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PSYCHOPATHOLOGY AND CRIME CAUSATION: INSANITY OR EXCUSE?

By Meagan Cline

One of the most controversial topics in the criminal justice industry is the "insanity defense" and its applicability or validity in prosecuting criminal cases. The purpose of this assignment is to identify and discuss psychopathology and crime causation in terms of mental illness, research, and the insanity defense. For this evaluation, information was gathered from scholarly research, textbooks, dictionaries, and published literature. These sources were then carefully reviewed and applied to the evaluation in a concise, yet informative, manner. This assignment also addresses some of the key terms in psychopathology and crime causation, including various theories, definitions, and less commonly known relevant factors influencing claims of mental instability or insanity. The conclusion of this evaluation shows that mental illness is a very real issue facing society and the criminal justice system. This evaluation is not exhaustive and while it does provide insight into the factors of psychopathology and crime causation, the evaluation could benefit from the input of professionals currently working within the criminal justice industry.

INTRODUCTION

Crimes are committed for numerous reasons. In some cases, the acts are malicious, violent, and damaging. In other cases, the crimes committed inflict no physical damage and could be considered nothing more than a simple mistake or lapse in good judgment. Anyone who has studied or worked within the criminal justice system knows that the two foundational elements of criminal acts are the mens rea and the actus reus. Mens rea is the legal term for the intent exhibited by the perpetrator to commit a crime. Actus reus refers to the actual action of committing a crime. While these two concepts are present in most all criminal cases, the question must be asked of what happens when an individual suffers from a mental disorder or other issue that influences his or her cognition toward mens rea? Is it really possible for an individual to lack the cognitive control needed to abstain from criminal activity? Research on the subject of crime causation and psychopathology certainly seem to indicate that this is the case for many individuals.

Psychopathology is one of the most important elements to studying and understanding crime causation. As Garner (2004) noted, a psychopath is someone "...with a mental disorder characterized by an extremely antisocial personality that often leads to aggressive, perverted, or criminal behavior" (p. 1263). This formal definition serves as the basis for common terms, such as mentally ill, unstable, antisocial, insane, etc. This type of definition also paves the way for science and medicine to influence the usability of criminal defenses based on mental illness or "insanity". There is a multitude of research and published works regarding crime causation, and psychopathology is an element that is commonly included across studies. Since the 19th century, psychopathology has factored into the study of crime causation. While more is known about crime causation today, the question remains of whether psychopathology points toward insanity as causation, or as an excuse for illicit behavior for violent offenders.

DISCUSSION AND APPLICATION OF KEY TERMS/CONCEPTS

In discussing crime causation, it is important to also understand the terminology used in many publications. For example, actus reus and mens rea are common, but less commonly used terms like strain theory may cause readers a bit of confusion or uncertainty. The first term relevant to this evaluation is psychopathology. The standard definition of psychopathology is the "...study of psychopathic mental conditions" (Schmalleger, 2011, p. 90). The study of psychopathology in the context of the modern criminal justice system dates back to the early 20th century. Though many scholars, psychologists, psychiatrists, and experts have discussed and theorized the link between psychopathology and crime causation, Raine (1993) pointed out that a conclusive and acceptable definition is difficult to ascertain. One of the reasons that defining psychopathology is so difficult is because of the categorical nature of the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV-TR). Under the DSM-IV-TR, mental disorders are categorized, assuming that an individual will either be a member or nonmember of the categories listed, without allowing for gradation of the disorders listed (Krueger & Markon, 2006).

Next is psychosis. Psychosis is one of the most common mental conditions linked to criminal behavior. Schmalleger (2011) defines psychosis as a condition that causes the individual to lose touch with reality. According to the National Alliance on Mental Illness (NAMI), psychosis is not itself an illness, but is most often a symptom associated with physical or mental illness, trauma or stress, or substance abuse (Psychosis, n.d.). This NAMI definition suggests that several elements of crime or disturbing behavior may be linked to psychosis, with or without a diagnosed mental illness.

Another important factor to understanding psychopathology and crime causation is understanding diagnosis. The Diagnostic and Statistical Manual of Mental Disorders (DSM) is the official guide for diagnosing mental disorders. The DSM is a relevant connection between the criminal justice system and the health and mental care industries. Because humans commit crimes, it is important that each of these elements is included. The DSM is routinely updated and expanded to meet the needs of society on a current and future basis.

