**Chapter 7**

**Psychological/Trait Theories of Crime**

**Learning Objectives**

* Identify the general principles of psychoanalysis and how psychoanalysis applies to criminal behavior
* Describe the three dimensions associated with Hans Eysenck’s theory of crime and personality
* Identify some of the key distinctions of the various stages of moral development
* Describe some of the essential features of attachment theory
* Referring to James Q. Wilson and Richard J. Herrnstein, describe the three factors associated with street crime and human nature
* List and describe the key features that distinguish a psychopath from other criminal offenders
* Distinguish the M’Naghten rule, irresistible impulse test, Durham test, and American Law Institute’s Model Penal Code

**Summary**

The chapter begins with the examination of Freud’s model of the psyche. This psychoanalytic perspective assumes two things: (1) an individual’s behavior is presumed to be due to the three aspects of his or her personality: the id, ego, and superego and (2) anxiety, defense mechanisms, and the unconscious all play key roles. In addition, Eysenck’s Theory of Crime and Personality is examined. The chapter continues with the discussion of Kohlberg’s theory of Moral Development. According to Kohlberg, moral judgment evolves in a three-level progression and each level consists of two stages. Next, attachment theory is discussed. The development of Attachment Theory is the combined work of Bowlby and Ainsworth. Bowlby maintained there are seven essential features of this theoretical perspective: specificity, duration, engagement of emotion, course of development, learning, organization, and biological function. Next, the chapter examines Wilson and Herrnstein’s *Crime and Human Nature*. The two attempted to explain street crime by demonstrating how human nature develops and evolves from the interaction of three factors: social environment, family relationships, and biological makeup. Wilson and Herrnstein continue with their assessment and contend that at any time, a person can choose between committing a crime and not committing a crime. The consequences of committing a crime consist of rewards and punishments; the greater the reward ratio to crime, the greater the tendency to commit the crime. The chapter concludes with discussions relating to psychopathy and crime and how the insanity defense has been defined over time. Lykken makes the distinction between the term sociopath and psychopath. During the 1980s, Hare developed the Psychopathy Checklist-Revised (PCL-R). Finally, the insanity defense is discussed. The general rationale to an insanity defense is that a person should not be punished for engaging in a criminal act if he or she cannot refrain from doing so. The standards for establishing an insanity defense varies extensively from state to state.

**Chapter Outline**

* **Early Psychological Theorizing Regarding Criminal Behavior**
  + **Freud’s Model of the Psyche and Implications for Criminal Behavior**
    - Freud originated psychoanalysis which is founded on the perception of resistance used by individuals when therapists attempt to make them conscious of their unconscious.
    - The **psychoanalytic perspective** is both complex and extremely systematized.
      * First, an individual’s behavior is presumed to be due to the three aspects of his or her personality: the **id, ego, and superego**.
        + The id is the source of instinctual drives; it contains everything that is present at birth.

Essentially, there are two types of instinctual drives.

There are constructive drives, usually of a sexual nature (the libido).

The other type of instinctual drive is destructive.

Destructive drives refer to such things as aggression, destruction, and death.

* + - * + The ego is the moderator between the demands of an instinct (i.e., the id), the superego, and reality.

The ego characterizes what is referred to as reason and sanity while the id refers to passions.

In the id, there are no conflicts whereas in the ego conflicts between impulses need to be resolved.

* + - * + The superego is also designated as a conscience.

This evolves during the course of an individual’s development.

Individuals learn the restrictions, mores, and values of society.

