



Psychopathy and its relationship to criminal behaviour

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Abstract

The current paper traces the roots of the hotly debated concept of psychopathy and its relationship to criminal behavior. We begin with a short overview of the term followed by key contributions to the term and its notion. Modern perceptions are then reviewed with particular emphasis on the Psychopathy Checklist and its revisions. We criticize the current tools used to measure psychopathy and recognize their limitations. We then combine psychopathy and criminality shedding light on various contributions in the field. Psychopathy is further compared to criminal recidivism. The paper concludes with the necessity to investigate more the interaction between psychopathy and criminal behavior since it has only been explored to a very limited extent.

Keywords

Psychopathy and law; Psychopathy and criminal behavior; Psychopathy and criminal recidivism; Psychopathy and policy proposals.

The concept of psychopathy is widely contested from a theoretical as well as a scientific point of view. Though its importance is evident not only in the fields of psychiatry and psychology, but also in other disciplines, such as criminology, it nonetheless remains a mental disorder which has not yet been fully explored. Further discovery of this construct will help in the process of correlating psychopathy scores to delinquent behaviour.

To help clarify psychopathy, this paper will address its general thematic area by reviewing theoretical foundations, recent developments and criticism of the concept. A brief summary will follow, focusing on the association of psychopathy to criminal behaviour, showing that it is mainly indicative and not determinative of the effect, but certainly more efficient when predicting probable recidivism. Ethical and philosophical aspects of biological factors are analyzed along with up-to-date studies that correlate psychopathy with offending. Psychopathy and its tools can be used by scientists and policy analysts to draw modern crime prevention tools and implement their findings to formulate more solid risk assessment mechanisms for future offending. Finally the paper will conclude with some comments regarding the issue discussed.

Overview of the term

Looking back to the origins of the term, Theophrastus, one of Aristotle's students, describes the characteristics of psychopathy in the same way that they are defined in the present day.¹ The term 'psychopathy' itself is etymologically linked to the illness of the mind, to the notion of being 'constitutionally inferior' – in the sense of being irresponsible and morally weak throughout life.²

¹ Theodore Millon and Roger Dale Davis, *Disorders of Personality: DSM-IV and Beyond* (2nd edn John Wiley & Sons 1996)

² Andrew E. Skodol, *Psychopathology and Violent Crime* (American Psychiatric Press 1998)

Variations of the term were used until the mid-twentieth century since no universally accepted definition existed.

More specifically during the 19th century various psychiatrists tried to mold the term: in 1801 a French psychiatrist, Phillipe Pinel, observed a group of people that seemed to behave crazily without actually being crazy, which led him to coin the term “manie sans delire”.³ Contributions to the evolution of the term are also attributed to Benjamin Rush who in 1812 diagnosed a patient with ‘inmate preternatural moral depravity’, while in 1835 Pritchard employed the label ‘moral insanity’ and Robert Koch, a German systematic, first used the term ‘psychopathic’ in 1891 in order to describe a group of symptoms that present knowledge identifies as personality disorders.⁴

The phrase ‘psychopathic personality’ *per se* signifies mental abnormality, according to Kraeplin; he further elaborated using examples of antisocial behaviour such as the *Zechprellerei* (leaving restaurants without paying), *Streitsucht* (quarrelsomeness), and *Reuelosigkeit* (lack of repentance), whereas his *Haltlosigkeit* (uninhibitedness) and *Verschrobenheit* (eccentricity) did not carry an overtone of amorality.⁵

Psychopathy is eventually described by the constitutional inability to establish objective relationships and to effectively lie, as a constitutional deficiency in volition and emotion, while sometimes the vagabond, the sex pervert and the addict are included in the list of psychopathic types.⁶ The anthropologist Murphy analysed things towards this direction and studied a group of yupik-speaking Inuits at the Bering Strait. This group made use of an idiomatic term (‘kunlangeta’) which was analogous to what could be defined as psychopaths.

While the term was not totally delineated, a consensus emerged concerning the existence of a series of symptoms which were associated with aggression, impulsivity and antisocial behavior.⁷ A tripartite classification was introduced by Henderson describing the ‘predominantly aggressive psychopath’, the ‘inadequate psychopath’ and the ‘creative psychopath’. A predominantly aggressive psychopath is a potentially dangerous individual subject to fits of violence. The inadequate siphons a living off society by swindling or pilfering, crimes that involve little over aggression. Vagrants and petty thieves fall into this category. Creative psychopaths are highly individualistic, sometimes eccentric people determined to create a path for themselves no matter the obstacles they might face in the process. Henderson includes in this category such prominent and respected figures as Joan of Arc and Lawrence of Arabia.

