

APPROACHES OF THE DECISION- INVOLVED IN THE ACT OF HOMICIDE

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Abstract: Why do certain individuals develop antisocial behaviour? How will they end up killing and rationalising it without regret or, if they do feel guilt, why do they externalise so much that they minimise the act per se?

This study approach the existing theories in the specialty literature on decision making and the act of homicide as well as an integrative methodology model in order to create a psychological standard profile about decision-maker offender in the act of homicide.

Keywords: criminal, decision making, act of homicide, psychological profile

Introduction

In conception of A. Enache & col. (2009, p. 175), the objective manifestations of antisocial behavior involving individuals, who are considered immoral, illegal and harm others or society in general.

In Romania, there are thousands of individuals who have murdered innocent people in cold blood. These individuals are aware of the stage/cognitive process, but do not admit their guilt, invoking the fact that they did not know what they were doing or what happened, or that the victim was to blame.

Psychiatrists and psychologists in specialised institutions have their own theoretic-experimental versions, from the point of view of a scientist – practitioner; however, several uncertainties regarding the act committed by the offender still exist.

In the case of a criminal decision maker, no studies have been carried out regarding the decision making process and the cognitive instruments which underlay the decision to kill. Very few

works/studies exist nowadays referring to the behaviour of a criminal mediated by a maladaptive cognitive schema.

For instance, Leahy (2004) tackles the psychopathology of antisocial personality in individuals manifesting hostility, lack of empathy and sociopathy.

Beck (1979) shows biases in processing information regarding one's self, others, as well as the individual's personal world, but without having a robust experimental study with regard to the decision maker's rationalisation of criminal behaviour.

Abramson & Seligman (1978) refer to a negative attributional style in criminals, without providing explanations as to the maladaptive cognitive schemas which mediate criminal behaviour.

Rehm (1990) describes self-regulation deficit in criminals, without mentioning the cognitive instruments which play the role of mediation/agent in criminal behaviour.

In fact, a criminal's decision making process consists of a series of thought processes by way of the cognitive instruments, which lead to choosing one alternative out of several available options.

The first research in the field of decision making was conducted by scientists trying to find a way to optimise/facilitate the decision making process. For instance, normative theories (expected value theory, expected utility theory, game theory) are such attempts to optimise decision making, applying a rigorous measuring instrument.

Research initiated by Herbert Simon (1959) and developed by Amos Tversky and Daniel Kahneman, proved, however, that decision makers do not approach the decision making process in a rational manner.

Therefore, in this paper we will analyse the existing theories regarding the decision making process and murder, as well as an integrative methodological model with the purpose of creating a standard psychological profile of the criminal decision maker involved in murder.

The importance of researching criminal decision makers

The role of this research is to aid the specialist in conducting a forensic assessment of a criminal decision maker. In fact, we are interested in cognitive abilities, personality traits, environmental factors and psycho-physiological status. These criteria are also recognised by the following manuals: The Diagnostic and Statistical Manual of Mental Disorders (DSM) and The

International Classification of Diseases (ICD), as well as by other guides in the field of mental and personality disorders in criminal decision makers.

All these are not sufficient in order to clarify a criminal's decision making process. Data about a social category exist (DSM/ICD), but when one refers to a mental disorder (such as moderate intellectual disability) associated with murder, there are no data (explanations regarding the cognitive dimension/nosologic category) about the criminal decision maker.

Another example – infanticide – does not have theoretic-experimental data to explain the cognitions behind the decision making process of a mother who kills her baby. Therefore, our role is to bring new scientific contribution to the clarification and explanation of such phenomena, with the goal to improve psychological, psychiatric and medical-legal profiling.

The need for a predictable methodological assessment system

In Romania, there are several methodological instruments for the assessment and measurement of personality, mental disorders and optimisation of criminals adapted and validated.

For instance, the Minnesota Multiphasic Personality Inventory®-2 is a psychometric and dimensional test battery for the assessment of personality. Another categorial nosologic axis I (mental disorders) and axis II (personality disorders) assessment system is the Millon Clinical Multiaxial Inventory – III, while yet another is the Eysenck Personality Questionnaire, the updated version of the famous Eysenck Scale, which measures the following dimensions: Psychoticism, Extraversion, Neuroticism, Lying, Addiction and Criminality.

All these methodological assessment and measurement systems have limitations in diagnosing the criminal decision maker. Most of the tests take into consideration deviant personality patterns associated with a low or high IQ. Some also take into account cognitive abilities. Moreover, they are limited to mixed personality disorders found in cluster C (dramatic-emotive-antisocial, borderline, histrionic and narcissistic) in the DSM, but do not have a good predictability of cognitive schemas which give accuracy and predictability to the decision making process involved in murder.

