

## When the clinical psychologist is called upon to be a criminologist

by Alessandro Salvini\*

There is a paradigm that has progressively spread and been consolidated over the last twenty years, despite having a long and varied tradition behind it. This paradigm has been extremely successful in some sectors of the social sciences and of psychology (for instance in social psychology and in some models of clinical psychology and psychotherapy). It is an epistemological perspective, with various theoretical versions, which is today called “constructivist”. It is a paradigm embracing not only the contribution of sociologists, philosophers of language, anthropologists, semiologists, psychotherapists and cognitive psychologists, but also – and this is a first – of researchers into deviance connected to pragmatism and symbolic interactionism.

The concept of “paradigm” put forward by Thomas Kuhn, the well-known author of *Struttura delle rivoluzioni scientifiche* (*Structure of scientific revolutions*), entails a radical change which, at a certain point, can intervene in the habitual way of conceiving and dealing with problems that are scientific, or that can be configured as such. A paradigm can dominate a certain scientific discipline and impose its conceptual matrix and cognitive strategies in the solution of numerous problems, but then prove to be inadequate for solving others. The paradigm then breaks down, is deflated or abandoned, while some unsatisfied scholars start searching for new ways to configure problems and solutions. In this case, it is not a question of passing from one theoretical option to another, but of a radical epistemological change. In this way there emerges a different way of perceiving and thinking, the models and theories of which erode the traditional way of construing and explaining events. Obviously, this change is not painless for it generates conflicts and cognitive resistance which are even stronger if the change brings into question not only the way of configuring and dealing with problems, but also the traditional professional profiles and roles, which up to that moment have been considered the only depositaries of official knowledge.

These changes also affect clinical criminology, forensic psychiatry and traditional psychology. Important parts of human behaviour, socially significant and of interpersonal relevance, are handled today with a new paradigm. On the one hand there is the survival of a paradigm that can be called “mechanomorphic”, which holds that clinical psychology and psychiatry must study psychic events and human conduct in an empirical, positivist perspective (or representation), according to which, for the “psyche-behaviour” object to be explained, it must be traced back to causes internal and external to the individual (such as personality structure, environmental conditioning, etc.). The elements constituting the “psyche-behaviour” object are considered and treated as “things”, or as natural events, objective and a-historical, really existing and independent of the observer’s categories, following the laws of operation of a presumed normal or pathological organism, whose different types and underlying causal links offer an explanation of the behaviour. For example, “serial killers have a psychopathic personality disorder caused by a childhood trauma, or by a particular type of attachment, or by negative environmental conditioning, so unless there is a different diagnosis, they are ill and must be identified and treated”. It will be objected that this statement does not (and cannot) respect all the conditions of the mechanomorphic perspective, such as proving or disproving the hypotheses and what is asserted. Cause and effect relations cannot be proven empirically, they remain interpretative conjectures, and the experimental and predictive testing of statements, even just at the level of statistical significance, at the most cannot go beyond correlation indexes. In the clinical criminology field, but we can also say in the disciplines that deal with complex social actions, the possibilities of respecting the criteria of ‘mechanomorphic scientificness’ are slim or are methodologically unfeasible, since subjective, interpersonal and social constructs of sense or of meaning cannot be translated into “entities” or variables on which to apply the methods of empirical, experimental sciences. Consequently, clinical criminology discourses largely remain pieces of narrative rhetoric that represent the phenomena they are dealing with as if they were objects or events that can be related to the mechanomorphic schemata of the natural sciences. Cognitive procedures therefore

---

\* Full Professor of Clinical Psychology, Faculty of Psychology, Department of General Psychology, Padua University, Italy.

only nominally imitate a scientific discourse.

The new paradigm, also called “anthropomorphic”, starts from the presupposition that the clinical study (but not only the clinical study) of human actions must use methods, procedures and competences that can comprehend and interpret the meaning of the actions performed by individuals. In such a process, beliefs and convictions interact with the meanings attributed to reality, generating purposeful representations of oneself, of others and of the world. Convictions, language patterns, cognitive/affective constructs, roles and situated identity are not factual entities but nodes and conceptual expedients to make it possible to interpret a certain process in which the acts and actions are the socially relevant aspect. Therefore every contextually situated individual organizes, with varying degrees of awareness, the mental and relational processes that generate purposeful acts and actions. This paradigm choice requires a different configuration and treatment of events endowed with sense and meaning, compared to the factual empirical ones typical of physical phenomena. To be adequately understood in a satisfying way, human behaviour, including that judged aberrant or morally repugnant, should preferably - but not exclusively - be placed in this domain. It is obvious that knowledge always tends to take on the shape of the container and that it is not always possible to pour new wine into old bottles. Consequently, the anthropomorphic perspective envisages an expert with a different cultural and scientific training not to be found in the criminal anthropologist, in the forensic psychiatrist or in the traditional forensic psychologist. These professions are prisoners of a cognitive role constantly confirmed by juridical practice, by the demands it makes and the answers it expects.