* + - * Second, anxiety, defense mechanisms, and the unconscious are also key principles of the psychoanalytical perspective.
        + In terms of anxiety, this is considered a warning of looming danger and a painful experience.
        + This results in the individual attempting to correct the situation.
        + In most instances, the ego can cope with this anxiety through rational measures.
        + When this does not work, however, the ego uses irrational measures, like rationalization (ego-defense mechanisms).
    - Freud maintained that large portions of the ego and superego can remain unconscious.
      * It takes a great deal of effort for individuals to realize their conscious.
      * The unconscious include disturbing memories, forbidden urges, and other experiences that have been repressed or pushed out of the conscious.
      * Until these unconscious experiences are brought to awareness, the individual could engage in irrational and destructive behavior.
  + Aichhorn
    - Attempted to apply psychoanalysis to uncover unconscious motives of juveniles engaging in delinquent behavior.
    - Distinguished between manifest and latent delinquency.
      * Delinquency is considered manifest when it results in antisocial behavior; latent delinquency is when the same state of mind exists but has not yet expressed itself in such behavior.
  + Erikson
    - Examined adolescents struggling to discover their own ego identity, while negotiating, learning, and understanding social interactions as well as developing a sense of morality and right from wrong.
  + Abrahamsen
    - Maintained that criminal behavior is a symptom of more complex personality distortions, there is a conflict between the ego and superego, as well as the inability to control impulsive and pleasure-seeking drives because these influences are rooted in early childhood and later reinforced through reactions to familial and social stresses.
  + **Hans Eysenck—Theory of Crime Personality**
    - Developed a theory that linked personality to criminality.
    - Human personality can be viewed in three dimensions (i.e., the **PEN-model**).
    - Developed the Eysenck Personality Questionnaire (EPQ) to measure individuals on these three dimensions.
      * **Psychoticism**
        + Individuals considered to have high psychoticism are associated with being aggressive, cold, egocentric, impersonal, impulsive, antisocial, unempathetic, creative, and tough-minded; individuals with low psychoticism are characterized as being empathic, unselfish, altruistic, warm, peaceful, and generally more pleasant.
      * **Extraversion**
        + Associated traits of being sociable, lively, active, assertive, sensation-seeking, carefree, dominant, surgent, and venturesome.
      * **Neuroticism** (instability)
        + Linked with such traits as being anxious, depressed, guilty feelings, low self-esteem, tense, irrational, shy, moody, and emotional.
    - Initially, Eysenck focused on two personality dimensions: neuroticism and extraversion.
      * During this stage of theoretical development, he emphasized the extraversion dimension.
    - Subsequently, he incorporated the psychoticism dimension.
      * Thus, he moved “from his original concept of criminals as extraverts to identifying them with arch-villainous psychopaths.”
    - In an effort to explain individual differences in criminality, Eysenck maintained that these can be understood in terms of biology.
      * He offered three arguments: 1) genetics, 2) Pavlovian conditioning; and 3) neurophysiology.
        + In terms of genetics, or heredity, Eysenck drew on data collected from twins.

He stated that “these data…demonstrate, beyond any question, that heredity plays an important, and possibly a vital part, in predisposing a given individual to crime.”

* + - * + The second argument, Pavlovian conditioning, is an essential point of his biological explanation.

Socialized and altruistic behavior had to be learned and this learning was mediated by means of Pavlovian conditioning.

The argument was that it is more difficult to condition extraverts compared to introverts.

* + - * + The last type of argument was initially based on brain physiology.

The differences between extraverted and introverted behavior was due to cortical arousal.

Extraverts are characterized by a low level of cortical arousal.

They are less susceptible to pain and punishment as well as experience less fear and anxiety.

The cortical arousal level is also associated with psychoticism.

Those scoring high on psychoticism are more difficult to condition as well as more prone to developing antisocial behavior.

