

Beyond Chol Soo Lee's Death Row Release: Transinstitutionalization, Mortification, and the Limits of Legal Activism in 20th Century America.

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Abstract : The "Deinstitutionalization movement" refers to the spatial transition in the United States during the mid-20th century when the treatment of mental illness purportedly moved from long-term psychiatric institutions to community integrated care. Contrary to the accepted narrative of mental health care in the U.S., asylums did not close or empty. Some remained psychiatric hospitals, which came to be called forensic hospitals or state hospitals; others were converted into prisons or carceral institutions. During Deinstitutionalization, the asylum system became an appendage of the carceral system, with state hospitals becoming little more than holding centers for prisoners who were civilly committed, those incompetent to stand trial, offenders with mental health issues, and those found not guilty by reason of insanity. Psychiatric patients who became prisoners and prisoners who became patients became entangled in the phenomenon called transinstitutionalization. This paper investigates the relationship between psychiatric and criminal incarceration in 20th century California and focuses particularly on the case of Korean-American Chol Soo Lee, who fought detention in the psychiatric-prison system through the writ of habeas corpus. This study uses methodologies like critical theory, close reading, and archival research. This paper argues that during his psychiatric hospitalization at Napa State Hospital and incarceration in the California Department of Corrections, Lee underwent what sociologist Erving Goffman coined in his 1960 text *Asylums* as the process of "mortification." After a burst of Asian American solidarity and legal aid that resulted in Lee's triumphant release from Death Row in 1983 through a writ of habeas corpus, Lee struggled in the free world due to the long-lasting consequences of institutionalization, which led to alienation, recidivism, and an early death at the age of 62. This paper examines the trajectory of Lee's trial and the legal activism behind it within the context of Goffman's theory of total institutions and offer a nuanced reading of Lee's case both during and after his incarceration.

Keywords : criminal justice, criminal law, law and mental capacity, habeas corpus, deinstitutionalization, mental health

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