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COGNITIVE ANALYSIS IN UNDERSTANDING CRIMINAL BEHAVIOUR: A CRITICAL ANALYSIS FROM EXSISTING RESEARCH LITERATURE

**Authored by –
Adv. Pragnyasa Swain**

ABSTRACT

This paper is devoted to critically analyse the psychological aspects of the mind of a criminal. The foremost ingredient in any crime is the mens rea of the individual committing the crime. Secondly, we try to decode the thoughts and the reaction of the individual prior and post that particular situation. This paper will be an attempt to acquire a glimpse into a criminal's psyche. The notion of legal psychology, the implementation of psychological knowledge and approaches to process the law has itself emerged as a speciality. However, the focus of this paper will be on the 'criminological psychology.' It deals with the analysis of psychological theories and investigation to understand as well attempt propositions to change the approach of studying criminal behaviour. Thus, the psychological theories put an end to the pathological theories of criminal behaviour and gives a more rational and justifying perspective of the minds of the criminals. This further helps in understanding the root cause of criminal behaviour and criminal personality which provides room for attempt to make amendments in their ability to respond to various triggering situations. This paper further relates the emotional quandary with the behavioural personality of the criminal. Different perceptions of various theorists in their proposed theories have been meticulously analysed to embrace a clearer picture of the occurrence of the diverse psychological aspects of a criminal. Thus, this stitched all together gives us a distinct overview of the psychology of a criminal. And having known that we can make attempts to reform that particular mindset that might help in declination of certain criminal activities.

KEY WORDS- Criminal psychology, criminal behaviour, psychological theories, criminal personality, criminological psychology.

INTRODUCTION

We will be discussing all the discoverers and findings of established criminologists and psychologists on the relationship between crime causation and psychology of a criminal. The varying concepts of cognition, the relation of psychology and crime, behaviour and crime, personality and crime and the relation of intelligence and crime has been explored in this paper. Uprising of these cognitive discoveries along with many other theories of various criminologists, the world of criminology found a new horizon to decode the minds of criminals and their reason for crime causation. Post the emergence of various theorists and in coherence with the advancement of technology, the psychological theories describing the crime causation fit a more definite and rational explanation than the previously existing pathological and born criminal theories. Many of the explanations of crime causation such as, result of our suppressed prolonged anger or desire have proved to be factually true. Along with the clear analysis of the psychology of a criminal, the numerous factors leading an individual to commit a crime has also been drafted in detail. This draft would be of eminent benefaction in the field of criminology to decode the abundant aspects that should be looked upon to differentiate a criminal from a non-criminal.

LITERATURE REVIEW

PSYCHODYNAMIC THEORY

The criminal Individual theory was heavily influenced by Cesare Lombroso and by various intellectual people of that time such as Sir Francis Galton who looked primarily into the study of individual differences. It was that period of time when the prevailing pathological theories didn't amount any rationally definite reason for crime causation. And then emerged the psychological theory which gave us a better insight about the criminal in order to rationally analyse his reasons for crime causation. By early 1900s Psychology was established as an academic discipline in its own. The very early psychological theories of criminal behaviour focused on intelligence, genetics and psychic functions. For example, the observation of individual differences and genetics were initially seen through empirical studies of Spearman (1927). In inaugural criminology, alike interests can be noted. Widely known, Cesare Lombroso (1835-1909) advanced criminal behaviour theories are based mostly on the criminogenic trait heritability in 1876. Post Lombroso, Charles Goring (1870-1919) took a vast number of prisoners as his sample to study the criminals using anthropological methods

and landed on the conclusion that criminals can be characterized by their faults in intelligence. His idea was that criminals are intellectually deficit and therefore end up involving themselves in delinquent actions irrespective of their foreseen negative impacts. This very area of interchange between physical, psychological conditions and genetic influences for understanding criminal behaviour attracted renowned criminologists such as Raffaele Garaflo (1852-1934) and Enrico Ferri (1856-1929) as well as eminent psychologists such as Sir Cyril Burt (1883-1971) and Garland (2002) to contribute further in the discussions of the development of psychological aspects in crime causation.

In supplement to these famous figures, psychologist like Sigmund Freud's dynamic theories about criminal psychology was also a remarkable contribution. Later other psychologists like Hailey and Bronner (1936) provided the psychoanalytic concept of sublimation which in other words meant the channelling of suppressed unsatisfied impulse and desires into action which usually rooted emotionally with their family and parents. This laid down the reason for antisocial behaviour which was specifically observed in majority of criminals.