The need for a predictable, accurate and targeted instrument for explaining the psychopathology of the criminal decision maker is highest in the case of the assessment and diagnosis of intellectually disabled individuals who decide to kill, of mothers killing their babies, of terrorists, as well as of religious individuals adopting hostility and murder as a lifestyle.

In fact, a measuring instrument taking into account the assessment of maladaptive cognitive schemas can accurately and very predictably identify a mental disorder and/or a personality disorder in a criminal decision maker. In this case, Romania currently does not have measuring instruments able to dimensionally and categorially explain deviance in an individual.

Theoretical basis

Legal approaches to decision making

The theory of expected value in the decision making process, the theory of expected utility in decision making and game theory as decisional ability are cognitive structures useful in the optimisation of the decision making process, applying a logical and rigorous game. For instance, game theory makes the decision maker aware of the types of games going on and exposes him/her to the ways in which these could be improved.

According to this theory, the decision maker certainly knows how to obtain others' commitment; he/she imposes rules, makes alliances or schemes. And the person using this method is like a sage winning the battle before it has begun, identifying all games which might possibly be played, guiding the strategic environment in his/her own favour and then confidently fighting to final victory.

However, recent research invalidates these paradigms, due to certain human functioning mechanisms, in the sense that the human individual is not a rational and logical being when making decisions. An individual cannot be so rigorously and mathematically predictable. In our research, we will argue that an individual with cognitive abilities or one with cognitive deficiencies cannot relate to rigorous and rational norms in decision making, no matter how ritualistic.

In the case of murderers, one cannot support such an approach, but rather a linear deviance from this perfectionist, rational, mathematical course. In fact, killing implies the presence of a deficiency in personal adaptive resources in dealing with a problem. And rationalising murder is a simple justification of the decision, not a rational or logical norm of well defined things.

Descriptive approaches

Limited rationality theory, proposed by Simon, lies at the foundation of the descriptive models of decision making. Descriptive approaches have demonstrated that decision makers use a series of heuristics in the course of the decision making process, and that they do not resort to a rational

analysis of the alternatives from which they would have to choose. Of course, the idea of indentifying the optimal decision making strategy did not enjoy any less attention once descriptive approaches were developed. In economic environments, the idea of a rational analysis of alternatives still lies at the basis of all decisional recommendations.

Another direction towards which economists directed their pragmatism was assessing decision making abilities. Knowing if somebody has decisional abilities or not is indeed a serious challenge for psychological research. Existing instruments in the literature assess decisional styles rather than decisional abilities.

The limited rationality approach takes into consideration two forms: the heuristic of goal meeting (used in order to choose out of a series of available alternatives) and simple and fast heuristic (used as a reduced amount of information and calculations in order to make a variety of decisions).

The ABC research group in Germany (1999-2014) annually reported enormous quantitative and qualitative studies of decision makers, without taking into account the psychopathologic vulnerability of decision makers in the case of murder, theft or terrorist acts. The studies are a world first, but they limit themselves to normal/non-clinical decision makers.

The portfolio theory was validated by the Nobel Prize winner Gary Becker, according to the same descriptive model. This approach takes into consideration a variety of investments/behaviours. In fact, it explains the manner in which investors understand the significance of current and future resources, of their perception of market fluctuation or volatility, of their goals with regard to investments, the expected investment duration and risk tolerance.

Personality trait theories

Addiction, impulsivity, instability, neuroticism, anxiety and psychoticism are personality traits defined by famous personologists as maladaptive tendencies in decision making. The clinical theoretic-experimental models of Theodore Millon (2006), Beck (2004), Eysenck (1991) and Zuckerman (1993) shed light on vulnerability as a factor predisposing the individual to making maladaptive decisions from the point of view of traits related to a scientifically validated theory.

An advantage of these theories is the dimensional outline of the decision maker. What must also be taken into consideration is relating the psycho-pathological conceptualisation of personality to

a high fidelity, validity and discriminatory sensitivity. A categorial approach would mean non-discrimination of the criteria involved in different personality disorders or in co-morbidity, with no unambiguous differential diagnosis, with no clear boundary between personality disorder and mental disorder.

