Piperno, “Social-Legal History,” 117–18, 72. Similarly, in 1935 the Michigan state legislature passed the “Goodrich Act” in response to publicity surrounding the mutilation-murder of a young girl by a former mental institution inmate, named Goodrich, who had a record of sex offenses. Although the original Michigan Law of 1935 (rev. 1937) was declared unconstitutional, a 1939 revision remained in force. Ibid., 91–96.

29 For example, members of women’s clubs testified in favor of the Ohio law. Ibid., 118, 134–35.

30 The number of magazine articles about sex crimes dropped from eleven between 1937 and 1939 to a total of three between 1940 and 1947. The number rose to thirty for the decade 1947–1957. Readers’ Guide to Periodical Literature, 1937–1957. For the renewal of antiprostition campaigns, spearheaded by the American Social Hygiene Association, see its publication, the Journal of Social Hygiene, 29 (1943); see also, for example, Paul Kinsie, “To Combat the Return of Commercialized Prostitution,” American City, 64 (Aug. 1949), 102–3. On World War II, see Francis E. Merrill, Social Problems on the Homefront (New York, 1948), 122–44; and Karen Anderson, Wartime Women: Sex Roles, Family Relations and the Status of Women during World War II (Westport, 1981), 103–11.
traditional family life. Returning male veterans needed jobs that had been held by women, who were now encouraged to marry, bear children, and purchase domestic products. Moreover, the onset of the Cold War, with its emphasis on cultural conformity, intensified efforts to control deviant behavior. Nonconformity—whether political, social, or sexual—became associated with threats to national security. And, amid the pressures for social and sexual stability, Alfred Kinsey published his study of male sexual behavior, igniting unprecedented public debate about normal and abnormal sexuality.31

During the postwar decade, the sex crime panic gathered renewed momentum, peaking in the mid-1950s. As if to signal—or to enforce—the return of prewar gender relations, sex crimes once again became a subject of media attention and political action. Although arrests for rape and other sex offenses fell after the war, legislatures revised earlier sexual psychopath laws, and between 1947 and 1955, twenty-one additional states and the District of Columbia enacted new psychopath laws. In the early 1950s, arrest rates returned to prewar levels, but only after the second phase of the sex crime panic had begun.32

The sexual psychopath laws enacted during the two periods of panic operated alongside older penal codes that punished crimes such as rape and murder with incarceration in state penitentiaries or execution. Most sex offenders continued to be processed under the older codes. During the early 1950s, for example, California superior courts sentenced only 35 percent of convicted sex offenders to mental institutions as psychopaths; 54 percent went to prisons and 11 percent to the youth authority. Prior to 1953 annual commitments of psychopaths averaged thirty-seven in each state with a special law. Revised laws and new facilities in the 1950s increased commitments in several states; Michigan and Maryland, for example, each averaged one hundred per year. Few of those committed, however, were the homicidal sex maniacs on whom the sex crime panic had originally focused. They tended to be white men, often professionals or skilled workers, who were overrepresented among those convicted of sexual relations with children and minor sexual offenses. Black men, who continued to be overrepresented among those convicted of rape, were more likely to be imprisoned or executed than to be treated in mental institutions.


32 Karl Bowman, "Review of Sex Legislation and Control of Sex Offenders in the United States of America," International Review of Criminal Policy, 4 (July 1953), 20–39; Swanson, "Sexual Psychopath Statutes," 228–35; and Brakel and Rock, Mentally Disabled and the Law, 341–75. The postwar laws, most of which passed between 1949 and 1953, and revisions of older ones remedied some of the most blatant abuses of due process rights by requiring criminal conviction before psychiatric observation and indeterminate sentencing. However, in some states, notably California, released sexual psychopaths were required to register with local police whenever they moved, even if their convictions had been set aside or expunged. Piperno, "Social-Legal History," 94–107, gives an excellent summary of the legal cases concerning the psychopath laws.
In short, white men who committed sexual crimes had to be mentally ill; black men who committed sexual crimes were believed to be guilty of willful violence.33

The sexual psychopath laws did not necessarily name specific criminal acts, nor did they differentiate between violent and nonviolent, or consensual and nonconsensual, behaviors. Rather, they targeted a kind of personality, or an identity, that could be discovered only by trained psychiatrists. Whether convicted of exhibitionism, sodomy, child molestation, or rape, sexual psychopaths could be transferred to state mental hospitals or psychiatric wards of prisons for an indefinite period, until the institutional psychiatrists declared them cured. The laws rested on the premise that even minor offenders (such as exhibitionists), if psychopaths, posed the threat of potential sexual violence. Indefinite institutionalization of sex offenders would protect society from the threat of violent sexual crimes, and psychiatric care would be more humane than castration, life imprisonment, or execution.34