The utmost psychodynamic theory was structured by John Bowlby (1907-90). He detected the aspect of "maternal separation" and its influence on the child. It described the emotionally torn impact on the child due to separation and rejection of his mother that moulded him from his initial childhood days to indulge in persistent delinquency and intense aggressive behaviour on later years of development. These were some of the facets of the early development of criminal psychology analysis from a contemporary perspective in brief. All of its detailed analysis and accuracy will be discussed in the later part as we travel through 1930s and beyond to discover the formations of relationship between criminology and psychology.

The psychoanalytical theory of crime causation was introduced by Sigmund Freud who is known as the father of Psychoanalytical school of criminology. Amidst the concerns focusing on the individuals to rationalise the reason from crime causation, Sigmund Freud laid down the first dynamic psychoanalytical theory describing the 3 states of an individual's psychology that existed in every individual but played a major role in the mind of criminal towards crime causation. He named them as 'ID', 'EGO' & 'SUPEREGO'. ID is described to be the instinctive drive or the suppressed desire of an individual that necessitate gratification in a sub conscious state of mind. Coming to the description of 'SUPEREGO', it is defined as the moral conduct of mind to act based on the moral and ethical perspective, this aspect is the ethical aspect of the psychology unlike 'ID' which a repressed desire. Lastly 'EGO' is

defined as the mediating state of mind that regulates 'ID' and 'SUPEREGO'. The internal conflict due to the workings of ID, EGO & SUPEREGO. As ID is a pleasure driven phenomenon and SUPEREGO regulates the moral instinct of an Individual, they are both constantly battling the EGO, which tries to adequately moderate those two between the demands of reality. This conflict results in anxiety and anxiety triggers the self defence mechanism. When the ID & SUPEREGO conflict, it results in Anxiety and thereafter EGO initiates the self defence mechanisms. Defensive control of emotion is a classic psychodynamic concept. Sigmund Freud and few other early psychoanalysts coined names & definitions for the defence mechanisms. Anna Freud proposed an organisation of her father's observations. Certain defence mechanisms were defined as simple units of mental process & mental outcome as in repression of a single, specific wish. For example- Prolonged suppressed sexual drives. Other defence mechanisms were complex combinations of mental & social operations, as in identification with the aggressor. For example- Aggressive impulses towards certain triggering situation or people.

The ego forms defences to mediated between urges of id & superego injunctions of mind and always tries to neutralize the emotional conflicts with the existing reality. Thus, Criminal behaviour is a multi-factorial aspect of the psychology that needs further exploration & analysis in order to reduce crime rates in the society.

BEHAVIOURISM

Post 1930, there was a notable growth of literature with a highlighted focus on behaviour. Behaviour faced a plenitude of theoretical concepts and a lot of theoretical stances under the general notion of "behaviour". The most influential theory within the ambit of behavioural tradition was proposed by Ivan Pavlov, Albert Bandura & Gerald Patterson. They focused on drawing relationship empirically between behaviour and its environmental surrounding as well as outcomes. Over a period of time, it was observed that specific environmental settings produce particular behavioural effects. In other words, it can be phrased that varied surroundings result in conducting and regulating the frequency of behavioural aspects of an individual. Over gradual years, it was noted that the traits of human behaviour is not something an individual is born with but something that is acquired over a period of time from the environmental influence. Therefore, the concept of operative learning of behaviour was developed. It was explained that an individual learns how to behave from their immediate elders, family members and parents. The propositions of psychological theories in

a broader sense, were to establish that crimes are not an outcome of physical or biological chastisement but a psychological characteristic of human nature.

This behavioural approach emphasised on the surrounding and environment that influenced the psychological moulding of an Individual. Furthermore, in Learning theory, the learning of behaviour from one's environment was proposed and explained. This aspect of development in criminal law contradicted the entire philosophy of a criminal being into crime because of its physical origin and laid down a foundation of more practical analogy of crime causation. This also effected the early existing theories of super natural theories & justified those theories to be complete irrational and illogical. Uprise of this psychological aspect of crime causation had a major critical outcome on the prior generation of criminologists and theorists. The theories of criminologist like Ceasre Lombrosso, Charles Goring were found to have limitations. Those theories confined their explanations to the physiological aspects of human beings and overlooked the most important fragment of a human body, the brain and its enormous functions. In proportion to the growth of psychological theories, there were applications of those psychoanalytical aspects to determine other several range of human conditions. The application of psychological theories substituted the biological theories. And those psychological theories attempted to justify and provide rational explanation for Criminal behaviour and Crime causation.