* + - There has been mixed support for Eysenck’s model of personality and criminality.
      * Individuals scoring high on psychoticism are often linked to criminal behavior regardless of the methodology.
      * When employing self-report methods, extraversion is usually higher among the general population but not among criminal offender samples.
  + **Lawrence Kohlberg—Moral Development**
    - Moral development occurs in stages.
    - Moral judgment evolves in children in a three-level progression; each level consists of two stages.

|  |  |
| --- | --- |
| Level of Moral Development | Stage of Reasoning |
| Preconventional | Stage 1: Right is obedience to power and avoidance of punishment.  Stage 2: Right is taking responsibility and leaving others to be responsible for themselves. |
| Conventional | Stage 3: Right is being considerate: “uphold the values of other adolescents and adults’ rules of society at large.”  Stage 4: Right is being good, with the values and norms of family and society at large. |
| Postconventional | Stage 5: Right is finding inner “universal rights” balance between self-rights and societal rules—a social contract.  Stage 6: Right is based on a higher order of applying principles to all human-kind; being non-judgmental and respecting all human life. |

* + **John Bowlby—Attachment Theory**
    - The development of **Attachment Theory** is the combined work of Bowlby and Mary Ainsworth.
    - Bowlby formulated the basic propositions of the theory.
    - Ainsworth implemented innovative methodology to test some of Bowlby’s concepts as well as further refinement of the perspective.
    - Bowlby maintained there are seven essential features of this theoretical perspective:
      * Specificity
        + Attachments are selective or “choosy,” these attachments are often focused on one or more individuals, usually with some order of preference.
      * Duration
        + Attachments are enduring and persistent; these attachments can sometimes last throughout a person’s life.
      * Engagement of Emotion
        + Some of the most intense and passionate emotions are associated with attachment relationships.
      * Course of Development
        + In the first nine months of an infant’s life, he or she develops an attachment to a primary figure. This primary figure is the person who provides the most fulfilling and pleasing social interaction.
      * Learning
        + While learning does have some influence on a person’s attachments, the key component is social interaction.
      * Organization
        + Attachment behavior follows cognitive development as well as interpersonal maturation from birth.
      * Biological Function
        + Attachment behavior has a biological function in terms of survival which is supported by research on various species.
* **Modern Versions of Psychological Perspectives of Criminality**
  + **IQ and Criminal Behavior**
    - **Historical Overview**
      * In the early 1900s, French psychologist Alfred Binet, along with his colleague Theodore Simon, developed what was considered a more quantified measure of intelligence, or IQ.
      * The Binet-Simon Intelligence Test was initially developed to study intellectual disabilities among French school children.
      * Lewis M. Terman revised the Binet-Simon Intelligence Test.
        + Since its publication in 1916 it has been known as the Stanford-Binet test.
      * Henry H. Goddard is credited with bringing intelligence testing to the U.S.
        + He translated and adapted Binet’s model to study immigrants who were coming into the U.S.
      * Between 1888 and 1915, various researchers administered the intelligence tests to prisoners and boys in reform schools.
        + In the early 1900s, the Ohio Board of Administration was convinced that over 40% of the juveniles incarcerated in the state reformatories were “definitely feeble-minded.”
  + **Recent Discussions on IQ and Criminal Behavior**
    - In 1977, Travis Hirschi and Michael Hindelang analyzed the history of the research on the link between IQ and delinquency.
      * They maintained that recent research on intelligence and delinquency suggests that a) the relation is at least as strong as the relation of either class or race to official delinquency, and b) the relation is stronger than the relation of either class or race to self-reported delinquency.
      * In reference to official delinquency, they analyzed various studies such as Hirschi’s research on over 3,600 boys in California.
        + The results revealed that family status and IQ are independently related to official delinquency.
    - Wolfgang and his colleagues’ study of 8,700 boys in Philadelphia revealed as strong association between IQ and delinquency independent of class.
    - In reference to self-reported delinquency, West found that 28.4 percent of the worst quarter of his sample on self-reported delinquency had low IQs compared to 16.6 percent of the remaining three-quarters.