Kahn differentiated according to the types of ‘impulsive’, ‘weak’ and ‘sexual’ psychopath, and Schneider the ‘labile’, ‘explosive’ and ‘wicked’ psychopath.⁸ The more we indulge in the available bibliography, the more different versions we will detect. Ultimately, in the mid 20th century, the concept

³ J.R. Meloy, *The Psychopathic Mind, Origins Dynamics and Treatment* (Jason Aronson 1988)

⁴ D.T. Lykken, *The Antisocial Personalities* (Lawrence Erlbaum Associates 1995)

⁵ A.E. Skodol, *Psychopathology and Violent Crime* (American Psychiatric Press 1998)

⁶ C. Frankenstein, *Psychopathy, A comparative analysis of Clinical Pictures* (Grune and Stratton 1959)

⁷ G. Berrios, *The History of Mental Symptoms: Descriptive Psychopathology Since the Nineteenth Century* (Cambridge University Press 1996)

⁸ G. Berrios, *The History of Mental Symptoms: Descriptive Psychopathology Since the Nineteenth Century* (Cambridge University Press 1996)

of psychopathy was narrowed down to refer to personality disorders in general which were defined as disturbances of their integration with intellectual functions that resulted in socially disruptive behavior.⁹

Key Contributions

The origins of modern psychopathy are traced in the work of Cleckley and more specifically in his book *The Mask of Sanity*, where he posed 16 criteria for the diagnosis of psychopathy, considering psychopaths mainly as disguised mentally ill individuals.¹⁰ Psychopathic individuals can be found in every manifestation of life, among businesspeople, lawyers and academics.¹¹ Modern psychologists further indicate that professionals such as managers and CEOs have greater probability of being diagnosed with a psychopathic disorder compared to the average person.¹² Dutton incorporates the latest advances in brain scanning and neuroscience to support that a professional who e.g. lacks empathy has more in common with a serial killer who kills for pleasure than we may wish to admit. He further argues that there are “functional psychopaths” among us who use their detached, unflinching and charismatic personalities to succeed in mainstream society. Some professional fields are particularly fertile for them, which means the more “psychopathic” they are, the more likely they are to succeed.¹³

Cleckley also viewed tendencies toward violence and major crime as something “independent, to a considerable degree of the other manifestations which we regard as fundamental” of psychopathy. Furthermore many of the psychopaths’ attitudes and behaviours have a predatory quality, while their use of intimidation and violence tends to be cold-blooded and instrumental and is more likely to be straightforward, uncomplicated and scrupulous than an expression of deep-seated distress or comprehensible precipitating factors.¹⁴

A critical contribution in the study of psychopathy was made by Robert Hare, who developed his original Psychopathy Checklist (PCL) which was used as a tool to assess the degree of psychopathy in adults.¹⁵ A revised version of this checklist was launched in 1991, the PCL-Revised (PCL-R from now on), including new tests, explicitly the Antisocial Process Screening Device (ASPD) and the Psychopathy Checklist: Youth Version (PCL-YV from now on).¹⁶ The revised psychopathy checklist has gained wide recognition and has become a standard instrument in forensic psychiatry, by focusing *stricto sensu* on personality traits, since 15 out of 20 features included in the list are personality-related.

The specific traits as defined by Hare in his psychopathy checklist are the following; glib and superficial charm; grandiose estimation of self; need for stimulation; pathological lying; cunning and

⁹ D.J. Cooke, A.E. Forth and R.B. Hare, *Psychopathy: Theory, Research and Implications for Society* (Kluwer 1998)

¹⁰ Hervey M. Cleckley *The Mask of Sanity* (5th edn Emily S. Cleckley (ed) 1988)

¹¹ P.Babiak and R.D. Hare, *Snakes in Suits: When Psychopaths Go to Work* (Regan Books 2006)

¹² K. Dutton, *The Wisdom of Psychopaths: What Saints, Spies and Killers can teach us about success* (Scientific American 2012)

¹³ J. Ronson, *The Psychopath Test: A journey through the madness industry* (Riverhead Trade 2012)