In addition to passing laws, elected officials in ten states appointed special commissions to investigate the nature of sexual offenders, the problem of sex crimes, or the legislative means to prevent them. The documents published by such commissions varied in depth and tone from superficial accounts of popular attitudes to serious discussions of the psychiatric, legal, and ethical issues raised by sex-offender legislation. In general, the state reports echoed themes raised by the earlier New York mayor’s committee. They found little evidence of increases in local sex crime rates, bemoaned the vagueness of the classification “sexual psychopath,” called for scientific study of these mysterious offenders, and recommended new or revised psychopath laws that would, unlike many of the earlier statutes, require conviction of a crime before institutionalization. The preventive measures suggested by state commissions took two forms: specialized psychiatric institutions for men convicted of sex crimes and preventive measures, such as psychiatric screening of potential psychopaths through schools or behavior clinics and sex education to promote healthy family life.35


34 The concept of sexual identity, as opposed to sexual act, has been influenced by Mary McIntosh, “The Homosexual Role,” Social Problems, 16 (Fall 1968), 184; see also Jeffrey Weeks, Coming Out: Homosexual Politics in Britain, from the Nineteenth Century to the Present (London, 1977), 9–44. In 1931 a Maryland judge explained that he was sentencing a sex offender to death because there was no suitable institution in which this type of criminal could be treated; see Piperno, “Social-Legal History,” 72.

35 Commonwealth of Massachusetts, House Doc. 2169, Final Report of the Special Commission Investigating the Prevalence of Sex Crimes (Boston, 1948); New Hampshire Interim Commission to Study the Cause and Prevention of Serious Sex Crimes, Report (Concord, 1949); Tappan, Habitual Sex Offender, California Assembly, Prelimi-
Whatever ambivalence psychiatrists may have had about incorporating the psychopathic diagnosis into law, the postwar response to sexual crimes helped to solidify psychiatric authority within the criminal justice system in two important ways. Following state commission recommendations for more research, a half dozen states provided funding for psychiatric studies of sex offenders. In California, for example, the sex crime panic enabled Karl Bowman, director of the Langley Porter Psychiatric Clinic of the University of California, to obtain funds from the state legislature for programs on sexual deviates, although his previous requests for state funding had been denied. The New Jersey Sex Offender Acts of 1949 and 1950 established a Diagnostic Center for the study of juvenile and adult offenders, and New York State's Sex Delinquency Research Project funded studies of sex offenders at Sing Sing prison.36

The second means by which the state expanded both its own and psychiatrists' authority was the establishment of specialized institutions to treat sexual offenders. Under the initial sexual psychopath statutes, men committed for sexual offenses served their indeterminate sentences either on mental wards of prisons or on criminal wards of mental hospitals, such as Howard Hall at St. Elizabeth's Hospital. In 1949, the Ohio legislature appropriated over one million dollars to build a specialized facility for mentally defective and psychopathic criminals at the Lima State Hospital. Maryland legislators authorized the maximum security Patuxent Institution, which opened in 1951, for the psychiatric treatment of habitual offenders, mental defectives, and sexual criminals. In 1954, California transferred the men who had been sentenced as psychopaths from state mental hospitals to the newly completed, ten-million-dollar Atascadero State Hospital. Once institutionalized, the psychopath received treatments according with the therapeutic trends of the era: Metrazol, insulin shock or electro-shock; hormonal injections; sterilization; group therapy; and, in some cases, frontal lobotomy. According to the clinical literature, none of these proved effective in reducing "uncontrolled desires."37

36 State-funded research projects on sex offenders were conducted in New York, California, New Jersey, Nevada, Pennsylvania, and Oregon. Between 1951 and 1954, Bowman's Sexual Deviation Study received almost $200,000 to conduct biochemical research on sexual psychopaths in the state mental hospitals, analyze police statistics on sex crimes, and study the child victims of sexual assault. See California Assembly, Final Report, 107–8; and Marian Robinson, The Coming of Age of the Langley Porter Clinic: The Reorganization of a Mental Health Institute (University of Alabama, 1962), 7; David Abrahamson, "Study of 102 Sex Offenders at Sing Sing," Federal Probation, 14 (Sept. 1950), 26–32. Albert Ellis and Ralph Brancale, with Ruth R. Doorbat, The Psychology of Sex Offenders (Springfield, Ill., 1956), is based on psychiatric evaluation of three hundred men at the New Jersey Diagnostic Center, conducted under the Sex Offender Acts of 1949 and 1950.