    - Hirschi and Hindelang noted that “however delinquency is measured; IQ is able to compete on at least equal terms with class and race, the major basis of most sociological theories of delinquency.”
    - Recent studies have revealed that certain types of intelligence are more important than others.
      * Several studies have shown that low verbal intelligence has the most significant influence on predicting delinquent and criminal behavior.
    - Richard Herrnstein and Charles Murray’s *The Bell Curve* (1994)
      * Argument was consistent with the feeblemindedness research of the early 20th century.
      * People with low IQ scores are somewhat destined to be unsuccessful in school, become unemployed, produce illegitimate children, and commit crime.
      * They also maintained that IQ or intelligence is essentially innate, or genetically determined.
        + Thus, there is a small chance of one improving his or her IQ or intelligence.
  + **James Q. Wilson and Richard J. Herrnstein—*Crime and Human Nature***
    - Reviewed a considerable number of criminological studies that examined the influence of genetic and familial factors on criminal behavior.
    - Never explicitly “named” their theory, but Jack Gibbs has suggested that they used the label Operant-Utilitarian Theory of Criminality since they often use concepts associated with operant psychology.
    - They attempted to explain street crime by demonstrating how human nature develops and evolves from the interaction of three factors.
      * Social Environment
        + While broad societal values have often been neglected as explanations, they maintained that the shift in American culture from valuing restraint and discipline to the recent narcissistic “me first” orientation has a strong influence on the individual level and has contributed to the increasing crime rate during the previous two decades.
      * Family Relationships
        + Parents who are uncaring, inconsistent in the treatment of their children, or unskilled in dispensing rewards and punishments contribute to their children’s criminal behavior. Further, a child from a broken home, or a single parent household, is not necessarily an influential factor; rather, it is the parent’s failure to teach the child consequences of his or her actions.
      * Biological Makeup
        + Qualities considered influential include gender, low intelligence, impulsiveness, and body type. These are at least partly hereditary.
    - They contended that at any time, a person can choose between committing a crime and not committing a crime.
      * The consequences of committing a crime consist of rewards and punishments.
        + The greater the ratio of net rewards of crime to net rewards of noncrime, the greater the tendency to commit crime.
      * Constitutional factors, such as intelligence and impulsivity, can influence an individual’s ability to judge future and immediate rewards and punishments.
      * Thus, “aggressive and impulsive males with low intelligence are at a greater risk for committing crimes than are young males who have developed ‘the bite of conscience,’ which reflects higher cognitive and intellectual development.”
    - In reference to intelligence, Wilson and Herrnstein argued that social scientists have maintained that individuals identified as offenders have an average IQ of 92 which is about 8 points below the population average.
      * Further, they contend that a law IQ may result in offenders’ inability to think past “short-term” situations or they have difficulty understanding society’s rules as well as the consequences of their actions.
    - Criticisms
      * They failed to empirically test their terms such as “ration of rewards.”
        + They did not adequately operationalize these terms, making it difficult for researchers to test their theory.
      * Another concern was the focus on street and predatory crimes such as murder, robbery, and burglary.
        + They did not include other offenses such as white-collar crimes.
  + **Psychopathy and Crime** 
    - David Lykken distinguished between the term **sociopath and psychopath**.
    - A sociopath refers specifically to antisocial personalities that are due to social or familial dysfunction.
    - A psychopath refers to individuals whose antisocial behavior may be a result from a defect or abnormality within themselves rather than in their rearing or socialization.
    - Harvey Cleckley
      * In his book, *Mask of Sanity*, he maintained that psychopaths were intelligent, self-centered, glib, superficially charming, verbally shallow, and manipulative; in terms of emotions these individuals lacked essential human characteristics such as empathy and remorse; and behaviorally psychopaths engaged in irresponsible behavior; prone to seek novelty and excitation, and often engage in moral transgressions and/or antisocial acts.
    - Robert Hare
      * Developed the Psychopath Checklist-Revised (PCL-R) to examine psychopathy in adult samples.
        + Includes scales measuring two factors:

The callous, selfish, remorseless use of others; and

A chronically unstable and antisocial lifestyle.