¹⁴ A.Raine and J. Sanmartin, *Violence and Psychopathy* (Kluwer 2001)

¹⁵ J. Blair, K. Blair and D. Mitchell, *The Psychopath, Emotion and the Brain* (Blackwell Publishing 2005)

¹⁶ J. Blair, K. Blair and D. Mitchell, *The Psychopath, Emotion and the Brain* (Blackwell Publishing 2005)

manipulativeness; lack of remorse or guilt; shallow affect; callousness and lack of empathy; parasitic lifestyle; poor behavioral controls; sexual promiscuity; early behaviour problems; lack of realistic long-term goals; impulsivity; irresponsibility; failure to accept responsibility for own actions; many short-term marital relationships; juvenile delinquency; revocation of conditional release and criminal versatility.¹⁷

The evaluation process of the PCL-R symptoms is rated on the merits of an interview parallel to a methodical appraisal on file information of the patient, while the assessor uses all the information available to understand life-time patterns of behaviour, in order to ensure that the symptoms are persistent, pervasive and pathological.¹⁸ The greater the number of symptoms that match those in the list, the closer the patient is to the prototypical psychopath.¹⁹

Modern perception and criticism

Today's perception of psychopathy is influenced by the development of the Psychopathy Checklist Revised (PCL-R; Hare 1990) which has proven to be one of the most valuable instruments in the endeavor of predicting future offending; a diagnosed score of over 30 (25 for Europe) is closely linked to criminal recidivism.²⁰ This score has been repeatedly used as a risk factor towards criminal behavior in various studies that focus on psychopathic disorders.²¹ Systematic reviews and meta-analyses in the field further consider the mean score as the departure point that determines criminal tendency.²²

The Checklist has nonetheless received its fair share of criticism in the scientific community. According to Nedopil, the elements of this test are so many that cannot be perceived as an entity.²³ Other psychiatrists postulate that the elements contained in the list are subjective which renders a diagnosis a delicate, if not futile task.²⁴ Scientists further add to the debate the fact that modern neurobiological findings concerning psychopathy also involve neurotransmitters, hormones, subcortex, cortex, reduced physiological stress reaction, reduced functioning in the anterior cingulate

¹⁷ R.D. Hare, *Without Conscience: The Disturbing World of the Psychopaths Among Us.*, (The Guilford Press 1993)

¹⁸ D. Canter and R. Zukauskienė, *Psychology and Law, bridging the gap* (Ashgate 2008)

¹⁹ D. Canter and R. Zukauskienė, *Psychology and Law, bridging the gap* (Ashgate 2008)

²⁰ R.Hare, *Without Conscience: The disturbing world of the psychopaths among us* (The Guilford Press 1999)

²¹ R.D. Hare et al. (2000) Psychopathy and the Predictive Validity of the PCL-R: An International Perspective, *Behavioral Sciences and the Law*, 18: 623-645

²² A.Mokros et al. (2013), Normative Data for the Psychopathy Checklist- Revised in German-Speaking Countries, *Criminal Justice and Behavior* (pre-published online)

²³ D.J. Cooke, A.E. Forth and R.B. Hare *Psychopathy: Theory, Research and Implications for Society.* (Kluwer 1998)

²⁴ T. Millon et al., *Psychopathy: Antisocial, Criminal and Violent Behavior* (The Guilford Press 2002)

and amygdale, physiological stress reaction and other integrations.²⁵ The aforementioned imply that the checklist itself might be an anachronistic and inaccurate technique as science evolves.²⁶

Various experiments have been conducted to assess the construct of psychopathy. One of them is Damasio's somatic marker hypothesis which related psychopathy to deficits in the ventromedial prefrontal cortex. Lösel and Schmucker²⁷ used the gambling task to test the role of attention as moderator, using forty-nine male inmates who were assessed by the PCL-R. Even though results did not reveal general relation between psychopathy and gambling task performance, psychopathic inmates with low attention scores gambled worse than the rest.