The sexual psychopath laws, always controversial among psychiatrists and lawyers, came under renewed criticism in the 1950s and 1960s. In 1949 the Committee on Forensic Psychiatry of the liberal Group for the Advancement of Psychiatry issued a report that argued that the concept of the psychopath was too vague and controversial to be written into law. The following year, in the New Jersey state report on sex offenders, sociologist Paul Tappan attempted to refute the myth of escalation from minor to violent sex crimes, noting that sex offenders had the lowest recidivism rates of all criminals. Legal scholars stepped up their critique of the sexual psychopath laws, and during the 1960s, a “due process revolution” in mental health inspired constitutional challenges to sexual psychopath laws on the grounds that they denied both due process and equal protection to accused sex offenders. By 1968, when Michigan repealed the first of the original state psychopath laws and abolished the legal category of “criminal sexual psychopath,” an experiment in psychiatric criminology seemed to have come full circle.

As they debated the treatment of the sexual psychopath, psychiatrists and politicians spoke to deeper social concerns about the meaning of sexuality. At a time when the standards of sexual behavior for both women and men were changing rapidly, the psychopath became a malleable symbol for popular fears about the consequences of new sexual values. A close reading of the popular, legal, and psychiatric literature related to the sex crime panics and the psychopath laws reveals at least three ways in which the concept of the sexual psychopath served to create or to clarify boundaries between normal and abnormal behavior. First, the discussion of the sexual psychopath influenced the redefinition of rape as not only a male psychological aberration, but also an act in which both women and children contributed to their own victimization. Second, it drew a strict boundary between heterosexual and homosexual males, labeling the latter as violent child molesters. Finally, the creation of the psychopath as an extreme deviant figure helped Americans adjust to a sexual system in which nonprocreative acts were no longer considered abnormal.

Unlike the Progressive-Era antipornography crusade, the sex crime panic of the thirties, forties, and fifties virtually ignored women as perpetrators, while


After a kindergarten girl was raped, parents in St. Louis formed a Children's Protective Association. Reproduced from Howard Whitman, "The City that DOES Something about Sex Crimes," *Collier's*, Jan. 21, 1950.

redirecting concern about victims to include not only women, but especially children of both sexes. Child molestation, like rape, clearly predated the sex crime panics, but for the first time the sexual victimization of children became a subject of popular concern. The gradual acceptance of female sexual desire helped focus attention on children, for if women now actively sought sexual fulfillment, they were less accessible as symbolic victims, while childhood innocence remained a powerful image. In the film *M*, for example, a real-life rapist of women was transformed into a child murderer, as if rape alone were not enough to horrify the modern audience. At the same time, Freudian ideas about childhood sexuality and Oedipal desire raised the specter of children's participation in sexual acts. Finally, just as the continued entry of women into the paid labor force evoked fears about unattended children becoming juvenile delinquents, it may have also heightened fears of children's susceptibility to the sexual advances of strangers.

A close investigation of the psychopath literature suggests that women—and to some extent children as well—were paying a high price for the modern recognition of their sexual desire and the removal of female purity as a restraint on male sexuality. Female victims were often portrayed as willing participants in the acts of which men were accused. For example, the New York mayor's committee on sex offenses explained that "In most sex crimes, the fact that a particular girl is a victim of a sex assault is no accident. Generally there is to be found something in the personality, the environmental background, or the family situation of the victim . . . which predisposes her to participation in sex delinquency." The theme that victims were in some way delinquent themselves recurred during the 1950s in the work of rela-
tively liberal critics of the laws, such as Bowman and Bernice Engle, of the influential California Sex Deviate Research Project, and Morris Ploscowe, a lawyer and judge who championed liberalization of laws regulating sexuality. These critics reiterated doubts that a woman could be raped without some predisposition. The legal reforms that they recommended to improve the treatment of the psychopath included corroboration of rape charges by witnesses, investigation of victims' past sexual activity, and proof of "complete sexual penetration"—in short, the very legal mechanisms that feminists would seek to dismantle a decade later. Moreover, in a major study of child sexual abuse and incest, conducted at California's Langley Porter Clinic, the authors described the majority of the victims (80 percent of whom were female) as "seductive," "flirtatious," and sexually precocious. They labeled those for whom abuse persisted over time as "participating victims." Thus, in a movement allegedly based upon the urgent need to protect women and children, the victims were ultimately as stigmatized as the perpetrators. As in the case of the Southern rape complex, in which black men lived in fear of accusation and white women lived in fear of assault, the threat of the sexual psychopath served to regulate sexual behavior not only for "deviant" men, but also for women.