* + - While a majority of the research on psychopath has considered it as one construct, others have focused on possible subtypes or subgroups.
      * Primary Psychopath
        + An individual who displays certain characteristics that are maladaptive and pathological (e.g., lack of conscience, irresponsibility, failure to learn from experience)—as well as key traits that appear ostensibly adaptive, or at least nonpathological (e.g., low anxiety, interpersonal charm, absence of irrational thinking).
      * Secondary Psychopath
        + Have many of the same maladaptive traits as the primary psychopath.
        + Seems to be more prone to exhibit extensive symptoms of psychological turmoil and emotional reactivity.
        + These individuals tend to be more reactive, antagonistic, and impulsive; they are also more at risk for engaging in self- and other-destructive behavior such as drug use/abuse, suicidal ideation/gestures, and interpersonal aggression.
    - There have been various theories explaining psychopathy.
      * Lykken has suggested the low fear quotient theory.
        + All individuals have an innate propensity to fear certain stimuli such as a loss of support, snakes, or strangers.
        + Individuals subsequently associate, or condition, fear to stimuli and situations which they have previously experienced with pain or punishment.

This is referred to as innate fear quotient; this fear quotient varies from person to person.

* + - * + Primary psychopaths are at the low end of this fear quotient continuum.
      * Inhibitory Defect or Underendowment
        + Some psychopathic individuals seem to act impulsively without assessing the situation, appreciating the dangers, or considering the consequences.
        + This perspective maintains that lesions in certain areas of the brain can cause a decrease in inhibitory control in animals as well as humans.
* **Mental Health and the Criminal Justice System**
  + Research has revealed that the proportion of male and female jail detainees with a mental health disorder is significantly higher than in the general population.
  + There are various issues associated with mental health and the criminal justice system.
    - **Treatment**
      * Different types of treatment methods have been implemented to address problems linked to criminality such as coping and problem-solving skills, conflict resolution, empathy, and relationships with peers, parents, and other adults.
        + Thinking for a Change (1997)

Developed by Glick, Bush, and Taymans in cooperation with the National Institute of Corrections.

An integrated cognitive behavioral change program that includes cognitive restructuring, social skill development, and the development of problem solving skills.

The program was designed to be used with offender populations in prisons, jails, community corrections, and probation and parole settings.

* + - * + Evaluating the Thinking for a Change Program

Golden, Gatchel, and Cahill

Revealed some “mixed” results concerning recidivism.

The program does improve problem-solving skills among those who have completed the program.

* + - **Mental Health Courts**
      * The concept developed from the drug court model in the late 1980s.
      * The first mental health court was created in 1997 in Broward County, Florida.
      * In 2000, President Clinton signed the bill America’s Law Enforcement and Mental Health Project.
        + The bill authorized the establishment of up to 100 mental health courts as well as $10 million a year, for up to four years, for maintaining these courts.
      * The goals of mental health courts include increasing public safety for communities, increasing treatment participation and quality of life for offenders, and enhancing the use of resources in various communities.
      * Mental health courts share some common features.
        + They are a specialized court for offenders with mental health illnesses.
        + Focuses more on problem-solving approaches.
        + Participants in this court are identified through a series of mental health screenings and assessments.
        + Offenders voluntarily participate in a judicially supervised treatment plan.
        + There are incentives for adherence to the treatment as well as sanctions due to nonadherence.
      * There are variations among the different mental health courts such as target population, charge accepted, plea arrangement, intensity of supervision, program duration, as well as type of treatment available.
    - **Insanity Defense**
      * The term insanity is not a medical term; rather it is a legal term.
      * The general rationale to an insanity defense is that a person should not be punished for engaging in a criminal act if he or she cannot refrain from doing so.
      * The standards for establishing an insanity defense vary extensively among the different states.
        + Kansas, Montana, Idaho, and Utah do not allow for an insanity defense.

Montana, Idaho, and Utah do have a provision where an offender can receive a guilty but insane, or mentally ill verdict.

* + - * Among the states that do allow an insanity defense, there are essentially four types of tests, again with modified versions of these tests as well.
        + **The M’Naghten Rule**

Oldest rule for determining insanity.