Furthermore, the PCL is generally acknowledged as a 'valid instrument'.²⁸ However, the validity of the tool is fiercely debated; this deliberation focuses on the assumption that criminal behaviour is a central component of the psychopathic personality disorder, whereas classic conceptualizations of psychopathy²⁹, including the conceptualization on which the PCL is allegedly based³⁰, focus heavily on interpersonal and affective traits— something also known as “emotional detachment”.³¹ According to other researchers, significant culture bias exists in PCL-R ratings.³²

The findings reported by Murrie concerning the extremely poor 'field reliability' of the PCL³³ reinforce the above-mentioned criticism. It is argued that confidence intervals should be reported for these scores, while examiners should be clear that these confidence intervals are based on PCLs completed in research contexts- and finally intervals for PCLs completed in adversarial contexts may be considerably wise. Accordingly, it could be pointed out that PCL is used as a violence risk-assessment (and not as a diagnostic tool) because most of the PCL's predictive utility is not attributable to its assessment of emotional detachment and also because the PCL generally lacks incremental predictive utility, especially when compared to specifically designed risk-assessment tools.³⁴

²⁵ A.L. Glenn, A.L. and A. Raine, (2008) The neurobiology of psychopathy, *Psychiatric Clinics of North America*, 31, 463-475.

²⁶ K.A. Kiehl and W.P. Sinnott-Armstrong, *Handbook on Psychopathy and Law* (Oxford University Press 2013)

²⁷ F. Lösel, F. and M. Schmucker, (2004) Psychopathy, risk taking, and attention: a differentiated test of the somatic marker hypothesis, *Journal of Abnormal Psychology* 113:522

²⁸ D. DeMatteo and J.F. Edens, (2006). The role and relevance of the Psychopathy Checklist-Revised in court: A case law survey of U.S. courts (1991-2004). *Psychology, Public Policy, and Law*, 12, 214-241

²⁹ B. Karpman, (1948). The myth of the psychopathic personality, *American Journal of Psychiatry*, 104(9), 523-534.

³⁰ Hervey M. Cleckley *The Mask of Sanity* (5th edn Emily S. Cleckley (ed) 1988)

³¹ S.K. Douglas, S.O. Lilienfeld, and J.L. Skeem, *Psychological Science in the Courtroom, Consensus and Controversy* (The Guilford Press 2009)

³² D.J. Cooke, C. Michie, S.D. Hart, and D. Clark, (2005) Searching for the pan-cultural core of psychopathic personality disorder, *Personality and Individual Differences* 39: 283-295

³³ S.K. Douglas, S.O. Lilienfeld, and J.L. Skeem, *Psychological Science in the Courtroom, Consensus and Controversy* (The Guilford Press 2009)

³⁴ S.K. Douglas, S.O. Lilienfeld, and J.L. Skeem, *Psychological Science in the Courtroom, Consensus and Controversy* (The Guilford Press 2009)

To elaborate, psychopathy is considered a *bona fide* mental disorder, while it also meets the legal criteria to be characterized as such; it is an internal, intransient and involuntary abnormality of the mind, and is associated with an impairment of some specific cognitive and volitional functions – especially cognitive functions related to and volitional impairments.³⁵ Moreover, the nature and the severity of the functional impairments associated with psychopathy are not generally considered sufficient to mitigate culpability. Research has also established a strong link between the psychopathic traits and aggressive behaviour, mainly in adult offenders, antisocial children and adolescents, and civil psychiatric patients.³⁶ Even though this antisocial personality disorder is visible from the age of 15 and can be measured reliably with the PCL: YV³⁷, it cannot be indisputably characterized as psychopathy before the age of 18.³⁸

Psychopathy and Criminality

It is clear that psychopathy is not synonymous with criminality; hence most criminals are not psychopaths and few of them are successful in using their capabilities to victimize the general public. There are indications that the personality structure and tendency for unethical behaviour are potentially the same in criminal and noncriminal psychopaths.³⁹ According to Silver et al.,⁴⁰ “Psychopathy’s defining characteristics, such as impulsivity, criminal versatility, callousness and lack of empathy and remorse, make the conceptual link between violence and psychopathy straightforward.” In the effort to understand the relation between psychopathy and criminal behaviour, it must be noted that psychopaths constitute only approximately 1% of the global population but they represent the 25% of prison population in the United States, and 4% among corporate CEOs.⁴¹ This statistical fact advocates in favor of the argument that psychopathy and criminal behavior are correlated, further research is however needed in order to indubitably prove this connection.