The image of the rapist in the psychopath literature further attests to the marginal influence of women's interests on the response to the sexual psychopath. The laws rested on the premise that most rapists were "sick" men, suggesting that rape was an isolated act committed by crazed strangers. In fact, recent scholarship has shown that sexual assault is a common experience for women, its perpetrators as likely to be family members or acquaintances as strangers. Even more interesting is a shift in the psychiatric and legal interpretations that occurred by the 1950s. Critics of the psychopath laws increasingly suggested that, in the words of one state report, "aggression is a normal component of the sexual impulse in all males." By this logic, as long as he did not mutilate or murder his victim, the rapist might be considered almost normal and certainly more "natural" than men who committed less violent, and even consensual, sexual acts such as sodomy and pedophilia. Accordingly, men diagnosed as psychopaths were more likely to be accused of pedophilia and homosexuality than of rape or murder.


41 See Winifred Breines and Linda Gordon, "The New Scholarship on Family Violence," Signs, 8 (Spring 1983), 490–531. Quoted report is Commonwealth of Massachusetts, Final Report, 7; see also California Assembly, Preliminary Report; Louise V. Fritchie and Ernest H. Dondis, Recidivism among Treated Sex Offenders, Research Monograph No. 5, California Department of Mental Hygiene ([Sacramento], 1965), 14. Cf. Stanton Wheeler on the use of sexual psychopath laws to institutionalize "passive" rather than aggressive offenders: "In a society stressing active mastery of the environment over passive acquiescence, perhaps it is not surprising that the aggressive sex offender who overresponds is judged less disturbed than the passive exhibitionist." Wheeler, "Sex Offenses," 277. For example, of felons convicted of sex crimes and diagnosed as sexual psychopaths in New York City between 1932
The response to the sexual psychopath was not, then, a movement to protect female purity; its central concern was male sexuality and the fear that without the guardianship of women, either men's most beastlike, violent sexual desires might run amok, or men might turn their sexual energies away from women entirely. Adult women were now suitable objects for "normal" male sexual desire, even normal male aggression, but the discourse on the psychopath mapped out two new forbidden boundaries for men: sex with children or with other men. The literature frequently played on fears of child molestation, and a significant minority of psychopaths were charged with male homosexual acts, either with children or adults. This fact, and the frequent overlap in use of the terms sex criminal, pervert, psychopath, and homosexual, raises the question of whether psychopath served in part as a code for homosexual at a time of heightened public consciousness of homosexuality.

Social historians have recently identified the 1940s as a critical period in the formation of a public homosexual world in the United States. Although homosexual subcultures had begun to form in American cities as early as the 1890s, it was not until the 1930s that literature and the theatre drew national attention to the existence of homosexuals in this country. The war years provided new opportunities for young men and women to discover homosexuality as they left their families and hometowns to enter the military or defense industries. During the 1940s both homosexual men and lesbians created visible social institutions, including bars, social clubs, and political organizations. By 1950 the early homophile rights movement, the forerunner of gay liberation, was articulating a positive view of homosexuals as a cultural minority group. However, society as a whole remained strongly homophobic. As Barbara Ehrenreich has argued, during the 1950s, "Fear of homosexuality kept heterosexual men in line as husbands and breadwinners.\(^{42}\) Despite efforts to remove the stigma from homosexuality, the American Psychiatric Association categorized it as a mental disease until 1973. Moreover, in the 1950s the federal government launched a campaign to remove homosexuals from government jobs.\(^{43}\)

The psychopath literature did reinforce the fear of male homosexuality. At times it appeared that a major motive of the psychopath laws was to prevent the contagion of homosexuality from spreading from adults to youths. Such contagion might corrupt the entire community and might ultimately result in violent death. For ex-

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ample, a 1948 article in the *American Journal of Psychiatry* argued that when adults indulged in homosexual acts with minors, “The minors in turn corrupted other minors until the whole community was involved.” As evidence the authors cited “the recent killing of a 7-year-old boy by a 13-year-old because he [the younger child] would not perform the act of fellatio.” Furthermore, the beliefs that homosexuals actively recruited among youth and that seduction in youth or childhood was the “commonest single environmental factor” explaining homosexuality were both used to support psychopath legislation. Dr. J. Paul de River, a crude popularizer of theories of sexual psychopathy, stated the case for vigilance in his book *The Sexual Criminal*:

> All too often we lose sight of the fact that the homosexual is an inveterate seducer of the young of both sexes, and that he presents a social problem because he is not content with being degenerate himself; he must have degenerate companions and is ever seeking for younger victims.