The M’Naghten Rules are as follows:

Every person is presumed sane unless the contrary can be proven.

A person suffering a ‘partial’ delusion should be dealt with as if the circumstance of the delusion was real.

To establish a defense on the grounds of insanity, it must be clearly proved that

At the time of committing the act,

The accused was laboring under such a defect of reason,

From a disease of the mind,

As not to know the nature and quality of the act he was doing,

And if he did know it (the nature and quality of the act he was doing), that he did not know what he was doing was wrong.

* + - * + **Irresistible Impulse**

In 1897, the federal courts, and subsequently many state courts, included the irresistible impulse test.

With this test, offenders can claim that, due to mental disease, they were unable to control their behavior.

The standard for this test is that the individual could not control his or her conduct.

* + - * + **Durham**

In the 1954 case, *Durham v. United States*, the court included a volitional, or a free choice, component to the insanity defense.

Offenders are not criminally responsible, even if they are aware of their conduct, if this behavior was the “product of mental disease or defect.”

* + - * + **American Law Institute’s Model Penal Code (ALI/MPC)**

Due to vague and contradictory rules about insanity, a number of states adopted the ALI test.

In Section 4.01 of the Model Penal Code, the test includes the following:

A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity either to appreciate the criminality (wrongfulness) of his conduct or to conform his conduct to the requirements of the law.

* + - * A key difference between the M’Naghten and the ALI/MPC tests is the M’Naghten test stipulates that the offender demonstrate total mental impairment; the ALI/MPC test stipulates that the offender demonstrate a lack of substantial capacity.

Insanity Defense Standards

|  |  |  |  |
| --- | --- | --- | --- |
| Test | Legal Standard | Burden of Proof | Bearer of Proof |
| M’Naghten | “Didn’t know what he was doing or didn’t know it was wrong.” | Proof by a balance of probabilities.  Proof beyond a reasonable doubt. | Defense  Prosecutor |
| Irresistible Impulse | “Could not control his conduct.” | Proof by a balance of probabilities.  Proof beyond a reasonable doubt. | Defense  Prosecutor |

|  |  |  |  |
| --- | --- | --- | --- |
| Durham | “The criminal act was caused by his mental illness” | Beyond a reasonable doubt. | Prosecutor |
| Brawner-A.L.I | “Lacks substantial capacity to appreciate the wrongfulness of his conduct or to control it.” | Beyond a reasonable doubt. | Prosecutor |
| Present Federal Law | “Lacks capacity to appreciate the wrongfulness of his conduct.” | Clear and convincing evidence. | Defense |

* **Conclusion**

|  |  |  |  |
| --- | --- | --- | --- |
| Theory | Concepts | Proponents | Key Propositions |
| Psychoanalytic Perspective | The Id, Ego, and Superego; Anxiety, defense mechanisms, and the unconscious. | Sigmund Freud;  August Aichorn | Individuals may be unaware of their unconscious experiences; they seek some form of expression until these are brought to awareness. Attempt to uncover unconscious motives of individuals engaging in criminal behavior. |
| Theory of Crime and Personality | Personality can be viewed in three dimensions: psychoticism, extraversion, and neuroticism (the PEN-model). | Hans Eysenck | Initially, Eysenck focused on two personality dimensions (neuroticism and extraversion) in terms of how they are linked to criminality; later he incorporated the psychoticism dimension. |
| Moral Development | Three levels of morality: preconventional, conventional, and postconventional. Within each level are two stages. | Lawrence Kohlberg | Depending on an individual’s level of moral development, he or she will perceive issues such as right and wrong, avoiding punishment, responsibility, societal rules, and respecting human life in a different form of reasoning. |
| Attachment Theory | Seven essential features: specificity, duration, engagement of emotion, course of development, learning, organization, and biological function. | John Bowlby  Mary Ainsworth | Individuals may react in certain ways if they experienced some type of separation, or they may have weak attachments to significant others. |