Theories

Strain Theory

Strain theory is another important element of researching crime causation and psychopathology. Strain theory suggests that individuals who commit crimes do so in order to relieve some sort of psychological strain or stress. For example, an individual facing financial ruin may turn to theft, while someone who is angry may seek revenge (Agnew, 2002). In severe cases, the psychological strain or stress may result in a drive to commit more serious crimes, including sexually-directed crimes or even murder. Notable criminals like Jeffrey Dahmer and Ted Bundy are thought to have had strong compulsions that led them to criminal behavior. During Dahmer's trial, expert witnesses testified that he was not insane, but that he had strong psychological motivation to rid his life of the homosexual urges he felt - therefore, he killed his victims (Worthington, 1992).

In the case of Ted Bundy, he was considered to be a sexual sadist, but was not "psychotic" by the textbook diagnosis (Holmes & Holmes, 2010). Unlike Dahmer, Bundy was

not seeking to rid himself of an urge, but rather to fulfill a fantasy he had created with a former fiancé. In Bundy's case, he killed his victims to relieve the stress and strain of that relationship which had caused him pain in the past. Bundy suffered in that relationship, and his crimes were a way of relieving his pain by punishing other women (Holmes & Holmes, 2010). Testimony and research on criminals like Dahmer and Bundy continue to be sources of interest for criminal justice and criminology professionals, as well as students.

Social Learning Theory

Social learning theory suggests that individuals may be conditioned by their environment to commit crimes. That is to say that they learn criminal activity from the people around them (Agnew, 2002). This theory has been applied to crime causation for many years, and by some of the most noted psychologists in recent decades. Consider, for example, the predisposition to commit crime that many young people in low income and high crime areas of society hold.

Control Theory

Control theory suggests that individuals who commit crime do so because they view it as being easier than the alternative. For example, an individual should not have to work to obtain money if he or she can simply steal it (Agnew, 2002). In terms of violent crime, some individuals choose to murder another person in order to solve a problem, rather than take appropriate and legal measures.

Anomie Theory

The most common, albeit loose, translation for anomie theory suggests that anomie is a "...condition of normlessness" (Schmalleger, 2011, p. 94). That is to say that an individual exhibiting anomie may have a sense of alienation from "normal" groups within society. In a societal context, an individual may experience anomie after making a change in culture or political beliefs that are in contrast to their "usual" patterns. There are also many people groups in society that could fall under the umbrella of anomie theory, including groups that purposefully deviate from the acceptable standards of society, school, religion, or the law. It is important to note that not all individuals falling under the umbrella of anomie theory are criminals.

HOW PSYCHOPATHOLOGY AND CRIME CAUSATION FITS WITHIN CRIMINAL JUSTICE/CRIMINOLOGY

Crime causation clearly fits into the context of criminal justice and criminology. Without crimes, there would be no need for either of these two areas of study. Accordingly, it becomes paramount that students, researchers, and experts in the field learn everything possible about why crime is committed, by whom, and for what purpose. The only ways to fight crime effectively, reduce recidivism, and transform the lives of those in the community affected by crime, is to understand these concepts.

Research supports the idea that brain dysfunction and criminal behavior are linked. Schlesinger (2007) pointed out that criminal behavior often stems from a combination of one or more factors such as "...disinhibition, impaired social judgement, hypersexuality, aggression,

and/or violence" (p. 66). Each of these factors links, in some way, back to the study of psychopathology and crime causation, and is important elements of study for law enforcement, profilers, and corrections personnel.

Another way that psychopathology and crime causation fits into the criminal justice and criminology industries is that psychopathological factors often become an issue during court proceedings. Since the mid-19th century, defendants have been using insanity or mental incapacity (i.e. disorder) to, in essence, excuse the illegal behavior they are accused of committing, and pursue a softer sentence. According to Winters, Globokar, and Roberson (2014), almost half of U.S. states still observe the legal standard dictating the insanity defense, which states that the defendant "...could not... know the nature and quality of the act he was doing or, if he did know it, that he did not know what he was doing" (p. 218). In cases where the mental capacity of the defendant is questioned, it becomes the duty of the jury to review all information, hear expert witness testimony, and decide whether the individual possessed mens rea, or was capable of doing so.