Thus, homosexuality was increasingly linked to violence and, especially, to the allegedly coercive recruitment of minors for illicit sexual activity.44

The panic over the sexual psychopath, however, did not merely shore up traditional sanctions against male homosexuality by associating it with violence. Rather, even the seemingly repressive aspects of the campaign promoted a new, more open, public discourse on nonmarital, nonprocreative sexuality. The literature on the sexual psychopath helped break down older taboos simply by discussing sexual deviance. At the same time, the literature encouraged a reevaluation of heterosexual behavior during a time of rapid flux in sexual standards. At a basic level, the psychopath literature helped disseminate information about sexual practices that had previously been outside the bounds of proper discourse. Now, in the name of preventing children from either becoming or succumbing to sexual psychopaths, professionals began to argue that sex education should not ignore such practices as oral and anal sex. The state commissions on sex crimes took an especially active part in this educational campaign, holding extensive public hearings and conducting attitudinal surveys on sexual abnormality. For example, the Michigan Governor's Study Commission distributed “A Citizens' Handbook of Sexual Abnormalities and the Mental Hygiene Approach to Their Prevention.” An Oregon social hygiene council published a fourteen-page “Introduction to the Problem of the Sex Deviate.” The city of Long Beach, California, distributed a cartoon-illustrated booklet for children as its “answer to sex fiends.” Like the antimasturbation literature

of the nineteenth century, the sexual perversion literature of the postwar era was, no doubt, as educative as it was preventive.45

In commenting on the widespread concern about psychopaths, many writers pointed to the influence of Kinsey's study of male sexuality, published in 1948, which revealed the extensive practice of nonprocreative sexual acts, within and outside marriage. An editor of the American Journal of Psychiatry even argued that Kinsey's evidence of a "gap between cultural mores and private behavior" might have set off a "reaction formation against anxiety and guilt" that led, in turn, to the scapegoating of extreme sexual offenders. Liberal critics of the psychopath laws also referred to Kinsey's study, citing his results to argue that sexual variations were now so common among "normal" couples that they should be excluded from the psychopath laws. For example, Bowman and Engle attempted to differentiate between the dangerous acts of the psychopath and the newly acceptable practices of masturbation, premarital petting, and "unnatural acts" (i.e., oral and anal sex) performed in private between consenting adults. Thus, they assured the public that "serious" perversions did require psychiatric treatment but that healthy sexuality might include nonprocreative heterosexual acts. In this way, the discourse on the psychopath helped redefine the boundaries of normal sexuality and may well have contributed to the sexual liberalism of the 1960s.46

From the 1930s through the 1950s, the sexual psychopath provided the focus for public discussions of sexual normality and abnormality, while the state played an increasingly important role in defining sexual deviance and in prescribing psychiatric treatment. The debates on the psychopath statutes did more than expand the legal authority of psychiatry. The critics of the laws ultimately helped to legitimize nonprocreative heterosexual acts; the media and national commissions helped educate the public about both "natural" and "perverse" sexual behaviors. At the same time, the psychopath literature tended to stigmatize female and child victims


of sexual assault and to draw a firm sexual boundary proscribing all homosexual activity and linking it with extreme violence, especially against youths.

It is difficult to assign any simple meaning to the response to the sexual psychopath. Like "M," or like his later American counterpart in Alfred Hitchcock's film *Psycho*, the image of the sexual psychopath revealed a deep discomfort with the potential violence of male sexuality unconstrained by female purity—of "uncontrolled desires." The response to the sexual psychopath also confirms that, as in the case of lynching, the fear of sexual violence can provide an extremely powerful tool for mobilizing political support against nonconforming individuals. The ultimate historical legacy of the response to the sexual psychopath, however, was to expand the public discourse on sexuality, to focus attention on male violence, and to heighten the importance of sexuality as a component of modern identity. In so doing, the sexual psychopath helped to redefine the boundaries of acceptable sexual behavior in modern America.