Cleckley believes that the man who is essentially criminal may be regarded as consistently purposive, whereas the psychopath on the other hand seems hardly purposive at all.⁴² Apart from the definition of psychopathy however, experiments have been conducted for more than half a century, indicating that people who commit crimes and behave violently statistically are more likely to suffer from major mental disorders than to be non-disordered.⁴³ Different types of investigations have been held; follow-up studies of psychiatric patients discharged to the community; studies of the prevalence of the major

³⁵ B.H. Bornstein, R.F. Schopp, R.L. Wiener, and S.L. Willborn, *Mental disorder and Criminal Law* (Springer Publications 2009)

³⁶ C.J. Patrick, *Handbook of Psychopathy* (The Guilford Press 2006)

³⁷ A. Raine and J. Sanmartin, *Violence and Psychopathy* (Kluwer 2001)

³⁸ R.T. Salekin, J. Rosenbaum, and J. Lee, (2008) Child and Adolescent Psychopathy: Stability and Change, *Psychiatry, Psychology and law* 15:224-236

³⁹ A. Raine and J. Sanmartin, *Violence and Psychopathy* (Kluwer 2001)

⁴⁰ E. Silver, E. Mulvey, and J. Monahan, (1999) Assessing violence risk among discharged psychiatric patients: Toward an ecological approach. *Law and Human Behavior*, 23, 235-253

⁴¹ J. Ronson, *The psychopath test*. (Riverhead Hardcover 2011)

⁴² Hervey M. Cleckley *The Mask of Sanity* (5th edn Emily S. Cleckley (ed) 1988)

⁴³ D.J. Cooke, C. Michie, S.D. Hart, and D. Clark, (2005) Searching for the pan-cultural core of psychopathic personality disorder, *Personality and Individual Differences* 39: 283-295

mental disorders among convicted offenders and investigations of unselected birth cohorts comparing the prevalence of criminality among persons with major disorders and with no disorders. There is also a fourth type of investigation concerning aggressive behavior which produced results pointing to the conclusion that persons suffering from one or other of these mental disorders are more likely than non-disordered persons to commit crimes and to perpetrate acts of violence.⁴⁴

Thus while the PCL includes the most common criminal behaviour items, it is not an appropriate tool for identifying the 'successful psychopath', the individual with the psychopathic personality who does not appear in prison populations because he manages to stay within the law or at least to avoid criminal prosecution.⁴⁵ This should be noted when we attempt to interpret the relation between psychopathy and crime, as the main sample consists of psychopaths who are 'unsuccessful', which limits the importance of the PCL test in understanding criminal behaviour. It is interesting to underline that psychopathy may predict violence more effectively than general criminality whereas despite the wide variation of methodology used across different studies meta-analyses show that it is possible to summarize the predictive validity of psychopathy with respect to violence in terms of a single number, technically known as an 'effect size'.⁴⁶

Scientists claim that there are certain associations between psychiatric disorders and offending; with regards to the Personality Disorder there is a feature common among serious offenders creating a link between antisocial personality and violent offences.⁴⁷ In this context, two pathways, between the Impulsive and Irresponsible Behavioural Style facet and Criminal Behaviour were required to explain the relationships in the PCL-R data; one is the direct path and the other is mediated by the PCL-R item early behavioural problems.⁴⁸ The direct link between the facet and offending is understandable in terms of lack of forethought risk-taking and lack of concern for the future where the structural model can serve as a basis for theoretical speculations about why these constellations of personality traits may affect the likelihood of future offending.⁴⁹

In the wider field of experiments, techniques of brain imaging have also shown many findings including those reviewed by Raine, Raine and Buchsbaum and Henry and Moffit (1997).⁵⁰ These findings generally lead to the assumption that violent offenders have structural and functional deficits in the anterior regions of the brain, more specifically in the frontal lobe and the temporal lobe.⁵¹ Moreover, scientists conducted further research using the method of positron emission tomography – PET scan – (Goyer et al. 1994, Volkow et al. 1995, Kuruoglu et al 1996, Seidenwurm et al. 1997, Intrator et al. 1997), concluding that poor functioning of frontal and temporal regions of the brain is

⁴⁴ D.J. Cooke, A.E. Forth and R.B. Hare, *Psychopathy: Theory, Research and Implications for Society* (Kluwer 1998)

⁴⁵ D.T. Lykken, *The Antisocial Personalities* (Lawrence Erlbaum Associates 1995)

⁴⁶ D.J. Cooke, C. Michie, S.D. Hart and R.D. Hare, (1999). Evaluating the screening version of the Hare Psychopathy Checklist-Revised (PCL:SV): An item response theory analysis. *Psychological Assessment*, 11, 3-13.