Another way that psychopathology applies to the criminal justice and criminology fields is because there are so many disorders falling into the umbrella of psychosis or mental disorder. Raine (1993) provided a list of behaviors that can fall into the spectrum of psychopathology, including pedophilia, exhibitionism, substance abuse, sexual sadism, voyeurism, pyromania, and kleptomania. Interestingly enough, today's society hardly views exhibitionism, voyeurism, and even sadism as behaviors restricted to the mentally ill. In fact, these elements are often expressed in the media, on television, through pornography, and in literature.

Consider, for example, the recent phenomenon of books and the movie 50 Shades of Gray, which is centered on what society has historically deemed a sexually deviant set of behaviors. Even so, thousands of people around the U.S. have become interested in the same or similar behaviors. Is this a crime? In most cases, likely not, however the lines do appear to be blurred. Two consenting individuals may participate in mildly sadistic sexual behaviors and be well within their legal rights. However, an individual with a mental disorder, or those under the influence of alcohol or drugs, may believe that these behaviors are the "norm", and may pressure others to participate or may force another individual to participate without understanding that the behavior is wrong or illegal. This begs the question of whether society as a whole is truly aware of the common elements of mental disorders, and how sedate they can appear. There are numerous instances throughout history where psychosis, mania, and severe mental illness have gone completely unnoticed until the individual snapped and lives were changed.

The behavior and maintenance of prisoners is another consideration in the context of psychopathology and crime causation. The first reason why is because psychopaths and sociopaths often are capable of presenting themselves one way, while fighting within themselves to control delusions, paranoia, and other mental disorders. Karpman (2012) noted that often, prisoners will behave within acceptable guidelines, but will withdraw themselves from other inmates, and often will be paranoid that corrections officers and staff are trying to harm or kill them. This type of delusional mindset can make it very difficult for criminal justice administrators and officers, as the individual could become dangerous without the mental capacity to stop themselves or change their mindset. This further reinforces the importance of medical and psychological services and support within correctional facilities in order to protect inmates and officers.

WHAT CONCLUSIONS CAN BE DRAWN FROM THE SCHOLARSHIP ON THE SUBJECT?

All sources researched and applied to the study of psychopathology and crime causation suggest a common theme, and that is the fact that individuals classified as psychopaths or sociopaths have little, if any, moral compass. According to research originally conducted by Hervey Cleckley, psychopaths and sociopaths can be defined as "moral idiots", or characterized by "...the inability to accurately imagine how others think and feel" (Schmalleger, 2011, p. 90). Certainly, anyone studying or working within the criminal justice system can recall an instance of observing or studying behaviors that disregard the feelings and rights of others.

Another common theme in the research conducted for this assignment is the fact that sociodemographic and psychological factors are definitely connected to crime, especially violent crimes (Baskin-Sommers, Baskin, Sommers, & Newman, 2013). Research indicates that there is a gap in relevant information regarding the connection between race and crime. It is commonly known that males account for more violent crimes than females, but the statistics on race and environmental factors could be improved upon (Baskin-Sommers, et al., 2013). It is also commonly known that female offenders classified as having mental disorders tend to display "over the top" behavior, but again, research on these offenders is somewhat limited and will be an important focus of continuing literature in this area.

While there is a disparity in research for certain demographics, research indicates that there is a great deal of research available on the issue of psychopathology and crime causation. Dressing, Foerster, and Gass (2011) provided a wealth of information about the psychopathology behind stalking, and whether or not individuals who participate in stalking behaviors should be considered mentally ill, criminals, or both. Their research indicated that there is a strong correlation between stalking, psychopathology, compulsion, and delusional thinking.

As mentioned before, it is important to understand why crimes are committed, who commits them, and under what state of mind. Research like that of Dressing, Foerster, and Gass provide an excellent backdrop for the many factors that influence crime rates, including mental capacity, environmental factors, and culture. Even though a great deal of research on psychopathology and crime causation originates from outside the U.S., the implications and methods discussed could be applicable to society in the U.S. The U.S. is viewed as a "melting pot" of culture and diversity, making international research relevant and of interest. Additionally, at the end of the day, humans are what they are, regardless of their demographic location.