The paradigm shift proposed is not merely a new theoretical perspective to add or to place beside those already existing. It is well known that different theories, though conflicting, can have similar epistemological assumptions, like the totally convinced belief in determinism: for instance, psychoanalytical psychiatry, behaviourism, common sense sociology, whose explicative systems unite in the search for the causes.

In reading the contributions of psychosociologists of deviance or constructivist clinical psychologists (strategic, interactionist or even Kellian), made homologous by a common, coherent epistemological framework, it is impossible not to see how deeply the “perception of human behaviour” has changed. For instance, explanations (or interpretations) concerning “causes” have been replaced by explanations about reasons, intentions, aims and meanings. The human actor is no longer seen as caused by something, but as someone who performs acts and actions, pursues objectives, generates symbolic contexts that bind him/her to certain interpretative constructs. In short, we are looking at individuals who construct the worlds they inhabit and in which actions make sense, insofar as these worlds can appear subjective, incomprehensible or repugnant. Furthermore, this marks the disappearance of the 19th century idea of a mind devoid of context, totally located in the single brain, in its personality and psychobiography. To use a simile, according to the new paradigm, a footballer is no longer an isolated performer of motor sequences that might appear incomprehensible to an alien observer, but an actor in a complex reality, for whom the highest explicative level, for an understanding of what he does, is certainly not that of his personality traits or biography, but the interactive system in which he acts, through which he constructs his way of initiating purposeful, intentional acts and actions.

At this point, it is opportune to mention that, for good logical, linguistic and therefore conceptual reasons, juridical constructs do not coincide with psychological constructs. This implies that the aims and presuppositions of normative juridical discourse would have difficulty accommodating more sophisticated forms of explanation than naïve psychology, which moreover is modelled on the form of medical procedure.

Asking oneself whether a crime happened in the presence of a pathological mental state, or is due to a “personality” with a criminal structure, is a question dictated as we know by the moral bewilderment aroused and by the need to respond to a legal issue. Defining somebody a hooligan, sadist or serial killer leads to cognitive procedures foreshadowed by language constructs with a common or juridical sense, in the belief that for a behaviour defined through a categorical judgement, there can be corresponding psychological traits, or a mental disposition, and that this can lead to an explanation. The risk of every psychological/psychiatric expert opinion is that of the “medicalization of a moral judgement”, whose confirmation or denial is not within the scope of scientific discourse but rather in the social and juridical demand that has to accommodate it. In the legal context, the many types of psychological and psychiatric consulting and expert opinions

become “narrative genres”, which can only accommodate ideas that can legitimate their existence. On the one hand, very few of those involved in the legal process ask themselves if the procedures of forensic psychiatry or of medicalized legal psychology are the most appropriate and if they have the knowledge needed to explain human behaviour, and its “criminal” aspect. On the other hand, no expert, be it psychologist or psychiatrist, asks if the requests made by the legal code, and therefore by the judges, are adequately formulated in view of the scientific knowledge available, such as when one is asked to assess a past mental state and a future state, relating them to the crime committed and the possibility of its repetition. “The expert is asked to state whether X, at the time he committed the criminal act, was in full possession of his mental faculties, and to assess how far he is danger to society...”. In this short request there are a series of implicits: a) that the criminal act, anomalous or judged to be morally abnormal, was caused by a pathological psychic condition; b) that such a pathological situation leaves a trace over time and can be diagnosed in hindsight; c) that there is a cause-effect relation between the supposed psychic state and the socially censured, penally culpable act. In this picture, psychic illness and its psychological forms are interpreted by analogy as if they were physical illnesses.

Specialists of methodology in the human behavioural sciences, scholars of “heuristics”, i.e. of the cognitive mechanisms underlying the inferential processes used to explain human behaviour, have shown in many ways the limits and the defects of the nosographical/aetiopathogenetic model that still dominates the clinical-criminological domain. Since the mid-1970s, a series of research projects, outstanding from the methodological point of view, have, much to the bewilderment of the researchers themselves, shown the low or non-existent correlation between personality traits and socially significant behaviour. A great many sociologists of deviance and of researchers in the field of attribution processes have shown that human action is explained by the observer with the characteristics of the individual observed, and not attributed to his/her aims, intentions, needs and beliefs. It has also been found that observers who are forced to consider others’ behaviour in predictive terms, without knowledge of the context and of the subject’s relational and symbolic system, resort to explanations based on “traits and characteristics”.