⁴⁷ M. Gelder, M.R. Mayou and J. Geddes, *Psychiatry* (3rd edn. Oxford Core texts 2006)

⁴⁸ D. Canter and R. Zukauskienė, *Psychology and Law, bridging the gap*, (Ashgate 2008)

⁴⁹ D. Canter and R. Zukauskienė, *Psychology and Law, bridging the gap*, (Ashgate 2008)

⁵⁰ A. Raine, *The psychopathology of Crime and Criminal Behaviour as a clinical disorder* (Academic Press 1993)

⁵¹ A. Raine and J. Sanmartin, *Violence and Psychopathy* (Kluwer 2001)

particularly salient in antisocial individuals with poor frontal functioning. Out of the five studies, four showed evidence of frontal malfunction while three showed evidence of temporal lobe malfunction.⁵²

The above-mentioned biological findings could provoke severe reactions in a multidimensional level. Generally, biological research provides a new perspective of psychopathy, similarly challenging the conceptualization of crime. The application of these biological findings could entail serious political, theological and moral issues, but could also prove useful in the evolution of the society, since with careful steps these new data could help with the interpretation of mental illnesses and their correlation to crime. The Lombrosian theories and techniques are unacceptable in modern science and any biological contribution must be skillfully crafted in order not to discriminate or target specific categories of people.

The yet emerging field of neuro-criminology may prove useful in creating and implementing new crime prevention and risk assessment tools that will be based solely on scientific criteria.⁵³ Prominent psychologists like Raine now contemplate –using findings from genetic research- that the seeds of sin are sown early in life, which gives rise to abnormal physiological functioning that cultivates crime. Markers such as pulse rate may even account for violent behavior; new biosocial approaches however can potentially change the brain and prevent violence.

Demanding legal and ethical dilemmas arise since these findings may lead to a futuristic situation where the increasing ability to identify violent offenders early in life might affect crime-prevention policies. The debate is ever going for aspects such as the Indeterminate Sentence for Public Protection (IPP). Current theories even go as far to suggest we should partially sacrifice our notions of privacy and civil rights to identify children as potential killers in order to help deter crime.⁵⁴ These issues generate numerable questions, such as should we punish individuals with little or no control over their violent behaviour? It is certain that these issues will be of primary concern in the near future since they raise various philosophical and legal issues that need to be scholarly addressed.⁵⁵

According to Hare, aggression and violence are not unitary constructs since they take many forms and involve many levels of interpersonal and social complexity. Even though not all the psychopaths come into close contact with the justice system, their defining features clearly place them at high risk for crime and violence.⁵⁶ However, psychopaths differ from ordinary criminals in that their typical criminal career is relatively short, with the exception of certain individuals that spend much of their life as delinquents.⁵⁷ An individual who starts his criminal career in an early age is usually a criminal for the rest of his life, whereas this pattern is not observed with psychopaths who seem to abandon their criminal career earlier. More specifically some of these persistent offenders begin their criminal activities at an early stage of their life, whereas some of them become less antisocial during middle age and give up criminality by the age of 40, which means that the number of criminal offences

⁵² A. Raine and J. Sanmartin, *Violence and Psychopathy* (Kluwer 2001)

⁵³ A. Raine, *The Anatomy of Violence: The Biological roots of Crime* (Pantheon 2013)

⁵⁴ J. Blair, *The Psychopath: Emotion and the Brain* (Wiley-Blackwell 2005)

⁵⁵ A. Walsh and K.M. Beaver, *Biosocial Criminology: New Directions in Theory and Research* (Routledge 2008)

⁵⁶ D.J. Cooke, C. Michie, S.D. Hart, and R.D. Hare (1999). Evaluating the screening version of the Hare Psychopathy Checklist-Revised (PCL:SV): An item response theory analysis. *Psychological Assessment*, 11, 3-13.

⁵⁷ N. Gray, J. Laing and L. Noaks, *Criminal Justice, Mental Health and the Politics of Risk* (Cavendish Publishing Limited 2002)

decreases to that of the average offender.⁵⁸ This is not to suggest that they are not criminals since as we'll analyze in the following section psychopathy and criminal recidivism are correlated; it merely posits the duration of offending.

