Course Learning Outcomes for Unit III

Upon completion of this unit, students should be able to:

1. Define and discuss criminology terms introduced in Unit III.
2. Recall theories of crime causation and their attempts to indicate and explain criminality.
3. Recall and explain the relationship between crime and genetics.
4. Identify and discuss external and internal factors that can influence criminality.
5. Differentiate between male and female criminality and its causes.
6. Recall how psychology and psychiatry are used to identify criminal tendencies, explain crime causation, and assess and help criminal offenders.
7. Identify and describe mental and behavioral irregularities that can indicate, or contribute to criminality.
8. Recall criminological legislation and rulings that are based on psychological or psychiatric reasoning.

Unit Lesson

Evolution of Theories

In the late 1800s, the Positivist School of criminology challenged the predominate school of thought, the Classical School, since the application of classical theory did not appear to affect the crime rate. The Positivist School rejected the Classical School’s assumption that criminals were rational individuals who were exercising free will and asserted that crime was caused by biological, psychological, or social factors, all of which are forces outside the control of the individual committing the crime.

Capitalizing on the apparent failure of the Classical School and the popularity of Charles Darwin, the early positivist biological theory of crime gained popularity. These theories maintained that criminals were biologically inferior when compared to the normal population and that there were individuals within the population who were predisposed toward committing crimes (Cullen & Agnew, 2011).

Cesare Lombroso’s postmortem studies of criminals led to the concept of atavism, which said that criminals were merely born criminal and that female offenders exhibited masculine characteristics. Although later editions of Lombroso’s On Criminal Man gave some credit to environmental and social factors, Lombroso attributed a significant percentage of criminal dispositions to atavism. Franz Joseph Gall developed the field of phrenology. Phrenology asserted that the roots of an individual’s personality can be found within the brain. According to Gall, the external shape of the skull indicates personality, and studying the shape and ridges can be used to predict criminality. During the 1930s, the constitutional theory arose and linked criminality to body morphology and genetics (Schmalleger, 2012).
Although early biological determinism theories have been generally discredited, more advanced science has seen the redevelopment of biological theories involving biochemistry, genetics, sociobiology, and neurophysiology (Akers & Sellers, 2009). Body chemistry theories consider the influence of chemicals on criminal behavior, including hormones, food additives, and weather pattern influences. They also posit that over-expression, or deficiencies of various neurochemicals can lead to antisocial behavior and impulsivity as well as increased aggression (Jones, 2005).

Dabbs and Hargrove (1997) studied women in prison and found that high testosterone levels are related to criminal violence and aggressive dominance. Furthermore, the reduction in these behaviors as a function of age is partially explained by a reduction in testosterone levels. Although testosterone has been linked to increased aggressive behavior, some argue that elevated levels alone are not enough to trigger violent actions. Bernhardt’s study (1997) demonstrated that high testosterone levels support dominance-seeking behaviors. In combination with low serotonin levels, high testosterone can result in a greater probability of an extremely negative emotional reaction, and therefore a greater chance of aggressive behavior. Furthermore, a recent study has suggested that the mental effects of steroids, which consist of synthetic testosterone, could be linked to criminal behaviors, including commission of violent crimes (Klotz, Garle, Granath & Thiblin, 2006).

**Biocriminology—The Twinkie Defense**

In 1979, former police officer Dan White used a biocriminological theory of crime to justify his claim of diminished capacity during the killing of San Francisco mayor George Moscone and the nation’s first openly homosexual elected to major public office, city councilman Harvey Milk. Using what is now known as the “Twinkie Defense,” Mr. White’s lawyer argued that his client was mentally unstable due, in part, to his addiction to sugary junk food. Although many believed the crime was motivated by hate, the jury believed that excessive amounts of sugar could affect a person’s reasoning ability, and Mr. White was convicted of voluntary manslaughter rather than murder. Ironically, less than two years after his release from prison, Mr. White committed suicide.