A considerable amount of time and research has gone into the attempt to save the credibility of psychological/psychiatric diagnostic procedures. Unfortunately the distorting effect of the empiricist/positivist paradigm inevitably gives rise to the so-called “systematic errors of judgement”, such as illusory correlation, the basic error of attribution, *post hoc* inferences, the mixing of interpretation and explanation, the literalization of concepts and the transformation of constructs of sense and meaning into empirical variables, or of categories of judgement into psychological characteristics, hence the confusion between value judgements and actual judgement and the use of tautology (descriptors also used as explanations); for instance, ‘he is morally irresponsible, indifferent to values, acts in a sadistic, vandalistic way, has no guilt feelings, indulges in gratuitous antisocial acts, lacks inhibitions’. We are dealing with a classical case of psychopathic-type behaviour. It can therefore be stated that the type of recurrent crimes for which X is charged, are caused by a psychopathic personality disorder.

On the epistemological plane it has been pointed out that it is logically and categorically wrong to transform constructs of sense and meaning into empirical variables: the former can be subjected to hermeneutic procedures and the latter only to explicative procedures (correlations and causality).

In the clinical-criminological domain there have been complaints not only about the scarcity of the research, but also about its poor theoretical and methodological quality. It lacks, for example, internal validity (visible, demonstrable relations between the dependent and independent variables), construct validity (plausible relation between the data considered and the theory) and external validity (impossibility to generalize the explanatory schema adopted).

Research into personality schemata and the forming of impressions of people, as well as of the inferences attributed, show that a particular model of reasoning determines in advance the conclusions or facilitates distortions of judgement. An example can be found in the above-mentioned “illusory correlation”, where a relation is created between negative life events and a certain deviant behaviour. Another classic effect of distortions of judgement is that of the “basic error of attribution”, which has been confirmed experimentally many times in various domains. Classic research is that carried out by Jones and Davis (1965), who showed that, above all concerning transgressive behaviour, people attribute the causes of the conduct to the subjects’ psychological (or personality) dispositions.

Nisbett and Ross (1980), confirming findings both from studies of the forming of impressions and those on so-called implicit personality theories, maintained that every impression, assessment, initial attribution concerning others tends towards self-confirmation, in spite of the information that could disprove or modify it. On this question, other research confirms the tendency of judgements in testing and predicting hypotheses, to be that of accumulating the information that confirms the predictions rather than that which disproves them. Mischel (1981), on the other hand, examined the impressions of personality trait consistency, an illusion favoured by the unchanging nature of physical appearance, by the stability of the context, by the impossibility of invalidating the categories used given their indeterminacy.

Another categorical error occurs in "literalization", i.e. the transformation of similes, analogies and metaphors into psychological entities: entities used to construct reasoning in which utterances are changed by discursive rhetoric into facts endowed with their own autonomous life, capable of acting and asserting themselves as parasitic psychic entities, becoming extraneous causes to which the subject has to submit.

Lastly, it should be taken into consideration that the subject who receives a personological assessment in the psychiatric or criminological domain does not remain passive when faced with information concerning him/herself. Taking over the expert's interpretative schema, the subject goes in pursuit of facts and elements that can confirm the schema; this triggers a process of autobiographical reconstruction based on selective information, and the cross-validation of the observed subject-observer ends up creating a situation of reciprocal confirmation.

Despite their many limits, "interpretative explanations" of the deterministic type have been judged scientific from the forensic psychiatry point of view, favourably accepted by common sense, and by the institutional contexts responsible for so-called social control. This has occurred in line with the need to establish a "rule" in intrapsychic equilibrium, to mitigate the punitive reaction of society towards the "different", to transfer to the domain of illness and treatment that which does not seem amenable to education or control.

The diagnosis, in fact, appears to be an extension of a negative sanction on the part of the rules broken using a language whose function seems to be that of transferring the negative value of the behaviour to the subject's personality, making the latter an explicative principle. This is a sort of diagnostic pragmatism that reveals the urgent need to respond to those who do not follow the socially agreed rules with a psychopathological classification. On this, it should be remembered that the attribution of personality characteristics as a means of explaining behaviour is a criterion that in some cases is based on a moral, normative need, rather than on a scientific one. Deschamps (1986), taking up the viewpoint already expressed by other authors, points out that there is a cognitive need of a moral-normative type which requires the description of the 'person' and of his/her characteristics in order to explain his/her behaviour. Another cognitive need is that of explaining the causes of certain social and interpersonal events by means of a crude oversimplification of the information that is sought and obtained (Eiser, 1980).