Psychopathy and Criminal Recidivism

Psychopathy is however linked not only to general criminal behaviour, but also to criminal recidivism; this is consistently associated with a variety of socially deviant behaviours because of the persisting and enduring assemblage of interpersonal, affective and behavioural characteristics that define the disorder.⁵⁹ Findings indicate that psychopathic convicts have a 2.5 times higher probability to be released from jail than undiagnosed ones, even though they are more likely to recidivate.⁶⁰

It can be stated that PCL-R is an accurate predictor of recidivism and violence inside prison life and, even though psychopathy is not the only risk factor, it cannot be ignored.⁶¹ In order to formulate a concrete conclusion for the above, several studies have been conducted comparing the recidivism rates of offenders subdivided into groups according to their PCL scores.⁶² Across five studies (Hart et al., 1988a; Hemphill, 1992; Rice et al., 1992; Ross et al., 1992; Serin & Amos, 1995) involving a total of 1,021 male offenders, the general recidivism rates during the entire outcome period in percentage for the low, medium and high PCL/PCL-R groups respectively, were 39.7, 54, 9 and 74.1 (with low and high being 20 and 30).

The degree of association between the PCL/PCL-R and criminal behaviours compares favorably with other well-established behavioural and biomedical research findings.⁶³ Thus, psychopathy should be considered important in any assessment and explanation of violence empirically related to potentially reoccurring violence and relevant when forming crime prevention policy.⁶⁴ We note that even though the PCL and the PCL-R were primarily constructed to measure the clinical construct of psychopathy, they turned out to be strong predictors of recidivism and violence. This derives mainly from the fact that the 20 items capture most of the traits that contribute to understanding criminal behaviour, consequently providing the basis needed to evaluate the probabilities of reoffending.⁶⁵

⁵⁸ N. Gray, J. Laing, and L. Noaks, *Criminal Justice, Mental Health and the Politics of Risk*, (Cavendish Publishing Limited 2002)

⁵⁹ D.J. Cooke, A.E. Forth and R.B. Hare *Psychopathy: Theory, Research and Implications for Society* (Kluwer 1998)

⁶⁰ S. Porter, L. Brinke and K. Wilson, (2009) Crime profiles and conditional release performance of psychopathic and non-psychopathic sexual offenders. *Legal and Criminological Psychology* 14: 109–118

⁶¹ N. Gray, J. Laing and L. Noaks, *Criminal Justice, Mental Health and the Politics of Risk* (Cavendish Publishing Limited 2002)

⁶² D.J. Cooke, A.E. Forth and R.B. Hare, *Psychopathy: Theory, Research and Implications for Society* (Kluwer 1998)

⁶³ R. Rosenthal, R. *Meta-analytic procedures for social research* (Sage, 1991)

⁶⁴ N. Gray, J. Laing and L. Noaks, *Criminal Justice, Mental Health and the Politics of Risk*, (Cavendish Publishing Limited 2002)

⁶⁵ D.J. Cooke, A. E. Forth and R.B.Hare *Psychopathy: Theory, Research and Implications for Society* (Kluwer 1998)

Conclusions

According to Hart, “Failure to consider psychopathy when conducting a risk assessment may be unreasonable –from a legal perspective– or unethical –from a professional perspective.”⁶⁶ In the context of predicting violence and criminal behaviour however, the predictive validity of psychopathy is complicated, as some of the psychopathic symptoms can be directly related to crime. This makes it almost impossible to determine whether a disorder is *per se* predictive or whether that past behaviour predicts future criminal behaviour.⁶⁷

All in all we observe that the ability of the psychopathy checklist to predict recidivism, violence, and treatment outcome has considerable cross-cultural generalizability as well as its derivatives play a major role in the understanding and prediction of crime and violence.⁶⁸ Psychopathy can be used as an important indicator of criminal behaviour, in the broader context of tools used for risk assessment and can indubitably prove valuable in the field of Criminology and Criminal Justice.

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⁶⁶ A.L. Glenn and A. Raine, (2008) The neurobiology of psychopathy, *Psychiatric Clinics of North America*, 31, 463-475.

⁶⁷ D. Canter and R. Zukauskienė *Psychology and Law, bridging the gap* (Ashgate 2008)

⁶⁸ R.D. Hare, D. Clark, M. Grann, and D. Thornton (2000) Psychopathy and the predictive validity of the PCL-R: an international perspective. *Behavioral Sciences & the Law*, 18(5), 623-645.