As with any discussion of genetics or biological causes, there is always the argument of “nature vs. nurture.” Does the behavior result from biological factors or from environmental factors? Research attempted to address these questions using mono- and dizygotic twin studies. In theory, monozygotes, or identical twins, would have identical genetic makeup, and the independent variable would be the environment. In contrast, dizygotic twins, or fraternal twins, would be genetically different, and thus the environment could be the held constant. It is interesting to research what has been discovered about twins, including whether or not they follow the same paths into crime. Which caused it, genes or environment?

Recently, there have been efforts to incorporate the role of external influences on biological factors. The biosocial criminological theory argues that the interaction between the environment and biology is vital to understanding all human behavior, including criminal behavior. In contrast, the sociobiological theory incorporated biology, behavior, and evolutionary ecology. This theory suggests that crime is a result of sexual selection and the offender’s attempts to propagate his/her genes. Aggressive behavior is seen as a way males exhibit superiority to available females (Rowe, 2001).
Psychological Factors

Although both the biological and psychological theories believe criminality is an individual trait, the psychological theories assert that the necessary traits are not inherited, but are instead acquired during early development (Akers & Sellers, 2009). The psychological theory states that criminal behavior is a result of psychological traits, and that crimes result from abnormal or dysfunctional mental processes within an individual’s personality. It maintains that these psychological traits developed during early years and are what predispose people to display deviant behavior and ultimately commit crimes (Marsh, 2006).

Psychological factors common to criminality are antisocial personality disorder and psychopathy. Antisocial personality disorder (ASPD) is characterized by a continual disregard for the rights of others that begins in childhood, or early adolescence, and persists into adulthood. Manipulation and deceit are fundamental features of antisocial behavior. Although individuals with antisocial personality disorder understand the difference between right and wrong, they typically have no regard for it, placing themselves in regular conflict with society’s laws and norms. Psychopathy is defined as a personality disorder distinguished by antisocial behavior and lack of remorse or empathy. In contrast to persons with ASPD, psychopaths do have the capacity to comprehend the pain or damage caused by their actions.

These early psychological theories evolved out of the work of Sigmund Freud. According to the classical Freudian view of delinquency, criminal behavior is maladaptive. Crime is a symptom of the intuitive divergence between the id, ego, and superego. The id is responsible for all urges and drives. It seeks immediate gratification and operates on the pleasure-seeking principle. This is where criminal behavior manifests. The ego is responsible for developing plans to obtain the desires of the id. The ego recognizes that delayed gratification might be necessary to obtain these desires. The superego is ultimately the moral compass of the individual. The superego determines if the plans of the ego are morally appropriate and dismisses the immoral ones. Without the intervention of the superego, the id and the ego could dictate immoral or illegal behavior.

Modern psychological theories view crime as an adaptive behavior. Crime reduces stress by creating changes in the individual’s environment, which is alloplastic adaptation. Alternatively, crime leads to a reduction in stress that results in changes within the individual, which is autoplastic adaptation. These theories include the modeling, behavior, attachment, and self-control theories. The modeling theory integrates the importance of social learning into aggressive behavior. The theory asserts that everyone is capable of aggression; however, they must learn how to behave aggressively. Social learning dictates how and when aggressive behavior is displayed. The modeling theory is the theoretical support for criminal defense’s claim that violent video games and movies provoke violent behavior.

Behavior Theory

The behavior theory is based on the theory of operant conditioning. Operant conditioning demonstrates the effects of reward and punishment on learning and behavior. The principles of operant conditioning state that a behavior that is followed by positive reinforcement will increase the likelihood that the behavior will be repeated. If the behavior is then performed without the positive reinforcement, the likelihood of the behavior’s repetition decreases. In contrast, if a behavior is followed by a negative reinforcement, the likelihood of the repetition of the behavior decreases. If the behavior is then performed without
the negative reinforcement, there is an increased probability of the behavior reoccurring (Boeree, n.d.). According to the behavioral model, crime results when individuals receive positive reinforcement for criminal behavior and receive little or no negative reinforcement for such actions. For example, most young children steal candy and most are caught by their parents and forced to face the embarrassment of returning the candy and apologizing. What if our parents had not caught us in the act? The gratification of the candy would have encouraged us to continue this behavior and possibly graduate to bigger and better “candy.”