For example, Millon's theory refers to the psycho-pathological dimensionality which can mediate a maladaptive decision. Eysenck proposes 5 traits belonging to a decision maker (psychoticism, neuroticism, addiction and extraversion) which can define the accessibility of these inefficient resources in making an irrational decision. Zuckerman brings an alternative proposal with multiple factors (neuroticism, hostility, anxiety, socialisation, thrill seeking, impulsivity and activity) in order to create a more accurate profile from the point of view of dimensions/traits. Beck brings new arguments from the direction of his model, showing that decision making is mediated by unconscious and conscious cognition.

However, trait theory has no empirical support with regard to the correlation between a decision and a personality trait.

Personologists in the non-clinical field have conducted several controlled studies and have obtained high validity for the theory, but only with regard to normal behavioural predictions in an organisation, family or society, without taking into account the psychopathological aspect in the case of a decision maker. Many assessment and testing instruments created by personologists have few or no clinical subscales. And if psychological tests for assessing psycho-pathological personality exist, they are related to a nosologic category in the DSM/ICD, which has no empiric validity.

New paradigmatic tendencies regarding the decision making process

The existing theories belonging to Beck, Leahy, Dattillio, Young, Brown and Clark emphasise the fact that the decision making process involved in murder is mediated by an early maladaptive schema and by a triad of current maladaptive schemas (central cognitions, intermediate cognitions and automated cognitions).

Young and Brown (2003) contribute theoretically and experimentally to maladaptive cognitive schemas, defining them as large psychopathologic themes regarding oneself, others and the world. Occurring in childhood and developed throughout one's lifetime, they are maladaptive filters/informational structures which mediate a psycho-pathologic behaviour.

Thus, the authors have identified 18 schemas: emotional deprivation, abandonment/instability, mistrust/abuse, social isolation/estrangement, deficiency/shame, failure, dependency upon others/incompetence, protectionism/atrophied personality, vulnerability to potential dangers, subjugation, self sacrifice, emotional inhibition/excessive self control, unrealistic standards/exigency, demand/dominance, lack of control/self-discipline, social undesirability/need for approval, negativity/passivity and punishment. All these are grouped into 5 categories:

- ❖ separation and rejection,
- ❖ low personal autonomy,
- ❖ defective limits,
- ❖ dependence upon others and
- ❖ hypervigilance and inhibition, also known as maladaptive schema fields.

Beck (2004) emphasised that the cognitive schema model is useful for identifying the maladaptive triad (self, others and personal world) as a criminal lifestyle with the purpose of emotional vindication in one's relationship with oneself, others and personal world.

Leahy (2003) completes the definition above and proposes a model which refers to criminal decision makers in the case of own resource allocation depending on estimates of the current and future resources at their disposal, depending on risk tolerance and the probable value of wins and losses.

Clark (2010) describes the 12 hypotheses regarding unconscious maladaptive informational processes as predictors in decision making. In fact, he goes further into psychopathologic decision making style in anxiety, depressive and personality disorders. Therefore, the new paradigms have contributed to the explanation of criminal behaviours in individuals who decide to kill, and this study stems from an analysis of these scientifically validated paradigms in order to outline a profile which would meet all scientifically adapted criteria.

Conclusions

In our approach, we have underlined the importance of research on criminal decision makers, in order to contribute to a better clinical conceptualisation of individuals with maladaptive cognitive schemas when they decide to kill. The paper emphasised the need for an integrated, predictable methodological criminal assessment system, for a better categorical-

nosologic clarification in medical-psychiatric expertise in a forensic institution. In this approach, we outlined decision making theories (normative, rational, cognitive abilities), as well as the personality trait theory, all of which give a good explanation in the decisional conceptualisation of an individual, but without underlining the role of cognitive schemas as mediators and predictors in decision making in an individual, albeit one with a criminal behaviour. This is why we have described in detail the new paradigmatic tendencies in explaining the decisional process, starting from more clear, accurate and scientifically validated definitions in emphasising the cognitive schemas responsible for decisional intent in criminals, regardless of whether a mental or personality disorder is present.

Associating the limited rationality theory and the maladaptive cognitive schema theory can give a new, more complex shape to the differential explanation of the decision making process involved in murder. In fact, we are interested neither in the category of a mental or personality disorder, nor in personality traits, but rather in the decisional heuristic, mediated by a cognitive process which can influence a behavioural intention. It is true that many studies have bent upon the non-clinical category, while the mass of clinical decision makers involved in murder was neglected.

We do not have the psychometric measuring instruments, the nosologically validated categories or the qualitative theoretical-experimental approaches necessary in order to outline a decisional pattern in the act of murder. Starting from this poor and insufficient reasoning, we will emphasise the importance of this acute need.

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