Detailed analysis of behaviourism can be best studied through the learning theory propounded by Ivan Pavlov. The most eminent approach of this theory was that the criminal behaviour is not something that is inherited but something that is learnt. In other words, youngsters learn violence through the perception of others. Aggressive acts are structured according to three essential sources such as family interactions, media, friends and so on. The behaviour of an individual is operant and relies upon the factors of the environment. The surrounding, the company you indulge with shapes the way of behaving and character of an Individual. For example-A child with abusive parents is more inclined to transform into an abusive juvenile than a child with a sound family environment. The fundamental component of social theory is the thought that individuals adjust or change their way of behaving as per the responses this conduct evokes in others. In this way, Individuals are not brought into the world with a natural capacity to violently act. Brutality and hostility are learned through a course of conduct displaying. Assuming everything falls into place, conduct is upheld by remunerations and smothered by regrettable responses or disciplines. Behaviourists view crimes as educated reactions to life's circumstances. However not all Individuals of a

delinquent environment grow up to become criminals. The response is on the grounds that there are fundamentally three main considerations that impact the educational experience. Delinquency is learnt through three elements. First is the frequency of involvement, the times an Individual indulges in delinquent exercises. Second is the intensity, the gravity of involvement in delinquent exercises and the idea of delinquent activities. And lastly the time period, the duration which is spent in the delinquent company. The longer is the association of an individual with the delinquent company, the more are the chances of that individual to commit a crime after a certain duration of time. It goes the same for the intensity in which one is indulged as well as the frequency of associating with the cynic groups & peers that lure individuals to a path of crime causation slowly & gradually over time. Therefore, as criminal behaviour is shaped in time, monitoring of children, involvement in productive activities and communication can help prevent developing of delinquent traits in the younger generation of the society.

PERSONALITY THEORY

CRIMINAL TRAITS AND PERSONALITY

This theory was proposed by Auke Tellegen, Henry Cleckly and Robert Hare. Personality theory provides advanced perceptions to the psychological aspects of crime causation. Initial presumption of this standpoint is that “delinquency & crime” are associated with certain personality traits. A personality trait is a characteristic of an individual that is consistent through time & beyond varying environmental and social circumstances.

In “general personality” outlook, theorists attempt to define and outline the primary traits of the constituents of an individual’s personality. The cognitive concept of such Cognitive skills programs focuses on cognitive structures & attempts to enlighten skills of offenders such as “moral reasoning”, self-control & “self-containment of “anger”. Cognitive restructuring aims to conform the contents of an individual’s thought process. Multisystemic therapy is one such example of cognitive behavioural treatment. Coming to the aspect of personality. Personality trait is a constant characteristic of an individual untouched by changing times and social conditions. Therefore, personality can be defined as personality traits stitched together, that defines a person. Psychologists specifically link personality to criminal behaviour. First the offender may have certain traits in their personality that are “conducive to crime’ & second, some of the psychologists believe that particular criminal offenders called psychopath,

sociopath or anti personality disorder possess specific cluster of criminal personality traits that entices them towards criminal behaviour and engagement in criminal activities.

CRIMINAL PERSONALITY- PSYCHOPATHY

In contrary to the “personality theorists who focused on the rudiment characteristics similar in everybody, others contend that there lies a certain group of individuals who have a distinct criminal personality. The word “psychopath” has been used broadly by professionals & seldom misused by & general public to describe this kind of personality. In a 2004 article of criminology, Rafter concluded that “moral insanity” was one of the first explanations of criminal behaviour. “19th century psychiatrist” named “Isac Ray” defined moral mania as a “cerebral disease” that could cause a person to commit heinous crimes without any rationale or repentance. The term “psychopathy” was originally contrived in the year 1845 & its meaning has evolved through changing time & beyond various people. The present conception of psychopath can be traced back to “Hervey Cleckly’s book” titled “The Mask of Sanity” that was printed in the year 1941. Cleckly was a psychiatrist who invested years of his life performing case studies with criminal offenders & utilised those to outline the prime features of a psychopathic personality.