APPLICATION IN A REAL WORLD CONTEXT

With today's society being so culturally diverse, it is important to apply the concepts of culture and diversity to psychopathology and crime causation. According to Corey (2013), theories of crime causation should be "...expanded to include a multicultural perspective" (p. 42). One of the best ways to do this would be to apply the social learning theory to distinct demographics in order to ascertain the attitude of various cultures and populations regarding crime. In addition, a real world application is needed in counseling or treatment of criminal offenders because, as Corey (2013) also noted, "...salient cultural and environmental variables" should be taken into consideration in order for treatment or counseling to be effective. Within the context of culture and diversity, it is also important to understand the prevalence of

subcultures, which Schmalleger (2011) suggests is an important sociological factor influencing crime causation.

In addition to culture and subculture, psychopathology and crime causation also applies to society as a whole, in the form of social norms. This real world application is relevant because there are a great many individuals who could be classified as psychopaths or sociopaths, or exhibiting some form or variation of such behaviors, who are directly in contact with society. It is not difficult to consider the dangers that this presents when reviewing crimes such as those committed by the followers of Charles Manson, the terrorist attacks in New York in 2001, or any of the numerous serial murders that have devastated U.S. society. Raine (1993) noted that the definitions of psychopath and sociopath suggest a deviation from what is perceived as "normal", which in today's society is established by the creation of laws, rules, and social norms.

Another real world application for psychopathology and crime causation is that of criminal profiling (CP). From small town sheriff offices to the Federal Bureau of Investigation (FBI), criminal profiling is a huge component of understanding and combating crime. Psychopathology, psychology, sociology, and criminology all marry together when it comes to criminal profiling, and are consistently innovating in order to meet the changing demands of society. According to Snook, Gendreau, Bennell, and Taylor (2008), criminal profiling began, historically, as a list of sorts, providing basic information about criminals, such as number of convictions, age, location, etc. Today, however, criminal profiling has been expanded to include elements of personality, psychology, sociology, and related forms of criminal activity. Criminal profiles are especially important for violent crimes like homicide and sexual assault, as these types of crime generally are accompanied by psychopathology, sadism, and other mental disorders (Snook, et al., 2008).

Without taking steps to understand and acknowledge the role of mental illness in crime causation, society will continue to question the validity of pleas of insanity, along with the possibility that individuals can act outside of their own mental control. Currently, there are more than 50 individual pleas of insanity in the U.S., which means that every state varies somewhat in their overall use of the defense (Insanity Plea Statistics, 2014). Current statistics also indicate that the majority of insanity defense cases in the U.S. are withdrawn by the defendant upon closer inspection by expert witnesses. In fact, statistics indicate that as many as 70 percent of insanity plea defenses are withdrawn (Insanity Plea Statistics, 2014). This information begs the question of whether the insanity defense is abused, or whether the lines distinguishing mental illness and incompetence are too blurred. Perhaps an individual can be mentally ill, but still maintain the cognitive ability to make wise choices. As this research has shown, there are many factors influencing mental disorders, as well as many manifestations. It is not too far to stretch to assume that individuals can be affected by mental disorders to varying degrees.

REFLECTION

Mental illness is a series of conditions and disorders that affects millions of people across the world. People with limited experience working with individuals suffering from mental illness can be extremely skeptical about these conditions and the real applicability of mental illness to crime causation. It is not uncommon for people to believe that an insanity defense is just an attempt to get away with a crime. In some cases, that may be the case - but a large number of insanity defense cases have some merit. Whatever the case, the fact is that there are millions of people suffering from mental illness, with a significant portion of those not getting the help they

need to be functioning members of society. According to NAMI, there are approximately 43.8 million people in the U.S. alone suffering from a mental illness, with 10 million of those suffering from a disorder that limits their livelihood and cognition (Mental Health, n.d.).

For Christians working in the criminal justice system it is important to remember the commandments to love one another, support one another, and be unbiased in our treatment of others. Criminal justice professionals have the overarching task of upholding and administrating the law, providing help to those in need, and supporting the overall health of the community. That includes being aware of the reality of mental illness, and being educated on the proper way to manage cases involving mental illness. Gathering the research for this evaluation was a challenge to my knowledge and beliefs. The topic of mental illness is one that many people find difficult to address and understand, and while I personally have no prejudice against individuals with varying mental illnesses, I too have been guilty of judging individuals using the insanity defense as simply making excuses for their behavior without knowing the reality of their mental capacity.