The attachment theory argues that healthy psychological development requires that children develop a supportive and continuous relationship with their mothers. Failure to form this attachment can manifest in delinquent behaviors. The increased amount of delinquent behavior in the foster care system appears to support this theory.

The self-control theory believes that the failure of an individual to exercise self-control leads to criminal behavior. The most famous self-control theory is Gottfredson and Hirschi’s general theory of crime. Gottfredson and Hirschi argue that low self-control is the principal individual-level cause of crime, and that the lack of self-control can explain the commission of all crimes, from simple property crimes to rape and murder. The general theory of crime also recognizes the association between self-control and criminal opportunity in the commission of criminal acts (Schmalleger, 2012). For example, the commission of a robbery requires much more self-control than a burglary of an unlocked, unoccupied house.

Insanity is a legal concept. It is defined as a mental illness in which a person cannot differentiate between fantasy and reality, is socially incapacitated due to psychosis, or is subject to irresistible impulses. Prior to the Insanity Defense Reform Act of 1984, when a defendant raised the insanity defense, the burden of proof was on the prosecution to prove that the defendant was sane at the time of the offense. The act shifted the burden of proof to the defense, who now must prove the defendant insane.

The traditional test of insanity in criminal cases is the "M'Naughten Rule" from nineteenth century England. The M'Naughten Rule states "to establish a defense on the ground of insanity, it must be clearly proved that, at the time of the committing of the act, the party accused as laboring under such a defect of reason, from disease of mind, as not to know the nature and quality of the act he was doing; or if he did know it, that he did not know he was doing what was wrong" (The Queen v. M'Naughten, 1843, para. 24). The M'Naughten Rule is often criticized because it can be difficult to distinguish between the defendant's knowledge of right and wrong, and his/her knowledge that the action was against the law. Furthermore, the M'Naughten Rule does not address individuals who are capable of distinguishing between right and wrong, but are incapable of controlling their urges due to mental defect.

To address this issue, an irresistible-impulse test was developed and it only required that the psychological condition prevent the individual from resisting the urge to commit the crime. The American Law Institute softened the M'Naughten Rule and created the substantial-capacity test. This test requires that the individual lack “substantial capacity” to distinguish right from wrong and expands the M'Naughten rule to include an "irresistible impulse" component (Schmalleger, 2012). Of the states that recognize the insanity defense, 26 recognize some version of the M'Naughten Rule, and 22 utilize the American Law Standard. (PBS, n.d.)
Although the insanity defense is rarely used, it often brings controversy. The insanity defense has been used with mixed results in highly publicized trials. For example, in 1994, Lorena Bobbitt was found not guilty due to an irresistible impulse to sever her husband's penis. In contrast, Jeffrey Dahmer was convicted in 1992 of the murder of 15 young men, whose mutilated and cannibalized bodies were found in his Milwaukee apartment. Although Dahmer admitted the killings at trial, he entered a plea of not guilty by reason of insanity. The insanity plea was rejected, and Dahmer was found legally sane at the time of the murders.

References


**Supplemental Reading**

Click [here](#) to access a PDF of the Chapter 4 Presentation.

Click [here](#) to access a PDF of the Chapter 5 Presentation.

Look in the CSU Online Library’s Criminal Justice Periodicals Index for articles pertaining to psychology and psychiatry used in criminology. An interesting article, “The Blame Game and How to Play It,” by Robert “Jerry” DeFatta, shows how shifting blame can be useful when conducting an admission-seeking
interview with a crime suspect. Can the Devil really make you do it, as Flip Wilson used to say in his comedy skits?

Learn more about the history of cerebral localization (phrenology) in the article “A Bit About Phrenology,” located on the Cyber Museum of Neurosurgery website.

If you wish to learn more about genetics and genetic research, search for the following on the Internet:
  • National Human Genome Research Institute
  • Human Genome Project