Though they provide only indirect evidence, it seems fitting to draw attention to the results of some studies (Farr, 1984; Moscovici, 1976, 1988) showing the existence of a connection between explanations of behaviour and the representations common among the population. Other studies have shown that the statements of the 'experts', regardless of their reliability, tend to be transformed into socially shared representations (De Leo & Patrizi, 1992; Moscovici & Hewstone, 1983) and to have persuasive effects (Cialdini, 1984; Mc Guinness & Wars, 1980). Moreover, when faced with a crime, common sense is more likely to attribute it to a disturbed personality, assigning the problem to the mental health experts.

When one asks oneself the reasons why the diagnostic model has preserved its credibility intact, one of the reasons could lie in the important social functions performed by the use of cultural reference points of a deterministic nature. The aetiological interpretation of crime reassures judges and public opinion, insofar as it outlines the image of a subject forced into socially negative conduct by factors beyond his control. This is an ideologically reassuring hypothesis since every time the intentionality of deviance is misunderstood, all otherness is annulled and reconfirmation is given of the sole, inevitable nature of the dominant symbolic universe (Berger & Luckmann, 1969). The frequent representation of anti-judicial behaviour as unreasonable, senseless and non-intentional serves the aim of social self-endorsement. The "pathologization" of crime, in fact, allows a massive emotional and intellectual dissociation from the phenomenon (Basaglia & Basaglia

Ongaro, 2004), transformed into a “pathological” episode and therefore emptied of all meaning apart from the purely symptomatological one.

Essentially, presenting law-breaking as an expression of a specific psycho-social malaise means sending the collectivity a highly evocative message that can lead to the mistaken belief that criminal conduct may constitute a malleable ground for knowledge and therefore for treatment. Faith in the correct identification of the causes of deviance therefore creates the idea that it is already defeated, exorcized in the cultural representation, though still not physically eliminated.

## References

- Berger, P. L., & Luckmann, T. (1966). *The social construction of reality*. New York: Doubleday (trad. It. *La realtà come costruzione sociale*, Il Mulino, Bologna, 1969).
- Cialdini, R. B. (1989). *Le armi della persuasione* [The arms of persuasion]. Firenze: Giunti editore.
- De Leo, G., & Patrizi, P. (1992). *La spiegazione del crimine: Bilancio critico e nuove prospettive teoriche* [The explanation of crime: Critical balance and new theoretical perspectives]. Bologna: Il Mulino.
- Deschamps, J. C. (1986). *Cause impersonali e responsabilità individuali* [Impersonal causes and individual responsibility]. Napoli: Liguori.
- Eiser, J.R. (1980). *Cognitive social psychology: A guidebook to theory and research*. London: McGraw-Hill.
- Farr, R. M. (1984). Social Representations: Their role in the design and execution of laboratory experiments. In R.M. Farr & S. Moscovici (Eds.) *Social representations*. Cambridge: Cambridge University Press (trad. it. *Rappresentazioni social*, Il Mulino, Bologna, 1989).
- Jones, E. E., & Davis, K.E. (1965). From acts to dispositions: The attributions process in person perception. In L. Berkowitz (Ed). *Advances in experimental social psychology* (Vol. 2). New York: Academic Press.
- Kuhn, T. (1962). *The structure of scientific revolutions*. Chicago: University of Chicago Press (Trad. it. *La struttura delle rivoluzioni scientifiche*, Einaudi, Torino, 1969).
- Mischel, W. (1981). *Lo studio della personalità* [The study of personality]. Bologna: Il Mulino.
- Moscovici, S. (1976). *Social influence and social change*. London: Academic Press (trad.it. *Psicologia delle Minoranze attive*, Bollati Boringhieri, Torino 1981).
- Moscovici, S. (1984). *Psychologie sociale*. Paris: PUF (trad. It. *Psicologia sociale*, Bologna, Borla).
- Moscovici, S. (1988). Notes towards a descriptions of social representations. *European Journal of Social Psychology*, 18, 211-250.
- Moscovici, S., & Hewstone, M. (1983). Social representations and social explanations: From the “naive” to the “amateur” scientist. In M. Hewstone (Ed). *Attribution theory*. Oxford: Blackwell.
- Nisbett, R. E., & Ross, L. D. (1980). *Human inference: Strategies and shortcomings of social judgment*. Century Psychology Series, Englewood Cliffs, N. J., Prentice-Hall (trad. it. *L'inferenza umana. Strategie e lacune del giudizio sociale*, Il Mulino, Bologna, 1989).
- Salvini A. (1989). Schemi di tipizzazione della personalità [Schemata of personality typing]. In *Psicologia clinica*, Upsel Domeneghini Edit., Padova.
- Salvini A. (1998). *Psicologia Clinica* [Clinical Psychology]. Upsel, Padova.
- Salvini A. (2005). *Il tifoso violento* [The violent fan] Giunti, Firenze.