One of the biggest challenges in writing this article was finding a balance between Christian principles and the often-secular nature of the law and social issues. A review of scripture reveals little in the way of direct discussion of mental illness, though there are references to individuals who are "crushed in spirit" (Psalm 34:18), those who are anxious (Philippians 4:6, I Corinthians 12:10), and those who are afflicted with various diseases and conditions (Matthew 4:24). Even with these scripture references, it is difficult to determine the best way for Christians to manage mental illness.

In the context of Christianity, there appears to be a disparity between the real issue of mental illness and the church's ability or willingness to address the issue. According to Viola (2013), there are three primary ways that Christians often view mental illness, including:

- Mental illness being demonic in origin
- Mental illness being nothing more than "psychobabble" with little validity
- Mental illness being a psychological disorder with a condition like any other part of the body is susceptible to

Viola (2013) also noted that one of the primary issues with Christians understanding mental illness is the fact that scripture has so little to say about the integration between body, spirit, and soul. Many churches allow individuals with mental disabilities to attend, but do not have specific functions and programs offering support. This has to change if churches are going to fulfill their duty to support and offer guidance to those in need, no matter what the cause. Many churches offer programs for individuals in rehabilitation, homeless, or those victimized by crime. Very few churches seem to have programs designed to support the mentally ill, or individuals who have a criminal history.

If as Christians we hope to address and treat the needs of the "person", then we must address the body, mind, and soul as facets of that being. In a criminal justice context, this means supporting the physical, mental, and spiritual wellbeing of individuals who are accused of committing a crime, as well as those currently incarcerated. This is in line with Viola's (2013) sentiment that "...as believers, we could better understand that mental illness is not just a matter of only spirit, or only soul, or only body. It's often physiological at its root" (Para. 16). There needs to be a shift in thinking in society today that an insanity defense is merely an excuse for unlawful behavior and look deeply into the whole person. After all, even individuals who

practice unlawful behavior have fundamental civil rights that must be upheld when they enter the legal system. Further, these individuals deserve the opportunity to submit themselves to God and turn their lives around. This cannot happen if the criminal justice system and Christianity does not harmonize their efforts.

CONCLUSION

The issue of psychopathology and crime causation is, in reality, one that affects anyone who works in the criminal justice system. The crux of criminal justice is understanding what crime is, who commits it, and why. The research conducted for this assignment clearly indicates that many individuals truly suffer from mental disorders and may not be able to control their thoughts and behaviors. Delusions, paranoia, anxiety, and many other factors deemed psychopathic or sociopathic are commonly found to be factors in criminal activity. Even if these factors are not the single cause for the criminal act, they can certainly place negative influences on the individual, making him or her act out in spite of their better judgment. Mental disorders also often exacerbate the level of violence or sadism, and increase compulsions, which is a dangerous combination.

As society continues to evolve and with it, the criminal justice system, it is important that individuals working in the criminal justice system be aware of past and current research, as well as what opportunities for future research are on the horizon. The literature reviewed for this assignment has clearly indicated the need for competent, innovative methods in combating crime and understanding crime causation. Research also indicates a continued need for recognition and treatment of individual mental disorders. There is no "cookie-cutter" solution for mental disorders, as they often affect individuals in different ways.

This student practitioner does agree with research that there are circumstances in which a criminal may use a plea of insanity in an attempt to excuse their unfortunate behavior. However, research and review suggests there are, in fact, many individuals who are truly mentally ill and who lack the mental capacity to understand their own behavior. In these instances, it is important for the criminal justice system to recognize their situation and offer treatment and punishment methods that will lend themselves to overall health and wellbeing.

Mental illness is strongly engrained in the fabric of society and remains a critical issue to the overall wellbeing of the entire world. Without proper recognition and care for mental illness and the thousands of people affected by it, the criminal justice system does society a disservice. This student practitioner does feel that the criminal justice system is open to innovation and consideration of mental illness; however, there is an overarching sense of skepticism toward any criminal case involving the insanity defense or even the mention of mental illness. While the reason is clear based on research and experience, the energy spent toward skepticism could be better focused on healing and transformation of the whole person. That is not to say that courts should not carefully review the case to determine if mental illness is, in fact, a factor. But rather, the overall attitude of negativity and skepticism could be improved upon.

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