His list comprises of the aforementioned traits. Frivolous charm, devious, absence of psychotic symptoms, above average intelligence, lack of repentance, absence of anxiety, lack of profundity, egocentric, unreliable, diminutive sex life, untruthful, lack of success to adhere to a sustainable goal, rarely genuine, antisocial behaviour, suicidal attempts, impulsive and more. The name of the book itself proposes that “psychopaths” are highly improbable to come across as “crazy”. Psychopaths do not endure from hallucinations, disintegration with reality or deceptions. And this is one of the prime because why a psychopath cannot be judged by their outer presentation or behaviour as they are very intelligent about portraying sensibility.

PSYCHOPATHY VS ANTISOCIAL DISORDER

Psychopathy comes under the ambit of antisocial personality disorder. There lies a pattern to mark the pervasive pattern of antisocial behaviour. Some of the indications are listed hereafter. Abstaining to confront to the societal norms with respect to lawfulness as demonstrated by repeated actions which match the “grounds for arrest”, deceitfulness stipulated by regular lying & usage of alias, “compulsivity & failure to strategize future,

irritability & annoyance, consistent irresponsibility, lack of remorse indicated by rationalizing hurt and mistreatment". These indicators are evidence of conduct disorder or antisocial personality disorder when seen before 15 years of age. Thus, on the basis of these analogies, Hare made a list of traits to diagnose the psychopathic traits of an individual. The psychopathy checklist of 1990 proposed by Hare included emotional traits, 'superficial charm, resplendent sense of self-worth, prone to boredom, manipulative, lack of repentance, shallow affect, lack of empathy, lack of realistic long term goals, habitual lying', denial, social deviance, numerous short term material relationships, juvenile delinquency, "criminal versatility", 'poor behaviour controls', parasitic lifestyle, impulsivity, irresponsibility and rescindment of conditional release.

Thus, it was concluded that an individual with a rank of 2 on the scale of professionals of the listed traits can be said a psychopath. Hare & his colleagues made use of this checklist to distinguish the psychopathic prison inmates from non-psychopathic ones and estimated that around "15% to 25% of prisoners are psychopaths". This concludes that 1% out of the total universal population of a specified geography are "psychopaths". Expressly, it can be voiced that each person may have a little "psychopath" in them, some merely have more than the other. The mentioned contribution eroded the biological explanations of crime causation & provided a new dimension for the future researchers.

There have been various approaches established for the conformation of such Individuals with ASD or psychopathic traits. Few of such initiatives have been hereafter mentioned. One approach is the Cognitive Skill Programs that deals with "cognitive structure" transformation and targets to enlighten offenders, skills like "moral reasoning", 'self-control" and "anger containment", another such approach is the cognitive restructuring that conforms contents of an Individual's thoughts, cognitive behavioural treatments too have a performance history for reducing criminal behaviour of kids, teenagers & adults. In the year 2022 reviews of an evaluation of cognitive behavioural programs concluded that cognitive behavioural schemes are evident in reducing recidivism rates by significant amounts. And one such cognitive program's example is the Multisystemic therapy as priorly stated.

INTELLIGENCE & CRIME

The proposition of this approach was made by Alfred Binet, H.H Goddard and Stephan Jay Gould. According to this theory, Individuals with low IQ levels are prone to commit more crimes than Individuals with high IQ levels. The ability to predict criminals from non-

criminals was conceptualized by the theory of IQ and crime proposed by H.H Goddard. 2004 study on sample of 1727 “American youth’ found youth with “comparatively low IQ scores were more prone to encounter deviant peers. Recent studies suggest than an 8-10 point Intelligence Quotient gap in exists between criminals and non-criminals. This approach states that a person with higher intelligence will have the ability to do the cost analysis of a situation and refrain himself from doing that particular act where there are chances of undesirable circumstances. Criminologists Travis Hirschi and Michael Hindelang suggested that Intelligence only has an indirect impact on the effect on delinquency. Francis Cullen pointed out that IQ cannot be called an accurate indicator of criminal behaviour as it can be biased on several external factors. People from economically backward families will portray lower IQ rates irrespective of their delinquent nature which implies that IQ is not proportionate to delinquency or criminal behaviour. The interpretation of IQ-Crime relationship is as essential as IQ being an influence on the criminal behaviour of an Individual. Early criminologists defended that “feeble-mindedness was a unmediated & invariant cause of crime causation”. Those criminologists debated for the policy of eugenics in order to be capable of segregating the population which is more prone to cause crime on basis of the varying IQ levels to prevent crimes. Although, vast number of the criminologists believe that IQ plays a negligible role in determining the cause of crime. Being dull does not necessitate unavoidable criminal behaviour in an Individual. To sum up, it can be stated that the role of IQ in relation to crime causation was neglected over a long duration of time in the field of criminology. Though it might not be the sole factor for determining crime causation, it sure does have an important relationship with criminal behaviour. Modern criminologist’s studies are consistently evident that IQ is related to crime causation & criminal behaviour, Similarly, there has been equal share of criticism against the theory which states that this correlation does not hold any good for justifying the white-collar crimes. Ultimately, it can be concluded that “IQ does possess relationship with delinquency and it is significant because of its effect on the other factors that are associated with crime”.

TREND ANALYSIS

Starting from the beginning of the cognitive theories till the emergence of the relationship between IQ and delinquency, a lot of dimensions and definitions of criminal behaviour and crime causation evolved. Where on one hand, the psychodynamic theory of Sigmund Freud states the role of subconscious and unconscious elements of mind to be solely responsible for

the criminal behaviour of an Individual and states crime to be an outcome of repression and prolonged suppressed emotions, On the other, behaviourism lays down the external factors to be the reasons & factors for an Individual's criminal behaviour. In psychodynamic theory of crime causation, we learn that criminal behaviour is a result of elements of mind and emotions whereas behaviourism states how our different states of mind is modelled on the basis of the environmental and societal factors. Similarly, personality theory provides a detailed analysis of criminal behaviour being associated to the learning from the environmental factors and explains how in certain situations, the criminal behaviour is a result of inability of the mind's response, that an individual has no control over. Lastly, the Intelligence and crime theory offers us a ground to measure the IQ levels of an individual and distinguish them on the basis of varying intelligence levels. It was evident in the study of Intelligence that Individuals with low IQ level are more prone to crime causation than people with high IQ levels but it also has its limitations like the other cognitive theories of crime causation. In all of the theories, the approach of crime causation was tried best to be explained in its own context but each one of them converged on the role of mind to justify the criminal behaviour. Psychodynamic approach, behaviourism, personality and intelligence theory, all of these perspectives converged at the cognitive aspect of an individual with crime causation. Evolving from the biological theories, the dynamics of cognition and crime though not exhaustive provides justifying grounds and factors to explain criminal behaviour. Each theory diverges at certain aspects, for example psychoanalytical theory of Sigmund Freud limits the factors of criminal behaviour to the sub conscious and unconscious state of mind whereas Behaviourism phrases how criminal behaviour is modelled through operant learning and societal as well as environmental factors such as family environment and peer groups. Additionally, Personality theory differentiates between criminals and non-criminals on the basis of sanity and construe criminal behaviour to be a result of mental insanity that an individual has no control over. Lastly, Intelligence theories lay down an approach of proving relationships between IQ and Crime causation because of low IQ levels. Furthermore, they state that IQ is an essential element of crime and individuals with low IQ levels are mandated to show delinquent traits. Despite of all the approaches for explaining criminality diverging at various points, they all converge at one similar aspect that being the cognition. All theories agree on the mutual fact that cognitive skills play a vital role in developing criminal behaviour.

CONCLUSION

Post taking into account all the varied perspectives of numerous theories proposed by eminent criminologists, it can be concluded that the determination of crime causation and criminal behaviour cannot be assessed on the basis of a unifactorial approach. Diverse aspects of cognition should be taken into account before analysing the cause behind criminal behaviour because it differs from person to person. There can be no uniform cognition test to determine criminality in a given population. Criminal behaviour is an individualistic aspect and in order to find the cause behind it, the individual possessing the criminal behaviour has to be assessed on various grounds. Psychological framework no doubt has a dominant role on developing delinquency but it cannot be termed as the sole factor. Social and environmental influences that led to the structuring of criminal behaviour also has to be taken into account. Along with the psychological factors, societal and environmental factors, the parental upbringing and the operant learning of the individual through his disparate experiences of life should be equally acknowledged. Construing all of these criteria together, we can analyse the particular factors responsible for criminality in one particular Individual. And this further can be used to differentiate the mentally retarded individuals with actual cognitive disorientation from the criminal ones with psychological repression and ability to rationalise the commission of any criminal act.

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